UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed November 15, 2025, 12:00 a.m. through December 01, 2025, 11:59 p.m.

Number 2025-24
December 15, 2025

Nancy L. Lancaster, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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

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TABLE OF CONTENTS

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 November 15, 2025, 12:00 a.m., and December 01, 2025, 11:59 p.m. are included in this, the December 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 January 14, 2026. 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 April 14, 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: Repeal and Reenact		
Rule or section number:	**R251-109**	**Filing ID: 57673**

Agency Information

1. Title catchline:	Corrections, Administration	
Building:	Administration Building	
Street address:	14717 S Minuteman Dr	
City, state:	Draper, UT 84020	
Contact persons:		
Name:	**Phone:**	**Email:**
Dan Blanchard	801-400-7797	danblanchard@utah.gov
Tyler Johnson	385-228-9883	tajohnson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R251-109. Sex Offense Treatment Providers

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

Due to the significant number of proposed changes to align this rule with the revised Utah Department of Corrections (UDC) policy and Sex Offender Task Force (SOTF) treatment standards and provider approval, the UDC intends to repeal and reenact this rule.

5. Summary of the new rule or change:

Updated Terminology: The term "sex offender" is replaced with "PSO" (persons who have sexually offended). The "SOTF" (Sex Offender Task Force) is defined and its organizational structure is detailed in a new section.

Mandatory Agency Compliance: Agencies must be screened for compliance with state standards and are subject to site visits at least once every three years.

Provider Accountability: Successful therapy requires a moderate level of disclosure of and accountability for problematic sexual behavior.

Increased Training: Required continuing education units increased from 20 hours to 24 hours every 2 years. The SOTF provides 6 hours of sex offense specific training each quarter for all approved providers (24 hours per year). It is possible for providers to attend the training for free and receive all required training. There should be no expected fiscal impact for this change.

Affiliate Requirements Clarified: Affiliate reports require the signature of the approved provider/supervisor. Affiliate supervision must be one hour for every forty hours of clinical practice, but not less than once per month. This change is a clarification of current expectations for affiliate providers. While it is possible that some community providers will have to pay for supervision when they are affiliate providers, this is not a substantial change. The clarification is intended to bring providers into compliance with the supervision requirement.

Polygraph Requirements Standardized: All PSOs under Adult Probation and Parole (AP&P) supervision must complete one sexual history polygraph and one maintenance/exit polygraph. Passing a polygraph is explicitly *not* a requirement for successful treatment. This does not increase the frequency of polygraph exams.

Assessment Expanded: Intake assessment now requires validated static and dynamic risk assessment instruments and sexual interest measures. The mandatory requirement for penile plethysmograph testing for males during the initial evaluation is removed. The risk assessment changes are being implemented with existing UDC/SOTP budget. The department has developed

instructors and will continue to provide trainings through 2026, including internal staff and external providers. The UDC is managing the expansion of risk assessment training with existing internal resources.

Fiscal Information

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

A. State budget:

None. The proposed changes update sex offense treatment standards and provider certification. Changes in training hours and risk assessment expansion are being managed with existing UDC resources.

Clarification of affiliate supervision and polygraph requirement updates are not expected to have fiscal impact.

B. Local governments:

None. The proposed changes update sex offense treatment standards and provider certification. Changes in training hours and risk assessment expansion are being managed with existing UDC resources.

Clarification of affiliate supervision and polygraph requirement updates are not expected to have fiscal impact.

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

None. The proposed changes update sex offense treatment standards and provider certification. Changes in training hours and risk assessment expansion are being managed with existing UDC resources.

Clarification of affiliate supervision and polygraph requirement updates are not expected to have fiscal impact.

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

None. The proposed changes update sex offense treatment standards and provider certification. Changes in training hours and risk assessment expansion are being managed with existing UDC resources.

Clarification of affiliate supervision and polygraph requirement updates are not expected to have fiscal impact.

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

None. The proposed changes update sex offense treatment standards and provider certification. Changes in training hours and risk assessment expansion are being managed with existing UDC resources.

Clarification of affiliate supervision and polygraph requirement updates are not expected to have fiscal impact.

F. Compliance costs for affected persons:

None. The proposed changes update sex offense treatment standards and provider certification. Changes in training hours and risk assessment expansion are being managed with existing UDC resources.

Clarification of affiliate supervision and polygraph requirement updates are not expected to have fiscal impact.

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

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0

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

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

The Executive Director of the Department of Corrections, Jared Garcia,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 64-13-25	Section 76-5-406.5
Section 64-13-10		

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:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026
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:	Jared Garcia, Executive Director	**Date:**	11/11/2025

R251. Corrections, Administration.

[~~R251-109. Sex Offender Treatment Providers.~~

~~R251-109-1. Authority and Purpose.~~

~~(1) This rule is authorized by Sections 63G-3-201, 64-13-10, 64-13-25, and 76-5-406.5.~~

~~(2) The purpose of the rule is to define the criteria and guidelines for the minimum standards, application and approval process, and program requirements for sex offender treatment providers.~~

~~R251-109-2. Definitions.~~

~~(1) "Approved provider status" means status as a provider for sex offender services through the Utah Department of Corrections.~~

~~(2) "Affiliate approval" means approval of a professional who does not meet experience requirements and is seeking to become approved as a provider.~~

~~(3) "Direct clinical experience" means face-to-face contact with patients/clients, direct supervision, training, case coordination and research.~~

~~(4) "Program" is the specific services as listed in the R251-109-6, pertaining to the program requirements each clinician is providing to UDC clientele with a sex offense charge.~~

~~(5) "Formal training" means education or supervised experience in the required field; may be provided at an accredited college or university or at seminars or conferences.~~

~~(6) "Disclosure" means the discussion during treatment of previous adjudicated and unadjudicated sexual offenses.~~

~~(7) "Provider" means a therapist who has been approved by the Department to provide services to sex offenders under the jurisdiction of the Utah Department of Corrections.~~

~~(8) "Provider supervision" means one hour of supervision for every 40 hours of direct client contact with a minimum of one hour supervision per month.~~

~~(9) "Screening committee" means group of Department of Corrections employees assigned to screen and approve applications from providers to provide sex offender treatment.~~
~~(10) "Transition program" means a program designed to help offenders move from residential to non-residential treatment; also to help them move from intensive to progressively less intensive treatment.~~
~~(11) "UDC" means Utah Department of Corrections.~~

~~R251-109-3. Provider Standards and Requirements.~~
~~It is the policy of the Department that:~~
~~(1) all potential providers of sex offender treatment shall be screened by the screening committee to ensure they meet the specific established standards and qualifications for providers of sex offender treatment, as found in R251-109-6;~~
~~(2) providers, shall require disclosure of criminal sexual behavior by the offender as a basic requirement for successful completion of therapy;~~
~~(3) approved providers must reapply to UDC every two years to renew their approved provider status;~~
~~(4) providers shall have a current Utah license to practice therapy in a mental health profession, as listed in the Mental Health Practice Act,58-60-102 which shall include:~~
~~(a) psychiatry;~~
~~(b) psychology;~~
~~(c) social work; mental health counselor or~~
~~(d) marriage and family therapy;~~
~~(5) providers' education shall include:~~
~~(a) a master's or doctorate degree from a fully accredited college or university in:~~
~~(i) social work, mental health counseling; or~~
~~(ii) psychology;~~
~~(b) a medical doctor if board certified/eligible psychiatrist; or~~
~~(c) a doctor of osteopathy if board certified/eligible psychiatrist;~~
~~(6) within two years immediately preceding application for approval, the provider shall have at least 1,000 hours of direct clinical experience in sex offender treatment, including:~~
~~(a) at least 180 hours of sex offender evaluation experience; and~~
~~(b) at least 1,000 hours of sex offender treatment experience;~~
~~(7) within two years immediately preceding application, the provider shall have received at least 20 hours of sex offender specific formal training, 26 total hours of professional training;~~
~~(8) licensed professionals and professionals in graduate training or post graduate residency who do not meet the experience and training requirements may apply to UDC for affiliate approval;~~
~~(9) affiliate approval shall require that the applicant arrange for ongoing provider supervision of therapy by an approved provider;~~
~~(10) affiliates may provide services as part of a degree program leading to licensure;~~
~~(11) required training may be obtained through:~~
~~(a) documented conferences;~~
~~(b) symposia;~~
~~(c) seminars; or~~
~~(d) other course work;~~
~~(12) the training shall be directly related to the treatment and evaluation of sex offenders;~~
~~(13) the training may include:~~
~~(a) behavioral cognitive methods;~~
~~(b) reconditioning and relapse prevention;~~
~~(c) use of plethysmograph examinations;~~
~~(d) use of polygraph examinations;~~
~~(e) group therapy;~~
~~(f) individual therapy;~~
~~(g) sexual dysfunction;~~
~~(h) victimology;~~
~~(i) couples and family therapy;~~
~~(j) risk assessment;~~
~~(k) sexual addiction;~~
~~(l) sexual deviancy; and~~
~~(m) ethics and professional standards;~~
~~(14) prior to and during approval, all providers must agree to abide by reporting and other requirements established by UDC and the laws and statutes of this state;~~
~~(15) reporting requirements shall include the offender's:~~
~~(a) progress in therapy;~~
~~(b) prognosis; and~~
~~(c) risk to the community; and~~
~~(16) failure to comply with reporting requirements may result in a provider being removed from the approved list.~~

~~R251-109-4. Application Process.~~

~~(1) All individuals providing services are required to be approved.~~

~~(2) Each applicant shall provide all the required documentation to UDC at the time of submission. If not, the packet shall be returned to the provider.~~

~~(3) Individuals or affiliates who are supervised by an approved individual or agency may begin providing services pending approval once UDC receives their application packet.~~

~~(4) Reapplication shall include:~~

~~(a) documentation demonstrating continuing education and training in sex offender specific treatment of not less than twenty hours every two years;~~

~~(b) current licensure with the state;~~

~~(c) hours of therapy/supervision per year provided; and~~

~~(d) information on any changes in modality of treatment.~~

~~(5) Failure to reapply every two years shall result in the provider being removed from the approved provider list.~~

~~R251-109-5. Approval Process.~~

~~(1) It is the policy of UDC that all therapists providing services to sex offenders under the jurisdiction of UDC shall have been reviewed and approved by the screening committee.~~

~~(2) Approval may be suspended by either the provider or UDC.~~

~~(3) A provider shall be removed from the list of approved providers by written request to UDC.~~

~~(4) UDC may suspend approval for:~~

~~(a) failure to reapply;~~

~~(b) failure to comply with provider protocol;~~

~~(c) suspension of clinical licensure;~~

~~(d) failure to meet provider standards;~~

~~(e) criminal conviction; or~~

~~(f) other legitimate penological reasons as determined by the division director.~~

~~(5) Providers who are not approved may appeal that decision to the screening committee within thirty days of denial.~~

~~(6) Appeals must contain specific documentation of why the denial was inaccurate.~~

~~(a) Providers who are not approved may appeal that decision to the SOTF administration/disciplinary (screening) committee. Should this not be viewed as acceptable, the provider or affiliate may instead appeal to the UDC director of Institutional Programming.~~

~~(b) Appeals must contain specific documentation of why the denial was inaccurate and or additional documentation to address concerns that resulted in the denial.~~

~~(c) The administration/disciplinary committee should review the appeal and respond within 30 days.~~

~~R251-109-6. Program Requirements.~~

~~(1) It is the policy of UDC that each provider meets certain accepted standards for treatment of sex offenders.~~

~~(2) Treatment programs for sexual offenders convicted of crimes against persons shall have the following intake components available:~~

~~(a) complete psycho-sexual evaluation, to include:~~

~~(i) sex offender specific testing;~~

~~(ii) assessment of personality and intelligence using research validated testing (ie. MMPI, WRAT-4); and~~

~~(iii) penile plethysmograph testing, with stimuli which conforms to state statute, for male offenders arousal patterns and establish baselines~~

~~(iv) and polygraph examinations for female offenders to determine accountability for sexual offense history.~~

~~(b) screening shall include the following co-occuring issues: mental health history, physical health concerns, other criminal behaviors/legal issues, substance abuse, financial, employment, familial issues, and social support network.~~

~~(3) Polygraph examination shall be used for offenders when deemed appropriate by the provider and/or UDC staff, examples includes sexual history, deception about criminal behavior.~~

~~(4) Following assessment, the provider shall submit a written report to UDC staff including:~~

~~(a) findings of testing including specifics on offender's risk to community safety;~~

~~(b) the offender's suitability for treatment;~~

~~(c) a proposed treatment plan; and~~

~~(d) the cost to the offender.~~

~~(5) The level of services shall include:~~

~~(a) sex offender groups;~~

~~(b) individual therapy;~~

~~(c) psycho-educational classes;~~

~~(d) ongoing transition program; and~~

~~(e) a minimum of one monthly progress report to UDC staff.~~

~~(6) An intensive treatment program shall be available which includes:~~

~~(a) two weekly sex offender group sessions;~~

~~(b) individual weekly session;~~

~~(c) psycho-educational classes;~~
~~(d) on-going transition program; and~~
~~(e) a minimum of one monthly progress report to UDC staff.~~
~~(7) Intensive treatment shall be conducted on a minimum of three different days per week, based upon risk and clinical judgment.~~
~~(8) When treatment is terminated unsuccessfully, the provider shall:~~
~~(a) notify UDC staff prior to termination; and~~
~~(b) provide notification of discharge from treatment, as a minimum, verbally to AP and P prior to notifying the offender of his or her status.~~
~~(c) provide notification by the provider to the supervising agent within 72 hours of unsuccessful termination; a phone call is sufficient for this.~~
~~(d) provide written notification (email, fax or letter) to the supervising agent within five business days of offender's discharge, addressing:~~
~~(i) reason for termination;~~
~~(ii) progress of the offender to date;~~
~~(iii) prognosis of the offender; and~~
~~(iv) the offender's risk to the community.~~
~~(9) When treatment is terminated successfully, the provider shall:~~
~~(a) notify UDC staff of the recommendation to terminate therapy; and~~
~~(b) provide a written report to UDC staff addressing:~~
~~(i) issues addressed in therapy;~~
~~(ii) the offender's compliance with the treatment plan;~~
~~(iii) progress made by the offender;~~
~~(iv) prognosis of the offender;~~
~~(v) additional services need to address factors, such as continuing care, support network, employment, mental health issues, substance use issues, etc.; and~~
~~(vi) results of a current (less than 90 days old), if appropriate, plethysmograph or polygraph, unless prior optimal results deem the requirement as not required.~~
~~(10) As requested, the provider shall submit written reports to UDC, courts and the Board of Pardons and Parole, as applicable.~~
~~(11) With reasonable notification, therapists shall appear in court or before the Board of Pardons and Parole as needed.~~]

R251-109. Sex Offense Treatment Providers.

R251-109-1. Authority and Purpose.

(1) This rule is authorized by Sections 63G-3-201, 64-13-10, 64-13-25, and 76-5-406.5.

(2) The purpose of the rule is to define the criteria and guidelines for the minimum standards, application and approval process, and program requirements for sex offender treatment providers.

R251-109-2. Definitions.

(1) "Approved provider status" means status as a provider for sex offender services through the Utah Department of Corrections.

(2) "Affiliate approval" means approval of a professional who does not meet experience requirements and is seeking to become approved as a provider.

(3) "Direct clinical experience" means face-to-face contact with patients or clients, direct supervision, training, case coordination and research.

(4) "Program" is the specific services as listed in Section R251-109-8, pertaining to the program requirements each clinician is providing to UDC clientele with a sex offense charge.

(5) "Formal training" means education or supervised experience in the required field; may be provided at an accredited college or university or at seminars or conferences.

(6) "Disclosure" means the discussion during treatment of previous adjudicated and unadjudicated sexual offenses.

(7) "PSO" means persons who have sexually offended.

(8) "Provider" means a therapist who has been approved by the Department to provide services to sex offenders under the jurisdiction of the Utah Department of Corrections.

(9) "Provider supervision" means one hour of supervision for every 40 hours of clinical practice.

(10) "SOTF" means the Utah Department of Corrections' Sex Offender Task Force.

(11) "Screening Committee" means group of Department of Corrections employees assigned to screen and approve applications from providers to provide sex offender treatment.

(12) "Transition program" means a program designed to help offenders move from residential to non-residential treatment; also to help them move from intensive to progressively less intensive treatment.

(13) "UDC" means Utah Department of Corrections.

R251-109-3. General Requirements.

(1) Providers of sex offense-specific treatment for PSOs under the jurisdiction of UDC must meet the standards and requirements of this chapter.

(2) All potential providers of sex offense-specific treatment shall be screened to ensure they meet the specific established standards and qualifications.

(3) Providers shall have a basic requirement that at least a moderate level of disclosure of and accountability for problematic sexual behavior, including at least some known sexual offending behavior, as a requirement for successful completion of sex offender therapy.

(4) Providers shall have an accountability system built into their treatment interventions to allow the clients to have accountability for their thoughts and behaviors that contribute to problematic sexual behaviors.

(5) Approved and affiliate providers must reapply to UDC every two years to renew their approved provider status and to ensure they meet the established standards and qualifications.

(6) All potential agencies shall be screened for compliance with state standards, and comply with agency site visits at least once every three years, in which they provide approved services.

(7) A comprehensive list of providers shall be made available to providers, agents, and offenders.

(8) A standard application process shall be established for sex offense-specific treatment providers.

(9) All therapists providing services to PSOs under the jurisdiction of UDC shall have been reviewed and approved by UDC.

(10) Each provider and treatment program shall meet certain accepted standards for the treatment of PSOs.

R251-109-4. Provider Standards and Requirements.

(1) Licensing and Education Requirements.

(a) Providers shall have a current Utah license to practice therapy in a mental health profession, including:

(i) psychiatry;

(ii) psychology;

(iii) social work;

(iv) marriage and family therapy; or

(v) clinical mental health counseling.

(b) Provider's education shall include a master's or doctorate degree from a fully accredited college or university in:

(i) social work;

(ii) clinical mental health counseling;

(iii) marriage and family therapy;

(iv) psychology;

(v) medical doctor if board-certified or psychiatrist; or

(vi) doctor of osteopathy, if board-certified or psychiatrist.

(2) Experience.

Providers shall have the levels of experience required to obtain approval.

(a) Within two years preceding the application for approval, the provider shall have at least 1,000 hours of direct clinical experience in sex offense-specific treatment, which includes:

(i) at least 180 hours of sex offense evaluation experience; and

(ii) at least 820 hours of sex offense-specific treatment direct clinical experience.

(b) Within two years preceding the application for approval, the provider shall have received at least 24 hours of sex offense-specific continuing education units.

(3) Affiliate Approval.

(a) Licensed professionals and professionals in graduate training or post-graduate residency who do not meet the experience and training requirements may apply for affiliate provider approval.

(b) Affiliate provider approval shall require that the applicant arrange for ongoing provider supervision of therapy by an approved provider. The supervision shall be at a rate of one hour for every 40 hours of clinical practice, but not less than once per month.

(c) Affiliates may provide services as part of a degree program, leading to licensure or obtaining provider approval.

(d) All reports and documentation from affiliate providers require the signature of the approved provider who functions as their supervisor.

(4) Provider and Affiliate Training Requirements.

(a) Required training may be obtained through approved:

(i) documented conferences;

(ii) symposia;

(iii) seminars; or

(iv) other coursework, focused on sex offense-related topics.

(b) The training shall include 24 hours of direct sex offense-specific training; each applicant will be responsible for verification should questions arise.

(c) The training courses must show a direct relation to sex offense-specific training.

(5) Provider and Affiliate Reporting Requirements.

(a) Before and during approval, all providers must agree to abide by reporting and other requirements established by UDC and statute. This may include compliance reporting to UDC and UDC requests to perform regular site visits and audits.

(b) Reporting requirements shall include the PSOs:

(i) progress in therapy;

(ii) prognosis; and

(iii) risk to the community.

(c) Failure to comply with reporting requirements may result in a provider being removed from the approved list.

R251-109-5. Application Process.

(1) Initial Application.

(a) Applications shall be accepted on a continual basis.

(b) Applicants may download an application packet from the UDC website.

(c) The application packet shall consist of:

(i) an application form;

(ii) an approved service agreement;

(iii) program description;

(iv) confirmation of current clinical licensure; and

(v) the applicant's express consent to ongoing UDC site visits, audits, and other compliance reviews deemed necessary by UDC.

(d) All individuals providing clinical services are required to be certified as an approved or affiliated provider.

(e) Each applicant shall provide all the required documentation at the time of submission. If not, the packet may be returned to the provider, or additional information shall be requested.

(2) Reapplication.

(a) Reapplication shall consist of:

(i) documentation detailing continuing education and sex offense-specific training of not less than 24 hours every two years;

(ii) current licensure with Utah;

(iii) documentation of hours of therapy and supervision per year provided; and

(iv) information on any changes in program approach.

(b) Failure to reapply shall result in the name and provider information being removed from the approved provider list.

(c) The SOTF will provide notification to Adult Probation and Parole (AP&P) upon removal from the provider list.

(3) Tracking.

(a) Receipts of applications shall be recorded by the appointed SOTF recorder.

(b) A master list shall be kept of all approved and affiliated providers.

(c) The master list of approved providers shall be available to staff, offenders, and providers.

(d) The master list shall be updated on at least a monthly basis.

R251-109-6. Screening Process.

(1) Screening Committee.

(a) The screening of applications for affiliate or approved provider status shall be completed only by state employees to avoid issues of conflict of interest between providers in the community.

(i) Questions or conflicts with regard to applications will be reviewed with a senior member of the SOTF, such as one of the co-chairpersons.

(ii) More serious conflicts or concerns that cannot be resolved shall be addressed by an ad hoc subcommittee of not less than three state employee members of the SOTF, at least one of whom shall be one of the co-chairpersons of the SOTF.

(iii) Applications shall be reviewed to ensure all requirements necessary have been met, such as: educational credentials, training hours, licensure.

(2) Initial Screening.

(a) All screening packets must be complete before they can be processed.

(b) When the packets are incomplete, additional information shall be requested and provided within ten business days, or providers and affiliates shall be removed from the provider list.

(c) If documentation is required, it shall be requested of the provider in writing.

(d) Screening shall be completed in a timely manner.

(i) Generally, this is reviewed by any of the SOTF members who received the application.

(ii) If a problem arises, the issues will be presented in the monthly SOTF meeting.

(3) Reapplication Screening.

(a) All screening packets must be complete before they can be processed.

(b) When the packets are incomplete, additional information shall be requested and provided within ten business days, or providers and affiliates shall be removed from the provider list.

(c) If documentation is required, it shall be requested of the provider in writing.

(d) Screening shall be completed in a timely manner.

(i) Generally, this is reviewed by the approved SOTF recorder or office support on the SOTF.

(ii) If a problem arises, the issues will be presented in the monthly SOTF meeting.

R251-109-7. Approval Process.

(1) Review.

(a) All applicants shall undergo a background check before approval.

(i) UDC may request a background check of the owners if different from the applicant.

(b) Applications shall be reviewed by the UDC members of the SOTF.

(c) Each application packet shall be reviewed to ensure:

(i) appropriate forms are present and complete;

(ii) needed documentation is present and complete; and

(iii) potential providers meet minimum qualifications.
(d) In the case of questions, decisions shall be supported by a majority vote.
(e) Agencies are subject to compliance reviews once every three years.
(i) Agencies or providers shall be provided with a copy of the provider checklist that they will be required to adhere to.
(ii) SOTF members shall utilize the provider checklist when conducting compliance reviews.
(iii) SOTF members conducting the compliance review shall review the results of that compliance review with the agency or provider at the time of review.
(iv) SOTF members conducting the compliance review will bring the results of the compliance review to the next SOTF meeting for review.
(A) If corrections are needed, a letter of notice will be sent to the provider, notifying them of the corrections to their practice of service; this will be followed up with a visit to verify corrections within a timeline commensurate with the required modifications.
(B) If verification of the corrections is not observed at the follow-up visit, their standing as a provider will be proposed for removal from the list at the next SOTF meeting.
(2) Notification.
(a) Providers shall receive notification of approval or denial within 30 days of application screening.
(b) If approved, services can start upon receipt of approval documentation.
(c) If denied, the reason for denial shall be provided in writing with an explanation of needed corrections.
(d) Approved providers shall receive documentation of their approval, which can be provided to PSOs seeking treatment, and will be posted on the UDC public website.
(3) Sanctions for Compliance Review Process.
(a) Approval may be suspended by either the provider or SOTF administration.
(b) By written request from the provider to SOTF administration, a provider's name may be removed from the list of approved providers.
(c) Disciplinary Committee, consisting of at least two UDC-employed SOTF members, both co-chairs, and the Re-entry and Rehabilitation (R&R) Division administrator overseeing the SOTF, may suspend approval for:
(i) failure to
(ii) failure to meet or comply with the provider's standards;
(iii) suspension of clinical licensure;
(iv) criminal conviction; or
(v) other legitimate reasons as determined by the SOTF.
(d) Levels of sanctions for non-compliance are based upon general non-compliance issues with the SOTF Provider Parameters. The SOTF reserves the ability to act immediately upon egregious unethical clinical practices or unlawful behavior.
(i) Verbal feedback: person-to-person involving the UDC SOTF, therapist, program director, and agency - could be verbal or written.
(ii) Written Correction Plan: person, program director, agency, and in the presence of a state UDC SOTF meeting - correction plan is signed and dated by attendees. Will include a 90-day review with monitoring as needed.
(iii) At the completion of the 90-day Correction Plan, the provider will present at a compliance meeting for progress review and determination of the next steps, including:
(A) successful completion of the probation;
(B) extending the probation period; or
(C) dissolution of services as an approved provider.
(4) Appeal of Denial.
(a) Providers who are not approved may appeal that decision to the SOTF administration or Disciplinary Committee. Should this not be viewed as acceptable, the provider or affiliate may instead appeal to the administrator overseeing the SOTF.
(b) Appeals must contain specific documentation of why the denial was inaccurate or additional documentation to address concerns that resulted in the denial.
(c) The Disciplinary Committee should review the appeal and respond within 30 days.

R251-109-8. Program Requirements.
(1) Intake.
(a) Treatment programs for PSOs convicted of crimes against persons shall have intake components available, including an intake assessment completed by a licensed clinician who is an affiliate or approved provider, to include at least:
(i) validated static and dynamic risk assessment instruments;
(ii) mental status assessment of personality and intelligence using testing instruments, where clinically indicated, and recognized in the treatment community as valid tools;
(iii) behavioral observations;
(iv) strengths and protective factors;
(v) assessment of childhood abuse;
(vi) substance use history;
(vii) sex offending history;
(viii) review of non-sexual criminal history;
(ix) any relevant information pertaining to education, employment, medical history, social history, and an evaluation of a person's amenability to sex offense-specific treatment; and

(x) sexual interest measures.
(b) Polygraph examination shall be used for all offender PSOs when deemed appropriate by the provider or UDC staff.
(i) All PSOs under the supervision of AP&P shall complete one sexual history polygraph and one maintenance or exit polygraph.
(ii) The polygraphs shall be conducted during their treatment episode.
(A) Passing a polygraph is not a requirement to successfully complete treatment.
(c) Following assessment, the treating provider shall complete a written report to AP&P within seven days, including:
(i) findings of testing including, which may include: STATIC-99R, STABLE & ACUTE 2007, Vasor-2/SOTIPS, with specifics on PSO's risk to community safety;
(ii) the PSO's suitability for treatment;
(iii) a proposed treatment plan;
(iv) diagnostic impressions; and
(v) the cost to the PSO.
(2) Treatment.
(a) The standard treatment shall include:
(i) PSO groups (80+ min total) therapy;
(ii) individual (50+ min total) therapy;
(iii) psycho-educational classes;
(iv) sexual interest measures;
(v) disclosure and maintenance polygraphs;
(vi) ongoing transition services; and
(vii) a minimum of one quarterly progress report to UDC staff.
(b) An intensive treatment program shall be available, which includes:
(i) PSO groups (twice a week = 160+ min total) therapy;
(ii) individual weekly (50+ min total) therapy;
(iii) psycho-educational classes;
(iv) disclosure and maintenance polygraphs;
(v) ongoing transition services; and
(vi) a minimum of one quarterly progress report to UDC staff.
(c) Intensive treatment shall be conducted a minimum of three days per week.
(d) When treatment is terminated unsuccessfully, the provider shall:
(i) notify UDC staff within 72 hours of termination via phone call; and
(ii) provide a written report to the UDC staff within ten business days of termination, addressing:
(A) reason for termination;
(B) progress of the PSO to date;
(C) prognosis and treatment amenability of the PSO;
(D) the PSO's risk to the community; and
(E) state whether the PSO reached the maximum benefit of the offered treatment.
(e) When treatment is terminated successfully, the provider shall:
(i) notify UDC staff of the recommendation to terminate therapy before notifying the PSO of their status; and
(ii) provide a written report to UDC staff within ten business days addressing:
(A) issues addressed in therapy;
(B) the PSO's compliance with the treatment plan;
(C) progress made by the PSO;
(D) prognosis and results of a sexual arousal assessment of the PSO;
(E) results of a current, if appropriate, polygraph; and
(F) additional issues of a clinical nature, such as substance abuse or depression.
(3) Reporting.
(a) As requested, the provider shall submit written reports to UDC, courts, and the Board of Pardons and Parole, as applicable. This shall include reports and data requested by the SOTF.
(b) With reasonable notification, therapists shall appear in court or before the Board of Pardons and Parole as needed.
(4) Agency.
(a) Each applicant shall submit information on the ownership of the agency for which they work.
(b) Agency owners may be required to undergo the same background check as providers.
(c) Each applicant will enclose a complete program description, treatment plan, and relevant materials, if not already on record.

R251-109-9. Grievances.
(1) Individuals Who May Use the Grievance Process.
(a) The grievance process may be used by agents, polygraph examiners, evaluators, and treatment providers.
(2) Grievance Process.
(a) Retrieve the grievance submission form from the SOTF page on the UDC public website.
(b) Complete the grievance submission form and email it to the SOTF at SOTF@utah.gov.

(c) The SOTF office will send a response email stating receipt of the grievance, the date of the next scheduled committee meeting, and the date of response due seven business days after the committee meeting.

(d) Once the grievance is presented at a SOTF committee meeting, the responder shall provide a response within seven business days. If the responder needs more time, an extension can be done in writing.

(i) The chair or co-chair of the SOTF shall:

(A) gather related statements and documents;

(B) review policy and parameters,;

(C) conduct interviews;

(D) initiate remedial actions or proposals;

(E) create a written response;

(F) obtain legal review if needed;

(G) present findings and conclusions to the committee for awareness or approval; and

(H) email the completed response form to the SOTF office for official release and record keeping.

(3) Storage of Records.

(a) Records will be stored digitally by the SOTF.

(4) Grievance Appeal Process.

(a) The person grieving shall have seven calendar days to inform the SOTF in writing why the response was unacceptable.

(b) The clinical deputy director of Reentry and Rehabilitation will provide a response to grievances elevated to Level 2.

(c) The responder shall provide a response within 14 calendar days.

(i) If additional time is required, a notification of extension will be provided in writing.

R251-109-10. Sex Offender Task Force Organization.

(1) SOTF Membership.

(a) The SOTF shall be made up of no less than eight members appointed by the executive director or a designee. The executive director or their designee may appoint additional members of the SOTF beyond the minimum number at their discretion, given the needs of the SOTF and UDC.

(b) Members of the SOTF shall serve for a term of two years. The executive director or designee may choose to renew a member for additional terms of two years at their discretion. The executive director or designee may also remove a member before the expiration of their current term in their sole discretion. Members may resign their membership to the SOTF at any time by providing UDC with notification.

(c) Members of the SOTF shall include representatives from the following areas of expertise: social work, clinical mental health therapy, psychology, AP&P community supervision, presentence investigators, sex offender treatment, and polygraphy administration and analysis. Members of the SOTF shall include UDC staff and community providers.

(d) The department shall collaborate with the Office of Substance Use and Mental Health to develop, coordinate, and implement the treatment certification process.

(2) SOTF Leadership.

(a) The executive director or designee shall appoint a chair of the SOTF.

(b) The executive director or designee may also appoint a vice chair or co-chairs in their sole discretion.

(c) The chair shall set the agenda for and preside at all meetings and shall perform the duties usually applicable to such office.

(3) SOTF Meetings.

(a) The SOTF shall hold meetings as determined necessary by the chair.

(b) A simple majority of the SOTF members is necessary for a quorum. A quorum may be present through in-person, phone, online, or virtual attendance in order for voting to occur.

(4) SOTF Attendance.

(a) SOTF members are required to participate in 80% of SOTF meetings.

(b) The SOTF may not have more than three unexcused absences during the calendar year.

(c) An absence resulting from an emergency will be excused.

(d) Absences will also be excused if a member informs the chair or UDC staff of their expected absence before the SOTF meeting.

(5) SOTF Votes.

(a) A motion will be approved by a majority of members present.

(b) The chair shall determine the appropriate process for counting votes but shall ensure that any dissenting votes or non-unanimous votes are documented in the meeting minutes.

(c) Members participating in-person, online, or virtually, through technological or audio-visual means, or on the phone, may vote.

(d) No member will be allowed to cast a vote by proxy.

KEY: mental health, corrections, treatment providers, sex offender treatment
Date of Last Change: 2026[~~May 4, 2016~~]
Notice of Continuation: November 13, 2025
Authorizing, and Implemented or Interpreted Law: 64-13-10

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	**R357-5**	**Filing ID: 57696**

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	
Mailing address:	60 E South Temple, Suite 300	
City, state and zip:	Salt Lake City, UT 84111	
Contact persons:		
Name:	**Phone:**	**Email:**
Greg Jeffs	801-368-1957	gjeffs@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R357-5. Motion Picture Incentive Rule
4. Purpose of the new rule or reason for the change:
The purpose of this rule change is to clarify this rule and update the date of the Agreed Upon Procedures.
5. Summary of the new rule or change:
This rule change clarifies that it must be a principal production, removes redundant language, and updates the date for the Agreed-Upon Procedures. This updated version of the Agreed Upon Procedures includes details about required documents and information needed from productions, as well as other nonsubstantive changes to improve clarity.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
None. There are no anticipated costs or savings because these changes do not change what the state must do, it simply clarifies what is already being done.
B. Local governments:
None. These changes do not affect local governments because this rule does not regulate local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
None. There are no anticipated costs or savings to small businesses because these changes clarify the criteria of an approved local vendor. There is no cost associated with the definitions.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
None. There are no anticipated costs or savings to non-small businesses because these changes clarify the criteria of an approved local vendor.

There is no cost associated with the 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***)**:**

None. There are no anticipated costs or savings to this group because these changes clarify the criteria of an approved local vendor. There is no cost associated with the definitions.

F. Compliance costs for affected persons:

None. There are no anticipated changes to compliance costs because these changes clarify the criteria of an approved local vendor. There is no cost associated with the definitions.

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

Citation Information

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

Section 63N-8-104

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)	Agreed Upon Procedures
Publisher	Utah Film Commission
Issue Date	Sep 30, 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:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026
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:	Jefferson Moss, Executive Director	**Date:**	1128/2025

R357. Governor, Economic Opportunity.
R357-5. Motion Picture Incentive Rule.
R357-5-101. Authority.

Section 63N-8-104 requires the Office to make rules establishing the standards that a motion picture company and digital media company must meet to qualify for a motion picture incentive and the criteria for determining the amount of the motion picture incentive.

R357-5-102. Definitions.

The definitions in this rule are in addition to or serve to clarify the definitions found in Section 63N-8-102.

(1) "Above-The-Line" (ATL) means creative talent that are attached to a production as the director, producers, stunt performers, screenwriters, storyboard artists or casting directors.

(2) "Cast" means performers appearing in a particular film with featured or speaking roles.

(3) "Community Film Incentive Program" means a production where a motion picture company has a minimum budget of $100,000 and a maximum budget of under $500,000.

(4) "Crew" means those involved in the production of a film who are not defined as cast, above-the-line or extras.

(5) "Deferred Payment" means, tax credits in amounts over $2,000,000 paid in installments over a specified number of years but not to exceed three years.

(6) "Extras" means an extra or background actor is a performer in a production, who appears in a non-speaking or non-singing capacity, usually in the background.

(7) "Independent Utah CPA" means a Certified Public Accountant holding an active license in the state that is independent of the production and production activities.

(8) "Made-For-Television" means feature length motion pictures specifically made-for-television or streaming platforms.

(9) "Motion Pictures" means a production that is originally intended for commercial distribution and does not include:

(a) news;

(b) commercials;

(c) live broadcasts;

(d) digital media products;

(e) live sporting events;

(f) live coverage of theatrical or entertainment events; or

(g) programs that solicit funds.

(10) "Principal photography," "Producing" or "Production" means the filming of major and significant portions of a film that involves the lead actors and actresses.

(11) "Rural county" means a county of the third, fourth, fifth, or sixth class.

(12) "Significant Percentage of cast and crew from Utah" means:

(a) For productions that have total budgets of less than $500,000: that at least 85% of the cast and crew are Utah residents excluding extras, above-the-line and three principal cast members;

(b) For productions that have more than $500,000 left in state: that at least 75% of the cast and crew are Utah residents excluding extras, above-the-line and five principal cast members.

(13) "State-approved production" means a production that is:

(a) approved by the Office and ratified by the Utah Board of Tourism Development; and

(b) any of the principal production is produced in the state.

(14) "Total budget for the project" means the total budget for dollars left in state of pre-production, production, and post-production.

(15) "Television series" means a group of episodes of a production released on television or streaming platforms.

(16) "Treatment" means: A written description of the production.

(17) "UFC" means: the Utah Film Commission, a sub-entity of the Utah Governor's Office of Economic Opportunity.

(18) "Utah Resident" means a person who has lived in Utah for at least 183 days even if temporarily outside of Utah for an extended length of time, maintains a permanent home in Utah, and is subject to Utah personal income tax.

R357-5-103. Motion Picture Incentive Applications: Procedures and Minimum Requirements for a Motion Picture Company.

(1) A motion picture company's application may be approved for a motion picture incentive award only if each of the following requirements are met in addition to those listed throughout Title 63N, Motion Picture Incentives:

(a) the motion picture company is producing any portion of principle photography[~~a motion picture~~] in Utah;

(b) the motion picture is a state-approved production;

(c) the motion picture company guarantees UFC access to production's behind the scenes footage, interviews and still photography or allow the Office to produce its own;

(d) the motion picture company guarantees the production will display the Utah logo as outlined in the incentive agreement and provide a screenshot of the logo as it appears in the credits;

(e) the motion picture company has obtained financing for 100% of the anticipated dollars left in state for the project, and the applicant provides proof of financing in a form specified in the application documents;

(f) the motion picture company must retain financing as set forth in Subsection (1)(e) for the life of the contract with the state;

(g) the motion picture company intends to report at least $500,000 left in state if applying for a film incentive under Subsection R357-5-5(1) or a maximum of under $500,000 if applying for an incentive under Subsection R357-5-5(2); and

(h) if a production has initiated principal photography before the Office's receipt of a completed application or will not start principal photography for more than 90 days from date of application, the application for incentive may be denied.

(2) The motion picture incentive application may not be construed as a property right and neither the Office nor the Board is required to approve an application.

(3) To receive state approval for an incentive application, a production must, in the state's sole discretion, reflect positively on the image of Utah. In determining whether or not a production reflects positively on the image of the state, the Office and Board may take into consideration:

(a) whether and to what extent the motion picture promotes Utah as a tourist destination;

(b) general standards of decency and respect for the diverse beliefs and values of Utahns; and

(c) any other factors related to the production or the motion picture company that may reasonably affect the image of the state.

(4) The Office and Board may consider the relative merit of applications, and the need to reserve its allocations for future applications.

(a) Factors that contribute to the relative merit include:

(i) the overall strength and viability of the script of the production;

(ii) the industry reputation of the production or motion picture company;

(iii) the record of the motion picture company in matters of safety and responsible filmmaking;

(iv) the existence of any legal action or the likelihood of any legal action in relation to either the production or the motion picture company; and

(v) anticipated:

(A) number of jobs in Utah;

(B) number of production days in Utah;

(C) dollars left in state;

(D) local cast and crew wages; and

(E) new state revenue that the film contributes in Utah.

(b) Applications shall be made in the form prescribed by the Office, including required attachments or additional information.

(i) Incomplete applications will not be considered received until the application is deemed complete by the UFC.

(ii) A script is required as part of the application.

(iii) A treatment may only be submitted where a script for a project type is not possible, for example when the project is a documentary. The Utah Film Commission will determine in its sole discretion if a treatment can be substituted for a script.

(5) A production company may file more than one application if it has more than one production in the state, but a separate application must be filed for each production.

(6) Applications will be subject to submission deadlines, which will be posted on the Utah Film Commission Website and are available in other formats upon request.

(7) If the applicant fails to submit a completed application before the submission deadline, the application may be considered with the next round of submissions.

(8) Submitting an application does not guarantee approval of a film incentive.

(9) Film incentives are subject to and contingent upon the amount of available funding and tax credit allocation available in the Motion Picture Restricted account.

(10) Lack of state approval may not be construed as prohibiting a production or prohibiting a motion picture company from filming in Utah.

(11) A production's eligibility for an incentive ends upon approval or denial by the Office. A production may reapply, subject to compliance with program statutes and rules.

R357-5-104. Motion Picture Incentive Applications: Award for a Motion Picture Production.

(1) Upon receipt of a completed application, the Office will align each project into incentive categories as set forth in Section R357-5-105.

(2) In calculating dollars left in the state, the Office may limit the following expenditures:

(a) salary above $500,000 for one individual;

(b) marketing and distributions expenditures;

(c) any value beyond the depreciated amount for capital expenditures, rentals, and any purchases made where the item is used for only a portion of its useful life; and

(d) any per diem value beyond 100% of the current federal rate for the area.

R357-5-105. Film Categories and Conditions.

(1) Utah Motion Picture Incentive Program.

(a) The Utah Motion Picture Incentive Program will have an incentive cap of 20% of the dollars left in state, unless a higher cap is awarded pursuant to Subsection (1)(c).

(i) Unscripted programs, including reality television and documentaries, qualify for a 10% baseline with a potential increase if additional criteria are met, not to exceed 20%.

(b) Incentives will only be awarded if the motion picture company meets criteria listed in Section R357-5-103.

(c) An additional [~~cap of up to~~]5% may be granted if the motion picture company:

(i) Motion picture company has at least $1,000,000 in qualified dollars left in state; and

(ii) Significant Percentage of cast and crew from Utah; or

(A) 75% of production days occur in rural county.

(2) Community Film Incentive Program:

(a) will provide a maximum of a 20% post-performance cash rebate or tax credit for dollars left in state;

(b) will only be awarded if the motion picture company meets criteria listed in Section R357-5-103;

(c) applications will be reviewed monthly; and

(d) awards will be made to motion picture companies based upon the criteria outlined in the application provided by UFC.

(3) For applications made under Subsection (1) or (2), the motion picture company must provide any information and documentation to show measurable outcomes as outlined in the application for any incentive listed in this section.

R357-5-106. Funding -- Post-Performance Compliance.

A motion picture company may qualify for issuance of either a Post-Performance Refundable Tax Credit or Post-Performance Cash award:

(1) based on the method outlined in their contract; and

(2) the motion picture company adheres to the Agreed-Upon Procedures [~~version 2.0~~]dated September 9, 2025[~~May13, 2022~~] posted on the Utah Film Commission Website which is incorporated by reference.

R357-5-107. Funding -- Post-Performance Refundable Tax Credit.

(1) Post-performance refundable tax credits are non - transferable and can only be issued to the state-approved motion picture that submits the motion picture incentive application and is approved by the Office with advice from the Board.

(2) Post-performance refundable tax credits in amounts over $2,000,000 may be paid in deferred payments over multiple years as authorized by the Office within the approved Board motion for the tax credit.

(a) Deferred payments for tax credits over $2,000,000 are subject to available tax credit allocation as authorized by the Legislature.

(b) Each annual installment of the deferred payment amount shall be outlined in the tax credit agreement.

(c) A deferred payment plan cannot exceed three years.

R357-5-108. Request for Incentive Amendment.

(1) A motion picture company may request an incentive amendment only under the conditions prescribed by the Office.

(2) Amendments will be reviewed and approved by the UFC on a case by case basis with a written explanation for the approval or denial provided to the applicant.

KEY: economic development, motion picture, digital media, new state revenue
Date of Last Change: 2026[~~November 7, 2024~~]
Notice of Continuation: March 11, 2021
Authorizing, and Implemented or Interpreted Law: 63N-8-104

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal and Reenact		
Rule or section number:	**R384-200**	**Filing ID: 57700**

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 84116

Mailing address:	PO Box 142107	
City, state and zip:	Salt Lake City, UT 84114-2107	
Contact persons:		
Name:	**Phone:**	**Email:**
Marie Nagata	801-538-6519	mnagata@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:	
R384-200. Cancer Control Program	
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 40 (2023 General Session), SB 45 (2022 General Session)

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

Following the consolidation of the Department of Health and Human Services (DHHS), it is necessary to update the statutory citations in this rule.

Additionally, the Utah Cancer Control Program has been reorganized into two separate programs, the Breast and Cervical Cancer Program and the BeWise Program, so it is necessary to restructure this rule to more accurately reflect those two programs.

Finally, DHHS no longer has funding for colorectal screenings, so references to the Colorectal Program and associated grants are being removed from this rule.

5. Summary of the new rule or change:

This filing updates the names of current programs and the services those programs provide.

It removes references to programs that no longer exist and clarifies the DHHS's ability to collect data related to the programs governed by this rule.

Additionally, this filing amends statutory references to reflect the recodification of the DHHS code.

Finally, this filing makes style and formatting changes in accordance with the Rulewriting Manual for Utah and to align with formatting in other rules under the DHHS.

Fiscal Information

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

A. State budget:

This filing is not anticipated to result in any cost or savings to the state budget, as the updates do not change how the DHHS functions or how programs are carried out but rather updates this rule to reflect current practices.

The CDC colorectal grant ended before this rule filing, and colorectal screenings have not been available through the DHHS since that grant ended.

As the DHHS has not been conducting these screenings, this filing aligns this rule with current practice and does not lead to a cost or savings.

B. Local governments:

This filing is not anticipated to result in any cost or savings to local governments.

The state's Breast and Cervical Cancer Screening Program and BeWise Program both contract with local health departments and are set up to fund any costs incurred, if necessary.

The CDC colorectal grant ended before this rule filing, and colorectal screenings have not been available through the DHHS since that grant ended.

As the DHHS has not been working with local governments to conduct these screenings, this filing aligns this rule with current practice and does not lead to a cost or savings.

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

This filing is not anticipated to result in any cost or savings to small businesses.

The state's Breast and Cervical Cancer Screening Program and BeWise Program contract with community clinics that are small businesses and are set up to fund any costs incurred, if necessary.

The CDC colorectal grant ended before this rule filing, and colorectal screenings have not been available through the DHHS since that grant ended.

As the DHHS has not been working with small businesses to conduct these screenings, this filing aligns this rule with current practice and does not lead to a cost or savings.

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

This filing is not anticipated to result in any cost or savings to non-small businesses.

The state's Breast and Cervical Cancer Screening Program contracts with non-small businesses that provide healthcare and is set up to fund any costs incurred, if necessary.

The CDC colorectal grant ended before this rule filing, and colorectal screenings have not been available through the DHHS since that grant ended.

As the DHHS has not been working with non-small businesses to conduct these screenings, this filing aligns this rule with current practice and does not lead to a 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***)**:**

This filing is not anticipated to result in any cost or savings to other persons, as the updates are meant to reflect organizational changes and have no fiscal impact on other persons.

The CDC colorectal grant ended before this rule filing, and colorectal screenings have not been available through the DHHS since that grant ended.

As the DHHS has not been conducting these screenings for other persons, this filing aligns this rule with current practice and does not lead to a cost or savings.

F. Compliance costs for affected persons:

This filing is not anticipated to result in any compliance costs for affected persons.

The CDC colorectal grant ended before this rule filing, and colorectal screenings have not been available through the DHHS since that grant ended.

As the DHHS has not been conducting screenings or working with local governments, small businesses, or non-small businesses to conduct these screenings for other persons, this filing aligns this rule with current practice.

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-1-213	Subsection 26B-7-227(2)

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)	Allowable CPT Codes and Reimbursement Rates
Publisher	BeWise Program
Issue Date	January 2025
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)	2025 Allowable CPT Codes and Reimbursement Rates
Publisher	Breast and Cervical Cancer Screening Program
Issue Date	January 2025
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:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026

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:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

R384. Health and Human Services, Disease Control and Prevention, Health Promotion.

[~~R384-200. Cancer Control Program.~~

~~R384-200-1. Authority and Purpose.~~

~~This rule governs program eligibility, benefits, and administration by the Department for the Utah Cancer Control Program, including breast and cervical cancer, cardiovascular disease risk factor, and colorectal cancer screening services; Breast and Cervical Cancer Control Program; WISEWOMAN (BeWise) Program; and Colorectal Cancer Control Program. It is authorized by Sections 26-5-2 and 26-1-5.~~

~~R384-200-2. Definitions.~~

~~The following definitions apply to this rule:~~

~~(1) "Department" means the Utah Department of Health.~~

~~(2) "Client" means an individual who meets the eligibility criteria and is enrolled in the Utah Cancer Control Program pursuant to the provisions of this rule.~~

~~R384-200-3. Nature of Program and Benefits.~~

~~(1) The Utah Cancer Control Program provides reimbursement to providers for services rendered to individuals who meet the eligibility requirements. The Utah Cancer Control Program provides limited cancer screening and cardiovascular health services as described in this rule. The Department provides reimbursement coverage under the program only for services for each program:~~

~~(a) as provided by Public Law 101-354, 42 U.S.C. Section 300k, which established the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) and by ongoing CDC program guidance;~~

~~(2) Within available funding, the Department provides the following services under the Utah Cancer Control Program;~~

~~(a) The Breast and Cervical Cancer Control Program pays for the following services related to breast cancer:~~

~~(i) Screening: Clinical Breast Exam and screening mammography.~~

~~(ii) Diagnostic: diagnostic unilateral and bilateral mammograms; ultrasound; stereotactic localization for breast biopsy, each lesion; radiological supervision and interpretation; preoperative placement of needle localization wire, breast radiological supervision, and interpretation; radiological examination and surgical specimen; ultrasonic guidance for needle biopsy, radiological supervision, and interpretation; fine needle aspiration with or without imaging guidance; aspiration of cyst of breast; biopsy of breast; incisional biopsy of breast; percutaneous, needle core, using imaging guidance; percutaneous, automated vacuum assisted or rotating biopsy device, using imaging guidance; excision of cyst, fibroadenoma, or other benign or malignant tumor aberrant breast tissue, duct lesion or nipple lesion; excision of breast lesion identified by pre-operative placement of radiological marker single lesion; pre-operative placement of needle localization wire; and image guided placement metallic localization clip, percutaneous, during breast biopsy.~~

~~(iii) Surgical: surgical service, such as a breast biopsy, as an outpatient procedure and anesthesia.~~

~~(iv) Pathology: immediate cytohistologic study to determine adequacy of specimen of fine needle aspiration (FNA), interpretation and report of FNA, breast biopsy interpretation, and excision of breast lesion.~~

~~(b) The Breast and Cervical Cancer Control Program pays for the following services related to cervical cancer:~~

~~(i) Screening: clinical Pap test and HPV Test.~~

~~(ii) Diagnostic: colposcopy with or without biopsy; colposcopy of the cervix with loop electrode biopsy of the cervix; colposcopy with loop electrode conization of the cervix; biopsy, single or multiple, or local excision of lesion, with or without fulguration; excision, endocervical curettage; conization of cervix; Loop Electrode Excision; and endometrial sampling with or without biopsy, without cervical dilation.~~

~~(iii) Pathology: cytopathology; cytopathology, cervical or vaginal, requiring interpretation by physician; colposcopy biopsy interpretation; and surgical pathology, first tissue block, with frozen section, single specimen.~~

~~(iv) Office Visits: new patient office visit and established patient office visit for both breast and cervical clients.~~

~~(v) The program does not pay for any services once a woman is diagnosed with breast cancer or cervical cancer, including cervical precancerous lesions.~~

~~(c) The WISEWOMAN Program, known as BeWise, pays for the following services:~~

~~(i) A basic metabolic profile; comprehensive metabolic panel; lipid panel; total cholesterol; quantative, blood, and reagent strip glucose tests; hemoglobin, glycated (HbA1c), which is used in lieu of other glucose testing for those with previous diagnosis of diabetes; HDL cholesterol test; office visit for new patient - problem focus 10, 20, or 30 minutes face-to-face; office visit for established patient, 5, 10, or 15 minutes face-to-face; routine venipuncture; preventive medicine counseling or risk factor reduction intervention(s) provided to an individual 15, 30, 45, or 60 minutes; and preventive medicine counseling or risk factor reduction intervention(s) provided to individuals in a group setting, 30 or 60 minutes.~~

~~(ii) The program does not pay for treatment services such as medication, medical nutrition therapy, and other highly specialized counseling such as diabetes education programs.~~

~~(d) The Colorectal Cancer Control Program pays for the following:~~

~~(i) Screening Tests and Procedures: colonoscopy every ten years, biopsy/polypectomy during colonoscopy, moderate sedation for colonoscopy, the use of propofol only if prior approval is obtained, and office visits related to the tests listed above.~~

~~(ii) Diagnostic Follow-up Services: office visits related to screening and diagnostic tests, total colon exam with colonoscopy, biopsy/polypectomy during colonoscopy, moderate sedation for colonoscopy, the use of propofol only if prior approval is obtained, and pathology fees.~~

~~(iii) Surveillance: surveillance colonoscopies will be reimbursed at appropriate intervals as determined by the recommending clinician, the program, or the program's Medical Advisory Board (MAB).~~

~~(iv) The program does not pay for CT Colonography, or virtual colonoscopy, as a primary screening test; Computed Tomography Scans, known as CTs or CAT scans, requested for staging or other purposes; surgery or surgical staging, unless specifically required and approved by the program's MAB to provide a histological diagnosis of cancer; any treatment related to the diagnosis of colorectal cancer; any care or services for complications that result from screening or diagnostic tests provided by the program; evaluation of symptoms for clients who present for CRC screening but are found to have gastrointestinal symptoms; diagnostic services for clients who had an initial positive screening test performed outside of the program; management of medical conditions, including Inflammatory Bowel Disease using surveillance colonoscopies and medical therapy for management; genetic testing for clients who present with a history suggestive of a hereditary non-polyposis colorectal cancer (HNPCC) or familial adenomatous polyposis (FAP); and the use of propofol as anesthesia during endoscopy, unless specifically required and approved by the program's MAB in cases where the client cannot be sedated with standard moderate sedation.~~

~~(3) The Department may adjust the services available to meet current needs and fluctuations in available funding.~~

~~(4) The Utah Cancer Control Program is not health insurance. A relationship with the Department as the insurer and the client as the insured is not created under this program.~~

~~**R384-200-4. Providers.**~~

~~The Department reimburses only providers and Local Health Departments who contract with the Department to provide services under the program.~~

~~**R384-200-5. Reimbursement.**~~

~~(1) The Department shall reimburse providers with whom it contracts to provide services as limited in manuals that form part of its Provider Agreements or contracts with providers.~~

~~(2) The Department shall reimburse providers according to the fee schedule or schedules that are made part of its agreements or contracts with providers.~~

~~(3) Payment for services by the Department and client co-payment, if any, constitutes full payment for services. A provider may not bill or collect any additional monies for services rendered pursuant to an agreement or contract to provide services under the Utah Cancer Control Program.~~

~~(4) The Department does not pay for services under the Utah Cancer Control Program for which an individual is eligible to receive under Medicaid or any other primary payer source.~~

~~**R384-200-6. Utah Cancer Control Program Eligibility.**~~

~~(1) To be eligible to receive services from the Breast and Cervical Cancer Control Program, an individual:~~

~~(a) must be aged 50 to 64 years old;~~

~~(b) must have income at or below 250% of Federal Poverty Level;~~

~~(c) must have no insurance, inadequate insurance coverage that does not pay for these services, or cannot afford the insurance co-pay.~~

~~(d) must be a current Utah resident.~~

~~(2) To be eligible to receive services from the WISEWOMAN (BeWise) Program, an individual:~~

~~(a) must be enrolled and remain eligible to participate in the breast and cervical screening program~~

~~(b) must have income at or below 250% of the Federal Poverty Level~~

~~(c) must have no insurance, inadequate insurance coverage that does not pay for these services, or cannot afford the insurance co-pay.~~

~~(d) must be unable to pay the premium to enroll in Medicare Part B if eligible for Medicare. Medicare part B requires the participant to pay a monthly premium of $99.00 and a late enrollment fee of +10% for each full 12-month period the participant could have had Part B, but didn't sign up for it.~~

~~(3) To be eligible to receive services from the Colorectal Cancer Control Program, an individual:~~

~~(a) must be aged 50 to 64 years old;~~

~~(b) must have income at or below 200% of the Federal Poverty Level;~~

~~(c) must have no health insurance coverage;~~

~~(d) must be a documented resident of the United States;~~

~~(e) must be a current Utah resident;~~

~~(f) must be at average risk or have a family history of colorectal cancer;~~

~~(g) must have no symptoms of colorectal cancer or other bowel condition;~~

~~(h) must never have had a colonoscopy.~~]

R384-200. Breast and Cervical Cancer Screening and BeWise Programs.

R384-200-1. Authority and Purpose.

(1) Sections 26B-1-202 and 26B-1-213 and Subsection 26B-7-227(2) authorize this rule.

(2) This rule governs program eligibility, benefits, and administration by the department for the Breast and Cervical Cancer Screening and BeWise Programs.

R384-200-2. Definitions.

(1) "BeWise Program" means the departmental program that provides cardiovascular disease risk factors screening services in the state.

(2) "Breast and Cervical Cancer Screening Program" means the departmental program that provides breast and cervical cancer screening in the state.

(3) "Client" means an individual who meets the eligibility criteria and is enrolled in the Breast and Cervical Cancer Screening or BeWise Program pursuant to this rule.

(4) "Department" means the Department of Health and Human Services.

R384-200-3. Program Benefits.

(1)(a) The Breast and Cervical Cancer Screening and BeWise Programs provide reimbursement to a provider for eligible services to a client.

(b) The department provides reimbursement coverage under each program only for the eligible services included in:

(i) 42 USC 300k, which establishes the National Breast and Cervical Cancer Early Detection Program (NBCCEDP); and

(ii) ongoing CDC program guidance.

(3) Within available funding, the department may pay for eligible services under:

(a) the Breast and Cervical Cancer Screening Program's Allowable CPT Codes and Reimbursement Rates, 2025 version, incorporated by reference in this rule; and

(b) the BeWise Program Allowable CPT Codes and Reimbursement Rates, 2025 version, incorporated by reference in this rule.

(4) The Breast and Cervical Cancer Screening Program provides referral for treatment services but does not pay for treatment services.

(5) The BeWise program does not pay for treatment services, including medication, medical nutrition therapy, or highly specialized counseling such as a diabetes education program.

(6) The department may adjust reimbursed services to meet current needs and depending on available funding.

(7) The Breast and Cervical Cancer Screening and BeWise Programs are not health insurance. This rule does not create an insurer-insured relationship between the department and a client.

R384-200-4. Providers.

The department shall only reimburse a provider or local health department that is contracted with the department to provide services under the Breast and Cervical Cancer Screening or BeWise Program.

R384-200-5. Reimbursement.

(1) The department shall reimburse a contracted provider or local health department for services provided in accordance with:

(a) each manual included in the provider agreement or contract; and

(b) each fee schedule included in the provider agreement or contract.

(2) A provider may not bill or collect any additional fee beyond the department's payment for services provided pursuant to a Breast and Cervical Cancer or BeWise Program's agreement or contract.

(3)(a) The department may not pay for Breast and Cervical Cancer Screening or BeWise Program services while an individual is eligible to receive these services under Medicaid, Medicare, or any other primary payer source.

(b) The department may pay after every other primary payer source has been exhausted.

R384-200-6. Eligibility.

(1) To be eligible to receive services from the Breast and Cervical Cancer Screening Program, an individual must:

(a) be at least 21 years old;

(d) be a current Utah resident;

(b) have income at or below 250% of federal poverty level; and

(c) have no insurance or inadequate insurance coverage that does not pay for these services.

(2) To be eligible to receive services from the BeWise Program, an individual must:

(a) be enrolled and remain eligible to participate in the Breast and Cervical Cancer Screening Program;

(b) have income at or below 250% of the federal poverty level;

(c) have no insurance or inadequate insurance coverage that does not pay for these services; and

(d) not be enrolled in Medicare Part B.

R384-200-7. Reportable Data.

The Breast and Cervical Cancer Screening and BeWise Programs may collect patient-level screening and follow-up data items for each client provided services by the department.

KEY: breast and cervical cancer screening, [~~colorectal cancer screening, Utah Cancer Control Program~~]WISEWOMAN, Cancer Control Program
Date of Last Change: 2026[~~March 21, 2014~~]
Notice of Continuation: February 22, 2024
Authorizing, and Implemented or Interpreted Law: [~~26-1-5; 26-5-2~~]26B-1-202; 26B-1-213; 26B-7-227(2)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	**R414-42**	**Filing ID: 57699**

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:	
R414-42. Telehealth	
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 39 (2023 General Session)
4. Purpose of the new rule or reason for the change:	
Based on internal review, the Department of Health and Human Services (department) determined this change is necessary to update and clarify policy regarding telehealth services. Additionally, this amendment updates statutory citations that were renumbered due to the consolidation of the department.	
5. Summary of the new rule or change:	
This amendment updates and clarifies definitions, service coverage, and reimbursement for telehealth services. It also removes limitations that no longer apply and makes style and formatting changes to comply with the Rulewriting Manual for Utah and align with 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:
This amendment is not anticipated to have a fiscal impact on the state budget, as the department has consistently funded telehealth services throughout the COVID-19 public health emergency, with this funding incorporated into the base budget. Telehealth, including audio-only services, is recognized as a distinct service modality and does not represent an increase in funding requirements.
B. Local governments:
There is no anticipated fiscal impact on local governments, as they neither fund nor provide services under the Medicaid program.

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

There is no anticipated fiscal impact on small businesses as this change updates existing policy that neither affects services nor payment for providers.

Any new requirements or restrictions are unrelated to payment processes that would introduce a fiscal impact.

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

There is no anticipated fiscal impact on non-small businesses as this change updates existing policy that neither affects services nor payment for providers.

Any new requirements or restrictions are unrelated to payment processes that would introduce a fiscal impact.

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

There is no anticipated fiscal impact on other persons or entities as this change updates existing policy that neither affects services nor payment.

Any new requirements or restrictions are unrelated to payment processes that would introduce a fiscal impact.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons as this change updates existing policy that neither affects services nor payment.

Any new requirements or restrictions are unrelated to payment processes that would introduce a cost.

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	Section 26B-3-122

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:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026
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:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

R414. Health and Human Services, [~~Health Care Financing, Coverage and Reimbursement Policy~~]Integrated Healthcare.
R414-42. Telehealth.
R414-42-1. [~~Introduction and~~]Authority and Purpose.

(1) Section 26B-3-122 authorizes the Department of Health and Human Services to adopt rules to establish telehealth services and the reimbursement methodology for telehealth services.

(2)(a) This rule outlines access requirements, coverage,[~~, limitations,~~] and reimbursement for telehealth services.[~~ This rule is authorized by Section 26-18-13.~~]

(b) Telehealth services are in accordance with privacy and security measures set forth under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. 1320d and the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH), Pub. L. No. 111-5, 123 Stat. 226, 467, to ensure that patient communications and records, including any recording of a telehealth encounter, are secure and remain confidential.

R414-42-2. Definitions.

(1) [~~"Telehealth services" means the transmission of health-related services or information through the use of electronic communication or information technology.~~]"Asynchronous services" or "store and forward" means communication or information shared between a provider and Medicaid member that occurs at different points in time.

(2) [~~"Teledentistry" means the use of information technology and telecommunications for dental care, consultation, and education.~~]"Audio-only" means telehealth services by means of telephone or another form of auditory communication without video.

(3) [~~"Telepsychiatric consultation" means a consultation between a licensed provider and a board-certified psychiatrist that utilizes:~~

~~(a) the health records of the member, provided from the member or the referring provider; and~~

~~(b) a written, evidence-based member questionnaire.~~]"Distant site" means the physical location of a provider delivering telehealth services.

(4) [~~"Authorized provider" means a provider that signs a provider agreement with the Utah Medicaid Program, in which the provider agrees to abide by all state and federal laws related to the Medicaid program.~~]"Originating site" means the location of the Medicaid member at the time the service is being furnished via telecommunication.

(5)(a) [~~"Distant site" means the physical location of a licensed provider that delivers health care services via a telecommunication system.~~]"Remote patient monitoring" means the deployment and use of technology to capture biometric information that is automatically shared with a remote provider.

(b) The transmission of patient data and clinical information to the provider may occur either through in-home devices or information entered and transmitted electronically by the patient.

(6) [~~"Originating site" means the physical location of a member at the time the service is being furnished via a telecommunication system.~~]"Synchronous interaction" means real-time communication through interactive technology that enables a provider at a distant site and a patient at an originating site to interact simultaneously through two-way audio and video transmission.

(7) [~~"Synchronous interaction" means real-time communication through interactive technology that enables a provider at a distant site and a member at an originating site to interact simultaneously through two-way audio or video transmission.~~]"Telehealth services" mean the transmission of health-related services or information using electronic communication or information technology.

R414-42-3. Covered Services.

(1) Medicaid covers telehealth services when performed via synchronous care. Telecommunication technologies that support synchronous care include any:

(a) live two-way video with face-to-face interaction between the member and the provider using audio-visual communication, including e-visits through an online patient portal; and

(b) audio-only visit.

(2) A licensed provider may deliver services via synchronous telehealth, as clinically appropriate. [~~Services include consultation services, evaluation and management services, teledentistry services, mental health services, substance use disorder services, and telepsychiatric consultations.~~]The types of services a licensed provider may deliver via synchronous telehealth include:
(a) advanced care planning;
(b) behavioral health, including services addressing substance use disorders;
(c) diabetes self-management;
(d) end-stage renal disease-related services;
(e) health assessments;
(f) medication therapy management;
(g) nutritional therapy;
(h) speech and hearing; and
(i) tobacco cessation.
(3) There are no geographic restrictions surrounding the use of telehealth services.
(4) Medicaid covers audio-only synchronous care, or care that does not clinically require visual inspection, for a limited number of services specified in the Utah Medicaid provider manual.
(5) Medicaid does not cover asynchronous services, including remote patient monitoring.
(6) Medicaid does not cover services delivered via telehealth that Medicaid would not otherwise cover.

R414-42-4. Confidentiality Requirements.
(1) A provider is responsible to ensure the encounter is HIPAA compliant.
(2) Security measures for transmission may include password protection, encryption, and other reliable authentication techniques.

[~~R414-42-4. Limitations.~~
~~(1) Telehealth services must comply with privacy and security measures set forth under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology for Economic and Clinical Health (HITECH) Act, Pub. L. No. 111-5, 123 Stat. 226, 467, to ensure that all patient communications and records, including recordings of telehealth encounters, are secure and remain confidential. The provider is responsible to ensure the encounter is HIPAA compliant. Security measures for transmission may include password protection, encryption, and other reliable authentication techniques.~~
~~(2) A provider must comply with the Utah Health Information Network (UHIN) standards for telehealth. These standards provide a uniform standard of billing for claims and encounters delivered via telehealth.~~
~~(3) The originating site receives no reimbursement for the use of telehealth services.~~
~~(4) Medicaid does not cover services via telehealth which are not otherwise covered.~~]

R414-42-5. Reimbursement of Services.
(1) The [~~D~~]department pays the lesser of the amount billed or the rate on the fee schedule. [~~-~~]A provider may not charge the [~~D~~]department a fee that exceeds the provider's usual and customary charges for the provider's private pay patients.
(2) The department does not reimburse the originating site for the use of telehealth services.

KEY: Medicaid, telemedicine
Date of Last Change: [~~September 22, 2020~~]2025
Notice of Continuation: June 14, 2023
Authorizing, and Implemented or Interpreted Law: [~~26-18-13~~]26B-3-122

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or section number:	**R453-4**	**Filing ID: 57687**

Agency Information

1. Title catchline:	Cultural and Community Engagement, Historic Preservation	
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:	
R453-4. 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 this rule with the creation of the new office.	
5. Summary of the new rule or change:	
This rule details the historic preservation tax credit program. The existing rule, R455-11, was repealed and this new rule created to be used by the new Historic Preservation Office (office) created by HB 350, passed in the 2022 General Session. Minimal changes have been made to adhere to updated rulewriting guidelines. Contextual information remains the same.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
No fiscal impact. This new rule is being moved from current Rule R455-11 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
B. Local governments:
No fiscal impact. This new rule is being moved from current Rule R455-11 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
No fiscal impact. This new rule is being moved from current Rule R455-11 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
No fiscal impact. This new rule is being moved from current Rule R455-11 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
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 new rule is being moved from current Rule R455-11 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
F. Compliance costs for affected persons:
No fiscal impact. This new rule is being moved from current Rule R455-11 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
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 9-8a-203	Section 59-7-609	Section 59-10-1006

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026
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:	Heidi Tak, Director	**Date:**	11/19/2025

R453. Cultural and Community Engagement, Historic Preservation.
R453-4. Historic Preservation Tax Credit.
R453-4-1. Purpose.

The purpose of this rule is to:

(1) ensure an orderly process by the State Historic Preservation Office;

(2) allow for appeal and judicial review of decisions; and

(3) ensure that rehabilitation work on historic preservation tax credit projects meets the Secretary of the Interior's "Standards for Rehabilitation."

R453-4-2. Applicability.

This rule applies to applications and proceedings under Sections 59-7-609 and 59-10-1006.

R453-4-3. Definitions.

As used in this rule:

(1) "Director" means the Director of the State Historic Preservation Office.

(2) "Office" means the State Historic Preservation Office.

(3) "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.

(4) "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.

(5) "Applicant" means any person or entity that is seeking a historic preservation tax credit.

(6) "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.

(7) "National Register" means the National Register of Historic Places maintained pursuant to the National Historic Preservation Act, 54 U.S.C. 300101 et seq.

(8) "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 Office comments.

R453-4-4. 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 Section R453-4-9.

R453-4-5. 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 a change request in writing to the.

(2) The applicant shall allow access and observation of the project building at any reasonable time upon request of the Office.

R453-4-6. 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 Section R453-4-10.

(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.

R453-4-7. 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 may not issue the authorization form or unique certification number until the review results in approval of the project.

R453-4-8. Request for Review and Appeal Proceedings.

(1) All proceedings under Rule R453-4 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.

R453-4-9. 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 National Register Review Committee 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 Office 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: 2026
Authorizing, and Implemented or Interpreted Law: 59-7-609; 59-10-1006; 9-8a-203

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or section number:	**R453-5**	**Filing ID: 57688**

Agency Information

1. Title catchline:	Cultural and Community Engagement, Historic Preservation	
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:	
R453-5. Computerized Records for 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 this rule with the creation of the new State Historic Preservation Office (office).	
5. Summary of the new rule or change:	
This rule details the matching grant program run by the office for local cemeteries. The existing rule, R455-12, was repealed and this new rule is created to be used by the new office created by HB 350, passed in the 2022 General Session. Minimal changes have been made to adhere to updated rulewriting guidelines. Contextual information remains the same.	

Fiscal Information

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

A. State budget:

No fiscal impact. This new rule is being moved from current Rule R455-12 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

B. Local governments:

No fiscal impact. This new rule is being moved from current Rule R455-12 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

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

No fiscal impact. This new rule is being moved from current Rule R455-12 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

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

No fiscal impact. This new rule is being moved from current Rule R455-12 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

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 new rule is being moved from current Rule R455-12 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

F. Compliance costs for affected persons:

No fiscal impact. This new rule is being moved from current Rule R455-12 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

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:		
Subsection 9-8a-203(15)	Subsection 9-8a-203(16)	

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:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026
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:	Heidi Tak, Director	**Date:**	11/19/2025

R453. Cultural and Communicty Engagement, Historic Preservation.
R453-5. Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds.
R453-5-1. Purpose.

The purpose of this rule is to establish a process to govern the awarding of grants to cemeteries to digitize their records, create GIS map or repair cemeteries, grave sites and tombstones.

R453-5-2. Definitions.

(1) "Burial locations" means locations of human burials outside of established cemeteries where written records exist on the deceased.
(2) "Burial Plot" means the burial location of an individual within a cemetery.
(3) "Cemeteries" means formal groupings of burial locations, including public and private facilities, whether abandoned or currently used and maintained.
(4) "Office" means the State Historic Preservation Office.
(5) "Eligible Organizations" means cemeteries, genealogical associations, and other nonprofit groups interested in cemeteries and burial locations.
(6) "GIS" means Geographic Information System. A system that links information to geographic locations.
(7) "In kind" matches include volunteer hours, labor, or equipment to match grant contributed.
(8) "Matching grants" means grants made to eligible organizations that are matched, using a county classification tier that allows matches with cash or in kind.
(9) "Record" means existing record of name and other available information on the interred individual.
(10) "Computerized record" means an electronic version of a record meeting the standards established by the Office.

R453-5-3. Application and Distribution of Funds.

(1) Eligible organizations may apply for matching grants through an application managed by the Office.
(2) Matching grants shall be provided to the extent that funding is available.
(3) Grants will be awarded by the Office at the beginning of the fiscal year.
(4) Grant funds will be distributed to grant recipients after a grant contract is signed.
(5) Final reports meeting the specifications of Section R453-5-4 are required to successfully complete the grant.

R453-5-4. Reports and Deliverables.

A final report shall be completed by the grantee in a format designated by the Office. 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: 2026
Authorizing, and Implemented or Interpreted Law: 9-8a-203(15); 9-8a-203(16)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or section number:	**R453-6**	**Filing ID: 57689**

Agency Information

1. Title catchline:	Cultural and Community Engagement, Historic Preservation	
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:	
R453-6. 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 this rule with the creation of the new Historic Preservation Office (office).	
5. Summary of the new rule or change:	
This rule details how the Historic Preservation Office (office) will select, train, and certify volunteers in the Stewardship Program. The existing rule, R455-16, was repealed and this new rule created to be used by the new office created by HB 350, passed in the 2022 General Session. Minimal changes have been made to adhere to updated rulewriting guidelines. Contextual information remains the same.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
No fiscal impact. This new rule is being moved from current Rule R455-16 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
B. Local governments:
No fiscal impact. This new rule is being moved from current Rule R455-16 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
No fiscal impact. This new rule is being moved from current Rule R455-16 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
No fiscal impact. This new rule is being moved from current Rule R455-16 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
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 new rule is being moved from current Rule R455-16 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

F. Compliance costs for affected persons:

No fiscal impact. This new rule is being moved from current Rule R455-16 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.

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 9-8a-205

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:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026

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:	Heidi Tak, Director	**Date:**	11/19/2025

R453. Cultural and Community Engagement, Historic Preservation.
R453-6. Cultural Site Stewardship Program Volunteer Selection, Training, and Certification Procedures.
R453-6-1. Purpose.

This rule provides procedures on how the Office will select, train and certify volunteers to participate in the Stewardship Program.

R453-6-2. Selection of Volunteers.

(1) The Office shall engage in public outreach activities to announce stewardship opportunities for potential volunteers.

(2) Volunteers will self-select interest in the program and will fill out a volunteer application created by the Office and submit to the Stewardship Coordinator.

(3) 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.

R453-6-3. Training of Volunteers.

(1) 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 Office and agency partners.

(2) 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 Rule R453-7).

(3) Training will be of an appropriate duration to cover relevant topics.

R453-6-4. Certification of Volunteers.

(1) After successful completion of the training program as established by the Office, its agency partners, and the description in Section R453-6-2, the volunteer will sign appropriate forms, including the Volunteer Services Agreement, Code of Ethics, and Photographic Release.

(2) The Office shall retain a copy of these agreements during the volunteer's service.

R453-6-5. De-Certification of Volunteers.

(1) 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.

(2) If a volunteer has been convicted of a crime under the "Cultural Sites Protection Act" under Section 76-6-903, the Office may de-certify that volunteer.

(3) 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 Office may de-certify that volunteer.

(4) If a volunteer has otherwise breached a provision of the Volunteer Services Agreement or Code of Ethics the Office may terminate and de-certify the volunteer.

R453-6-6. Documentation of Volunteer Hours and Supervision of Volunteers.

(1) The Office shall require a volunteer to document the hours donated by the volunteer.

(2) The Office shall ensure that volunteers are adequately supervised for the work they are asked to perform. Supervisors may include, Office 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: 2026
Authorizing, and Implemented or Interpreted Law: 9-8a-205

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or section number:	**R453-7**	**Filing ID: 57690**

Agency Information

1. Title catchline:	Cultural and Community Engagement, Historic Preservation	
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:	
R453-7. 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 this rule with the creation of the new Historic Preservation Office (office).	
5. Summary of the new rule or change:	
This rule details how the office handles reporting of archaeological site vandalism. The existing rule, R455-17, was repealed and this new rule created to be used by the new office created by HB 350, passed in the 2022 General Session. Minimal changes have been made to adhere to updated rulewriting guidelines. Contextual information remains the same.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
No fiscal impact. This new rule is being moved from current Rule R455-17 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
B. Local governments:
No fiscal impact. This new rule is being moved from current Rule R455-17 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
No fiscal impact. This new rule is being moved from current Rule R455-17 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
No fiscal impact. This new rule is being moved from current Rule R455-17 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
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 new rule is being moved from current Rule R455-17 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
F. Compliance costs for affected persons:
No fiscal impact. This new rule is being moved from current Rule R455-17 to Title R453, Historic Preservation Office, to align with statute and the creation of the new office.
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 9-8a-205		

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:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026
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:	Heidi Tak, Director	**Date:**	11/19/2025

R453. Cultural and Community Engagement, Historic Preservation.
R453-7. Cultural Site Stewardship Program Vandalism Reporting Procedures.
R453-7-1. Purpose and Authority.

This rule provides procedures on how the State Historic Preservation Office shall report vandalism of a cultural site to the appropriate land managing authority.

R453-7-2. Definitions.

(1) "Office" means the State Historic Preservation Office.
(2) Other definitions in this rule are found within Subsection 9-8a-205(1).

R453-7-3. Vandalism Reporting Responsibilities.

Under Section 9-8a-205, the Office and its volunteers under the Utah Cultural Site Stewardship Program have a responsibility to report vandalism to appropriate land managing authority.

(1) 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.

(2) Each federal or state agency participating in the Program will maintain an active point-of-contact at the agency for reports of vandalism.

(3) 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.

(4) A copy of the report shall be provided to the Utah Cultural Site Stewardship Program Coordinator or designee at the Office.

R453-7-4. Records.

(1) The Office shall maintain records of any reported vandalism and make those reports available to the appropriate land managing agency point-of-contact upon request.

(2) 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 63G-2-3.

KEY: cultural stewardship, vandalism, public lands, preservation
Date of Last Change: 2026
Authorizing, and Implemented or Interpreted Law: 9-8a-205

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	**R477-1**	**Filing ID: 57692**

Agency Information

1. Title catchline:	Government Operations, Human Resource Management	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 141531	
City, state and zip:	Salt Lake City, UT 84114-1531	
Contact persons:		
Name:	**Phone:**	**Email:**
Bryan Embley	801-618-6720	bkembley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R477-1. Definitions
4. Purpose of the new rule or reason for the change:
The new Human Resources Information System (HRIS) will not utilize excess leave as currently coded in Title R477.
5. Summary of the new rule or change:
This filing strikes the definition of excess leave and renumbers the rest of the section.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
These amendments are not expected to have any fiscal impact on state government revenues or expenditures because these changes are administrative in nature and do not impact budgets.

B. Local governments:

These amendments are not expected to have any fiscal impact on local governments because this rule only applies to the executive branch of state government.

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

These amendments are not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.

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

These amendments are not expected to have any fiscal impact on non-small businesses because this rule only applies to the executive branch of state government.

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***)**:**

These amendments are not expected to have any fiscal impact on other individuals because this rule only applies to the executive branch of state government.

F. Compliance costs for affected persons:

There are no direct compliance costs for these amendments. This rule only affects the executive branch of state government and will have no impact on other persons. This rule has no financial impact on state employees.

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:

Section 63A-17-106	Section 63A-17-301	Section 63A-17-306

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:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026
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:	John Barrand, Division Director	**Date:**	11/28/2025

R477. Government Operations, Human Resource Management.
R477-1. Definitions.
R477-1-1. Definitions.

The following definitions apply to Title R477 unless otherwise indicated within the text of each rule.

(1) "Abandonment of Position" means an act of resignation resulting when an employee is absent from work for three consecutive working days without approval.

(2) "Actual FTE" means the total number of full time equivalents based on actual hours paid in the state payroll system.

(3) "Actual Hours Worked" means time spent performing duties and responsibilities associated with the employee's job assignments.

(4) "Actual Wage" means the employee's assigned wage rate in the central personnel record maintained by the Division of Human Resource Management.

(5) "ADA" means the Americans With Disabilities Act, 42 U.S.C. 12102.

(6) "Administrative Leave" means leave with pay granted to an employee at management discretion that is not charged against the employee's leave accounts.

(7) "Administrative Adjustment" means a DHRM approved adjustment to a job or salary range that is not a Market Comparability Adjustment, a Structure Adjustment, or a Reclassification. It is for administrative purposes only. An Administrative Adjustment will result in an increase to incumbent pay only when necessary to bring salaries to the minimum of the salary range.

(8) "Administrative Salary Decrease" means a decrease in an employee's current actual wage based on non-disciplinary administrative reasons determined by an agency head.

(9) "Administrative Salary Increase" means an increase in an employee's current actual wage based on special circumstances determined by an agency head.

(10) "Agency" means an entity of state government that is:

(a) directed by an executive director, elected official, or commissioner defined in Title 67, Chapter 22, State Officer Compensation, or in other sections of the code;

(b) authorized to employ personnel; and

(c) subject to Title 63A, Chapter 17, Utah State Personnel Management Act.

(11) "Agency Head" means the executive director or commissioner of each agency or a designated appointee.

(12) "Agency Human Resource Field Office" means an office of the Division of Human Resource Management located at another agency's facility.

(13) "Alternative State Application Program (ASAP)" means a program designed to appoint a qualified person with a disability through an on the job examination period.

(14) "Appeal" means a formal request to a higher level for reconsideration of a grievance decision.

(15) "Appointing Authority" means the officer, board, commission, person, or group of persons authorized to make appointments in their agencies.

(16) "Break in Service" means a point at which an individual has an official separation date and is no longer an employee of the State of Utah.

(17) "Budgeted FTE" means the total number of full time equivalents budgeted by the Legislature and approved by the Governor.

(18) "Career Mobility" means a temporary assignment of an employee to a different position for professional development or to fulfill specific organizational needs.

(19) "Career Service Employee" means an employee who has successfully completed a probationary period in a career service position.

(20) "Career Service Exempt Employee" means an employee who serves at the pleasure of the appointing authority and may be separated from state employment at any time for any reason or for no reason.

(21) "Career Service Exempt Position" means a position in state service that is exempt from career service provisions under Section 63A-17-301.

(22) "Career Service Status" means status granted to an employee who successfully completes a probationary period following appointment to a career service position.

(23) "Category of Work" means a job series an agency head designates as having positions to be eliminated agency wide through a reduction in force. Category of work may be further reduced as follows:

(a) a unit smaller than the agency upon providing justification and rationale for approval, including:

(i) unit number;
(ii) cost centers;
(iii) geographic locations; or
(iv) agency programs.
(b) positions identified by a set of essential functions, including:
(i) position analysis data;
(ii) certificates;
(iii) licenses;
(iv) special qualifications; or
(v) degrees that are required or directly related to the position.

(24) "Change of Workload" means a change in position responsibilities and duties or a need to eliminate or create particular positions in an agency caused by legislative action, financial circumstances, or administrative reorganization.

(25) "Classification Grievance" means the approved procedure by which an agency or a career service employee may grieve a formal classification decision regarding the classification of a position.

(26) "Classified Service" means positions that are subject to the classification and compensation provisions stipulated in Section 63A-17-307.

(27) "Classification Study" means a classification review conducted by DHRM under Section R477-3-4. A study may include single or multiple job or position reviews.

(28) "Compensatory Time" means time off that is provided to an employee in lieu of monetary overtime compensation.

(29) "Contractor" means an individual who is contracted for service, is not supervised by a state supervisor, but is responsible for providing a specified service for a designated fee within a specified time. The contractor shall be responsible for paying any taxes and FICA payments, and may not accrue benefits.

(30) "Critical Incident Drug or Alcohol Test" means a drug or alcohol test conducted on an employee as a result of the behavior, action, or inaction of an employee that is of such seriousness it requires an immediate intervention by management.

(31) "Demotion" means a disciplinary action resulting in a reduction of an employee's current actual wage.

(32) "Position Management Report" means a document that lists an agency's authorized positions, incumbent's name and hourly rate, job identification number, salary range, and schedule.

(33) "DHRM" means the Division of Human Resource Management.

(34) "DHRM Approved Recruitment and Selection System" means the state's recruitment and selection system, which is a centralized and automated computer system administered by the Division of Human Resource Management.

(35) "Direct Supervisor" means an employee's primary supervisor who normally directs day to day job activity such as assigning work, approving time records, and considering leave requests.

(36) "Disability" has the same definition found in the Americans With Disabilities Act of 1990, 42 U.S.C. 12101 (2008); Equal Employment Opportunity Commission regulation, 29 CFR 1630 (2008); including exclusions and modifications.

(37) "Disciplinary Action" means action taken by management under Rule R477-11.

(38) "Dismissal" means a separation from state employment for cause under Section R477-11-2.

(39) "Dual State Employment" means an employee works for more than one agency and meets the employee criteria which is located in the Division of Finance accounting policy 11-18.00.

(40) "Drug-Free Workplace Act" means a congressional act, 41 U.S.C. Section 8101, et seq., requiring a drug-free workplace certification by state agencies that receive federal grants or contracts.

(41) "Employee Personnel Files" means the files or records maintained by DHRM and agencies as required by Section R477-2-5 for purposes of Title 67, Chapter 18, Employees' Personnel Files and Title 63A, Chapter 17, Utah State Personnel Management Act. This does not include employee information maintained by supervisors.

(42) "Employment Eligibility Verification" means a requirement of the Immigration Reform and Control Act of 1986, 8 U.S.C. 1324 that employers verify the identity and eligibility of individuals for employment in the United States.

(43) "Escalator Principle" means returning veterans are entitled to return back onto their seniority escalator at the point they would have occupied had they not left state employment under the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301, et seq. (USERRA).

[~~(44) "Excess Hours" means a category of compensable hours separate and apart from compensatory or overtime hours that accrue at straight time only when an employee's actual hours worked, plus additional hours paid, exceed an employee's normal work period.~~]

([~~45~~]44) "Employee's Family Member" means an employee's relative or household member as defined in Section 52-3-1 but also including, stepsiblings, stepparents, and stepchildren.

([~~46~~]45) "Fitness For Duty Evaluation" means evaluation, assessment, or study by a licensed professional to determine if an individual can meet the performance or conduct standards required by the position held, or is a direct threat to the safety of self or others.

([~~47~~]46) "FLSA Exempt" means employees who are exempt from the overtime and minimum wage provisions of the Fair Labor Standards Act.

([~~48~~]47) "FLSA Non-Exempt" means employees who are not exempt from the overtime and minimum wage provisions of the Fair Labor Standards Act.

([~~49~~]48) "Follow Up Drug or Alcohol Test" means unannounced drug or alcohol tests conducted for up to five years on an employee who has previously tested positive or who has successfully completed a voluntary or required substance abuse treatment program.

([~~50~~]49) "Furlough" means a temporary leave of absence from duty without pay for budgetary reasons or lack of work.

([~~51~~]50) "GOPB" means Governor's Office of Planning and Budget.

([~~52~~]51) "Grievance" means a career service employee's claim or charge of the existence of injustice or oppression, including dismissal from employment resulting from an act, occurrence, omission, condition, discriminatory practice or unfair employment practice not including position classification or schedule assignment, or a complaint by a reporting employee as defined in Section 67-19a-101.

([~~53~~]52) "Grievance Procedures" means the statutory process of grievances and appeals as set forth in Title 67, Chapter 19a, Grievance Procedures, and the rules promulgated by the Career Service Review Office.

([~~54~~]53) "Gross Compensation" means an employee's total earnings, taxable and nontaxable, as shown on the employee's pay statement.

([~~55~~]54) "Highly Sensitive Position" means a position approved by DHRM that includes the performance of:

(a) safety-sensitive functions:

(i) requiring an employee to operate a commercial motor vehicle under 49 CFR 383;

(ii) directly related to law enforcement;

(iii) involving direct access or having control over direct access to controlled substances;

(iv) directly impacting the safety or welfare of the general public; or

(v) requiring an employee to carry or have access to firearms; or

(b) data sensitive functions permitting or requiring an employee to access an individual's highly sensitive, personally identifiable, private information, including:

(i) financial assets, liabilities, and account information;

(ii) social security numbers;

(iii) wage information;

(iv) medical history;

(v) public assistance benefits; or

(vi) driver license.

([~~56~~]55) "Hiring List" means a list of qualified and interested applicants who are eligible to be considered for appointment or conditional appointment to a specific position created in the DHRM approved recruitment and selection system.

([~~57~~]56) "Incompetence" means inadequacy or unsuitability in performance of assigned duties and responsibilities.

([~~58~~]57) "Inefficiency" means wastefulness of government resources including time, energy, money, or staff resources or failure to maintain the required level of performance.

([~~59~~]58) "Intern" means an individual in a college degree or certification program assigned to work in an activity where on the job training or community service experience is accepted.

([~~60~~]59) "Job" means a group of positions similar in duties performed, in degree of supervision exercised or required, in requirements of training, experience, or skill and other characteristics. The same salary range is applied to each position in the group.

([~~61~~]60) "Job Description" means a document containing the duties, distinguishing characteristics, knowledge, skills, and other requirements for a job.

([~~62~~]61) "Job Family" means a group of jobs that have related or common work content, that share common skills, responsibilities, and requirements, and that normally represents a general occupation area.

([~~63~~]62) "Job Requirements" means skill requirements defined at the job level.

([~~64~~]63) "Job Series" means two or more jobs in the same functional area having the same job title, but distinguished and defined by increasingly difficult levels of skills, responsibilities, knowledge, and requirements; or two or more jobs with different titles working in the same functional area that have licensure, certification, or other requirements with increasingly difficult levels of skills, responsibilities, knowledge, and requirements.

([~~65~~]64) "Leave Benefit" means a benefit provided to an employee that includes: Annual leave, sick leave, converted sick leave, and holiday leave. These benefits are not provided to non-benefited employees.

([~~66~~]65) "Legislative Salary Adjustment" means a legislatively approved salary increase for a specific category of employees based on criteria determined by the Legislature.

([~~67~~]66) "Malfeasance" means intentional wrongdoing, deliberate violation of law or standard, or mismanagement of responsibilities.

([~~68~~]67) "Management" means the agency head and any other officers or employees who have responsibility and authority to establish, implement, and manage agency policies and programs.

([~~69~~]68) "Market Based Bonus" means a one-time lump sum monies given to a new hire or a current employee to encourage employment with the state.

([~~70~~]69) "Market Comparability Adjustment" means a legislatively approved adjustment to a salary range that is based upon salary data and other relevant information from comparable jobs in the market that is collected by DHRM or from DHRM approved justifiable sources. The Market Comparability Adjustment may also change incumbent pay resulting in a budgetary impact for an agency.

([~~71~~]70) "Misconduct" means wrongful, improper, unacceptable, or unlawful conduct or behavior that is inconsistent with prevailing agency practices or the best interest of the agency.

([~~72~~]71) "Misfeasance" means the improper or unlawful performance of an act that is lawful or proper.

([~~73~~]72) "Nonfeasance" means failure to perform either an official duty or legal requirement.

([~~74~~]73) "Performance Evaluation" means a formal, periodic evaluation of an employee's work performance.

([~~75~~]74) "Performance Improvement Plan" means a documented administrative action to address substandard performance of an employee under Section R477-10-2.

([~~76~~]75) "Performance Management" means the ongoing process of communication between the direct supervisor and the employee which defines work standards and expectations, and assesses performance leading to a formal annual performance evaluation.

([~~77~~]76) "Performance Plan" means a written summary of the standards and expectations required for the successful performance of each job duty or task. These standards normally include completion dates and qualitative and quantitative levels of performance expectations.

([~~78~~]77) "Performance Standard" means specific, measurable, observable and attainable objectives that represent the level of performance to which an employee and direct supervisor are committed during an evaluation period.

([~~79~~]78) "Personnel Adjudicatory Proceedings" means the informal appeals procedure contained in Title 63G, Chapter 4, Administrative Procedures Act for human resource policies and practices not covered by the state employee's grievance procedure promulgated by the Career Service Review Office, or the classification appeals procedure.

([~~80~~]79) "Phased Retirement" means employment on a half-time basis of a retiree with the same participating employer immediately following the retiree's retirement date where the retiree will receive a reduced retirement allowance.

([~~81~~]80) "Position" means a unique set of duties and responsibilities identified by DHRM authorized job and position management numbers.

([~~82~~]81) "Position Description" means a document that describes the detailed tasks performed, as well as the knowledge, skills, abilities, and other requirements of a specific position.

([~~83~~]82) "Position Identification Number" means a unique number assigned to a position for FTE management.

([~~84~~]83) "Post Accident Drug or Alcohol Test" means a drug or alcohol test conducted on an employee who is involved in a vehicle accident while on duty or driving a state vehicle:

(a) the employee was performing safety-sensitive functions with respect to the vehicle the employee was operating and the accident involves the loss of human life;

(b) the driver receives a citation under state or local law for a moving traffic violation arising from the accident and the accident involved:

(i) the loss of human life or bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other vehicle; or

(c) where there is reasonable suspicion that the employee had been driving while under the influence of alcohol or a controlled substance.

([~~85~~]84) "Pre-employment Drug Test" means a drug test conducted on:

(a) final applicants who are not current employees;

(b) final candidates for a highly sensitive position;

(c) employees who are final candidates for transfer or promotion from a non-highly sensitive position to a highly sensitive position; or

(d) employees who transfer or are promoted from one highly sensitive position to another highly sensitive position.

([~~86~~]85) "Probationary Employee" means an employee hired into a career service position who has not completed the required probationary period for that position.

([~~87~~]86) "Probationary Period" means a period for management to evaluate an employee's ability to perform assigned duties and responsibilities and to determine if career service status should be granted to the employee. The length of the period is identified at the job level and the period is considered part of the selection process.

([~~88~~]87) "Proficiency" means an employee's overall quality of work, productivity, skills demonstrated through work performance and other factors that relate to employee performance or conduct.

([~~89~~]88) "Promotion" means an action moving an employee from a position in one job to a position in another job having a higher salary range maximum.

([~~90~~]89) "Protected Activity" means opposition to discrimination or participation in proceedings covered by the antidiscrimination statutes or the Utah State Grievance and Appeal Procedure. Harassment based on protected activity can constitute unlawful retaliation.

([~~91~~]90) "Random Drug or Alcohol Test" means unannounced drug or alcohol testing of a sample of an employee in a highly sensitive position done in accordance with federal regulations or state rules, policies, and procedures, and conducted in a manner such that each highly sensitive employee has an equal chance of being selected for testing.

([~~92~~]91) "Reappointment" means return to work of an individual from the reappointment register after separation from employment.

([~~93~~]92) "Reappointment Register" means a register of individuals who have, before March 2, 2009:

(a) held career service status and been separated in a reduction in force;

(b) held career service status and accepted career service exempt positions without a break in service and were not retained, unless discharged for cause; or

(c) by Career Service Review Board decision, been placed on the reappointment register.

([~~94~~]93) "Reasonable Suspicion Drug or Alcohol Test" means a drug or alcohol test conducted on an employee based on specific, contemporaneous, articulated observations concerning the appearance, behavior, speech, or body odors of the employee.

([~~95~~]94) "Reassignment" means an action mandated by management moving an employee from one job or position to a different job or position with an equal or lesser salary range maximum for administrative reasons. A reassignment may not include a decrease in actual wage except as provided in federal or state law.

([~~96~~]95) "Reclassification" means a DHRM reallocation of a single position or multiple positions from one job to another job to reflect management initiated changes in duties and responsibilities.

([~~97~~]96) "Reduction in Force (RIF)" means abolishment of positions resulting in the termination of career service employment. RIFs can occur due to inadequate funds, a change of workload, or a lack of work.

([~~98~~]97) "Reemployment" means return to work of an employee who resigned or took military leave of absence from state employment to serve in the uniformed services covered under USERRA.

([~~99~~]98) "Salary Range" means established minimum and maximum wage rates assigned to a job.

([~~100~~]99) "Schedule" means the designation of a position as career service (schedule B) or career service exempt (schedule A) under Title 63A, Chapter 17, Utah State Personnel Management Act.

([~~101~~]100) "Separation" means an employee's voluntary or involuntary departure from state employment.

([~~102~~]101) "Settling Period" means a sufficient amount of time, determined by agency management, for an employee to fully assume new or higher level duties required of a position.

([~~103~~]102) "Structure Adjustment" means a DHRM approved adjustment to a salary range that is based upon salary data and other relevant information from comparable jobs in the market that is collected by DHRM or from DHRM approved justifiable sources.

([~~104~~]103) "Tangible Employment Action" means a significant change in employment status, such as dismissal, demotion, failure to promote, work reassignment, or a decision which changes benefits.

([~~105~~]104) "Transfer" means an action not mandated by management moving an employee from one job or position to another job or position with an equal or lesser salary range maximum for which the employee qualifies. A transfer may include a decrease in actual wage.

([~~106~~]105) "Uniformed Services" means the United States Army, Navy, Marine Corps, Air Force, Coast Guard; Reserve units of the Army, Navy, Marine Corps, Air Force, or Coast Guard; Army National Guard or Air National Guard; Commissioned Corps of Public Health Service, National Oceanic and Atmospheric Administration (NOAA), National Disaster Medical Systems (NDMS) and any other category of persons designated by the President in time of war or emergency. Service in uniformed services includes: voluntary or involuntary duty, including active duty; active duty for training; initial active duty for training; inactive duty training; full time National Guard duty; or absence from work for an examination to determine fitness for any of the types of duty listed in this subsection.

([~~107~~]106) "Unlawful Discrimination" means an action against an employee or applicant based on race, religion, national origin, color, sex, age, disability, pregnancy, sexual orientation, gender identity, protected activity under the antidiscrimination statutes, political affiliation, military status or affiliation, or any other factor, as prohibited by law.

([~~108~~]107) "USERRA" means the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301, et seq. requires state governments to re-employ eligible veterans who resigned or took a military leave of absence from state employment to serve in the uniformed services and who return to work within a specified time period after military discharge.

([~~109~~]108) "Veteran" means the same as that term is defined in Section 68-3-12.5.

([~~110~~]109) "Volunteer" means any person who donates services to the state or its subdivisions without pay or other compensation except actual and reasonable expenses incurred, as approved by the supervising agency.

([~~111~~]110) "Wage" means the fixed hourly rate paid to an employee.

([~~112~~]111) "Work Period" means the maximum number of hours an employee may work before accruing overtime or compensatory hours based on variable payroll cycles outlined in Section 63A-17-502 and 29 CFR 553.230.

KEY: personnel management, rules and procedures, definitions
Date of Last Change: 2026[~~July 1, 2025~~]
Notice of Continuation: March 9, 2022
Authorizing, and Implemented or Interpreted Law: 63A-17-106; 63A-17-301; 63A-17-306

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	**R477-7**	**Filing ID: 57693**

Agency Information

1. Title catchline:	Government Operations, Human Resource Management	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 141531	
City, state and zip:	Salt Lake City, UT 84114-1531	
Contact persons:		
Name:	**Phone:**	**Email:**
Bryan Embley	801-618-6720	bkembley@utah.gov

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

General Information

2. Rule or section catchline:

R477-7. Leave

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

The new Human Resources Information System (HRIS) will not utilize excess leave as currently coded in Title R477.

5. Summary of the new rule or change:

This filing strikes multiple provisions outlining the use of excess leave, then renumbers sections, and updates citations as necessary due to the changes.

Fiscal Information

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

A. State budget:

These amendments are not expected to have any fiscal impact on state government revenues or expenditures because these changes are administrative in nature and do not impact budgets.

B. Local governments:

These amendments are not expected to have any fiscal impact on local governments because this rule only applies to the executive branch of state government.

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

These amendments are not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.

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

These amendments are not expected to have any fiscal impact on non-small businesses because this rule only applies to the executive branch of state government.

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***)**:**

These amendments are not expected to have any fiscal impact on other individuals because this rule only applies to the executive branch of state government.

F. Compliance costs for affected persons:

There are no direct compliance costs for these amendments. This rule only affects the executive branch of state government and will have no impact on other persons. This rule has no financial impact on state employees.

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:		
Section 63A-17-106	Section 63A-17-301	Section 63A-17-306

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:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026
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:	John Barrand, Division Director	Date:	11/28/2025

R477. Government Operations, Human Resource Management.
R477-7. Leave.
R477-7-1. Conditions of Leave.

(1) An employee is eligible for a leave benefit when:

(a) in a position designated by management as eligible for benefits; and

(b) in a position which normally requires working a minimum of 40 hours per pay period.

(2) An eligible employee accrues annual, sick, and holiday leave in proportion to the time paid as determined by DHRM.

(3) An employee shall use leave in no less than quarter hour increments.

(4) An employee may not use annual or sick leave before it is accrued. Leave accrued during a pay period may not be used until the following pay period.

(5) An employee may not use annual leave, converted sick leave used as annual leave, or [~~use excess or~~]compensatory hours without advance approval by management.

(6) Management may not require employees to maintain a minimum balance of accrued leave.

(7) [~~An employee may not use any type of leave except military and jury leave to accrue excess hours.~~

~~(8)~~]Any leave used for purposes described in Subsection R477-7-4(2) is subject to the requirements of Subsections R477-7-4(6) and (7).

([~~9~~]8) An employee transferring from one agency to another retains any accrued annual, sick, and converted sick leave at the new agency.

([~~10~~]9) Management shall make a lump sum payment to an employee separating from state service or changing from a benefited to a non-benefited position for:

(a) annual leave hours;

(b) [~~excess leave hours;~~

~~(c)~~]compensatory hours earned by a FLSA non-exempt employee; and

([~~d~~]c) converted sick leave if the employee is not retiring under Title 49, Utah State Retirement and Insurance Benefit Act.

([~~11~~]10) Management may not approve the use of leave after an employee's last day worked except for:

(a) leave without pay;

(b) administrative leave;
(c) leave granted under the FMLA; or
(d) leave granted for other medical or pregnancy related reasons that management approved before the commencement of the leave period.

([~~12~~]11) Management may separate an employee from employment after 18 workweeks cumulative leave in a 24 month period regardless of paid leave status unless prohibited by state or federal law. This rule incorporates by reference 29 CFR 825.205 (March 21, 2021) for purposes of calculating workweeks. The agency head shall make the decision to separate the employee in consultation with DHRM.

([~~13~~]12) Management may not pay contributions to benefits on cashed out leave, other than FICA tax, except as it applies to converted sick leave in Subsection R477-7-5(2) and the retirement benefit in Section R477-7-6.

([~~14~~]13) Management may not deny a leave request from a member of the State Legislature who requests leave under Section 63A-17-513.

R477-7-2. Holiday Leave.

(1) The following dates are paid holidays for eligible employees:
(a) New Year's Day -- January 1;
(b) Dr. Martin Luther King Jr. Day -- third Monday of January;
(c) Washington and Lincoln Day -- third Monday of February;
(d) Memorial Day -- last Monday of May;
(e) Juneteenth -- observed as follows:
(i) June 19 if that day is on a Monday;
(ii) If June 19 is on a Tuesday, Wednesday, Thursday, or Friday, the holiday is observed on the immediately preceding Monday; or
(iii) If June 19 is on a Saturday or Sunday, the holiday is observed on the immediately following Monday.
(f) Independence Day -- July 4;
(g) Pioneer Day -- July 24;
(h) Labor Day -- first Monday of September;
(i) Columbus Day -- second Monday of October;
(j) Veterans' Day -- November 11;
(k) Thanksgiving Day -- fourth Thursday of November;
(l) Christmas Day -- December 25; and
(m) any other day designated as a paid holiday by the Governor.

(2) If a holiday falls or is observed on a regularly scheduled day off, management shall grant an eligible employee equivalent time off or pay[~~excess hours, not to exceed eight hours~~].

(a) Except as described in Subsection (1)(e), if a holiday falls on a Sunday, the following Monday shall be observed as a holiday.
(b) Except as described in Subsection (1)(e), if a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

(3) If an employee is required to work on an observed holiday, management shall grant the employee appropriate holiday leave or pay[~~excess hours~~].

(4) Management may not grant holiday pay to a new hire before the employee is in a paid status.
(5) Management may not grant holiday pay to a separating employee unless the employee is in a paid status on or after the holiday.

R477-7-8. Jury Leave.

(1) An employee is entitled to a leave of absence from a regularly scheduled work day with full pay when answering a jury summons or serving on a jury and may choose:
(a) to use their own accrued leave and keep juror's fees; or
(b) to use jury leave and return any juror's fee to agency finance or agency payroll staff for deposit with the State Treasurer.

(2) [~~An employee on jury leave may accrue excess hours in the same pay period during which the jury leave is used.~~

~~(3)~~]An employee who participates in a court or administrative proceeding in any capacity as part of the employee's position, in obedience to a subpoena, under direction by proper authority, or as directed by management, shall record such time as work time and may not use jury leave.

([~~4~~]3) An employee may not use work time or jury leave when absent to litigate matters unrelated to state employment.

R477-7-15. Family and Medical Leave.

(1) An eligible employee may take up to 12 workweeks of family and medical leave each calendar year for any of the following qualifying reasons:
(a) birth of a child;
(b) adoption of a child;
(c) placement of a foster child;
(d) a serious health condition of the employee;
(e) care of a spouse, child, or parent with a serious medical condition; or
(f) a qualifying exigency arising as a result of a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces.

(2) An eligible employee may take up to 26 workweeks of family and medical leave during a 12-month period to care for a spouse, son, daughter, parent, or next of kin who is a covered servicemember as defined by the National Defense Authorization Act.

(3) An employee on FMLA leave continues to receive the same health insurance benefits the employee was receiving before the commencement of FMLA leave provided the employee pays the employee share of the health insurance premium.

(4) An employee on FMLA leave receives any administrative leave given for non-performance based reasons if the leave would have been given had the employee been in a working status.

(5) An employee is eligible for family and medical leave when the employee:

(a) has been employed by the state for at least 12 months; and

(b) has worked 1,250 hours or more, as determined under FMLA, during the 12-month period immediately preceding the commencement of leave.

(6) To request FMLA leave, the employee or an appropriate spokesperson shall notify management of the need for leave:

(a) thirty days in advance for foreseeable needs; or

(b) as soon as practicable in emergencies.

(7) An employee may use accrued annual leave, sick leave, converted sick leave, [~~excess hours~~]and compensatory time before going into leave without pay status for the designated period of family and medical leave.

(a) An employee who chooses to use accrued annual leave, sick leave, converted sick leave, [~~excess hours,~~]and compensatory time before going into leave without pay status for the family and medical leave period shall notify the direct supervisor.

(b) If an employee fails to notify the direct supervisor under this subsection, accrued leave will be used to pay the employee's payroll deductions in the following order:

(i) first, Program III sick leave;

(ii) second, compensatory time[~~, excess leave,~~] or annual leave; and

(iii) third, converted sick leave, Program II sick leave, or Program I sick leave.

(8) When an employee chooses to use FMLA leave, management shall designate as FMLA leave any absences related to that qualifying event which occurred when the employee was eligible for FMLA.

(9) An FMLA eligible employee with a serious health condition covered under workers' compensation may use FMLA leave concurrently with the workers' compensation benefit.

(10) If an employee has gone into leave without pay status and fails to return to work after FMLA leave has ended, management may recover, with certain exceptions under 29 CFR 825.213, the health insurance premiums paid by management on the employee's behalf. An employee is considered to have returned to work if the employee returns for at least 30 calendar days.

(11) When leave is taken after childbirth or placement of a healthy child for adoption or foster care, an employee may not take leave intermittently or on a reduced leave schedule unless the employer agrees.

(12) Medical records created for purposes of FMLA and the Americans with Disabilities Act, 42 U.S.C. 12102 are subject to the confidentiality requirements set forth in Section R477-2-5.

R477-7-17. Long Term Disability Leave.

(1) Upon approval of an LTD claim:

(a) Management shall stop biweekly salary payments to the employee.

(b) Management shall pay the employee for any remaining balances of annual leave[~~, excess hours,~~] and compensatory hours earned by FLSA non-exempt employees in a lump sum payment unless the employee requests in writing to receive it upon separation from state employment. Upon return to work from an approved leave of absence, the employee may buy back annual leave at the current hourly rate.

(c) An employee with a converted sick leave balance when they are approved for LTD may choose to receive a lump sum payout of any part of the balance or to keep the balance intact to pay for health and life insurance upon retirement. The payout shall be at the employee's wage rate when they are approved for LTD.

(d) An employee who has been separated from state employment but retires under Title 49, Utah State Retirement and Insurance Benefit Act while receiving LTD may utilize unused sick leave for health and life insurance under Section R477-7-6 when the employee is otherwise eligible for the sick leave retirement benefit.

(2) An employee in the Tier I retirement system shall continue to accrue service credit for retirement purposes while receiving long term disability benefits.

(3) An employee who was not separated from employment may return to work following long term disability when they provide an administratively acceptable medical release allowing a return to work.

(4) Long term disability benefits are provided to eligible employees under Title 49, Chapter 21, Public Employees' Long-Term Disability Act.

R477-7-19. Leave Bank.

An agency head may approve the establishment of a leave bank program.

(1) A leave bank program shall include an agency policy with the following provisions.

(a) A statement that access to the leave bank is not an employee right and shall be authorized at management's discretion.

(b) A requirement that any application for leave from the leave bank be supported by administratively acceptable medical documentation.

(c) A provision prohibiting leave donors, supervisors, managers, or management teams from reviewing any employee's medical certifications or physician statements.

(d) A requirement that an employee may not receive donated leave until any individually accrued leave is exhausted.

(e) A statement that leave is accrued if an employee receives sick leave donated from an approved leave bank program.

(f) A requirement that employees using donated leave request and receive written consent from the agency head to work a second job.

(g) A statement that only compensatory time earned by an FLSA non-exempt employee, annual leave, [~~excess hours,~~]and converted sick leave hours may be donated to a leave bank.

(h) A statement that only employees of agencies with approved leave bank programs may donate leave hours to another agency with a leave bank program and only if both agencies agree to allow the donation.

(2) Any medical records created for leave bank program purposes are subject to the confidentiality requirements of Section R477-2-5.

R477-7-20. Parental and Postpartum Recovery Leave.

(1) An employee is eligible for parental or postpartum recovery leave when the employee:

(a) is eligible for benefits under Subsections R477-6-8(1) and R477-7-1(1);

(b) is not reemployed post retirement as defined in Section 49-11-1202; and

(c) is not an employee of an independent entity as defined in Section 63E-1-102.

(2) An employee or a spokesperson shall notify management of their plan to use parental or postpartum recovery leave:

(a) thirty days in advance; or

(b) as soon as practicable in emergencies.

(3) Management may not charge parental or postpartum recovery leave against any accrued leave balance on the employee's record.

(4) [~~Excess leave may be paid out as necessary to comply with this section.~~

~~(5)~~]No person may interfere with an employee's intent to use parental or postpartum recovery leave or retaliate against an employee who receives parental or postpartum recovery leave.

([~~6~~]5) Parental leave is administered as follows:

(a) An employee is qualified for parental leave when the employee is assuming a parental role for a child or incapacitated adult and:

(i) is the child's biological parent;

(ii) is the spouse of the person who gave birth to the child;

(iii) is the adoptive parent of the child, unless the employee is the spouse of the pre-existing parent;

(iv) is the intended parent of a child born under a valid gestational agreement;

(v) is appointed the legal guardian of a child or incapacitated adult; or

(vi) is the foster parent of the child;

(b) Management shall grant up to three weeks of paid parental leave to an employee who gives notice that they intend to use paid parental leave;

(c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken parental leave.

(d) An employee may use parental leave within the six months immediately following the qualifying event from Subsection ([~~6~~]5)(a); and

(e) An employee may use parental leave intermittently when:

(i) the employee and management have written mutual consent for intermittent use; or

(ii) a health care provider certifies the need for intermittent leave due to the child's serious health condition.

(f) Parental leave:

(i) runs concurrently with leave under the FMLA;

(ii) runs consecutively with postpartum recovery leave pursuant to Subsection (6)(f)(ii);

(iii) is limited to three weeks within any 12-month period;

(iv) does not increase when:

(A) more than one child is born from the same pregnancy;

(B) more than one child is adopted;

(C) the employee is appointed legal guardian of more than one minor child or incapacitated adult; or

(D) more than one foster child is placed in the employee's care.

([~~7~~]6) Postpartum recovery leave is administered as follows:

(a) An employee is qualified for postpartum recovery leave when the employee gives birth at 20 weeks or greater gestation;

(b) Management shall grant up to three weeks of paid postpartum recovery leave to an employee who gives notice that they intend to use paid postpartum recovery leave;

(c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken postpartum recovery leave;

(d) Postpartum recovery leave begins on the date the employee gives birth unless a health care provider certifies the medical necessity of an earlier start date;

(e) An employee shall use postpartum recovery leave in a single continuous period, unless otherwise authorized in writing by the director of the division; and

(f) Postpartum recovery leave:

(i) runs concurrently with leave under the FMLA;

(ii) runs consecutively with parental leave under Subsection (6) with postpartum recovery leave used first pursuant to restrictions in Subsection (d); and

(iii) does not increase when more than one child is born from the same pregnancy.

R477-7-21. Safe Leave.

(1) An employee is eligible for safe leave when the employee:

(a) is eligible for benefits under Subsections R477-6-8(1) and R477-7-1(1);

(b) is not reemployed post retirement as defined in Section 49-11-1202; and

(c) is not an employee of an independent entity as defined in Section 63E-1-102;

(d) is not an employee of the State Board of Education; and

(e) the employee has exhausted all annual[~~,~~] and compensatory[~~, and excess~~] leave.

(2) An employee shall notify management of the intended start and stop dates of safe leave:

(a) seven days in advance; or

(b) as soon as practicable when circumstances beyond the employee's control prevent seven days of notice.

(3) Management may not charge safe leave against any accrued leave balance on the employee's record.

(4) No person may interfere with an employee's intent to use safe leave or retaliate against an employee who receives safe leave.

(5) Safe leave is administered as follows:

(a) An employee is qualified for safe leave when the employee or their immediate family member is the victim of domestic violence, sexual assault, stalking, or human trafficking. Immediate family members are parents, spouse, child, sibling, or any other individual whom the employee may claim as a dependent for purposes of state or federal income tax.

(b) Management shall grant up to one week of paid safe leave to an employee who gives notice that they intend to use safe leave.

(c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken safe leave.

(d) An employee may not use safe leave more than two years after the qualifying event from Subsection (5)(a) except to participate in a criminal proceeding related to the event.

(e) An employee may use safe leave intermittently.

(f) Safe leave:

(i) runs concurrently with leave under the FMLA, if applicable;

(ii) is limited to one week within a calendar year; and

(iii) does not increase when more than one qualifying event occurs in a single calendar year.

KEY: holidays, leave benefits, vacations
Date of Last Change: 2026[~~July 1, 2025~~]
Notice of Continuation: March 9, 2022
Authorizing, and Implemented or Interpreted Law: 34-43-103; 39-3-1; 63G-1-301; 63A-17-106; 63A-17-504; 63A-17-505; 71A-8-102(3)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	**R477-8**	**Filing ID: 57694**

Agency Information

1. Title catchline:	Government Operations, Human Resource Management	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 141531	
City, state and zip:	Salt Lake City, UT 84114-1531	
Contact persons:		
Name:	**Phone:**	**Email:**
Bryan Embley	801-618-6720	bkembley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R477-8. Working Conditions
4. Purpose of the new rule or reason for the change:
The new Human Resources Information System (HRIS) will not utilize excess leave as currently coded in Title R477.

5. Summary of the new rule or change:

This filing strikes provisions outlining the accrual of excess leave, then renumbers sections, and updates citations as necessary due to the change.

Fiscal Information

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

A. State budget:

These amendments are not expected to have any fiscal impact on state government revenues or expenditures because these changes are administrative in nature and do not impact budgets.

B. Local governments:

These amendments are not expected to have any fiscal impact on local governments because this rule only applies to the executive branch of state government.

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

These amendments are not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.

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

These amendments are not expected to have any fiscal impact on non-small businesses because this rule only applies to the executive branch of state government.

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***)**:**

These amendments are not expected to have any fiscal impact on other individuals because this rule only applies to the executive branch of state government.

F. Compliance costs for affected persons:

There are no direct compliance costs for these amendments. This rule only affects the executive branch of state government and will have no impact on other persons. This rule has no financial impact on state employees.

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:		
Section 63A-17-106	Section 63A-17-301	Section 63A-17-306

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:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026
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:	John Barrand, Division Director	**Date:**	11/28/2025

R477. Government Operations, Human Resource Management.
R477-8. Working Conditions.
[~~R477-8-13. Excess Hours.~~
~~An employee may use excess hours the same way as annual leave.~~
~~(1) An employee may not work hours which would lead to the accrual of excess hours without prior management approval.~~
~~(2) An employee may not use any leave time, other than holiday, military, and jury leave, that results in the accrual of excess hours.~~
~~(3) An employee may not accumulate more than 80 excess hours.~~
~~(4) Management shall pay out excess hours:~~
~~(a) for any hours accrued above the limit set by DHRM;~~
~~(b) when an employee is assigned from one agency to another; and~~
~~(c) upon separation.~~
~~(5) Management may pay out excess hours:~~
~~(a) automatically in the same pay period accrued;~~
~~(b) at any time during the year as determined appropriate by a state agency or division; or~~
~~(c) upon request of the employee and approval by management.~~]

R477-8-[~~14~~]13. Dual State Employment.

An employee who has more than one position within state government, regardless of schedule, is considered to be in a dual employment situation. The following conditions apply to dual employment status.

(1) An employee may work in up to four different positions in state government.

(2) An employee's benefit status for any secondary positions, regardless of schedule of any of the positions, shall be the same as the primary position.

(3) An employee's FLSA status for any non-primary position shall be the same as the primary position.

(4) Leave accrual shall be based on the total number of hours the employee works during a pay period and may not exceed the maximum amount allowed in the primary position.

[~~(5) As a condition of dual employment, an employee in dual employment status may not accrue excess hours in either the primary or secondary positions. Management shall pay out any excess hours earned at straight time in the pay period in which the excess hours are earned.~~]

([~~6~~]5) As a condition of dual employment, an employee in dual employment status may not accrue compensatory hours and the employee's overtime or comp selection shall be paid as overtime regardless of FLSA status.

([~~7~~]6) Overtime is calculated at straight time or time and one-half, depending on the FLSA status of the primary position. Time and a half overtime rates shall be calculated based on the weighted average rate of the multiple positions. Refer to Division of Finance's payroll policies, dual employment section.

([~~8~~]7) The employee and direct supervisors shall complete and sign the Accepting Terms of Dual Employment form and place it in the employee's personnel file with a copy sent to the Division of Finance.

([~~9~~]8) Secondary positions may not interfere with the efficient performance of the employee's primary position or create a conflict of interest. An employee in dual employment status shall comply with Subsection R477-9-2(1).

R477-8-[~~15~~]14. Reasonable Accommodation.

The agency ADA coordinator shall evaluate each request for reasonable accommodation from employees and applicants under state and federal law.

R477-8-[~~16~~]15. Fitness for Duty Evaluations.

Management may require a fitness for duty medical evaluation under any of the following circumstances:

(1) return to work from injury or illness except as prohibited by federal law;

(2) when management determines that there is a direct threat to the health or safety of self or others;

(3) in conjunction with corrective action, performance or conduct issues, or discipline; or

(4) when a fitness for duty evaluation is a bona fide occupational qualification for selection, retention, or promotion.

R477-8-[~~17~~]16. Temporary Transitional Assignment.

(1) Management may place an employee in a temporary transitional assignment when an employee cannot perform essential job functions due to temporary health restrictions including:

(a) when management determines that there is a direct threat to the health or safety of self or others;

(b) in conjunction with an internal investigation, corrective action, performance or conduct issues, or discipline;

(c) where there is a bona fide occupational qualification for retention in a position; or

(d) while an employee is being evaluated to determine if reasonable accommodation is appropriate.

(2) Time spent in a temporary transitional assignment may be counted as leave for purposes of Subsections R477-5-2(2) and R477-7-1([~~12~~]11).

R477-8-[~~18~~]17. Change in Work Location.

Management may not change an employee's work location if the change requires the employee to commute or relocate 50 miles or more, one-way, beyond the current one-way commute, unless:

(1) the employee agrees to the change;

(2) the change in work location is communicated to the employee at appointment to the position requiring the change in location; or

(3) management complies with relevant finance policies to pay costs associated with the change in work location.

R477-8-[~~19~~]18. Agency Policies and Exemptions.

Management may write agency policies for work schedules, overtime, leave usage, and other working conditions consistent with [~~these rules~~]Title R477.

R477-8-[~~20~~]19. Background Checks.

To protect the citizens of Utah and state resources, and with the approval of the agency head, management may establish background check policies requiring specific employees to submit to a criminal background check through the Department of Public Safety, Bureau of Criminal Identification.

(1) Management at agencies that have statewide responsibility for confidential information, sensitive financial information, or handle state funds may require employees to submit to a background check, including employees who work in other state agencies.

(2) The employing agency bears the cost of the background check.

R477-8-[~~21~~]20. Workers' Compensation Interference Prohibited.

(1) Management may not interfere with an employee's effort to make a claim for workers' compensation.

(2) Management may not retaliate against an employee who makes or attempts to make a claim for workers' compensation, reports an employer's non-compliance with Title 34A, Chapter 2, Workers' Compensation Act or Title 34A, Chapter 3, Utah Occupational Disease Act, or testifies or intends to testify in a workers' compensation proceeding.

KEY: breaks, telecommuting, overtime, dual employment
Date of Last Change: 2026[~~July 22, 2025~~]
Notice of Continuation: March 9, 2022
Authorizing, and Implemented or Interpreted Law: 34A-2-114; 63A-17-106; 63A-17-602; 20A-3-103

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	**R523-16**	**Filing ID: 57698**

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W, Floor 3	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W, Floor 3	
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:	
R523-16. Certification of Essential Treatment Examiners and Case Managers	
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:	
This rule needs to be amended to update the changes in statutory citations associated with the consolidation of the Department of Health and Human Services (department). Additionally, an internal review of this rule highlighted parts of this rule that are cumbersome and overly regulatory in nature, where a simpler declaration of qualifications would better align with the public's best interest.	
5. Summary of the new rule or change:	
These amendments remove the lengthy process created to certify essential treatment examiners and defines clearly and succinctly the professionals and their experiences that certify them by rule to assess individuals being considered for treatment under the provisions of Title 26B, Chapter 5, Part 5, Essential Treatment and Intervention. The Office of Substance Use and Mental Health is making these changes to comply with the Governor's most recent executive order on rulemaking that requires rules to be "clear, cohesive, and concise," and to comply with the Rulewriting Manual for Utah.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated cost or savings to the Office of Substance Use and Mental Health, the department, or any other state agency as a result of this filing. This rule references qualifications for licensure that already exist within statute and are already in practice. The removed language in this rule was redundant and any provisions it covered remain in this rule.
B. Local governments:
There is no anticipated cost or savings to local governments as a result of this filing. This rule defines the qualifications for professionals to be certified by the Office of Substance Use and Mental Health as essential treatment examiners.

There may be some local employees who qualify as an essential treatment examiner under this rule and may possibly receive requests to act in the capacity of an essential treatment examiner, but there is nothing in this rule that compels a local authority to perform essential treatment examinations, so those local authorities are free to decline a request to conduct an essential treatment examination.

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

There is no anticipated cost or savings to small businesses as a result of this filing.

This rule defines the qualifications for professionals to be certified by the Office of Substance Use and Mental Health as essential treatment examiners, and small business employees are not required to do anything more or less than have the appropriate license, training, and experience to perform an essential treatment examination, and this filing does not change those requirements.

There is nothing in this rule that compels a small business to perform an essential treatment examination, so small businesses are free to decline a request.

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 as a result of this filing.

This rule defines the qualifications for professionals to be certified by the Office of Substance Use and Mental Health as essential treatment examiners, and non-small business employees are not required to do anything more or less than have the appropriate license, training, and experience to perform an essential treatment examination, and this filing does not change those requirements.

There is nothing in this rule that compels a non-small business to perform an essential treatment examination, so non-small businesses are free to decline a request.

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 other persons as a result of this filing.

This rule defines the qualifications for professionals to be certified by the Office of Substance Use and Mental Health as essential treatment examiners and requires no cost to persons other than small businesses, non-small businesses, state, or local government entities.

This filing does not alter any existing fees for individuals with the required license to practice in their field.

The required experience is part of an individual's progression through their career, and the Division of Integrated Healthcare offers training to a qualified individual free of charge.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons.

This rule defines the qualifications for professionals to be certified by the Office of Substance Use and Mental Health as essential treatment examiners and requires no compliance costs.

This filing does not alter any existing fees for individuals with the required license to practice in their field.

The required experience is part of an individual's progression through their career, and the Division of Integrated Healthcare offers training to a qualified individual free of charge.

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-5-104(2)	Subsection 26B-5-501(2)	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026
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:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

R523. Health and Human Services, Substance [~~Abu~~]Use and Mental Health.
R523-16. [~~Certification of~~]Essential Treatment Examiners[~~ and Case Managers~~].
R523-16-1. Authority and Purpose.

(1) [~~This rule is authorized by Utah Code 62A-15-105(6) and directs The Division of Substance Abuse and Mental Health (DSAMH) to make rules approving the form and content of substance abuse treatment~~]Subsections 26B-5-104(2) and 26B-5-501(2) authorize this rule.

(2) This rule establishes minimum standards for an essential treatment examiner.

R523-16-2. [~~Purpose~~]Definitions.

(1) "Essential treatment examiner" means the same as defined in Subsection 26B-5-501(2).

(2) "Specialty training" means completion of the designated examiner certification training described in Rule R523-7 or another training recognized by the Division of Integrated Healthcare (division).[~~The purpose of this rule is to:~~

~~(a) immediately and effectively achieve and implement the Legislative intent achieved in the Essential Treatment and Intervention Act as set forth in Utah Code 62A-15-1201 et seq.; and~~

~~(b) provide the supporting process for essential treatment examiners to qualify and provide certification from DSAMH to the Court as required in the Act.~~]

R523-16-3. Essential Treatment Examiner[~~s Certification~~] Qualifications and Responsibilities.

(1) The division shall designate an individual as specially qualified by training to perform the function of an essential treatment examiner, as described in Title 26B, Chapter 5, Part 5, Essential Treatment and Intervention, if that individual is:

(a) a physician, as defined in Section 58-67-102, preferably a psychiatrist, as defined in Section 58-1-111; or

(b) a licensed clinical mental health counselor, as described in Section 58-60-405, who:

(i) holds a current designated examiner certification through the Office of Substance Use and Mental Health (office); or

(ii) has received specialty training and has at least five years of continual experience diagnosing and treating substance use disorders.

(2) An individual may contact the office to learn whether the division recognizes a training other than the training described in Rule R523-7 as a specialty training.[~~An "Essential Treatment Examiner" is:~~

~~(a) a licensed physician, preferably a psychiatrist; or~~

~~(b) a licensed mental health professional designated by DSAMH as specially qualified by experience and training who:~~

~~(i) has at least five years experience in the treatment of substance use disorders, and~~

~~(ii) holds a current Designated Examiner certification; or~~

~~(c) between June 1, 2017 and June 30, 2019, is a licensed mental health professional designated by DSAMH as specially qualified by experience and training who:~~

~~(i) has at least five years experience in the treatment of substance use disorders, and~~

~~(ii) has made application with DSAMH and is approved to be an essential treatment examiner.~~

~~(2) DSAMH shall certify that an essential treatment examiner is qualified by training and experience in the diagnosis of substance use disorders. All licensed physicians are presumed to have the qualification necessary to be an Essential Treatment Examiner; therefore, this category of professional need not make an application to DSAMH. Certification for non-licensed physicians shall require at least five years experience in the treatment of substance use disorders, and successful completion of any training provided by DSAMH for the purpose of certifying essential treatment examiners.~~

~~(a) application for certification shall be achieved by the applicant making a written request through a DSAMH approved form, to DSAMH for consideration. Upon receipt of a written application, the Director or designee shall initiate a review and examination of the applicant's qualifications.~~

~~(b) the applicant must meet the following minimum standards in order to be certified:~~

~~(i) be a licensed mental health professional, per Utah Code 58-60-405, that holds a current Designated Examiner certification; or~~

~~(ii) be a licensed mental health professional, per Utah Code 58-60-405, that has expressed an interest in becoming an essential treatment examiner by making application with DSAMH;~~

~~(iii) be a resident of the State of Utah;~~

~~(iv) demonstrate a complete and thorough understanding of substance use disorders, as determined by training and experience;~~

~~(v) exhibit a fundamental and working knowledge of the purpose and requirements of the Essential Treatment Act and role of the certified examiner as approved by the court by demonstrating a thorough understanding of the conditions, which must be met to warrant a district court to order an individual to undergo essential treatment for a substance use disorder, as determined by training, experience and written examination;~~

~~(vii) be able to demonstrate a general knowledge of the court process including commitment hearings, and be able to provide the court with a thorough and complete oral and written evaluation that addresses the standards and questions set forth in the law, as determined by experience, training and written examination;~~

~~(viii) shall attend any required training for certification as an essential treatment examiner as provided by DSAMH and pass the exam at the completion of the training with a minimum of 70% correct;~~

~~(d) DSAMH Director or designee shall determine if experience and qualifications are satisfactory to meet the required standards.~~

~~(e) DSAMH Director shall determine if there are any training requirements that may be waived due to prior experience and training and which may qualify as an exception of any of the above requirements; and~~

~~(f) upon satisfactory completion of the requirements outlined in R523-16-3(2), DSAMH Director or designee shall certify the qualifications of the applicant, make record of such certification, and issue a certificate to the applicant reflecting their status as an approved essential treatment examiner and authorizing such privileges and responsibilities as prescribed by law.~~

~~**R523-16-4. Essential Treatment Examiners Fees and Compensation for Services.**~~

~~(1) All fees, compensations and payments for services rendered during an essential treatment examination shall be negotiated between the petitioner and the essential treatment examiner.~~

]

KEY: essential treatment examiners, involuntary commitment, substance use
Date of Last Change: [~~December 11, 2017~~]2025
Notice of Continuation: April 6, 2023
Authorizing, and Implemented or Interpreted Law: [~~62A-15-105; 62A-15-1202(1)~~]26B-5-104(2); 26B-5-501(2)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	**R623-4**	**Filing ID: 57701**

Agency Information

1. Title catchline:	Lieutenant Governor, Elections	
Building:	Utah State Capitol	
Street address:	350 State St, Suite 220	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 142220	
City, state and zip:	Salt Lake City, UT 84114-2220	
Contact persons:		
Name:	**Phone:**	**Email:**
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R623-4. Processing Partisan Candidate Nomination Petitions

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

The purpose of this amendment is to clean up procedural language in the Uniform Nomination Petition Processing Standards section.

Currently, the procedural language in this section is contradicting and does not effectively convey the requirements of submitting signature packets.

The change in this rule will ensure that the provisions are actionable.

5. Summary of the new rule or change:

This amendment removes procedural language in Section R623-4-4 of the rule that is contradictory.

It removes the requirement that candidates must, in their first submission, submit enough signatures to meet the qualification threshold, thus allowing them to submit signatures over a longer period.

(EDITOR'S NOTE: A corresponding 120-day (emergency) Rule R623-4, ID 57702, that is effective as of 12/04/2025, is in this issue, December 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 Office of the Lieutenant Governor is not anticipated to incur any fiscal impact as this rule change only makes procedural changes.

B. Local governments:

County clerk's offices are not anticipated to incur any fiscal impact, as this rule change only makes procedural changes.

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

Small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to small businesses.

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

Non-small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to small businesses.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
Other persons are not anticipated to incur any fiscal impact, as this rule does not apply to other persons.
F. Compliance costs for affected persons:
Affected persons are not anticipated to incur any fiscal impact, as this rule does not apply to affected persons.
G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
The Director of Elections of the Office of the Lieutenant Governor, Ryan Cowley, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Utah Constitution, Article VII, Section 1	Utah Constitution, Article VII, Section 14	Title 20a, Chapter 8

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026
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:	Ryan Cowley, Director of Elections	**Date:**	12/01/2025

R623. Lieutenant Governor, Elections.
R623-4. Processing Partisan Candidate Nomination Petitions.
R623-4-1. Purpose.

(1) Pursuant to Subsection 20A-9-403(3)(f), this rule provides for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

(2) Pursuant to Section 20A-9-410, this rule provides procedures for complying with, and verifying compliance with, the candidate nominating process described in that part.

(3) Pursuant to Subsection 20A-3a-106(4), this rule establishes procedures to perform signature comparison audits described in Subsection 20A-9-408(9)(e) and to fulfill the chain of custody requirements described in Section 20A-9-408.3.

R623-4-2. Authority.

This rule is required by Title 20A, Chapter 9, Candidate Qualifications and Nominating Procedures and Subsection 20A-3a-106(4). Rulemaking authority relating to conducting an election is enacted under the authority of the Utah Constitution Act. VII, Sections 1 and 14, and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R623-4-3. Definitions.

(1) "Candidate" means a valid candidate who has filed for office within the current calendar year, or an individual who is submitting nomination packets on behalf of the candidate, such as a volunteer or contractor.

(2) "Conflicted race" means a race where:

(a) the current Governor is seeking reelection;

(b) the lieutenant governor is the reviewing officer and the race is for an office that the lieutenant governor is seeking; or

(c) the County Clerk is the reviewing officer and the race is for an office that the County Clerk is seeking.

(3) "Filing Officer" for the purposes of this rule means the same as defined in Subsection 20A-9-101(7).

(4) "Qualification threshold" means the number of signatures required for a given office as set forth in Subsections 20A-9-403(3)(a)(ii) and 20A-9-408(8)(b).

(5) "Reasonably consistent" means the same thing as substantially similar for the purposes of this rule.

(6) "Reviewing officer" for the purposes of this rule means:

(a) the lieutenant governor for federal, state, and multicounty legislative and state school board races;

(b) a County Clerk with whom the lieutenant governor has contracted to provide nomination petition signature verification services; or

(c) the County Clerk for single county legislative and state school board races within the County Clerk's county.

(7) "Substantially similar" means that two or more signatures share significant characteristics and resemble each other to a considerable extent, but are not necessarily identical.

(8) "Verification criteria" for signatures means the same thing as it is defined in Section R623-11-3.

R623-4-4. Uniform Nomination Petition Processing Standards.

(1) A nomination submission packet shall be submitted in the following manner:

(a) A candidate shall submit the petition packets, personally or by a designated agent, to the reviewing officer before the deadlines established in Sections 20A-9-403 and 20A-9-408.

(b) A candidate shall submit packets to the reviewing officer no later than 5pm on the date of the deadline described in accordance with Sections 20A-9-403 and 20A-9-408. Additionally, a candidate may submit packets only:

(i)(A) between 8am and 4pm on the last business day of each week after declaring candidacy; and

(B) excepting the deadline in Sections 20A-9-403 and 20A-9-408, any business day between 8am and 4pm during the week of the deadline described in Subsection (a).

(ii)(A) A candidate may, instead of the date provided in Subsection (b)(i)(A), submit between 8am and 4pm on any single designated weekday of the filing officer's choosing, if the chosen date is decided before January 2 of the year in which candidate filings occur.

(B) The filing officer shall provide written notice of the designated weekday for submitting packets to each signature gathering candidate upon the candidate filing a declaration of candidacy.

[~~(b) A candidate's initial submission of nomination petition signatures shall contain sufficient signatures to meet or exceed the qualification threshold.~~]

(c) When submitting any nomination petition, a candidate or designated agent shall comply with and supply the documents required under Subsections 20A-9-408.3(1) through (3).

(2) The reviewing officer shall provide the candidate with a copy of the submission documents that includes the following:

(a) the signature of the person making the submission;

(b) the signature of the person authorized to receive the submission;

(c) the date and time of submission; and

(d) a list of any packet numbers included in the submission.

(3) If the reviewing officer rejects a submission:

(a) the reviewing officer shall provide the candidate with a written explanation for the rejection; and

(b) the rejected submission is not returned to the candidate.

(4) A candidate may supplement a nomination petition packet by submitting an unlimited number of supplemental nomination petition packets following the initial submission until the applicable deadline established in Sections 20A-9-403 and 20A-9-408.

(a) The intake of supplemental nomination petition packets shall comply with Subsections R623-4-4(1) through (3).

(b) The processing of supplemental nomination petition packets shall comply with Subsection R623-4-4(5) and Section R623-4-5.

(5) When completing the order of nomination petition packet verification, the reviewing officer shall ensure that nomination petition packets for different candidates within the same race:

(a) are verified in the order of submission; and

(b) may not be verified simultaneously.

R623-4-5. Procedure for Verification of Nomination Petition Packets.

(1) The reviewing officer shall verify nomination petition packets in accordance with Section 20A-1-1002, Subsection 20A-9-403(3), and Rule R623-11.

(2) If an individual signed two candidate nomination petitions for the same office, the signature on the first submitted nomination petition that meets the requirements of Section 20A-1-1002, Subsection 20A-9-403(3), and Rule R623-11, is valid in accordance with Section 20A-9-411.

(3) The reviewing officer shall review and certify each signature submitted for a candidate in accordance with Subsection 20A-9-408(9)(f).

(4) The reviewing officer may discontinue the verification of a nomination petition if, in writing, a candidate withdraws:

(a) candidacy; or

(b) the notice of intent to gather signatures.

(5) The reviewing officer shall review each signature in an individual packet once review of that packet has begun.

(6) The reviewing officer shall:

(a) communicate results to a candidate within one business day after the signature audit described in Section R623-12-6 is conducted; and

(b) notify a candidate in writing that the candidate has met the qualification threshold.

R623-4-6. Withdrawal of Petition Packets and Petition Signatures.

(1) A candidate may not withdraw or take possession of a nomination petition packet once it is presented to the election officer, regardless of whether it has been accepted or rejected.

(2) A voter who has signed a candidate's nomination petition may have the voter's signature removed from the petition by submitting to the reviewing officer a statement in accordance with Subsection 20A-9-408(9)(d).

KEY: candidate petitions, election law, elections
Date of Last Change: 2026[~~December 3, 2025~~]
Notice of Continuation: December 8, 2020
Authorizing, and Implemented or Interpreted Law: Art. VII, Secs. 1 and 14; 20A-9

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	**R940-1**	**Filing ID: 57686**

Agency Information

1. Title catchline:	Transportation Commission, Administration	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact persons:		
Name:	**Phone:**	**Email:**
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R940-1. Establishment of Toll Rotes

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

This rule is due for a five-year review this year and after reviewing this rule, the Department of Transportation (department) has decided to amend this rule to clarify that when setting toll rates for the HOV lane, the department will submit a methodology, rather than a schedule, to the Transportation Commission for approval.

5. Summary of the new rule or change:

In addition to the above proposed change, the department proposes amendments that make technical corrections to this rule, deletions of redundant language, and changes made to conform with the Rulewriting Manual for Utah.

Fiscal Information

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

A. State budget:

The department anticipates there to be no fiscal impact to the state budget as a result of this amendment because the substantive change is technical in nature and does not require the department to expend any more or any less resources than what it currently expends in order to comply with this rule.

B. Local governments:

The department anticipates there to be no fiscal impact to local governments because this rule establishes procedures for how the department sets toll rates and it does not pertain to local governments.

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

The department anticipates there to be no fiscal impact to small businesses because this rule establishes procedures for how the department sets toll rates and it does not pertain to small businesses.

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

The department anticipates there to be no fiscal impact to non-small businesses because this rule establishes procedures for how the department sets toll rates and it does not pertain 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***)**:**

The department anticipates there to be no fiscal impact to other persons because this rule establishes procedures for how the department sets toll rates and it does not pertain to other persons.

F. Compliance costs for affected persons:

It will not cost an impacted entity anything to comply with this rule.

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

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	$0	$0	$0	$0	$0
Local Governments	$0	$0	$0	$0	$0
Small Businesses	$0	$0	$0	$0	$0
Non-Small Businesses	$0	$0	$0	$0	$0

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

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

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 72-6-118		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	01/14/2026

10. This rule change MAY become effective on:	01/21/2026
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:	Carlos M. Braceras, PE, Executive Director	**Date:**	11/14/2025

R940. Transportation Commission, Administration.
R940-1. Establishment of Toll Rates.
R940-1-1. Purpose and Authority.

(1) The purpose of this rule is to establish procedures for the setting of toll rates.

(2) This rule is authorized by [~~Utah Code~~]Section 72-6-118.

R940-1-2. Definitions.

As used in this rule:

(1) "Commission" means the Transportation Commission, which is created in [~~Utah Code~~]Section 72-1-301[~~:~~].

(2) "Department" means the Utah Department of Transportation, which is created in Section 72-1-101[~~:~~].

(3) "Toll" means the toll or user fees that the operator of a motor vehicle must pay for the privilege of driving on a tollway, including the toll or user fees that the operator of a single-occupant motor vehicle must pay for the privilege of driving on a high-occupancy toll lane.

(4) "Tollway" has the meaning described in Section 72-6-118.

(5) "Tollway development agreement" has the meaning described in [~~Utah Code~~]Section 72-6-202.

R940-1-3. Setting Toll Rates.

(1) The [~~C~~]commission shall be responsible for setting toll rates on state highways as specified in this rule.

(2)(a) Toll rates for facilities included in a tollway development agreement shall be set in accordance with the terms and conditions of the tollway development agreement.

(b) Terms and conditions relating to toll rates are required to be presented to the [~~C~~]commission in connection with the award of the tollway development agreement, and any modifications to such terms and conditions will be considered a substantial modification or amendment requiring [~~C~~]commission approval under [~~Section R940-1-3~~]of this rule.

(3) The [~~C~~]commission may[~~, in its sole discretion,~~] increase the toll rates for a facility subject to a tollway development agreement above the amount allowed under the tollway development agreement.

R940-1-4. Toll Rates.

(1)(a) The [~~C~~]commission will set tolls at a rate designed to keep traffic freely flowing in each payment zone.

(b) The [~~D~~]department will calculate the optimal toll rate for each payment zone and create a schedule of optimal toll rates.

(2)(a) The [~~D~~]department will submit [~~the schedule of optimal toll rates~~]a methodology for determining the optimal toll rates to the [~~C~~]commission for [~~prior~~]approval.

(b) The [~~D~~]department will review the schedule of optimal toll rates as often as necessary to maintain the optimal traffic flow in each payment zone, but at least every 6 months.

(c) The [~~D~~]department will post the [~~schedule of optimal~~]toll rates methodology on its [~~Internet~~]web[-]site[~~, which will be accessible by the public at: https://www.udot.utah.gov/PaymentZoneTollSchedule~~].

(d) The toll rate in effect shall be posted on variable message signs at each payment zone.

[~~(2)~~](3) The maximum toll rate is $4[~~.00~~] per payment zone.

[~~(3)~~](4) Toll rates for roads that are subject to a tollway development agreement shall be set in the tollway development agreement.

[~~R940-1-5. Tollway Restricted Special Revenue Fund.~~

~~(1) Pursuant to state law, tolls collected by the department and certain funds received by the department through a tollway development agreement are deposited in the Tollway Special Revenue Fund established in Section 72-2-120.~~

~~(2) Monies from the fund may be used pursuant to Section 72-2-120.~~]

KEY: transportation, tolls, high-[-]occupancy toll lanes, tollways
Date of Last Change: 2026[~~August 26, 2019~~]
Notice of Continuation: May 28, 2021
Authorizing, and Implemented or Interpreted Law: 72-2-120; 72-6-118

End of the Notices of Proposed Rules Section

NOTICES OF
120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

(a) cause an imminent peril to the public health, safety, or welfare;
(b) cause an imminent budget reduction because of budget restraints or federal requirements; or
(c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([~~example~~]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (**. . . . . .**) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or section Number:	**R623-4**	**Filing ID: 57702**
Effective date:	**12/04/2025**	

Agency Information

1. Title catchline:	Lieutenant Governor, Elections	
Building:	Utah State Capitol	
Street address:	350 State St, Suite 220	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 142220	
City, state and zip:	Salt Lake City, UT 841114-2220	
Contact persons:		
Name:	**Phone:**	**Email:**
Ryan Cowley	801-538-1041	Elections@utah.gov
Kenna Stringam	801-538-1041	Elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R623-4. Processing Partisan Candidate Nomination Petitions	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.

If yes, any bill number and session:	SB 164 (2025 General Session)

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

The purpose of this amendment is to clean up procedural language in the Uniform Nomination Petition Processing Standards section.

Currently, the procedural language in this section is contradictory and does not effectively convey the requirements of submitting signature packets.

The change in this rule will ensure that the provisions are actionable as recommended by legislators.

5. Summary of the new rule or change:

This amendment removes procedural language in Section R623-4-4 of this rule that is contradictory. It removes the requirement that candidates must, in their first submission, submit enough signatures to meet the qualification threshold, thus allowing them to submit signatures over a longer period.

(FIRST EDITOR'S NOTE: A corresponding amendment of Rule R623-4, ID 57701, is in this issue, December 15, 2025, of the Bulletin.)

6A. The agency finds that regular rulemaking would:

☐	cause an imminent peril to the public health, safety, or welfare;
☐	cause an imminent budget reduction because of budget restraints or federal requirements; or
☒	place the agency in violation of federal or state law.

B. Specific reasons and justifications for this finding:

The Office of the Lieutenant Governor filed an amendment for this rule, published in the September 15, 2025, edition of the Utah State Bulletin. This amendment made necessary changes to this rule to align with SB 164, passed in the 2025 General Session, and the findings of an internal audit.

A Change in Proposed Rule (CPR) was published for this amendment in the November 1, 2025, edition of the Utah State Bulletin. This CPR updated language to strengthen the signature gathering process.

An error was discovered in the text of this CPR in which a subsection invalidates previous language.

This emergency filing deletes the errored language, ensuring the provisions are actionable. This emergency filing is necessary because the candidate filing period begins 01/02/2026 and the first possible effective date through the traditional proposed rule process is 01/21/2026.

The Office of the Lieutenant Governor is filing a traditional proposed filing to go through the Bulletin publication and public comment process, see the First Editor's Note above in Box 5.

(SECOND EDITOR'S NOTE: The original amendment for R623-4, ID 57428, was published in the September 15, 2025, issue of the Utah State Bulletin on page 101. The CPR for R623-4, ID 57428, was published in the November 1, 2025, issue of the Utah State Bulletin on page 93.)

Fiscal Information

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

A. State budget:

The Office of the Lieutenant Governor is not anticipated to incur any fiscal impact as this rule change only makes procedural changes.

B. Local governments:

County clerk's offices are not anticipated to incur any fiscal impact, as this rule change only makes procedural changes.

C. Small businesses ("small business" means a business employing 1-49 persons)**:**
Small businesses are not anticipated to incur any fiscal impact, as this rule does not apply to small businesses.
D. Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
Other persons are not anticipated to incur any fiscal impact, as this rule does not apply to other persons.
E. Compliance costs for affected persons:
Affected persons are not anticipated to incur any fiscal impact, as this rule does not apply to affected persons.
F. Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
Ryan Cowley, Director of Elections, anticipates that businesses will not incur any fiscal impact, as this rule does not apply to small or non-small businesses.

Citation Information

8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Utah Constitution, Article VII, Section 1	Utah Constitution, Article VII, Section 14	Title 20a, Chapter 8

Agency Authorization Information

Agency head or designee and title:	Ryan Cowley, Director of Elections	**Date:**	12/01/2025

R623. Lieutenant Governor, Elections.
R623-4. Processing Partisan Candidate Nomination Petitions.
R623-4-1. Purpose.

(1) Pursuant to Subsection 20A-9-403(3)(f), this rule provides for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

(2) Pursuant to Section 20A-9-410, this rule provides procedures for complying with, and verifying compliance with, the candidate nominating process described in that part.

(3) Pursuant to Subsection 20A-3a-106(4), this rule establishes procedures to perform signature comparison audits described in Subsection 20A-9-408(9)(e) and to fulfill the chain of custody requirements described in Section 20A-9-408.3.

R623-4-2. Authority.

This rule is required by Title 20A, Chapter 9, Candidate Qualifications and Nominating Procedures and Subsection 20A-3a-106(4). Rulemaking authority relating to conducting an election is enacted under the authority of the Utah Constitution Act. VII, Sections 1 and 14, and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R623-4-3. Definitions.

(1) "Candidate" means a valid candidate who has filed for office within the current calendar year, or an individual who is submitting nomination packets on behalf of the candidate, such as a volunteer or contractor.

(2) "Conflicted race" means a race where:

(a) the current Governor is seeking reelection;

(b) the lieutenant governor is the reviewing officer and the race is for an office that the lieutenant governor is seeking; or

(c) the County Clerk is the reviewing officer and the race is for an office that the County Clerk is seeking.

(3) "Filing Officer" for the purposes of this rule means the same as defined in Subsection 20A-9-101(7).

(4) "Qualification threshold" means the number of signatures required for a given office as set forth in Subsections 20A-9-403(3)(a)(ii) and 20A-9-408(8)(b).

(5) "Reasonably consistent" means the same thing as substantially similar for the purposes of this rule.

(6) "Reviewing officer" for the purposes of this rule means:

(a) the lieutenant governor for federal, state, and multicounty legislative and state school board races;

(b) a County Clerk with whom the lieutenant governor has contracted to provide nomination petition signature verification services; or

(c) the County Clerk for single county legislative and state school board races within the County Clerk's county.

(7) "Substantially similar" means that two or more signatures share significant characteristics and resemble each other to a considerable extent, but are not necessarily identical.

(8) "Verification criteria" for signatures means the same thing as it is defined in Section R623-11-3.

R623-4-4. Uniform Nomination Petition Processing Standards.

(1) A nomination submission packet shall be submitted in the following manner:

(a) A candidate shall submit the petition packets, personally or by a designated agent, to the reviewing officer before the deadlines established in Sections 20A-9-403 and 20A-9-408.

(b) A candidate shall submit packets to the reviewing officer no later than 5pm on the date of the deadline described in accordance with Sections 20A-9-403 and 20A-9-408. Additionally, a candidate may submit packets only:

(i)(A) between 8am and 4pm on the last business day of each week after declaring candidacy; and

(B) excepting the deadline in Sections 20A-9-403 and 20A-9-408, any business day between 8am and 4pm during the week of the deadline described in Subsection (a).

(ii)(A) A candidate may, instead of the date provided in Subsection (b)(i)(A), submit between 8am and 4pm on any single designated weekday of the filing officer's choosing, if the chosen date is decided before January 2 of the year in which candidate filings occur.

(B) The filing officer shall provide written notice of the designated weekday for submitting packets to each signature gathering candidate upon the candidate filing a declaration of candidacy.

[~~(b) A candidate's initial submission of nomination petition signatures shall contain sufficient signatures to meet or exceed the qualification threshold.~~]

(c) When submitting any nomination petition, a candidate or designated agent shall comply with and supply the documents required under Subsections 20A-9-408.3(1) through (3).

(2) The reviewing officer shall provide the candidate with a copy of the submission documents that includes the following:

(a) the signature of the person making the submission;

(b) the signature of the person authorized to receive the submission;

(c) the date and time of submission; and

(d) a list of any packet numbers included in the submission.

(3) If the reviewing officer rejects a submission:

(a) the reviewing officer shall provide the candidate with a written explanation for the rejection; and

(b) the rejected submission is not returned to the candidate.

(4) A candidate may supplement a nomination petition packet by submitting an unlimited number of supplemental nomination petition packets following the initial submission until the applicable deadline established in Sections 20A-9-403 and 20A-9-408.

(a) The intake of supplemental nomination petition packets shall comply with Subsections R623-4-4(1) through (3).

(b) The processing of supplemental nomination petition packets shall comply with Subsection R623-4-4(5) and Section R623-4-5.

(5) When completing the order of nomination petition packet verification, the reviewing officer shall ensure that nomination petition packets for different candidates within the same race:

(a) are verified in the order of submission; and

(b) may not be verified simultaneously.

R623-4-5. Procedure for Verification of Nomination Petition Packets.

(1) The reviewing officer shall verify nomination petition packets in accordance with Section 20A-1-1002, Subsection 20A-9-403(3), and Rule R623-11.

(2) If an individual signed two candidate nomination petitions for the same office, the signature on the first submitted nomination petition that meets the requirements of Section 20A-1-1002, Subsection 20A-9-403(3), and Rule R623-11, is valid in accordance with Section 20A-9-411.

(3) The reviewing officer shall review and certify each signature submitted for a candidate in accordance with Subsection 20A-9-408(9)(f).

(4) The reviewing officer may discontinue the verification of a nomination petition if, in writing, a candidate withdraws:

(a) candidacy; or

(b) the notice of intent to gather signatures.

(5) The reviewing officer shall review each signature in an individual packet once review of that packet has begun.

(6) The reviewing officer shall:

(a) communicate results to a candidate within one business day after the signature audit described in Section R623-12-6 is conducted; and

(b) notify a candidate in writing that the candidate has met the qualification threshold.

R623-4-6. Withdrawal of Petition Packets and Petition Signatures.

(1) A candidate may not withdraw or take possession of a nomination petition packet once it is presented to the election officer, regardless of whether it has been accepted or rejected.

(2) A voter who has signed a candidate's nomination petition may have the voter's signature removed from the petition by submitting to the reviewing officer a statement in accordance with Subsection 20A-9-408(9)(d).

KEY: candidate petitions, election law, elections
Date of Last Change: December 4, 2025[~~December 3, 2025~~]
Notice of Continuation: December 8, 2020
Authorizing, and Implemented or Interpreted Law: Art. VII, Secs. 1 and 14; 20A-9

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R25-15**	**Filing ID: 54551**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Government Operations, Finance	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W, Floor 3	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 141031	
City, state and zip:	Salt Lake City, UT 84114-1031	
Contact persons:		
Name:	**Phone:**	**Email:**
Van Christensen	801-808-0698	vhchristensen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R25-15. Change Date and Set Aside Provisions for Annual Leave II	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63A-17-510-(2)	This rule is authorized under Subsection 63A-17-510-(2), which requires the Department of Government Operations, Division of Finance (division) to establish a change date for state agencies.
Subsection 63A-17-510(7)(b)	This rule is authorized under Subsection 63A-17-510-(7)(b), which requires the division to make rules for the annual leave set aside provisions under Subsections 63A-17-510-(4) and 63A-17-510-(5).

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no comments supporting or opposing 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 legislation requiring the division to maintain the change date for state agencies and the rules for annual leave II set aside provisions is still active. Rule R25-15 must remain active so that the division can maintain these rules. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Marvin Dodge, Executive Director	**Date:**	12/01/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R51-4**	**Filing ID: 53652**
Effective date:	**11/17/2025**	

Agency Information

1. Title catchline:	Agriculture and Food, Administration	
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
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R51-4. Americans with Disabilities Act and Civil Rights Grievance Procedures	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 63G-3-201	The Department of Agriculture and Food (department) is required to create this rule because this rule is the department's official written interpretation of the Americans with Disabilities Act (ADA) and Civil Rights Act. Additionally, the grievance process itself is an agency action that provides a material benefit to a class of persons, which also mandates this rule.
Subsection 4-2-103(1)(i)	This rule establishes a procedure to ensure compliance with federal mandates necessary for the department to effectively administer agricultural programs in a lawful and equitable manner for all citizens.

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 its 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 essential to ensure the department remains in compliance with federal non-discrimination laws, including the ADA and the Civil Rights Act. This rule also provides the specific, legally required grievance procedure necessary for the effective administration of all agricultural laws, ensuring equitable access and a clear remedy for the public. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	**Date:**	11/13/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R65-8**	**Filing ID: 50129**
Effective date:	**11/17/2025**	

Agency Information

1. Title catchline:	Agriculture and Food, Marketing and Development	
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
Caroline Hargraves	801-982-2353	Carolinehargraves@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R65-8. Management of the Junior Livestock Show Appropriation	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 4-2-103(1)(i)	The subsection authorizes the Department of Agriculture and Food (department) to create rules for the effective administration of its laws, which include legislative appropriations. This rule is the "necessary" rule that fulfills this by establishing the specific, fair, and accountable framework required to manage and distribute the Junior Livestock Show appropriation as intended by the legislature.
Subsection 4-2-103(1)(m)	This subsection grants the department authority to take charge of agricultural exhibits and award premiums. This rule establishes the necessary framework to manage and distribute the state appropriation specifically intended to fund those premiums at Junior Livestock Shows across the state.

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 since its 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 essential as it provides the specific, necessary framework for managing and equitably distributing the legislative appropriation for Junior Livestock Shows. This rule also ensures the department fulfills its statutory duty by maintaining administrative control, accountability, and a stable, transparent process for all participating shows. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	**Date:**	11/13/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R68-7**	**Filing ID: 54754**
Effective date:	**11/17/2025**	

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:	
R68-7. Utah Pesticide Control Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 4-14-106	This section authorizes the Department of Agriculture and Food (department) to adopt rules for administering and enforcing the chapter, specifically covering the sale, distribution, use, and disposition of pesticides to prevent damage and protect public health. It also enables the department to establish qualifications for pesticide applicator businesses.
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 to regulate the distribution, registration, and application of pesticides within Utah. It establishes clear requirements for commercial, non-commercial, and private pesticide applicators, ensuring competency and responsible use. This rule also outlines procedures for product registration, labeling, and discontinuation, which are crucial for protecting public health and the environment from potential risks associated with pesticides. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	**Date:**	11/13/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R151-2**	**Filing ID: 57266**
Effective date:	**11/17/2025**	

Agency Information

1. Title catchline:	Commerce, Administration	
Building:	Heber M Wells Bldg	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146701	
City, state and zip:	Salt Lake City, UT 84114-6701	
Contact persons:		
Name:	**Phone:**	**Email:**
Masuda Medcalf	801-530-7663	mmedcalf@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R151-2. Government Records Access and Management Act Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 63G-2-204	This statute authorizes the Department of Commerce (Department) to make rules about records requests to the agency.
Section 63G-2-603	This statute provides procedures relating to a request to amend a record.
Subsection 63A-12-104(2)	This provision authorizes the Department to adopt rules for the collection, maintenance, and access of records.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary to meet the Department's statutory responsibilities as to records requests and requests to amend a record. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Margaret W. Busse, Executive Director	**Date:**	11/17/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R251-110**	**Filing ID: 50351**
Effective date:	**11/19/2025**	

Agency Information

1. Title catchline:	Corrections, Administration	
Building:	Utah Department of Corrections	
Street address:	14717 S Minuteman Dr	
City, state:	Draper, UT	
Contact persons:		
Name:	**Phone:**	**Email:**
Dan Blanchard	801-400-7797	danblanchard@utah.gov
Tyler Johnson	385-228-9883	tajohnson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R251-110. Sex and Kidnap Offender Registration Program	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 63G-3-201	Rulemaking requirements for state agencies.
Section 64-13-10	This section grants the Department of Corrections (UDC) rulemaking authority to carry out UDC's provisions.
Section 53-29-402	This section established the Department of Public Safety (DPS) responsibility for the registry program, and rulemaking authority for these provisions.
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 UDC has not received any written comments regarding this rule since its 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 UDC intends to continue this rule without changes while a separate request to repeal this rule is in process. Therefore, this rule should be continued. Pursuant to HB 156 (passed in the 2023 General Session) the offender registration program transferred from the UDC to the DPS effective 07/01/2024. DPS has enacted a new rule R722-110, Public Access to Sex, Kidnap, and Child Abuse Offender Registration Information.	

Agency Authorization Information

Agency head or designee and title:	Jared Garcia, Executive Director	**Date:**	11/13/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R357-13**	**Filing ID: 57464**
Effective date:	**11/28/2025**	

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	
Mailing address:	60 E South Temple, Suite 300	
City, state and zip:	Salt Lake City, UT 84111	
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:

R357-13. Hotel Convention Center Incentive

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 63N-2-509	Section 63N-2-509 requires that the Governor's Office of Economic Opportunity (GOEO) create rules for New Convention Facility Development Incentives: "The office shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to carry out its responsibilities under this part and to implement the provisions of this part." This rule fulfills that requirement.

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.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is required by statute and there have been no written comments that would indicate a need to amend this rule. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Greg Jeffs, Executive Director's designee	**Date:**	11/28/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R384-415**	**Filing ID: 55390**
Effective date:	**12/01/2025**	

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:**
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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 catchline:

R384-415. Requirements to Sell Electronic Cigarettes

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 26B-7-505	Section 26B-7-505 requires the Department of Health and Human Services (department) to establish, by rule, the requirements to sell an electronic cigarette substance that is not a manufacturer sealed electronic cigarette substance regarding labeling, nicotine content, packaging, and product quality. This section additionally requires the department to establish, by rule, the requirements to sell an electronic cigarette substance that is a manufacturer sealed electronic cigarette substance regarding labeling, nicotine content, packaging, and product quality.

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 only comments received since the last five-year review were associated with rule amendment filings. Those comments included support and opposition to the rule amendments and this rule.

Comments supporting this rule include remarking on the health concerns e-cigarettes pose, including on the heart and lungs and on addiction generally, desiring to protect Utah youth, and requesting a lower nicotine concentration than what is outlined in this rule.

Comments opposing this rule include requesting a higher nicotine concentration than what is outlined in this rule, desiring more e-cigarette products to be allowed to be sold for the benefit of adult consumers and businesses, and believing that this rule is arbitrary and capricious.

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 needed to meet rulemaking requirements outlined in Section 26B-7-505 and for the protection of public health. The use of e-cigarettes can damage the developing brain, affect mood and concentration, lead to addiction, and lead to dual use with combustible tobacco products.

This rule is needed to set requirements to sell e-cigarettes to protect Utah youth and consumers from harmful, addictive products. Many e-cigarette products are still allowed to be sold, which strikes a balance between the protection of public health and supporting Utah businesses.

Since the e-cigarette nicotine concentration limit has been set by the Utah Legislature, the department does not have the ability to set a different limit. Therefore, this rule should be continued.

There is currently a proposed rule amendment filing for this rule that would align this rule with recent changes to statute enacted during the 2024 and 2025 General Sessions of the Legislature, namely updating references to sections of code that were renumbered and updating the nicotine concentration.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R523-2**	**Filing ID: 53225**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
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 catchline:	
R523-2. Local Mental Health Authorities and Local Substance Abuse Authorities	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 26B-5-104(2)	The Department of Health and Human Services (department) is processing a repeal and reenact filing for this rule that includes updates to renumbered statutory citations. However, due to time restrictions, that version of this rule cannot be made effective prior to the deadline for this five-year review, meaning that it is necessary to continue this version of this rule, which cites Section 62A-15-105 instead of Section 26B-5-104, so this rule can be updated. Subsection 26B-5-104(2) requires the Division of Integrated Healthcare (division) to establish, by rule, minimum standards for local substance abuse authorities and local mental health authorities and procedures for developing policies that ensure that local substance abuse authorities and local mental health authorities are given opportunity to comment and provide input on any new policy of the division policies or proposed changes in existing rules of the division.
Section 26B-5-107	The department is processing a repeal and reenact filing for this rule that includes updates to renumbered statutory citations. However, due to time restrictions, that version of this rule cannot be made effective before the deadline for this five-year review, meaning that it is necessary to continue this version of this rule, which cites Subsection 62A-15-108(1) instead of Section 26B-5-107, so this rule can be updated. Section 26B-5-107 requires the division to establish, by rule, a formula for allocating funds to local substance abuse authorities and local mental health authorities through contracts to provide substance use prevention and treatment services and mental health services, in accordance with statute.

Section 26B-5-306	The department is processing a repeal and reenact filing for this rule that includes updates to renumbered statutory citations. However, due to time restrictions, that version of this rule cannot be made effective before the deadline for this five-year review, meaning that it is necessary to continue this version of this rule, which cites Subsection 62A-15-610(2)(a) instead of Section 26B-5-306, so this rule can be updated. Section 26B-5-306 prescribes admittance criteria used by the division for individuals admitted to the Utah State Hospital and supports provisions in this rule related to the operation of a continuity of care counsel for local authorities and the Utah State Hospital to settle admission and discharge disputes.
Section 26B-5-326	The department is processing a new rule filing where provisions related to Section 26B-5-326 will be located in the future and a repeal and reenact filing for this rule that will update renumbered statutory citations. However, due to time restrictions, those filings cannot be made effective before the deadline for this five-year review, meaning that it is necessary to continue this version of this rule, which cites Subsection 62A-16-611(2)(a) instead of Section 26B-5-326, so this rule can be updated. Section 26B-5-326 requires the division to establish by rule a formula to separately allocate to local mental health authorities adult beds for persons who meet requirements of Subsection 26B-5-306(2).
Section 26B-5-327	The department is processing a new rule filing where provisions related to 26B-5-327 will be located in the future and a repeal and reenact filing for this rule that will update renumbered statutory citations. However, due to time restrictions, those filings cannot be made effective before the deadline for this five-year review, meaning that it is necessary to continue this version of this rule, which cites Subsection 62A-16-611(2)(a) instead of Section 26B-5-327, so this rule can be updated. Section 26B-5-327 requires the division to allocate 72 pediatric beds at the state hospital to local mental health authorities for their use in accordance with the formula established under the section. If a local mental health authority is unable to access a bed allocated to it under that formula, the division is required to provide that local mental health authority with funding equal to the reasonable, average daily cost of an acute care bed purchased by the local mental health authority.
Section 26B-5-371	The department is processing a repeal and reenact filing for this rule that includes updates to renumbered statutory citations. However, due to time restrictions, that version of this rule cannot be made effective before the deadline for this five-year review, meaning that it is necessary to continue this version of this rule, which cites Subsection 62A-15-902(2)(c) instead of Section 26B-5-371, so this rule can be updated. Section 26B-5-371 prescribes admittance criteria used by the division for individuals admitted to the Utah State Hospital forensic unit and requires the department to make rules providing for allocation of beds to categories described in that section. Further, this section supports provisions in this rule related to the operation of a continuity of care counsel for local authorities and the Utah State Hospital to settle admission and discharge disputes.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to meet statutory requirements to establish a means for local authorities to provide input on division policies, procedures, and rules and establish minimum standards for services provided by local authorities within the statewide public

substance use and mental health system. It is also necessary for the division to meet statutory requirements to establish, by rule, funding formulas for the allocation of funds to the local authorities.

Furthermore, this rule is necessary to continue to ensure there is no lapse in oversight of the provisions in this rule, particularly related to local authorities that participate in the statewide public substance use and mental health system. Therefore, this rule should be continued.

The department is processing other filings to update this rule to reflect organizational changes and renumbered statutory references and to reorganize some of the provisions in this rule by placing them into a new rule. However, due to time restrictions, those filings cannot be made effective before the deadline for this five-year review, meaning that it is necessary to continue this version of this rule to ensure there is no lapse in statutory compliance and oversight.

As there were no comments in opposition to this rule, the department has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R523-3**	**Filing ID: 57668**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
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 catchline:	
R523-3. Screening, Assessment, Education and Treatment Standards for Court-referred Youth Under the Age of 21	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 26B-5-104(2)(f)	The Department of Health and Human Services (department) is processing a nonsubstantive change filing to renumber this statutory citation, according to changes from SB 1009 (2025 1st Special Session). However, due to time restrictions, that version of this rule cannot be made effective prior to the deadline for this five-year review, meaning that it is necessary to continue this version of this rule, which cites Subsection 26B-5-104(6) instead of Subsection 26B-5-104(2)(f), so this rule can be updated. Subsection 26B-5-104(2)(f) requires the Division of Integrated Healthcare (division) to make rules approving the form and content of substance abuse treatment, educational series, screening, and assessment that are described in Section 41-6a-501. Section 41-6a-501 contains definitions for the state's driving under the influence and reckless driving statute.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary to meet the statuary requirements to establish the content of substance abuse treatment, educational series, screening, and assessment that are described in Section 41-6a-501. Furthermore, this rule is necessary to ensure there is no lapse in oversight of entities that provide these statutorily required resources. This rule clarifies the expectations of programs that provide an underaged drinking DUI education series by requiring providers to conduct a criminogenic and co-occurring substance use and mental health screen and assessment on all participants; receive certification for interventions, programs activities, or curriculum through the division; adhere to a set of standards for substance use treatment; and provide standardize documentation for treatment episodes. This rule also defines a corrective action process for providers that do not abide by the standards set to maintain their certification. Therefore, this rule should be continued. As there were no comments in opposition to this rule, the department has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R523-5**	**Filing ID: 57628**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
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 catchline:	
R523-5. Peer Support Specialist Training and Certification	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 26B-5-102(gg)	Subsection 26B-5-102(gg) requires the Division of Integrated Healthcare (division) to make rules that establish training and certification requirements for a peer support specialist, specify the types of services a peer support specialist is qualified to provide, specify the type of supervision under which a peer support specialist is required to operate and specify continuing education and other requirements for maintaining or renewing certification as a peer support specialist.

	This subsection also requires the division to make rules that establish the requirements for a person to be certified to carry out, as needed, the division's duty to train and certify an adult as a peer support specialist and specify how the division provides oversight of a person certified to train and certify a peer support specialist.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to meet statutory requirements and to provide oversight for peer support specialist training, certification, and qualifications. Therefore, this rule should be continued.

The division is preparing a filing to update this rule and reformat it in a way that clarifies this rule's provisions, complies with the Rulewriting Manual for Utah, and better aligns with other rules under the Department of Health and Human Services. However, due to time restrictions, that filing will not be made effective before the deadline for this five-year review.

As there were no comments in opposition to this rule, the department has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R523-6**	**Filing ID: 57629**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
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 catchline:

R523-6. Child/Family Peer Support Specialist Training and Certification

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 26B-5-102(gg)	Subsection 26B-5-102(gg) requires the Division of Integrated Healthcare (division) to make rules that establish training and certification requirements for a peer support specialist, specify the types of services a peer support specialist is qualified to provide, specify the type of supervision under

	which a peer support specialist is required to operate and specify continuing education and other requirements for maintaining or renewing certification as a peer support specialist. This subsection also requires the division to make rules that establish the requirements for a person to be certified to carry out, as needed, the division's duty to train and certify an adult as a peer support specialist and specify how the division provides oversight of a person certified to train and certify a peer support specialist.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to meet statutory requirements and to provide oversight for child and family peer support specialist training, certification, qualifications, and criteria for operation. Therefore, this rule should be continued.

The division is preparing filings to place the provisions of this rule under Rule R523-5 and reformat those provisions in a way that clarifies the intent, complies with the Rulewriting Manual for Utah, and better aligns with other rules under the Department of Health and Human Services (department). However, due to time restrictions, those filings will not be made effective before the deadline for this five-year review.

As there were no comments in opposition to this rule, the department has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R523-7**	**Filing ID: 56926**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
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 catchline:
R523-7. Designated Examiner, Case Manager Certification and Targeted Case Manager Certification

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 26B-5-102(2)(n)	Subsection 26B-5-102(2)(n) requires the Division of Integrated Healthcare (division) to make rules that certify an adult as a case manager qualified to provide case management services within the state, establish training and certification requirements, specify the types of services each certificate holder is qualified to provide, specify the type of supervision under which a certificate holder is required to operate, and specify continuing education and other requirements for maintaining or renewing certification.
Subsection 26B-5-104(2)	Subsection 26B-5-104(2) requires division to establish, by rule, minimum standards for local substance abuse authorities and local mental health authorities and procedures for developing policies that ensure that local substance abuse authorities and local mental health authorities are given opportunity to comment and provide input on any new policy of the division policies or proposed changes in existing rules of the division.
Subsection 26B-5-301(8)	Subsection 26B-5-301(8) defines a designated examiner as a licensed physician, preferably a psychiatrist, who is designated by the division as specially qualified by training or experience in the diagnosis of mental or related illness, or a licensed mental health professional who is designated by the division as specially qualified by training or experience in the diagnosis of mental or related illness. This subsection requires that the division designate these individuals and determine how an individual is qualified to be a designated examiner.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to comply with the statutory requirements to establish a process by which an adult can be certified as a case manager, specify qualifications and requirements for a case manager to retain certification, and a process of corrective action.

Additionally, this rule is necessary to comply with statutory requirements to establish a means for an individual to be designated by the division as specially qualified by training or experience in the diagnosis of mental or related illness as a designated examiner.

This rule also complies with statutory requirements to establish a process for designating individuals as designated examiners. This rule will also ensure there is no lapse in division oversight of these processes and designations. Therefore, this rule should be continued.

The division has filed an amendment to update this rule. However, due to time restrictions, those filings will not be made effective before the deadline for this five-year review.

As there were no comments in opposition to this rule, the Department of Health and Human Services has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R523-8**	**Filing ID: 51251**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
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 catchline:	
R523-8. Medication, Psychosurgery and Electroshock Procedures for Children, Consumer Rights, Due Process, Family Involvement	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 26B-5-104(2)	The Department of Health and Human Services (department) is processing a repeal and reenact filing for this rule that includes updated references to statutory citations. However, due to time restrictions, that version of this rule cannot be made effective before the deadline for this five-year review, meaning that it is necessary to continue this version of this rule, which cites Section 62A-15-105 instead of the renumbered Subsection 26B-5-104, so this rule can be updated. Subsection 26B-5-104(2) requires the Division of Integrated Healthcare (division) to establish, by rule, minimum standards for local substance abuse authorities and local mental health authorities and procedures for developing policies that ensure that local substance abuse authorities and local mental health authorities are given opportunity to comment and provide input on any new policy of the division policies or proposed changes in existing rules of the division.
Subsection 26B-5-404(3)	The department is processing a repeal and reenact filing for this rule that includes updated references to statutory citations and cites Subsection 26B-5-404(3) for more specific rulemaking authority than exists in the current version of this rule. However, due to time restrictions, that filing cannot be made effective before the deadline for this five-year review. Subsection 26B-5-404(3) requires the division to promulgate rules establishing due process procedures for children prior to any invasive treatment and contains specific procedures for instances of invasive treatment with regard to antipsychotic medications, psychosurgery and electroshock therapy, and other possible invasive treatments.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments have been received since the last five-year review of this rule.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary to fulfill the statutory mandates, including requirements in Subsection 26B-5-404(3) for the division to establish, by rule, a due process procedure for children prior to any invasive treatment with regards to antipsychotic medications, psychosurgery and electroshock therapy, or other possible invasive treatments that may be conducted unless either the parent or child disagrees with the treatment.	

This rule is also necessary because it establishes a process that protects the rights of children and their caregivers when an invasive treatment is recommended for mental health treatment. This rule is also necessary to ensure there is no gap in oversight to protect those rights. Therefore, this rule should be continued.

As there were no comments in opposition to this rule, the department has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R523-9**	**Filing ID: 57262**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
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 catchline:

R523-9. Evidence-Based Prevention Registry

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 32B-2-402(1)(f)	Subsection 32B-2-402(1)(f) requires the Division of Integrated Healthcare (division) to define the term "prevention", by rule, and in that definition, include only evidence-based or evidence-informed programs and provide for coordination with local substance abuse authorities designated to provide substance abuse services in accordance with Section 17-77-201. Section 17-77-201 describes the responsibilities of local substance abuse authorities.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to fulfill the statutory requirement to define prevention and interventions that can be used by the local substance use authorities when planning, assessing, and delivering substance use prevention services. Furthermore, this rule creates a process used by the division to review and recommend interventions that are evidence-based or evidence-informed and approved for local substance use authorities to use in the prevention services. This rule is necessary so there is no gap in oversight of this type of prevention and to protect public safety. Therefore, this rule should be continued.

Although the division is processing a filing to update this rule, which will align its style and formatting with the recommendations of the Rulewriting Manual for Utah, that filing will not be made effective before this five-year review is due. As there were no comments in opposition to this rule, the department has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R523-10**	**Filing ID: 51260**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
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 catchline:	
R523-10. Standards for Methadone Addiction Treatment Providers	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 26B-5-104(2)	The Department of Health and Human Services (department) has filed a repeal and reenact filing for this rule that includes updates to renumbered statutory citations. However, due to time restrictions, that version of this rule cannot be made effective prior to the deadline for this five-year review, meaning that it is necessary to continue this version of this rule, which cites Section 62A-15-105 instead of Section 26B-5-104, so this rule can be updated. Subsection 26B-5-104(2) requires the Division of Integrated Healthcare (division) to establish, by rule, minimum standards for local substance abuse authorities and local mental health authorities and procedures for developing policies that ensure that local substance abuse authorities and local mental health authorities are given opportunity to comment and provide input on any new policy of the division policies or proposed changes in existing rules of the division.
Subsection 58-17b-309.7(3)(h)	The department has filed a repeal and reenact filing for this rule that includes updates to statutory citations. However, due to time restrictions, that version of this rule cannot be made effective prior to the deadline for this five-year review, meaning that it is necessary to continue this version of this rule so this rule can be updated. Subsection 58-17b-309.7(3)(h) allows the department to make rules to establish requirements for the operation of a mobile unit, which provides medication, such as buprenorphine, methadone, or naltrexone, to treat substance use withdrawal symptoms or a substance use disorder.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments have been received since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary to fulfill the current requirements to act as the State Opioid Treatment Authority (SOTA) for the state of Utah. This rule is also necessary so it can provide oversight for the operation of mobile units. Therefore, this rule should be continued. Additionally, during the 2025 General Session of the Legislature, the department was given authority by statute to make rules that establish requirements for the operation of a mobile unit, and a filing to update this rule is being processed to accomplish that. As there were no comments in opposition to this rule, the department has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R523-11**	**Filing ID: 57200**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
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 catchline:	
R523-11. Utah Standards for Approval of Alcohol and Drug Educational Providers and Instructors for Court-Referred DUI Offenders	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 26B-5-104(6)	The Department of Health and Human Services (department) is processing a filing that will renumber this statutory citation, according to changes from SB 1009 (2025 1st Special Session). However, due to time restrictions, that version of this rule cannot be made effective prior to the deadline for this five-year review, meaning that it is necessary to continue this version of this rule, which cites Subsection 26B-5-104(6) instead of Subsection 26B-5-104(2)(f), so this rule can be updated.

	Subsection 26B-5-104(2)(f) requires the Division of Integrated Healthcare (division) to make rules approving the form and content of substance abuse treatment, educational series, screening, and assessment that are described in Section 41-6a-501. Section 41-6a-501 contains definitions for the state's driving under the influence and reckless driving statute.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to fulfill the statutory requirement that the division make rules approving the form and content of an educational series to be provided to youth that are under the jurisdiction of state DUI laws as required by statute. This rule also sets forth the certification requirements for a program to be certified as a DUI educational provider, a DUI educational provider's instructor certification and recertification, and a means to take corrective action against a certification. Finally, this rule is necessary so that there is no lapse in oversight of this educational series or certification requirements. Therefore, this rule should be continued.

As there were no comments in opposition to this rule, the department has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R523-12**	**Filing ID: 57263**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
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 catchline:

R523-12. On-Premise Alcohol Training and Education Seminar Rules of Administration

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 26B-5-205	Section 26B-5-205 requires the Division of Integrated Healthcare (division) to make rules.

	Specifically, Subsection 26B-5-205(2)(f)(i) requires the division to establish, by rule, one or more requirements for an online course or testing program described in Subsection 26B-5-205(2)(e) that are designed to inhibit fraud in the use of the online course or testing program. Subsection 26B-5-205(2)(f)(ii) requires that, in developing the requirements by rule, the division consider whether to require specific criteria listed in that subsection. Subsection 26B-5-205(5) requires the division to establish, by rule, criteria for certifying and recertifying a seminar provider and guidelines for the manner in which an instructor provides an alcohol education and training seminar. Subsection 26B-5-205(7) also allows the division to take corrective action if after a hearing, the division finds that a seminar provider or an instructor of the seminar provider violates Section 26B-5-205.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to comply with statutory mandates to establish a certification process for a program to provide online server training to individuals that are required to be certified by the division in order to serve acholic beverages to individuals on the premises where the alcohol will be consumed.

This rule also establishes the criteria for a seminar provider's certification, a seminar provider's responsibilities related to online courses and support for individuals accessing their portal for alcohol on premise server training, required topics being taught in the online training curriculum, required testing topics for course exams, and a corrective action process for seminar provider certification when a seminar provider acts violates this rule.

This rule is necessary so there is no lapse in oversight over this certification and to prevent a risk to public health and safety. Therefore, this rule should be continued.

The Department of Health and Human Services (department) has filed an amendment filing for this rule to add new requirements to training that were statutorily mandated through HB 361 of the 2025 General Session of the Legislature and to comply with the Rulewriting Manual for Utah. However, due to time restrictions, that version of this rule cannot be made effective prior to the deadline for this five-year review, meaning that it is necessary to continue this version of this rule so the rule can be updated.

As there were no comments in opposition to this rule, the department has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R523-13**	**Filing ID: 57264**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT
Mailing address:	288 N 1460 W

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 catchline:

R523-13. Off-Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 26B-5-205	Section 26B-5-205 requires the Division of Integrated Healthcare (division) to make rules. Specifically, Subsection 26B-5-205(2)(f)(i) requires the division to establish, by rule, one or more requirements for an online course or testing program described in Subsection 26B-5-205(2)(e) that are designed to inhibit fraud in the use of the online course or testing program. Subsection 26B-5-205(2)(f)(ii) requires that, in developing the requirements by rule, the division consider whether to require specific criteria listed in that subsection. Subsection 26B-5-205(5) requires the division to establish, by rule, criteria for certifying and recertifying a seminar provider and guidelines for the manner in which an instructor provides an alcohol education and training seminar. Subsection 26B-5-205(7) also allows the division to take corrective action if after a hearing the division finds that a seminar provider or an instructor of the seminar provider violates Section 26B-5-205.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to comply with statutory mandates to establish a certification process for a program to provide online server training to individuals that are required to be certified by the division in order to serve acholic beverages to individuals on the premises where the alcohol is purchased.

This rule also establishes the criteria for a seminar provider's certification, a seminar provider's responsibilities related to online courses and support for individuals accessing their portal for alcohol off premise server training, required topics being taught in the online training curriculum, required testing topics for course exams, and a corrective action process for seminar provider certification when a seminar provider violates this rule.

This rule is necessary so there is no lapse in oversight over this certification and to prevent a risk to public health and safety. Therefore, this rule should be continued.

The Department of Health and Human Services (department) is processing a filing to update this rule to better align with phrasing in current statute and comply with the Rulewriting Manual for Utah. However, due to time restrictions, that version of this rule cannot be made effective prior to the deadline for this five-year review, meaning that it is necessary to continue this version of this rule.

As there were no comments in opposition to this rule, the department has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R523-14**	**Filing ID: 57669**
Effective date:	**12/01/2025**	

Agency Information

1. Title catchline:	Health and Human Services, Substance Use and Mental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	288 N 1460 W	
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 catchline:	
R523-14. Suicide Prevention	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 26B-5-102(3)	Subsection 26B-5-102(3) requires that the Division of Integrated Healthcare (division) shall, within funds appropriated by the Legislature for this purpose, implement and manage the operation of a firearm safety and suicide prevention program, in consultation with the Bureau of Criminal Identification created in Section 53-10-201. This subsection includes criteria for the program, and in Subsection 26B-5-102(3)(d), specifically requires the division to make rules that establish procedures for producing and distributing the suicide prevention education course and the firearm safety brochures and packets, procuring the cable-style gun locks for distribution, and administering the rebate program.
Section 26B-5-110	Section 26B-5-110 describes the requirements for the Suicide Prevention Education Program grant.
Subsection 26B-5-611(7)	Subsection 26B-5-611(7) requires the division to make rules governing the implementation of the state suicide prevention program, and in conjunction with the Bureau of Criminal Identification, defining the criteria for employers to apply for grants under the Suicide Prevention Education Program, described in Section 26B-5-110, that includes attendance at the suicide prevention education course described in Subsection 26B-5-102(3) and the distribution of the firearm safety brochures or packets created in Subsection 26B-5-102(3), but not require the distribution of a cable-style gun lock with a firearm if the firearm already has a trigger lock or comparable safety mechanism.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments have been received since the last five-year review of this rule.	

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary to ensure management and implementation of the statutorily mandated state suicide prevention program and to establish requirements and means for agencies to receive funds to provide a suicide prevention education program when funding is allocated by the Legislature. This rule is also necessary to facilitate the program and provide oversight for any state funding allocated for this purpose. Therefore, this rule should be continued. As there were no comments in opposition to this rule, the Department of Health and Human Services has not responded to any such comment.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	**Date:**	11/30/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R623-4**	**Filing ID: 51516**
Effective date:	**11/17/2025**	

Agency Information

1. Title catchline:	Lieutenant Governor, Elections	
Building:	Utah State Capitol	
Street address:	350 State Street, Suite 220	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142220	
City, state and zip:	Salt Lake City, UT 84114-2220	
Contact persons:		
Name:	**Phone:**	**Email:**
Ryan Cowley	801-538-1041	elections@utah.gov
Kenna Stringam	801-538-1041	elections@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R623-4. Processing Partisan Candidate Nomination Petitions	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 20A-9-410	This section requires that the Office of the Lieutenant Governor engage in rulemaking regarding procedures for the candidate nominating process, including processing nomination petitions.
Subsection 63G-3-301(2)(a)	An explanation of how this reference authorizes or requires this rule.

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 required by Section 20A-9-410. This rule also provides essential guidance to election officials, ensuring that election administration is carried out consistently and correctly across the state. Therefore, this rule should be continued. As there were no comments in opposition to this rule, the Office does not have any disagreements with such comments.

Agency Authorization Information

Agency head or designee and title:	Ryan Cowley, Director of Elections	**Date:**	11/17/2025

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R652-2**	**Filing ID: 51686**
Effective date:	**11/18/2025**	

Agency Information

1. Title catchline:	Natural Resources; Forestry, Fire and State Lands	
Building:	DNR	
Street address:	1594 W North Temple, Suite 3520	
City, state:	Salt Lake City, UT	
Mailing address:	1594 W North Temple, Suite 3520	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	**Phone:**	**Email:**
Brianne Emery	385-239-0791	brianneemery@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R652-2. Sovereign Land Management Objectives	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 65A-1-4(2)	The Division of Forestry, Fire and State Lands (division) shall adopt rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to fulfill the purposes of this title.
Section 65A-2-1	The division shall administer state lands under comprehensive land management programs using multiple-use sustained yield principles.
Section 65A-10-1	The division is the management authority for sovereign lands, and may exchange, sell, or lease sovereign lands but only in the quantities and for the purposes as serve the public interest and do not interfere with the public trust.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments have been received since the last five-year review of this rule.	

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The division is the executive authority for the management of sovereign lands, and the state's mineral estates on lands other than school and institutional trust lands. This rule is necessary to allow for the prescription of management objectives for these lands. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jamie Barnes, Director	**Date:**	11/18/2025

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF
FIVE-YEAR EXPIRATIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION** (**EXTENSION**) with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION** (**EXPIRATION**) to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

NOTICE OF EXPIRED RULE		
Rule Number:	**R455-6**	**Filing ID: 54432**
Effective Date:	**12/05/2025**	

Agency Information

1. Title catchline:	Cultural and Community Engagement, History	
Street address:	3760 S Highland Dr	
City, state and zip:	Salt Lake City, UT 84106	
Contact person:		
Name:	**Phone:**	**Email:**
Nancy L. Lancaster	801-657-1644	rulesonline@utah.gov

General Information

2. Title of rule (catchline)**:**
R455-6. State Register for Historic Resources and Archaeology Sites
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE		
Rule Number:	**R455-9**	**Filing ID: 54434**
Effective Date:	**12/05/2025**	

Agency Information

1. Title catchline:	Cultural and Community Engagement, History

Street address:	3760 S Highland Dr	
City, state and zip:	Salt Lake City, UT 84106	
Contact person:		
Name:	**Phone:**	**Email:**
Nancy L. Lancaster	801-657-1644	rulesonline@utah.gov

General Information

2. Title of rule (catchline)**:**
R455-9. Board of State History as the Cultural Sites Review Committee Review Board
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

End of the Notices of Notices of Five-Year Expirations Section

NOTICES OF
RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Agriculture and Food
Animal Industry
No. 57424 (Amendment) R58-11: Slaughter of Livestock and Poultry
Published: 09/15/2025
Effective: 12/10/2025

No. 57424 (Change in Proposed Rule) R58-11: Slaughter of Livestock and Poultry
Published: 11/01/2025
Effective: 12/10/2025

Regulatory Services
No. 57525 (Amendment) R70-580: Kratom Product Registration and Labeling
Published: 10/15/2025
Effective: 11/24/2025

Commerce
Consumer Protection
No. 57528 (New Rule) R152-52: Residential Solar Energy Consumer Protection Act Rule
Published: 10/15/2025
Effective: 01/01/2026

Professional Licensing
No. 57516 (Amendment) R156-69: Dentist and Dental Hygienist Practice Act Rule
Published: 10/15/2025
Effective: 11/24/2025

Education
Administration
No. 57532 (Amendment) R277-210: Utah Professional Practices Advisory Commission (UPPAC), Definitions
Published: 10/15/2025
Effective: 11/21/2025

No. 57533 (Amendment) R277-211: Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions
Published: 10/15/2025
Effective: 11/21/2025

No. 57534 (Amendment) R277-215: Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions
Published: 10/15/2025
Effective: 11/21/2025

No. 57535 (Amendment) R277-217: Educator Standards and LEA Reporting
Published: 10/15/2025
Effective: 11/21/2025

No. 57536 (Amendment) R277-303: Educator Preparation Programs
Published: 10/15/2025
Effective: 11/21/2025

No. 57552 (Amendment) R277-305: School Leadership License Areas of Concentration and Programs
Published: 11/01/2025
Effective: 12/08/2025

No. 57553 (Amendment) R277-319: Special Educator Stipends
Published: 11/01/2025
Effective: 12/08/2025

No. 57537 (Amendment) R277-324: Paraprofessional/Paraeducator Programs, Assignments, and Qualifications
Published: 10/15/2025
Effective: 11/21/2025

No. 57554 (Amendment) R277-407: School Fees
Published: 11/01/2025
Effective: 12/08/2025

No. 57555 (Amendment) R277-469: Instructional Materials Operating Procedures
Published: 11/01/2025
Effective: 12/08/2025

No. 57556 (Amendment) R277-494: Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities
Published: 11/01/2025
Effective: 12/08/2025

No. 57538 (Amendment) R277-608: Emergency Safety Interventions and Prohibition of Corporal Punishment
Published: 10/15/2025
Effective: 11/21/2025

No. 57539 (Amendment) R277-701: Early College Programs
Published: 10/15/2025
Effective: 11/21/2025

No. 57557 (Amendment) R277-717: High School Course Grading Requirements
Published: 11/01/2025
Effective: 12/08/2025

No. 57558 (Amendment) R277-721: PRIME Program
Published: 11/01/2025
Effective: 12/08/2025

No. 57540 (Amendment) R277-723: Start Smart Utah Program
Published: 10/15/2025
Effective: 11/21/2025

Environmental Quality
Air Quality
No. 57509 (Amendment) R307-801: Utah Asbestos Rule
Published: 10/01/2025
Effective: 12/03/2025

Drinking Water
No. 57468 (Repeal and Reenact) R309-305: Cross Connection Control and Backflow Prevention Certification
Published: 10/01/2025
Effective: 11/19/2025

Waste Management and Radiation Control, Waste Management
No. 57492 (Amendment) R315-260: Hazardous Waste Management System
Published: 10/01/2025
Effective: 11/17/2025

No. 57493 (Amendment) R315-261: General Requirements -- Identification and Listing of Hazardous Waste
Published: 10/01/2025
Effective: 11/17/2025

No. 57494 (Amendment) R315-262: Hazardous Waste Generator Requirements
Published: 10/01/2025
Effective: 11/17/2025

No. 57495 (Amendment) R315-263: Standards Applicable to Transporters of Hazardous Waste and Standards Applicable to Emergency Control of Spills for Any Hazardous Waste Handlers
Published: 10/01/2025
Effective: 11/17/2025

No. 57496 (Amendment) R315-264: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
Published: 10/01/2025
Effective: 11/17/2025

No. 57497 (Amendment) R315-265: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
Published: 10/01/2025
Effective: 11/17/2025

No. 57498 (Amendment) R315-266: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
Published: 10/01/2025
Effective: 11/17/2025

No. 57499 (Amendment) R315-270: Hazardous Waste Permit Program
Published: 10/01/2025
Effective: 11/17/2025

Water Quality
No. 57526 (Amendment) R317-8-10: Animal Feeding Operations (AFOs) and Concentrated Animal Feeding Operations (CAFOs)
Published: 10/15/2025
Effective: 12/10/2025

Government Operations
Archives and Records Service
No. 57517 (New Rule) R17-10: Government Records Ombudsman
Published: 10/15/2025
Effective: 11/25/2025

Lieutenant Governor
Elections
No. 57428 (Amendment) R623-4: Processing Partisan Candidate Nomination Petitions
Published: 09/15/2025
Effective: 12/03/2025

No. 57428 (Change in Proposed Rule) R623-4: Processing Partisan Candidate Nomination Petitions
Published: 11/01/2025
Effective: 12/03/2025

Natural Resources
Oil, Gas and Mining; Oil and Gas
No. 57399 (Amendment) R649-1-1: Definitions
Published: 09/01/2025
Effective: 12/03/2025

No. 57409 (Amendment) R649-1-1: Definitions
Published: 09/15/2025
Effective: 12/03/2025

No. 57400 (Amendment) R649-3-39: Hydraulic Fracturing
Published: 09/01/2025
Effective: 12/03/2025

No. 57408 (Amendment) R649-10-1: Designation of Informal Adjudicative Proceedings
Published: 09/15/2025
Effective: 12/03/2025

No. 57206 (Amendment) R649-11-3: Administrative Penalty Assessment
Published: 06/15/2025
Effective: 12/03/2025

No. 57206 (Change in Proposed Rule) R649-11-3: Administrative Penalty Assessment
Published: 09/01/2025
Effective: 12/03/2025

Outdoor Recreation
No. 57491 (Amendment) R650-301: Off-Highway Vehicle Recreation Grant Program
Published: 10/15/2025
Effective: 11/24/2025

Public Safety
Administration
No. 57531 (New Rule) R698-14: Security Improvement Certification
Published: 11/01/2025
Effective: 12/09/2025

Criminal Investigations and Technical Services, Criminal Identification
No. 57530 (Amendment) R722-300: Concealed Firearm Permit and Instructor Rule
Published: 10/15/2025
Effective: 11/21/2025

No. 57551 (Amendment) R722-330: Licensing of Private Investigators
Published: 11/01/2025
Effective: 12/09/2025

No. 57561 (Amendment) R722-380: Firearm Background Check Information
Published: 11/01/2025
Effective: 12/09/2025

Emergency Medical Services
No. 57542 (Repeal and Reenact) R911-6: Emergency Medical Services Per Capita Grants and Competitive Grants Program
Published: 10/15/2025
Effective: 11/21/2025

Public Service Commission
Administration
No. 57527 (Repeal) R746-510: Funding for Speech and Hearing Impaired Certified Interpreter Training
Published: 10/15/2025
Effective: 11/24/2025

Tax Commission
Auditing
No. 57418 (Amendment) R865-6F-26: Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-7-609
Published: 09/15/2025
Effective: 01/01/2026

No. 57421 (Amendment) R865-9I-34: Property Tax Relief For Individuals Pursuant to Utah Code Ann. Sections 59-2-1201 through 59-2-1220
Published: 09/15/2025
Effective: 01/01/2026

No. 57417 (Amendment) R865-9I-41: Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-10-1006
Published: 09/15/2025
Effective: 01/01/2026

No. 57419 (Amendment) R865-19S-12: Filing of Returns Pursuant to Utah Code Ann. Sections 59-12-107 and 59-12-118
Published: 09/15/2025
Effective: 01/01/2026

No. 57420 (Amendment) R865-19S-68: Premiums, Gifts, Rebates, and Coupons Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103
Published: 09/15/2025
Effective: 01/01/2026

Property Tax
No. 57459 (Amendment) R884-24P-5: Abatement, Deferral, Exemption, or Relief under the Property Tax Act Pursuant to Utah Code Ann. Sections 59-2-1202, 59-2-1801, 59-2-1804, 59-2-1902, and 59-2-1904
Published: 09/15/2025
Effective: 01/01/2026

No. 57485 (Amendment) R884-24P-53: 2025 Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515
Published: 10/01/2025
Effective: 01/01/2026

No. 57486 (Amendment) R884-24P-33: 2025 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-107
Published: 10/01/2025
Effective: 01/01/2026

Workforce Services
Employment Development
No. 57546 (Amendment) R986-700: Child Care Assistance
Published: 11/01/2025
Effective: 12/08/2025

Homeless Services
No. 57549 (Amendment) R988-400-7: Application for Funds
Published: 11/01/2025
Effective: 12/08/2025

No. 57547 (New Rule) R988-700: Property Loss Related to Homelessness Compensation Enterprise Fund
Published: 11/01/2025
Effective: 12/08/2025

No. 57548 (New Rule) R988-1000: Homeless Services Provider Ombudsman
Published: 11/01/2025
Effective: 12/08/2025

Housing and Community Development
No. 57550 (Amendment) R990-200: Private Activity Bonds
Published: 11/01/2025
Effective: 12/08/2025

End of the Notices of Rule Effective Dates Section