

UTAH STATE BULLETIN

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

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between February 28, 2026, 12:00 a.m., and March 16, 2026, 11:59 p.m. are included in this, the April 01, 2026, 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 May 01, 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 July 30, 2026, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R64-1

Filing ID: 57835

Agency Information

1. Title catchline:	Agriculture and Food, Conservation Commission	
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:		
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Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	CamilleK@utah.gov
Jim Bowcutt	435-232-4017	jdbowcutt@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R64-1. Agriculture Resource Development Loans (ARDL)
4. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food (department) is filing this amendment following a department-wide review of administrative rules.
5. Summary of the new rule or change:
The proposed changes to this rule are primarily intended to enhance clarity, readability, and align with the Rulewriting Manual for Utah. Key changes include restructuring several sections using enumerations for better organizational flow and updating the language in Sections R64-1-3, R64-1-4, and R64-1-5 to the active voice, which aligns with the rulewriting standards. Revisions in the definitions section (R64-1-2) remove redundant entries, introduce new ones for clarity, and rename the program's staff administrator to the ARDL Program Manager. The amendments also clarify the statutory basis for the CD Board (Conservation District Board) and the UCC Subcommittee (loan advisory board). Finally, this rule removes redundant program objective information from Section R64-1-3 and eliminates a statutory-redundant subsection from Section R64-1-5, while updating all terms and monetary references throughout the document to align with the revised definitions and the Rulewriting Manual for Utah's standards.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This amendment will not have an impact on the state budget because the program requirements are not changing.

B. Local governments:

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

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

This amendment will not have an impact on small businesses because the requirements are not changing.

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

This amendment will not have an impact on non-small businesses because the requirements are not changing.

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

This amendment will not have an impact on other persons because the requirements are not changing.

F. Compliance costs for affected persons:

The compliance costs are not changing.

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

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

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

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

Citation Information

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

Section 4-18-105	Section 4-18-108	
------------------	------------------	--

Public Notice Information

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

A. Comments will be accepted until:	05/01/2026
--	------------

10. This rule change MAY become effective on:	05/08/2026
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:	Kelly Pehrson, Commissioner	Date:	03/04/2026
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R64. Agriculture and Food, Conservation Commission.

R64-1. Agriculture Resource Development Loans (ARDL).

R64-1-1. Authority and Purpose.

Pursuant to Sections 4-18-105 and 4-18-108, this rule establishes general operating practices of the Agriculture Resource Development Loan (ARDL) program.

R64-1-2. Definitions.

The terms defined in Section 4-18-103 shall apply to this rule.

(1) "Applicant" means a person or entity seeking funds from the Agriculture Resource Development Fund.

(2) "ARD Fund" means the Agriculture Resource Development Fund created under Section 4-18-106.

(3) "ARDL Program" means the Agriculture Resource Development Loan program, which is established by this rule to administer loans and grants from the ARD Fund.

~~(1) "Application" means a project proposal that is prepared by an individual seeking ARDL funds through the process established by the commission and in accordance with Section 4-18-105.~~

~~(2) "ARDL Program [Coordinator or Loan Administrator]~~ **Manager** means the staff administrator of the ARDL program employed by the Department of Agriculture and Food.

~~(3) "Conservation District Board or CD Board" means a conservation district board [consisting of five appointed] supervisors [within each conservation district created by Section 4-18-105, to coordinate ARDL activities at the district level] created by Section 17D-3-301.~~

~~(4) "Commission" or "UCC" means the Utah Conservation Commission created by Section 4-18-104, that directs and implements the ARDL program throughout Utah, chaired by the Commissioner of the Utah Department of Agriculture and Food.~~

(6) "Eligible entity" means any agricultural producer located in Utah using grant funds for an eligible purpose in Utah.

~~(5) "Resource Improvement and Management Plan" means a conservation plan [providing] that includes a schedule of operations, [implementation and] cost estimates, and other pertinent information prepared by a technical assistant, or technical assistance agency, that has been approved by a conservation district.~~

~~(6) "Technical Assistance" or "Technical Assistance Agency" means individuals or group of individuals, including administrative services individuals, who may be requested by an applicant client to provide specialized input for proposed projects.~~

~~(7) "UCC Subcommittee" means the loan advisory board described in Section 4-18-106. [a committee, made up of the commission chair and at least two other members selected from and approved by the commission, who approve loans for ratification by the commission.]~~

R64-1-3. Administration of ~~[Agriculture Resource Development Loan Program]~~ **the Fund.**

(1) Annually, the commission shall allocate funds appropriated for projects that further the objectives of the ARDL program ~~referenced in Subsection 4-18-106(4).~~ ~~including:~~

- ~~(a) conserve agricultural resources of the state;~~
- ~~(b) increase agriculture yields and efficiency for croplands, orchards, pastures, range, and livestock;~~
- ~~(c) maintain and improve water quality;~~
- ~~(d) conserve and improve wildlife habitat;~~
- ~~(e) prevent flooding, drought, or other natural disasters; and~~
- ~~(f) provide and maintain protection of a crop or animal resource.~~

(2) A ~~[n]~~ loan applicant shall:

(a) submit ~~[finalized project proposals]~~ a complete application to the ~~[loan administrator]~~ ARDL Program Manager through their conservation district for review;

(b) comply with district, zone, and commission application procedures; and

(c) be subject to credit analysis and collateral valuation as ~~[-]~~ required by the commission, including repayment capability, past and current financial holdings, fiscal obligations, and debt history.

(3) The UCC subcommittee shall:

(a) review applications for funding availability, including if the application exceeds loan limits established by commission policy;

(b) if requests ~~[may]~~ exceed available funds, then they may rate and prioritize applications according to:

(i) the quality of improvement projects;

(ii) the improvements sought by the commission; and

~~[e]~~ iii rating and approval information from CD boards.

(4) The commission will award loan contracts upon receipt of executed loan documents, which may include ~~[generally consisting of]~~ a promissory note[s] and other documents necessary to perfect liens on required security.

(5) If available ARD ~~[L]~~ ~~[F]~~ Funds are \$3,500,000 or less ~~[as of]~~ on the commission's approval date~~[-]~~;

- (a) total borrowings by one entity ~~[shall be limited to]~~ may not exceed \$250,000[-]; and
- (b) ~~[A]~~ available ARD[L] [F]Funds ~~[shall be]~~ are based on the current financial statement ~~[published by]~~ the department publishes.
- (6) The commission may:
- (a) charge an applicant a loan or technical assistance fee if proposed projects include a complex technical issue[s that are sufficiently complex.]; and
- (b) ~~[The commission may]~~ require designated personnel to supervise a project[s be supervised by designated personnel].
- (7) ~~[€]~~ A contract[s] with loan recipient[s] ~~[shall be]~~ is based on repayment ability or defined collateral~~[-Contracts]~~ and shall include a loan repayment schedule[s for loan repayment] according to the agreed ~~[upon-]~~ interest rates and related fiscal conditions. The ~~[loan administrator]~~ ARDL Program Manager may:
- (a) acquire an appraisal[s and] or estimate[s] of collateral value[s]; and
- (b) ~~[may]~~ obtain security or collateral to satisfy the contract until the recipient pays the agreed [upon-]amount[s have been collected].
- (8) The commission shall set the [F]interest rates ~~[shall be set-]~~ in policies and procedures~~[-adopted by the commission].~~ The commission may recalculate interest rates based on:
- (a) ~~[consideration of-]~~ interest rates other [charged by other-] agricultural lenders charge;
- (b) ~~[consideration of-]~~ economic factors such as inflation, weather, and natural disasters; or
- (c) ~~[following-]~~ a recommendation from program staff.
- (9) The commission may:
- (a) charge a percentage of loan disbursement as an administrative fee~~[-A fee shall be-]; and~~
- (b) require[d] a fee if the balance of available ARD[L] [F]Funds is \$[3-5 million]3,500,000 or less.
- (10) ~~[Commission d]~~ Designated personnel shall inspect and certify[loan funded] a project[s funded by a loan to ensure compliance with contractual provisions.
- (11) Under the direction of the commission, the ~~[loan administrator]~~ ARDL Program Manager shall:
- (a) manage the program;
- (b) interpret guidelines;
- (c) administer record-keeping operations;
- (d) research financial collateral security information;
- (e) process and service contracts associated with program functions;
- (f) recommend loan approvals to the commission;
- (g) analyze resource improvement and management plans; and
- (h) administer loan servicing and collection activities.

R64-1-4. Emergency Loan Program.

- (1) The commission may provide ARD[L] [F]Funds to agriculture producers to provide emergency disaster relief based on unusual or extraordinary circumstances such as flood, drought, or other natural disasters if:
- (a) an ~~[emergency or natural disaster has been declared within the prior six months by an-]~~ authorized federal, state, or county entity, including the Utah governor's office, declared an emergency or natural disaster within the prior six months;
- (b) the commission establishes parameters of the emergency loan program ~~[are established-]~~ in policies and procedures~~[-adopted by the commission];~~
- (c) the commission or a UCC subcommittee approves the loans; and
- (d) the objectives of the loan program are consistent with state law.
- (2) The commission may exempt emergency loans from the requirements ~~[of-]~~ in Subsection R64-1-3(7).
- (3) A person may not use [E]emergency loan funds [may not be used-] for a project[s] that the commission [would-] normally [be approved] approves under the ARDL program.

R64-1-5. Grant Subprogram.

~~[-----]~~ For the purposes of this section, "eligible entity" means any agricultural producer located in Utah using granted funds for an eligible purpose in Utah.

- (1) Under Subsection 4-18-108(1), the commission may ~~[make]~~ award a grant from the ARD[L] [F]Fund to an eligible entity.
- ~~[-----]~~ (2) Under Subsection 4-18-108(2) in awarding a grant, the commission shall consider:
- (a) ~~the ability of the grantee to pay for the costs of the proposed plans or projects;~~
- (b) ~~the availability of matching funds or materials, labor, or other items of value provided by the grantee or another source; and~~
- (c) ~~the benefits to the public of the awarding of the grant.]~~
- ~~[3]~~ 2 The commission may consider awarding a grant[s] under this part if the balance of available ARD[L] [F]Funds is at least \$~~[40 million]10,000,000[-]. The \$10 million calculation shall not include any,~~ excluding funds appropriated for the Temporary Water Shortages Emergency Program created under Title 73, Chapter 3d, Water Preferences During Emergencies.
- ~~[4]~~ 3 Grant funds shall be used for purposes that conform to:
- (a) Section 4-18-108;
- (b) the purposes of the ARDL program; and
- (c) ~~[policies and procedures adopted by the-]~~ commission policies and procedures.
- ~~[5]~~ 4 The commission shall determine the availability and amount of grant funds disbursed under this section[- shall be at the discretion of the commission].

NOTICES OF PROPOSED RULES

([6]5) [At the discretion of]The commission may disburse[grant] funds under this section [may be disbursed] to local conservation districts [to be granted]for regranting to an eligible [entities]entity within [their]that district[s].

KEY: loans, agricultural grants, ARDL, emergency loans

Date of Last Change: 2026[August 29, 2023]

Notice of Continuation: May 14, 2024

Authorizing, and Implemented or Interpreted Law: 4-18-105

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R64-4	Filing ID: 57836

Agency Information

1. Title catchline:	Agriculture and Food, Conservation Commission	
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
Jim Bowcutt	435-232-4017	jdbowcutt@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R64-4. Agricultural Water Optimization Program
4. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food (department) recently conducted a department-wide review of its administrative rules to remove redundant information already found in statute and ensure rules align with statutory authority.
5. Summary of the new rule or change:
The proposed changes to Rule R64-4, Agricultural Water Optimization Program, are primarily technical revisions aimed at enhancing clarity and aligning with the standards of the Rulewriting Manual for Utah.
Key changes streamline this rule by removing language that is redundant to existing statute, including certain definitions and detailed application requirements.
This rule updates replace passive language with an active voice to clarify the requirements for both application submission and post-award reporting.
Furthermore, the revisions simplify the program's administrative process by removing the pre-filing consultation with the State Engineer, which was found to be a redundant step, and by eliminating redundant and repetitive text within the criteria for awarding grants.
Finally, the section on project requirements is updated to remove the use of the U.S. Environmental Protection Agency's spreadsheet tool for project evaluation, as the federal funding that mandated its use is no longer available.

Fiscal Information

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

A. State budget:

The proposed changes will not have an impact on the state budget because the requirements are not changing.

B. Local governments:

The proposed changes will not have an impact on local governments because they do not administer or participate in the program.

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

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

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

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

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

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

F. Compliance costs for affected persons:

The compliance costs are not changing.

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

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

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

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 73-10g-205(6)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	05/01/2026
10. This rule change MAY become effective on:	05/08/2026
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:	Kelly Pehrson, Commissioner	Date:	03/04/2026
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R64. Agriculture and Food, Conservation Commission.

R64-4. Agricultural Water Optimization Program.

R64-4-1. Authority.

(1) Subsection 73-10g-205(6) authorizes this rule ~~[, which]~~

(2) It requires the Agricultural Water Optimization Committee to establish eligibility requirements for grants issued under Section 73-10g-206, the process of applying for a grant issued under Section 73-10g-206, and preliminary screening criteria for be used by the department under Subsection 73-10g-206(2)(d).

R64-4-2. Definitions.

The terms defined in Section 73-10g-203.5 shall apply to ~~[For the purposes of]~~ this rule:

(1) "Agricultural Water" means irrigation water beneficially used pursuant to a water right established under Utah law to produce food, fiber, or fuel, or for other agricultural purposes.

~~[(2) "Agricultural Water Optimization" means the implementation of agricultural and water management practices that maintain viable agriculture without increasing water depletion to enhance water availability and minimize impacts on water supply, water quality, and the environment.~~

~~[(3) "Agricultural Water Optimization Committee" or "Committee" means the committee created in Section 73-10g-205.]~~

~~[(4) "Funding Application" means an application filed under Section 73-10g-206.~~

~~[(5) "Change application" means an application filed under Section 73-3-3, as further authorized by Section 73-10g-208.]~~

~~[(6) "Commission" means the Utah Conservation Commission created by Section 4-18-104, chaired by the Commissioner of the Utah Department of Agriculture and Food].~~

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

~~[(8) "Grantee" means a person who has received funding a grant award through the Agricultural Water Optimization Program.~~

~~[(9) "Program Manager" means a department employee assigned to oversee the day-to-day activities of the Agricultural Water Optimization Program, or their staff.]~~

~~[(10) "Project" means an undertaking proposed in an application to meet the objectives of Title 73, Chapter 10g, Part 2, "Agricultural Water Optimization" and then implemented consistent with Part 2.~~

~~[(11) "Saved water" means the same as stated in Section 73-3-3 and as further defined in rules made by the state engineer.~~

~~[(12) "Critical management area" means a groundwater basin meeting the definition stated in Subsection 73-5-15(1)(a).~~

R64-4-3. Purpose-Agricultural Water Optimization Program.

To increase agricultural water optimization, the Commission shall provide grants in accordance with Sections 73-10g-201 through 73-10g-208 that:

(1) maintain viable agriculture while reducing water depletion to enhance water availability and minimize impacts on water supply, water quality, and the environment;

(2) provide increased operational flexibility to agricultural water users;

(3) provide the opportunity for saved water to be considered a beneficial use if a change application is filed with the State Engineer;

(4) provide additional nonuse protection if a change application is filed; and

(5) improve water quantification through:

(a) showing accurate, real-time measurements of water use; and

(b) documenting actual water savings in cubic feet per second (CFS) or acre feet.

R64-4-4. Application Requirements.

(1) Any person who uses agricultural water is eligible to apply for funding under the Agricultural Water Optimization Program.

(2) An applicant shall include the following in a ~~[a]~~ funding application ~~[for a grant under the Agricultural Water Optimization Program]:~~

- (a) a description of how the project will meet the purposes listed in Section R64-4-3;
- ~~[(b) the anticipated use of the saved water, if identified, under the project;]~~
- ~~[(e)]~~ b) a description of the diversion reduction or depletion decrease that will be made available after the implementation of the project;
- ~~[(d)]~~ c) an estimate of the cost per acre foot of saved water;
- ~~[(e)]~~ d) a description of the project and project design, including the:
 - (i) project cost;
 - (ii) funding amount requested; and
 - (iii) estimated completion date;
- ~~[(f)]~~ e) a list of other funding sources and amounts provided ~~[including an estimate of foree account labor and equipment];~~
- ~~[(g)]~~ f) the project cost per acre ~~[for the places of use for water rights used in the project];~~
- ~~[(h)]~~ g) the current method of water measurement used by the applicant;
- ~~[(i)]~~ h) acknowledgment that the applicant will install and maintain water measurement equipment required for the project;
- ~~[(j)]~~ i) a map of the project area, showing the county or counties in which ~~[the]~~ the proposed project will be located; and
- ~~[(k)]~~ j) acknowledgement that the proposed project complies with the applicants approved water rights associated with the project;
- ~~[(l) a description of any environmental benefits to be gained by funding the project; and~~
- ~~[(m) a description of any water quality benefit to be gained by implementing the project.]~~
- (3) The committee may not consider or rank ~~[(l)]~~ incomplete applications ~~[will not be considered or ranked].~~

R64-4-5. Preliminary Screening-Pre-filing Consultation.

~~[(1) D]~~ The department ~~[staff will]~~ shall receive and screen each funding application to determine if ~~[the application]~~ it meets the following eligibility criteria:

- ~~[(a)]~~ 1) the project uses agricultural water;
- ~~[(b)]~~ 2) the project location is ~~[located]~~ in Utah;
- ~~[(e)]~~ 3) the applicant has verified that they own or have the right to use the water rights that will be used for the project;
- ~~[(d)]~~ 4) the project is reasonably feasible;
- ~~[(e)]~~ 5) the project reasonably meets program goals;
- ~~[(f)]~~ 6) the applicant is willing to install and maintain water measurement that meets state policy and rules set by the Division of Water Rights (DWR); and
- ~~[(g)]~~ 7) the project meets funding requirements, listed in Subsection 73-10g-205(6)(a).
- ~~[(2) After preliminary approval, each applicant shall meet with the State Engineer or the State Engineer's designee for a pre-filing consultation to determine if their project may benefit from a change application.~~
- ~~[(3) Following the consultation with the State Engineer or the State Engineer's designee, pre-approved applications will be filed with the Agricultural Water Optimization Committee for ranking.]~~

R64-4-6. Agricultural Water Optimization Committee.

- (1) The Agricultural Water Optimization Committee shall; ~~[consist of the members stated in Section 73-10g-205;~~
- ~~[(2) The Committee shall have the following responsibilities:]~~
 - (a) ~~[(a)]~~ establish funding application periods for the Agricultural Water Optimization Program ~~[;]~~;
 - ~~[(i)]~~ b) ~~[the Committee shall]~~ establish at least one application period per year; ~~[and]~~
 - ~~[(i)]~~ c) ensure that each funding period ~~[may have]~~ has a unique application, eligibility criteria, and description of what is required in the application, and ranking criteria used to evaluate the applications submitted;
 - ~~[(b)]~~ c) ~~[(a)]~~ review and rank pre-approved applications based on criteria set by the Committee under Section R64-4-7; and
 - ~~[(e)]~~ d) ~~[(a)]~~ make funding recommendations to the Commission.
 - ~~[(3)]~~ 2) The Committee may designate different funding pools to ensure that similar projects are ranked against each other.
 - ~~[(4)]~~ 3) The Commission may award grants based on the recommendations of the Committee.
 - ~~[(5) The Commission may delegate its duties under this rule to a Commission subcommittee.]~~

R64-4-7. Criteria for Awarding Grants.

- (1) The Committee shall adopt ranking criteria for each application cycle.
- (2) The Committee may consider the following in adopting ranking criteria:
 - (a) how closely proposed projects meet the Agricultural Water Optimization Program ~~[goals]~~ purposes listed in Section R64-4-3;
 - ~~[(b) who will benefit from the project;]~~
 - ~~[(e)]~~ b) the type of project;
 - ~~[(d)]~~ c) funding sources of the project;
 - ~~[(e)]~~ d) matching funds available for the project;
 - ~~[(f)]~~ e) saved water that will result from the project;
 - ~~[(g)]~~ f) how the water savings will be quantified;
 - ~~[(h)]~~ g) whether the project area has baseline water use data available;
 - ~~[(i)]~~ h) the projected project cost per acre;

NOTICES OF PROPOSED RULES

~~(j)i~~ whether the project ~~[is located in a water right]~~ location is a groundwater Critical Management Area; and

~~(k)i~~ when the applicant will be ready to begin construction on the project, ~~and~~

~~(l) the water quality benefits of the project.~~

~~(3) Ranking criteria adopted by the Committee may prioritize projects that lead to greater depletion reduction.~~

~~(4)3~~ The Committee shall adopt ranking criteria that require the award of federal funding before state funding. ~~[If]~~ provided federal funding has been appropriated for the Agricultural Water Optimization Program, ~~ranking criteria adopted by the Committee shall require that federal funding be awarded prior to state funding.~~

R64-4-8. Contracting and Project Requirements.

(1) Following a grant award by the Commission, the department shall ~~work with each grantee to determine whether there are other funding sources available to fund the project and~~ assist each grantee[s] in identifying sources and securing additional funding for the project, as outlined in Subsection 73-10g-206(5)(c).

(2) Before receiving funds, a grantee[s] shall fulfill the following requirements, consistent with Subsection 73-10g-206(3) by:

(a) entering ~~into~~ a contract with the department that includes the following:

(i) the expectations for the grantee;

(ii) the life expectancy of the project;

(iii) the process to certify completion of the project;

(iv) any applicable ~~project~~ design requirements; and

(v) metering and reporting requirements consistent with rules established by DWRi, including specifications for the type of meter to be installed;

(b) ~~file~~ filing any necessary change application with DWRi;

(c) if applicable, obtaining a final order from the State Engineer approving the change application; and

(d) if applicable, ~~demonstrate~~ demonstrating ~~how they will comply~~ compliance with the requirements of the final order.

~~(a)~~ Before project implementation, grantees shall submit a Utah State Historical Preservation Office Cultural Resource Review report to the ~~program manager~~ department, pursuant to Section 9-8a-404.

~~(b)~~ The department may not process a ~~No~~ payment reimbursement ~~will be processed~~ until the ~~program manager~~ department ~~has received~~ receives the report.

(4) The department may issue a notice to proceed to a grantee before project construction.

(5) During the life of the project, the department shall:

(a) monitor grant related activities; and

(b) certify project completion.

~~(6)~~ The ~~program manager~~ department may conduct on-site or virtual project "spot checks" at any time during the life of the project.

~~(7)~~ Projects may be evaluated through the U.S. Environmental Protection Agency's Spreadsheet Tool for Implementing Pollutant Loads module (STEPL) or Pollutant Load Estimation Tool (PLET), photo monitoring, or other monitoring depending on the type of project.

R64-4-9. Reporting Requirements.

(1) For three years after ~~construction of~~ a project's construction is complete~~d~~, a grantee[s] shall submit reports to the ~~program manager~~ department, per Subsection 73-10g-206(4), at least annually, or more often if the department requests~~ed~~ it in writing ~~by the program manager~~.

(2) A grantee who ~~Failure~~ fails to submit the required reports~~ing~~ may ~~result in a requirement~~ be required to return Agricultural Water Optimization Program funds~~;~~ or may become ~~ineligibility~~ ineligible to receive funds in the future ~~from the department~~.

KEY: agriculture, water optimization, grants, reporting, ranking criteria, agricultural water

Date of Last Change: ~~2026~~ **December 17, 2024**

Authorizing, and Implemented or Interpreted Law: 73-10g-205; 73-10g-206

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R64-5

Filing ID: 57837

Agency Information

1. Title catchline:	Agriculture and Food, Conservation Commission
Building:	Taylorville State Office Building, South Building, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorville, 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
Jim Bowcutt	435-232-4017	jdbowcutt@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R64-5. Temporary Water Shortage Emergency Loan Program
4. Purpose of the new rule or reason for the change:
The Division of Conservation Commission (division) recently reviewed its rules to ensure they align with the Rulewriting Manual for Utah and to remove redundant or irrelevant information.
The proposed changes revise this rule to ensure clarity and simplify the requirements.
5. Summary of the new rule or change:
The Department of Agriculture and Food (department) is filing this change as a repeal and reenact because the revisions to eliminate redundancy with statute affect more than 50% of this rule.
This filing streamlines this rule by removing unnecessary definitions, clarifying eligibility requirements, and removing redundant information for the procedures for application, loan administration, and repayment.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This filing will not have an impact on the state's budget because the requirements are not changing.
B. Local governments:
This filing will not have an impact on local governments because the requirements are not changing.
C. Small businesses ("small business" means a business employing 1-49 persons):
This filing will not have an impact on small businesses because the requirements are not changing.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This filing will not have an impact on non-small businesses because the requirements are not changing.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
This filing will not have an impact on other persons because the requirements are not changing.
F. Compliance costs for affected persons:
The compliance costs are not changing.
G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
H. Department head comments on fiscal impact and approval of regulatory impact analysis:					
The Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.					

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 4-18-105	Section 4-18-106	Section 73-3d-402

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	05/01/2026
10. This rule change MAY become effective on:	05/08/2026
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:	Kelly Pehrson, Commissioner	Date:	03/16/2026
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R64. Agriculture and Food, Conservation Commission.

~~**R64-5. Temporary Water Shortage Emergency Loan Program.**~~

~~**R64-5-1. Authority and Purpose.**~~

~~Pursuant to Section 4-18-106 and Title 73, Chapter 3d, Water Preferences During Emergencies, this rule establishes general procedures by which the Agriculture Resource Development Loan (ARDL) program may provide loans from the ARDL fund to persons whose water use is interrupted during a temporary water shortage emergency.~~

~~**R64-5-2. Definitions.**~~

- ~~(1) "Application" means an application for a loan from the ARDL fund under Section 73-3d-402.~~
- ~~(2) "Program Coordinator" means the staff administrator of the ARDL program employed by the department.~~
- ~~(3) "Commission" means the Utah Conservation Commission created by Section 4-18-104.~~
- ~~(4) "Consequential damages" means the losses or injuries from the exercise of a preference under this rule that result in material losses to an interrupted user and that are reasonably foreseeable to someone familiar with the industry where use is being made of the water at the time the preference is exercised, including:~~
 - ~~(a) loss of sales or operating revenue;~~

- ~~_____ (b) damage to equipment; or~~
- ~~_____ (c) damage to capital facilities or operational assets.~~
- ~~_____ (5) "Department" means the Utah Department of Agriculture and Food.~~
- ~~_____ (6) "Interrupted user" means the same as defined in Section 73-3d-401.~~
- ~~_____ (7) "Preferential user" means a person specified in the executive order declaring a temporary water shortage emergency who uses water preferentially during the temporary water shortage emergency.~~

R64-5-3. Eligibility.

- ~~_____ (1) An interrupted user is eligible to receive one or more 0% interest loans of up to \$150,000 each from the commission if:~~
 - ~~_____ (a) pursuant to Section 73-3d-201, the governor declares a temporary water shortage emergency via an executive order specifying:~~
 - ~~_____ (i) the time period for the emergency;~~
 - ~~_____ (ii) the area subject to the order;~~
 - ~~_____ (iii) a list of persons entitled to make a request to preferentially use water; and~~
 - ~~_____ (iv) the purposes for which a person who is entitled may take the water; and~~
 - ~~_____ (b) water held by an interrupted user is used by a preferential user.~~
- ~~_____ (2) The purpose of a loan under this rule shall be to compensate an interrupted user while they are waiting to receive payment of compensation from a preferential user under Section 73-3d-402.~~
- ~~_____ (3) Pursuant to Subsection 73-3d-301(4) the preferential user shall meter the water used and provide this information to the interrupted user and the department.~~

R64-5-4. Application Procedures.

- ~~_____ (1) An interrupted user who is eligible to receive a loan under Section R64-5-3 may apply to the department using a department created form.~~
- ~~_____ (2) An application must contain all of the necessary information to be considered.~~
- ~~_____ (3) An interrupted user may submit an application at any time during which the executive order declaring the temporary water shortage emergency is in place.~~
 - ~~_____ (4) In their application, the interrupted user shall provide sufficient information to establish:~~
 - ~~_____ (a) the basis by which the person is entitled to use of the water;~~
 - ~~_____ (b) the use of water that would have been made by the person without the interruption;~~
 - ~~_____ (c) the length of the interruption;~~
 - ~~_____ (d) a good faith estimate of the amount of water the person entitled to the use of water would otherwise have made;~~
 - ~~_____ (e) an estimate of the value of the water used, crop losses, and consequential damages incurred as a result of the interruption; and~~
 - ~~_____ (f) whether the interrupted user has previously received a loan from the commission for the same interruption of water use.~~
 - ~~_____ (5) The interrupted user shall provide any other information requested by the department, including any documentation related to the value of the water used, crop losses, and consequential damages.~~
 - ~~_____ (6) The department shall review applications for eligibility and determine the amount to be loaned, not to exceed \$150,000 per loan.~~
 - ~~_____ (7) The amount determination in Subsection R64-5-4(5) shall be based on reliable third party market and producer information, when available, as close as possible to the beginning date of the water delivery interruption.~~
 - ~~_____ (8) The amount determination in Subsection R64-5-4(5) may be made based on:~~
 - ~~_____ (a) for agriculture commodities, unit prices and base adjustments from:~~
 - ~~_____ (i) applicable United States Department of Agriculture crop pricing data sets;~~
 - ~~_____ (ii) Utah State University Extension data sets;~~
 - ~~_____ (iii) publications, fact sheets, and enterprise budget data sets published by a university;~~
 - ~~_____ (iv) documents provided by the interrupted user to establish historical product records; or~~
 - ~~_____ (v) other information made available to the department;~~
 - ~~_____ (b) for non agricultural products or services, the department may consider information from:~~
 - ~~_____ (i) other state agencies;~~
 - ~~_____ (ii) federal agencies;~~
 - ~~_____ (iii) industry leaders within Utah associated with the goods or service forgone by the interrupted user; or~~
 - ~~_____ (iv) other available information or experts; and~~
 - ~~_____ (c) for nonagricultural products or services, the department shall determine the number of units of nonagricultural goods and services during the temporary water shortage emergency by using industry standards or recent product or service records.~~
 - ~~_____ (9) Based on the recommendation of the program coordinator, the commission shall award loan contracts in the order that completed and eligible applications are received upon receipt of executed documents, including promissory notes and other documents that are agreed to and signed by the borrower.~~
 - ~~_____ (10) Each loan contract shall include a provision under which the borrower agrees to notify the department when they have reached an agreement with a preferential user and repay the loan within 30 days after they are paid in full.~~
 - ~~_____ (11) Loan contracts may include other provisions at the discretion of the department or program coordinator.~~
 - ~~_____ (12) The commission may issue loans only to the extent that there is money in the ARDL fund and the limit on outstanding loans under Subsection 4-18-106(6) has not been met.~~

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R64-5-5. Loan Administration and Repayment.

- ~~(1) An interrupted user shall repay the loan issued under this rule within 30 days of the day they are paid in full by a preferential user.~~
- ~~(2) If the department determines that a borrower fails to repay a loan in accordance with this rule, the department may bring suit in a court of competent jurisdiction to require repayment of the loan by the preferential user or interrupted user.~~
- ~~(3) If the department prevails in an action brought under Subsection R64-5-4(2) the department may recover amounts owed, court costs, and reasonable attorney fees.~~
- ~~(4) The commission may delegate responsibilities under this rule to a commission appointed advisory board pursuant to Subsection 4-18-106(7).]~~

R64-5. Temporary Water Shortage Emergency Loan Program.

R64-5-1. Authority.

Sections 4-18-105, 4-18-106, and 73-3d-402 authorize this rule.

R64-5-2. Purpose.

This rule establishes general procedures for an interrupted user to apply for and receive a loan from the Agriculture Resource Development Fund during a temporary water shortage emergency.

R64-5-3. Definitions.

Sections 4-18-103 and 73-3d-401 define the terms used in this rule.

R64-5-4. Eligibility.

- (1) An interrupted user may apply for a loan from the commission if that user's water is used by a preferential user during a temporary water shortage emergency declared by the governor under Section 73-3d-201.
- (2) The commission may issue loans only to the extent that:
 - (a) funds are available in the Agriculture Resource Development Fund; and
 - (b) the aggregate amount of outstanding Temporary Water Shortage Emergency Loans does not exceed \$5,000,000.

R64-5-5. Application Procedures.

- (1) The department shall accept applications for the duration of the temporary water shortage emergency declared by the governor's executive order.
- (2) An eligible interrupted user may apply on a form provided by the department.
- (3) Applications shall include the information required by Subsection 73-3d-402(5)(b) and any additional documentation the department determines necessary to evaluate loan amount and repayment capacity.
- (4) The ARDL Program Manager shall present their recommendation to the commission for final approval.
- (5) The commission shall award contracts in the order it receives the completed applications.

R64-5-6. Loan Administration and Repayment.

- (1) Each loan contract shall, at a minimum, require the interrupted user to:
 - (a) notify the department when receiving compensation from a preferential user;
 - (b) repay the loan within 30 days of repayment in full; and
 - (c) comply with other provisions deemed necessary by the department.
- (2) If an interrupted user fails to repay a loan, the department may bring an action in a court of competent jurisdiction to recover funds as provided in Subsection 73-3d-402(6).

KEY: temporary water shortage emergency; Agriculture Resource Development Loan

Date of Last Change: 2026[February 5, 2024]

Authorizing, and Implemented or Interpreted Law: 4-18-106, 73-3d

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R64-6

Filing ID: 57838

Agency Information

1. Title catchline:	Agriculture and Food, Conservation Commission
Building:	Taylorville State Office Building, South Building, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorville, 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
Jim Bowcutt	435-232-4017	jdbowcutt@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R64-6. Agriculture Voluntary Incentives Program
4. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food (department) conducted a department-wide review of its administrative rule to remove redundant information already found in statute and ensure they align with statutory authority. After reviewing this rule, and the Soil Health Program, it was determined this rule needed to align more with the statutory authority outlined in Section 4-18-108.
5. Summary of the new rule or change:
The department is filing this rule as a repeal and reenact to ensure alignment with current statutory authority. The proposed changes integrate the Agriculture Voluntary Incentives Program (AgVIP) under the Soil Health Grant Program. Specifically, the revision incorporates consistent terminology that aligns both the AgVIP and the Soil Health Grant Program. Additionally, the application section clarifies that the Soil Health Advisory Committee would oversees the awarded AgVIP grants. This filing rewrites the contract requirements to enhance clarity and ensure they align with the proper grant application requirements. Finally, the revised reporting requirements clearly specify how AgVIP compliance is met under the Soil Health Grant Program.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This filing will not affect the state's budget because the proposed changes clarify and standardize program terminology and procedures.
B. Local governments:
The proposed changes will not impact local governments because they do not participate in or administer the program.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed changes standardize program terminology and procedures without altering current requirements, resulting in no anticipated fiscal impact on small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed changes standardize program terminology and procedures without altering current requirements, resulting in no anticipated fiscal impact on non-small businesses.

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

The proposed changes standardize program terminology and procedures without altering current requirements, resulting in no anticipated fiscal impact on other persons.

F. Compliance costs for affected persons:

The compliance costs are not changing.

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

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

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

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

Citation Information

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

Section 4-18-108	Section 4-18-303	Subsection 4-18-305(6)
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Public Notice Information

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

A. Comments will be accepted until:	05/01/2026
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10. This rule change MAY become effective on:	05/08/2026
--	------------

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:	Kelly Pehrson, Commissioner	Date:	03/04/2026
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R64. Agriculture and Food, Conservation Commission.**~~R64-6. Agriculture Voluntary Incentives Program.~~****~~R64-6-1. Authority.~~**

~~This rule is enacted pursuant to Subsection 4-18-108(1) which allows the Utah Conservation Commission (UCC) to award grants to eligible entities that are designated in department rule. Through the Agriculture Voluntary Incentives Program (AgVIP), the UCC may award grants for the costs of plans or projects to address environmental issues on a farm or ranch operation, pursuant to Subsection 4-18-108(1)(b) and improve water quality pursuant to Subsection 4-18-108(1)(c).~~

~~R64-6-2. Definitions.~~

- ~~(1) "Advisory board" means a board appointed by the UCC to oversee the AgVIP and rank applications.~~
- ~~(2) "Commission" or "UCC" means the Utah Conservation Commission created by Section 4-18-104, chaired by the Commissioner of the Utah Department of Agriculture and Food.~~
- ~~(3) "CNMP" means a comprehensive nutrient management plan.~~
- ~~(4) "Department" or "UDAF" means the Utah Department of Agriculture and Food.~~
- ~~(5) "Grantee" means a person who has received funding through the AgVIP.~~
- ~~(6) "Nutrients" means dry or liquid commercial fertilizer, manure, compost, soil amendments, or liquid waste.~~
- ~~(7) "Program Manager" means a department employee assigned to oversee the day-to-day activities of the AgVIP, or their staff.~~

~~R64-6-3. Purpose Agriculture Voluntary Incentives Program.~~

~~The purpose of the AgVIP is to help agricultural producers implement comprehensive nutrient management plans and other supporting best management practices that can increase crop yields, improve soil health, and add value to operations while improving water quality using the following methods:~~

- ~~(1) Using a field evaluation to establish a baseline level of conservation that is occurring on a participant's operation;~~
- ~~(2) Developing a conservation plan to identify new practices a participant wants to try, which may include a comprehensive nutrient management plan, and the necessary implementation logistics;~~
- ~~(3) Reevaluating a field's conservation status on a yearly basis; and~~
- ~~(4) Keeping annual management records to verify practices implemented, including nutrient application records if a CNMP is being implemented.~~

~~R64-6-4. Application Requirements.~~

- ~~(1) The UCC will oversee the AgVIP.~~
- ~~(2) Each program funding cycle may have specified information for that cycle including:~~
 - ~~(a) an application period;~~
 - ~~(b) required information needed for each application; and~~
 - ~~(c) ranking criteria.~~
- ~~(3) Ranking criteria will be used to evaluate funding potential for each application submitted.~~
- ~~(4)(a) The UCC may apply total contract payment limitations based on available funding for the program each year.~~
- ~~(b) Small acreage payments may be utilized at amounts determined reasonable by the UCC.~~
- ~~(5) Applications and personal information will be protected under Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA)~~

~~R64-6-5. AgVIP Advisory Board.~~

- ~~(1) Pursuant to Subsection 4-18-108(4), the UCC shall assign an advisory board to oversee the program and rank applications.~~
- ~~(2) The advisory board may include one representative from each of the following groups:~~
 - ~~(a) Utah Association of Conservation Districts;~~
 - ~~(b) Natural Resources Conservation Service;~~
 - ~~(c) Utah State University Extension;~~
 - ~~(d) the department;~~
 - ~~(e) Utah Division of Water Quality (DWQ); and~~
 - ~~(f) Utah Farm Bureau.~~
- ~~(3) The advisory board shall include at least three representatives who are agricultural producers within the state.~~
- ~~(4) Day-to-day activities of the program will be directed by a program manager.~~
- ~~(5) Advisory board representatives will have four-year terms.~~

~~R64-6-6. Criteria for Awarding Grants.~~

- ~~(1) Applications submitted during each funding cycle shall be evaluated and ranked by the advisory board.~~
- ~~(2) Previously determined ranking criteria will be followed for each funding cycle.~~
- ~~(3) Applications that are recommended for funding by the advisory board shall receive final approval from the before contracting.~~
- ~~(4) Pursuant to Subsection 4-18-108(2)(a), in considering applications, the UCC shall consider the following criteria in addition to any published ranking criteria:~~
 - ~~(a) the ability of the grantee to pay for the costs of proposed plans or projects;~~
 - ~~(i) applicants who are in default on a department loan are not eligible to participate in the program; and~~

NOTICES OF PROPOSED RULES

- ~~(ii) applicants who have failed to make timely payments on a department loan or do not cooperate in good faith regarding repayment of a department loan may be ineligible to participate in the program;~~
- ~~(b) the availability of matching funds provided by the grantee or another source or the availability of material, labor, or other items in value provided in lieu of money by the grantee or another source; and~~
- ~~(c) the benefits that accrue to the public by the awarding of a grant.~~
- ~~(5) The AgVIP may designate priority areas or application types based on specific water quality and other resource concerns.~~

R64-6-7. Contracting and Project Requirements.

- ~~(1) Contracts will last for three years.~~
- ~~(2) Funded applications are required to have a conservation plan in place within the first 12 months of the contract.~~
- ~~(a) Plans may be revised and updated by the department as needed throughout the contact period to reflect operational or management changes that may occur.~~
- ~~(b) Each plan must include at least one new conservation practice.~~
- ~~(3) At the end of each calendar year, a UDAF conservation planner will meet with the producer to review the plan, reevaluate the conservation status of each field and and collect verification documentation for all implemented practices.~~
- ~~(4) At the discretion of the program manager, monetary and regulatory incentives may be awarded to the producer on an annual basis so long as the producer can successfully:~~
 - ~~(a) agree to trying at least one new conservation practice within the three year contract, which may include a CNMP;~~
 - ~~(b) evaluate a fields conservation status annually; and~~
 - ~~(c) provide the required practice verification documents.~~

R64-6-8. Reporting Requirements.

- ~~(1) Program information may be shared as needed with DWQ in accordance with guidelines agreed upon in the most current UDAF-DWQ Memorandum of Understanding.~~
- ~~(2) AgVIP participants shall submit annual practice verification records.~~
- ~~(3) Ag VIP participants shall evaluate a field's conservation status on an annual basis.~~
- ~~(4) Annual field evaluations and record keeping following the 3 year AgVIP contract period is encouraged but not required.~~
- ~~(5) The AgVIP shall gather the following information related to program participants:~~
 - ~~(a) annual field evaluation results;~~
 - ~~(b) number of acres enrolled;~~
 - ~~(c) which practices are being implemented on each field; and~~
 - ~~(d) other relevant information as needed.~~
- ~~(6) Information gathered shall be presented as aggregated data to protect individual private information.]~~

R64-6. Utah Soil Health Grant Program.

R64-6-1. Authority.

Sections 4-18-108, 4-18-303, and Subsection 4-18-305(6) authorize this rule.

R64-6-2. Purpose.

This rule establishes the procedures for grants awarded under the Utah Soil Health Program and the Agriculture Voluntary Incentives Program (AgVIP).

R64-6-3. Definitions.

In addition to the terms below, the terms defined in Section 4-18-103 shall apply to this rule.

- (1) "AgVIP" means the Agriculture Voluntary Incentives Program, which is a grant program of the Utah Conservation Commission.
- (2) "Eligible entity" means a public, governmental, or private entity as defined in Section 4-18-302.
- (3) " Soil Health Advisory Committee" or "Committee" means the committee created in Section 4-18-306.

R64-6-4. Application Requirements.

- (1) The commission, with the assistance of the Utah Soil Health Advisory Committee, shall oversee the AgVIP.
- (2) The department shall publish information for each program funding cycle, which may include:
 - (a) an application period;
 - (b) specific information required for each application; and
 - (c) ranking criteria that will be used to evaluate applications
- (3)(a) Applications and personal information submitted to the department are subject to Title 63G, Chapter 2, Government Records Access, and Management Act (GRAMA).
- (b) Pursuant to Section 4-18-307, the department may not disclose a record that identifies the agricultural practices of a specific landowner or producer.

R64-6-5. Criteria for Awarding Grants.

- (1) The Committee shall evaluate and rank all complete applications submitted during a funding cycle and provide recommendations to the commission.
- (2) The commission shall have final approval of all grant awards.

- (3) As part of the evaluation under this rule, the department may determine an applicant ineligible if the applicant:
 - (a) is in default on a department loan;
 - (b) has failed to make timely payments on a department loan; or
 - (c) does not cooperate in good faith regarding repayment of a department loan.
- (4) The commission may designate priority areas or application types based on specific resource concerns.

R64-6-6. Contracting Requirements.

- (1) An applicant who receives an AgVIP grant shall enter a contract with the department for a term of up to three years.
- (2) The contract shall stipulate that the grantee has a conservation plan in place within the first 12 months of the contract, and the plan shall:
 - (a) be based its content on a field assessment;
 - (b) include at least one new conservation practice;
 - (c) include a Comprehensive Nutrient Management Plan (CNMP), if applicable to the operation.
- (3) The department may revise and update the plan as needed throughout the contract period to reflect operational or management changes, in coordination with the completion of the annual conservation assessment.
- (4) The contract shall require the AgVIP grantee to meet with the department annually to:
 - (a) review the plan;
 - (b) reassess the conservation status of each field; and
 - (c) provide verification documentation for all implemented practices.
- (5) The Committee may apply total contract payment limitations based on available funding for the program each year.

R64-6-7. Reporting Requirements.

- (1) The department may share program information with the Division of Water Quality(DWQ) for the purpose of awarding regulatory incentives from DWQ.
- (2) An AgVIP grantee shall submit annual practice verification records to the department as specified in the contract.
- (3) AgVIP participants shall evaluate a field's conservation status on an annual basis.
- (4) Annual field assessments and record keeping following the three-year AgVIP contract period are encouraged but not required.
- (5) The department shall gather the following information related to program participants:
 - (a) annual field assessment results;
 - (b) number of acres enrolled;
 - (c) which practices are being implemented in each field; and
 - (d) other relevant information as needed.
- (6) The department shall present information gathered under this rule as aggregated data to protect private information, as required in Section 4-18-307.

KEY: AgVIP, nutrient management plan, water quality, soil health, grants

Date of Last Change: 2026[June 24, 2025]

Authorizing, and Implemented or Interpreted Law: 4-18-108

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or section number:	R277-484	Filing ID: 57855

Agency Information

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

General Information

2. Rule or section catchline:
R277-484. Data Standards
4. Purpose of the new rule or reason for the change:
The rule amendments are needed in order to change the language "shall" to "may" in Section R277-484-7 "Official Data Source and Required LEA Compatibility".
5. Summary of the new rule or change:
The amendments update the language "shall" to "may" in Section R277-484-7, specifically in reference to the three-month parallel requirements. The amendments also remove the rule's oversight Category 3. The use of oversight category has been phased out with the repeal of Rule R277-111.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impacts on state government revenues or expenditures. The amendments to this rule remove the oversight category classification in Section R277-484-1 and change a mandatory Student Information System (SIS) parallel-run requirement to a permissive action in Section R277-484-7. These changes are strictly administrative and procedural in nature. The Utah State Board of Education (USBE) already processes SIS system changes, and shifting to a permissive approval process will not change current state workload or expenditures. Therefore, there are no incremental costs or savings to the state budget.
B. Local governments:
This rule change is not expected to have fiscal impacts on local governments' revenues or expenditures. There may be unquantifiable savings for Local Education Agencies (LEAs). The amendment to Subsection R277-484-7(6)(b) removes the mandate that an LEA "shall" run an approved replacement SIS in parallel with the old system for at least three months. Instead, the new language states the Superintendent "may require" it. This flexibility could result in financial savings and reduced staff time for LEAs transitioning to a new system, as they may no longer be forced to manage, license, and support two systems simultaneously if the Superintendent deems it unnecessary. An exact dollar estimate cannot be provided because it is unknown how many LEAs will change SIS platforms in a given year, what their specific vendor licensing costs are, or in how many of those instances the Superintendent will waive the parallel run requirement.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impacts on small businesses' revenues or expenditures. The amendments solely affect internal state education classifications and LEA administrative procedures regarding their student data systems. Small businesses are not directly regulated or affected by these rule changes.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased

revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

The proposed changes apply strictly to the administrative operations of public education agencies (the State Board of Education and LEAs).

No other persons or classes of persons are regulated by or directly impacted by this language change, resulting in no incremental costs or savings.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The amendments remove an obsolete administrative category and relax an existing regulatory burden for LEAs adopting a new SIS.

There are no new compliance costs for any individual entity or affected person.

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 State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Article X, Section 3	Subsections 53E-3-301(d) and (e)	Section 53E-3-401
Subsection 53E-3-401(8)(a)	Subsection 53E-3-511(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:	05/01/2026
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10. This rule change MAY become effective on:	05/08/2026
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	03/16/2026
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R277. Education, Administration.

R277-484. Data Standards.

R277-484-1. Authority~~[,]~~ and Purpose~~[, and Oversight Category].~~

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

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

(c) Subsection 53E-3-401(8)(a), which allows the Board to take corrective action against an education entity that fails to comply with Board rules; and

(d) Subsection 53E-3-511(8), which requires the Board to ensure LEA inclusion of data in an LEA's Student Information System.

(2) The Superintendent shall perform certain data collection related duties essential to the operation of statewide educational accountability and financial systems as mandated in state and federal law.

(3) The purpose of this rule is to:

(a) support the operation of required educational accountability and financial systems by ensuring timely submission of data by LEAs;

(b) support the provision of equal opportunity for students;

(c) support accuracy, efficiency, and consistency of data; and

(d) ensure maintenance of basic contact and demographic information for each LEA and school.

~~[(4)(a) This Rule R277-484 is categorized as Category 3 as described in Rule R277-111.~~

~~[(b) Notwithstanding Subsection (4)(a), individual requirements contained in the rule or incorporated by reference into the rule may be categorized separately in accordance with program resources and responsibilities.]~~

R277-484-2. Definitions.

As used in this rule and the Board Reporting Deadline Table incorporated by reference in this rule:

(1) "Annual Financial Report" means an account of LEA revenue and expenditures by source and fund sufficient to meet the reporting requirements specified in Subsections 53E-3-301(3)(d) and (e).

(2) "Annual Program Report" means an account of LEA revenue and expenditures by source and program sufficient to meet the reporting requirements specified in Subsections 53E-3-301(3)(d) and (e).

(3) "Comprehensive Administration of Credentials for Teachers in Utah Schools" or "CACTUS" means the online licensing database maintained by the Superintendent, which will be phased out and replaced by USIMS.

(4) "Contact information" means the name, title, email address, and phone number for a designated individual.

(5) "Data Warehouse" means the database of demographic information, course taking, and test results maintained by the Superintendent on all students enrolled in Utah schools.

(6) "Designated individual" means:

(a) an LEA governing board chair;

(b) a local administrator;

(c) a business administrator; or

(d) a school principal.

(7) "Governing board chair" means the chair or president of an LEA governing board.

(8) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(9) "LEA demographic information" means:

(a) the LEA name;

(b) the LEA number;

(c) the physical address;

(d) the website;

(e) a phone number; and

(f) the LEA's grade range.

(10) "Local administrator" means a district superintendent or charter school director.

(11) "MSP" means Minimum School Program, the set of state supported K-12 public school funding programs.

(12) "New School" for purposes of Rule R277-484 means any school that receives a unique institutional identifier, including:

- (a) a newly created school;
- (b) a reopened school;
- (c) schools that have changes in:
 - (i) charter authorizers; or
 - (ii) a change in a school's LEA's affiliation;
- (d) the creation of a satellite school as defined in Subsection 53G-5-303(1)(b); or
- (e) a split in an LEA or a split in a school to accommodate additional grade ranges;

(13) "Private School Entity" means an educational entity that:

- (a) maintains a physical presence within Utah;
- (i) if the school only provides online instruction, the school's primary headquarters shall be located in Utah; and
- (b) possesses a valid business license issued by the Utah Department of Commerce.

(14) School for the purpose of this rule means an entity with a unique institutional identifier.

(13) "School demographic information" means:

- (a) the school name;
- (b) the school number;
- (c) the physical and mailing address;
- (d) the website;
- (e) a phone number;
- (f) the school type; and
- (g) the school grade range.

(14) "Schools interoperability framework" or "SIF" means an open global standard for seamless, real time data transfer and usage for Utah public schools.

(15) "Student achievement backpack" has the same meaning as that term is defined in Subsection 53E-3-511(1)(d).

(16) "Student information system" or "SIS" means a student data collection system used for Utah public schools.

(17) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows individual detailed student records to be exchanged electronically between public education LEAs and the Board, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the etranscript service.

(18) "Utah Schools Information Management System or USIMS" has the same meaning as that term is defined in Subsection R277-312-2(6).

(19) "Utah Student Record Store" has the same meaning as that term is defined in Subsection 53E-3-511(1)(d).

(20) "Year" means both the school year and the fiscal year for a Utah LEA, which runs from July 1 through June 30.

R277-484-3. Inclusion of Private School Entities in CACTUS or USIMS.

(1) For data collection and management, the USBE shall include private school entities in CACTUS or USIMS that meet the criteria outlined in this section.

(2) To be included in CACTUS or USIMS, a private school entity shall demonstrate a connection to USBE oversight or Educator Licensing through one or more of the following:

- (a) participation in the Carson Smith Scholarship Program;
- (b) the submission of Preschool Early Education Program (PEEP) scores;
- (c) accreditation and the provision of special education services;
- (d) accreditation and the operation of an Alternate Pathway to Professional Educator License (APPEL) program;
- (e) seeking USBE oversight due to the receipt of Individuals with Disabilities Education Act (IDEA) funds;
- (f) accredited private schools employing educators holding a valid Utah educator license and seeking to record educator assignments within CACTUS or USIMS; or
- (g) participation in any program with the USBE that requires inclusion in CACTUS or USIMS.

R277-484-4. Incorporation by Reference of Board Reporting Deadline Table.

(1) This rule incorporates by reference the Board Reporting Deadline Table dated June 6, 2024.

(2) A copy of the Board Reporting Deadline Table is located at:

- (a) <http://schools.utah.gov/administrativerules/documentsincorporated>; and
- (b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah - 84111.

R277-484-5. Deadlines for Data Submission.

(1) An LEA shall submit student level data to the Board through UTREx.

(2) An LEA shall submit teacher assignment and salary data to the Board through CACTUS or USIMS.

(3) An LEA shall, by 5 p.m. Mountain Standard Time on the date specified in the Board Reporting Deadline Table, submit reports in the format specified by the Superintendent.

(4) If a deadline in the Board Reporting Deadline Table falls on a weekend or state holiday in a given year, an LEA shall submit the report on the next business day following the date specified in the Board Reporting Deadline Table.

(5) An LEA shall assign an individual to oversee compliance with this rule.

NOTICES OF PROPOSED RULES

(6) A new school as defined in Subsection R277-484-2(12) shall meet the deadline submission requirements required of LEAs, as outlined in the Board Reporting Deadline Table, Notice of School Opening, in Subsection R277-484-4(2)(a).

R277-484-6. Adjustments to Deadlines.

(1) An LEA may seek an extension of a deadline to ensure continuation of funding and provide more accurate information to allocation formulas by submitting a written request to the Superintendent no later than 24 hours before the specified deadline in Board Reporting Deadline Table.

(2) An extension request shall include:

- (a) The reasons for the extension request;
- (b) The signatures of the LEA business administrator and local administrator; and
- (c) The date by which the LEA proposes to submit the report.

(3) If an LEA requests an extension under Subsection (1), the Superintendent may do any of the following after taking into consideration the pattern of LEA compliance with reporting deadlines and the urgency of the need for the data to be submitted:

- (a) Approve the request and allow the MSP fund transfer process to continue; or
- (b) Deny the request and stop the MSP fund transfer process; or
- (c) Recommend corrective action to the Board in accordance with Rule R277-114.

(4) If, after receiving an extension, an LEA fails to submit the report by the designated date, the MSP fund transfer process shall be stopped and the procedures described in Section R277-484-7 shall apply.

(5) An extension shall apply only to the specific reports and dates for which an extension was requested.

(6) The Superintendent may not extend deadlines for the following reports:

- (a) AFR;
- (b) APR;
- (c) Mid-year or Final CACTUS or USIMS updates;
- (d) a Financial Audit Report; or
- (e) any UTREx updates.

(7) Notwithstanding Subsection (6)(e), if an LEA identifies significant errors in a UTREx update, the Superintendent may grant the LEA an extension of no more than eight calendar days to file a new update.

R277-484-7. Official Data Source and Required LEA Compatibility.

(1) The Superintendent shall load operational data collections into the Data Warehouse as of the submission deadlines specified.

(2) The Data Warehouse shall be the sole official source of data for annual:

- (a) school performance reports required under Section 53E-5-204;
- (b) determination of state and federal accountability reports; and
- (c) submission of data files to the U.S. Department of Education.

(3) The Superintendent shall maintain a database of LEA and school:

- (a) demographic information;
- (b) openings;
- (c) closures; and
- (d) contact information for designated individuals.

(4)(a) An LEA shall use an SIS approved by the Superintendent to ensure compatibility with Board data collection systems.

(b) The Superintendent shall maintain a list of approved student information systems.

(5) Before the Superintendent granting approval for an LEA to initiate or replace a student information system that was not previously approved, the LEA shall:

(a) send written request for approval to the Superintendent no later than November 15 of the year before the year the LEA proposes to use the SIS for production software;

(b) submit documentation to the Superintendent that the new or modified student information system is SIF certified;

(c) submit documentation to the Superintendent that an SIF agent can meet the UTREx specifications profile for Vertical Reporting Framework (VRF) and eTranscripts;

(d) ensure that a new student information system can generate valid data collection by submitting a file to the Superintendent for review;

(e) ensure that the new student information system can generate the Statewide Student Identifier (SSID) request file by submitting a file to the Superintendent for review.

(6)(a) The Superintendent shall review documentation and grant or deny an LEA submission under Subsection (4) within 30 calendar days.

(b) The Superintendent may require ~~[A]~~ an approved replacement system ~~[shall]~~ to run in parallel to a state-approved system for a period of at least three months and be able to generate duplicate reports to previously generated information.

(7) An LEA shall submit daily updates to the Board Clearinghouse using School Interoperability Framework (SIF) objects defined in the UTREx Clearinghouse specification.

(8) An LEA shall electronically submit all public high school transcripts requested by a public education post-secondary school if the post-secondary school is capable of receiving transcripts through the electronic transcript service designated by the Superintendent.

(9) No later than June 30, 2017, an LEA shall ensure that data collected in the Utah Student Record Store for a Student Achievement Backpack is integrated into the LEA's SIS and is made available to a student's parent or guardian and an authorized LEA user in an easily accessible viewing format.

(10) Failure to comply with any of the requirements of this Section R277-484-5 may result in a recommendation for corrective action in accordance with Rule R277-114.

R277-484-8. Adjustments to Summary Statistics Based on Compliance Audits.

(1) To allocate MSP funds and projecting enrollment, the Superintendent may modify LEA level aggregate membership and fall enrollment counts on the basis of the values in the Membership and Enrollment audit reports, respectively, when an audit report review team agrees that an adjustment is warranted by the evidence of an audit.

(2) An audit report review team shall make a determination under Subsection (1) within 60 working days of the authorized audit report deadline.

(3) The Superintendent may only adjust values downward if an audit report is received after an authorized deadline.

R277-484-9. Financial Consequences of Failure to Submit Reports on Time.

(1) If an LEA fails to submit a report by its deadline as specified in Board Reporting Deadline Table, consistent with procedures outlined in Rule R277-114, the Superintendent may recommend corrective action, including stopping the LEA's MSP funds transfer process, unless the LEA has obtained an extension of the deadline in accordance with the procedure described in Section R277-484-4.

(2) The Superintendent may recommend loss of up to 1.0 WPU from Kindergarten or Grades 1-12 programs, depending on the grade level and aggregate membership of the student, in the current year Mid-Year Update for each student whose prior year immunization status was not accounted for in accordance with Section 53G-9-302 as of June 15.

KEY: data standards, reports, deadlines

Date of Last Change: ~~February 9,~~ 2026

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-301(d) and (e); 53E-3-401; 53E-3-401(8)(a); 53E-3-511(8)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal		
Rule or section number:	R305-11	Filing ID: 57850

Agency Information

1. Title catchline:	Environmental Quality, Administration	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144820	
City, state and zip:	Salt Lake City, UT 84114-4820	
Contact persons:		
Name:	Phone:	Email:
Ashley Sumner	801-856-5683	ssumner@utah.gov
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R305-11. Clean Air Support Restricted Account Grant 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 276 (2024 General Session)
4. Purpose of the new rule or reason for the change:	
The Department of Environmental Quality is repealing Rule R305-11 because Section 19-1-109 that authorized the Clean Air Support Restricted Account was repealed on 07/01/2024.	

5. Summary of the new rule or change:

This filing is a repeal in its entirety of Rule R305-11.

By repealing this rule, the agency is updating the Utah Administrative Code to reflect that the grant and its corresponding account have been discontinued.

Fiscal Information

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

A. State budget:

This rule repeal has no anticipated costs or savings to the state budget because the Clean Air Support Restricted Account has never received funding and Section 19-1-109 has been repealed.

B. Local governments:

This rule repeal has no anticipated costs or savings to local governments because it does not apply to local governments.

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

This rule repeal has no anticipated costs or savings to small businesses because it does not apply to small businesses.

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

This rule repeal has no anticipated costs or savings to non-small businesses because it does not apply to non-small businesses.

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

This rule repeal has no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities because it does not apply to those persons.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons because the Clean Air Support Restricted Account has never received funding and Section 19-1-109 has been repealed.

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

Regulatory Impact Summary Table

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

Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
H. Department head comments on fiscal impact and approval of regulatory impact analysis:					
The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.					

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 19-1-109 (repealed)		

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:		05/01/2026
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time:	Place (physical address or URL):
04/29/2026	01:00 PM – 02:00 PM	<p>A public hearing is set for 04/29/2026.</p> <p>Further details may be found below. The hearing will be cancelled should no request for one be made by 04/27/2026, at 10 AM MT.</p> <p>The final status of the public hearing will be posted on 04/27/2026, after 10 AM MT. The status of the public hearing may be checked at the following website location under the corresponding rule. https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment</p> <p>Interested Persons can participate in person or electronically, via the internet. In Person: MASOB 195 N 1950 W, Salt Lake City, UT First Floor, Air Quality Board Room</p> <p>Virtual Attendance: Time zone: America/Denver Google Meet joining info: Video call link: https://meet.google.com/unt-jyyy-gff Or dial: (US) +1 904-580-8749 PIN: 818 268 059#</p>

10. This rule change MAY become effective on:	05/08/2026
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:	Tim Davis, Executive Director	Date:	03/04/2026
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R305. Environmental Quality, Administration.

~~R305-11. Clean Air Support Restricted Account Grant Program.~~

~~R305-11-1. Authorization and Purpose.~~

- ~~(1) As authorized by Section 19-1-109, this rule establishes procedures for providing grants to organizations that:~~
 - ~~(a) are tax exempt under Section 501(c)(3) of the Internal Revenue Code; and~~
 - ~~(b) have as part of the organization's mission:~~
 - ~~(i) to encourage and educate the public about simple changes to improve air quality in the state;~~
 - ~~(ii) to provide grants to organizations or individuals with innovative ideas to reduce emissions; and~~
 - ~~(iii) to partner with other organizations to strengthen efforts to improve air quality.~~
- ~~(2) As authorized by Section 19-1-109, this rule establishes criteria and conditions for awarding grant monies and procedures for an organization to apply to receive money from the account.~~

~~R305-11-2. Definitions.~~

- ~~"Account" means the Clean Air Support Restricted Account as established by Section 19-1-109.~~
- ~~"Applicant" means the organization applying to receive grant monies from the account administered by the Department.~~
- ~~"Department" means the Utah Department of Environmental Quality.~~
- ~~"Grant" means monies awarded to an applicant from the account that do not have to be repaid.~~

~~R305-11-3. Grant Eligibility.~~

~~Eligibility for grants from the account is limited to tax exempt organizations under Section 501(c)(3), Internal Revenue Code, that meet the eligibility requirements set forth in Subsection 19-1-109(4)(b).~~

~~R305-11-4. Preliminary Approval Application Procedure.~~

- ~~(1) Each applicant must apply for grants from the account on forms provided by the Department and must provide additional project information as requested by the Department.~~
- ~~(2) Each applicant must sign a written statement acknowledging that:~~
 - ~~(a) an applicant is a tax exempt organization under Section 501(c)(3), Internal Revenue Code; and~~
 - ~~(b) an applicant meets at least one of the eligibility requirements in Subsection 19-1-109(4)(b).~~
- ~~(3) The Department will evaluate each applicant's eligibility according to the criteria provided in Section 19-1-109.~~
- ~~(4) The Department will evaluate each grant application according to the criteria in Subsections R305-11-6 and R305-11-7.~~
- ~~(5) When considering a grant application, the Department may modify the dollar amount or project scope for which a grant is awarded.~~
- ~~(6) Submission of an application under this program and this rule constitutes the applicant's acceptance of the criteria and procedures in this rule.~~

~~R305-11-5. Final Approval Procedure and Payment Process.~~

- ~~(1) Once an applicant has obtained final approval to receive a grant, including signed contract documents, monies from the account will be disbursed to the applicant.~~
- ~~(2) The approved applicant must continue to comply with the provisions of this rule.~~

~~R305-11-6. Prioritization of Awards for Grant Applications.~~

- ~~(1) The Department will consider the following criteria in prioritizing and awarding grants:~~
 - ~~(a) the financial need of the applicant including its financial condition and the availability of other grants, rebates, or low interest loans for the project; and~~
 - ~~(b) the environmental and other benefits to the state and local community attributable to the project.~~
- ~~(2) When determining the environmental and other benefits to the state and local community attributable to the project, the Department may include the following criteria:~~
 - ~~(a) the pollution reduction benefits attributable to the project;~~
 - ~~(b) the location of the program or project; and~~
 - ~~(c) the ratio of the total project cost to the environmental and other benefits attributable to the project and program.~~

~~R305-11-7. Grant Program Limitations.~~

- ~~(1) The Department may not approve a grant application if:~~
 - ~~(a) awarding a grant to an applicant would result in the Department's inability to fulfill its obligations under this program or this rule;~~
 - ~~(b) the applicant does not meet the eligibility requirements of Section R305-11-3;~~
 - ~~(c) the project does not meet the requirements in Section R305-11-6; or~~
 - ~~(d) awarding a grant to an applicant would result in the account balance being less than zero.~~
- ~~(2) The Department may award a partial grant to an applicant in accordance with Subsection R305-11-4(5) to keep the account balance at zero or above if an applicant meets each eligibility and project requirement of this rule.~~

R305-11-8- Review:

~~The Department reserves the right to request supplemental information it may deem necessary, including updates on the eligibility criteria in Section R305-11-3, from an applicant to effectively administer the program and this rule.~~

~~KEY: air pollution, grants, tax exempt~~

~~Date of Last Change: June 1, 2021~~

~~Authorizing, and Implemented or Interpreted Law: 19-1-109]~~

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R414-510	Filing ID: 57859

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:
R414-510. Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program and Education
4. Purpose of the new rule or reason for the change:
Based on internal review, the Department of Health and Human Services (department) has decided it is appropriate to update this rule to clarify components of the transition to home and community-based services (HCBS).
5. Summary of the new rule or change:
This amendment clarifies existing requirements for program eligibility, responsibilities to inform individuals housed in intermediate care facilities (ICFs) regarding HCBS, and provisions for program capacity based on individual interest in receiving HCBS.
Additionally, this amendment 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:
There is no anticipated fiscal impact to the state budget as a result of this filing because these changes are meant to align this rule with existing practices.
Department staff working with the intermediate care facility (ICF) transition program already implement the procedures and processes being clarified through this filing, including informing individuals housed in ICFs of their options to transition to home and community-based services (HCBS), enforcing program eligibility requirements, and accounting for individual interest in receiving HCBS as part of program capacity.

Additional style and formatting changes do not add to, modify, or remove any processes in the program.

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 to small businesses that are ICFs as a result of this filing because these changes are meant to align this rule with existing practices.

Department staff working with the ICF transition program already implement the procedures and processes being clarified through this filing, including informing individuals housed in ICFs of their options to transition to HCBS, enforcing program eligibility requirements, and accounting for individual interest in receiving HCBS as part of program capacity.

Additional style and formatting changes do not add to, modify, or remove any processes at ICFs.

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

There is no anticipated fiscal impact to non-small businesses that are ICFs as a result of this filing because these changes are meant to align this rule with existing practices.

Department staff working with the ICF transition program already implement the procedures and processes being clarified through this filing, including informing individuals housed in ICFs of their options to transition to HCBS, enforcing program eligibility requirements, and accounting for individual interest in receiving HCBS as part of program capacity.

Additional style and formatting changes do not add to, modify, or remove any processes at ICFs.

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 impact to other persons as a result of this filing because any changes in this filing only affect ICFs, which are exclusively small and non-small businesses, and ICF transition programs.

F. Compliance costs for affected persons:

There is no anticipated compliance cost for affected persons.

Department staff working with the ICF transition program already implement the procedures and processes being clarified through this filing, including informing individuals housed in ICFs of their options to transition to HCBS, enforcing program eligibility requirements, and accounting for individual interest in receiving HCBS as part of program capacity.

Additional style and formatting changes do not add to, modify, or remove any processes at ICFs.

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-6-402
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.
A. Comments will be accepted until: 05/01/2026

10. This rule change MAY become effective on: 05/08/2026
 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:	03/15/2026
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R414. Health and Human Services, Integrated Healthcare.

R414-510. Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program and Education.

R414-510-3. Eligibility Requirements for the Transition Program.

- (1) Waiver services are available to an individual who:
 - (a) receives ICF benefits under the Medicaid State Plan;
 - (b) has been diagnosed with an intellectual disability or a related condition;
 - (c) meets ICF level-of-care criteria defined in Section R414-502-8;
 - (d) meets state funding eligibility criteria for DSPD found in Subsection 26B-6-402(6); and
 - (e) has at least a 365-day~~[12-month]~~ length-of-stay in one, or any combination of, the following within the state:~~[any-]~~
 - ~~(i) a Medicaid-certified[, privately owned] ICF;[or nursing facility located in the state.]~~
 - ~~(ii) a nursing facility;~~
 - ~~(iii) a hospital; or~~
 - ~~(iv) a 1915(c) HCBS waiver program.~~
- (2) The department may allow[s] ~~[break in stay]~~ an exception[s] to the requirements in Subsection (1)(e) if ~~[for]~~:
 - ~~(a) inpatient hospitalization;~~
 - ~~(b) admission to a nursing facility; or~~
- (3) The department may also allow break in stay exceptions:
 - ~~(e)a] [due to the]~~ there is a closure of an ICF where an individual resides;
 - ~~(b) an individual mutually consents to transition into HCBS to the same residential provider with a sibling residing in an ICF who meets the 365-day length-of-stay requirement;~~
 - ~~(c) a physician finds that continued ICF placement would exacerbate an individual's physical condition and a nurse with the department assesses that HCBS is appropriate through a health need assessment;~~
 - ~~(d) a licensed mental health professional finds that continued ICF placement would exacerbate an individual's mental health condition and a nurse with the department assesses that HCBS is appropriate through a health need assessment;~~
 - ~~(e) Adult Protective Services (APS), Child Protective Services (CPS), the Office of Licensing (OL), or law enforcement substantiate evidence of abuse, neglect, or exploitation of an individual who resides in an ICF;~~
 - ~~(f) a transition program employee within the department assesses that abuse, neglect, or exploitation occurred through a reasonable person standard that requires:~~
 - ~~(i) direct observation; and~~

- ~~(ii) findings of facts that define abuse, neglect, or exploitation; or~~
- ~~(g) an individual mutually consents to transition into HCBS to the same residential provider with another individual who:~~
- ~~(i) has already met the 365-day length-of-stay requirement;~~
- ~~(ii) has an agreement with the individual that communicates a special bond or relationship; and~~
- ~~(iii) the preferred HCBS residential provider cannot hold an available placement to accommodate the individual who has not yet met the 365-day length-of-stay requirement.~~

- ~~[(a) due to substantiated findings of abuse; and~~
- ~~(b) neglect or exploitation of an individual that occurred while residing in the current ICF.]~~

~~[(4)2] To request an [length-of-stay]-exception for [the]a reason[s] [noted-]in Subsections [(3)2](b) through (g)[(a)(b)], an individual or representative shall submit a written request to the department [and]with [include-]the rationale for the request, including the anticipated risk if the individual remains in the ICF.~~

~~[(5)4] [7]Within ten business days of receiving the request, the department shall provide a written determination [to]of approval[e] or denial, made in concurrent agreement with the administrators responsible for waiver oversight at DIH and DSPD[y the request within ten business days of receiving it].~~

R414-510-4. Department Responsibilities to Provide HCBS Education to Individuals Who Reside in ICFs.

(1) EI staff shall:

- (a) provide ongoing HCBS education, as described in Subsections (2) through (5), to each individual residing in an ICF~~[residents and shall:]~~:

- ~~[(a)b] display transition program and staff contact information in conspicuous locations within each ICF;~~
- ~~[(b)c] hold a recurring meeting[s] at least four times a year [with]available to every ICF resident[s], guardian[s], [or]and representative[s] that informs each attendee about the option to:[:]~~
- ~~[(e)i] [provide opportunities for ICF residents, guardians, or representatives to]visit an HCBS setting[s];[and]~~
- ~~[(d)ii] [provide opportunities for ICF residents, guardians, or representatives to-]receive support from a peer[s] who ha[ve]s experience[d] moving from an ICF to HCBS; and~~

~~(iii) request a meeting with a peer; and~~

~~(d) upon the request of an individual, guardian, or representative, arrange a meeting between any requestor and a peer.~~

(2) EI staff shall provide education about the transition program and HCBS in [~~multiple~~]a way[s] that is[and in a manner] responsive to each [~~person~~]individual's method of communication[~~-Examples~~], which may include:

- (a) in-person discussion[s];
- (b) communication by telephone or email;
- (c) one-on-one or group discussion[s]; and
- (e)d interaction[s] in a community-based setting[s-], including a:
 - (i) visit to an HCBS setting;
 - (ii) meeting with a peer who has experience moving from an ICF to HCBS; and
 - (iii) discussion with an HCBS provider[and
- ~~(d) communication by telephone or through email].~~

(3) EI staff shall provide educational materials including through print or another medium[s].

(4) As EI staff provide ongoing HCBS education [about HCBS-]to any individual[s] without a guardian[s-]:

(a) the individual may invite anyone to participate in the decision-making process to express whether the individual wants to participate in the transition program;

(b) EI staff shall work with the individual and anyone participating in the process; and[the individual invites to participate to express whether the individual wants to participate in the transition program.]

(c) [At each interval,-]EI staff shall document and act upon the individual's decision at each interval.

(5)[(a)] As EI staff provide ongoing HCBS education[about HCBS is provided] to any individual[s] with a guardian[s], EI staff shall work with the individual and the guardian on the decision-making process[and the individual].

(a) If the guardian has decision-making authority on where the individual lives, EI staff shall rely on the decision rendered by the guardian regarding whether [the guardian wants-]the individual [to]will participate in the transition program.

(b) If the guardian's decision conflicts with the expressed interest of the individual, the transition worker shall:

- (i) confirm the guardian's authority to make health care decisions;
- (ii) request a meeting with the guardian to discuss the individual's expressed interest in accordance with Subsection 75-5-312(1)(e);

and

(iii) provide the guardian with a copy of the department letter [to guardians-]about involvement of the ward in decision-making to the extent possible[;] and the responsibility of the guardian to [take into account]consider the preferences of the individual.

[(6)c](i) EI staff shall inform each individual[s] [or]and guardian[s] that the[y] individual or guardian may express interest in participating in the transition program;

(A) at any time; and

(B) in writing[;] or by any other means through which a reasonable person would believe that the individual is interested in living in the community.[-Interest may be expressed at any time before or after EI staff contact the individual or their guardian, and-]

(ii) The individual or guardian retains the right to change [a]the decision at any time.

(6) If an ICF administrator or employee discourages an individual, guardian, or representative, the department shall review the event and respond with an individualized approach to correct any misinformation the ICF administrator or employee may have provided, consistent with Subsection R414-510-5(5).

R414-510-7. Categorizing Interest in the Transition Program.

(1)(a) The department shall inform an individual or guardian that the ~~[y]~~ individual or guardian may express interest in receiving HCBS;

(i) at any time~~[-]; and~~
(ii) in writing~~[-]~~ or by any other means responsive to the individual's method of communication and through which a reasonable person would believe that the individual is interested in living in the community.

(b) ~~[Interest may be expressed at any time before or after EI staff make direct contact with the individual or guardian, and t]~~The individual or guardian retains the right to amend the choice at any time.

(c) The department designates an individual's expression of interest into the following categories:

- (~~[1]~~)a) interest in moving to HCBS;
- (~~[2]~~)b) interest in learning more about HCBS;
- (~~[3]~~)c) undecided;
- (~~[4]~~)d) no interest in learning more about or moving to HCBS~~[- and~~
- (~~[5]~~) unable to determine interest].

(2) Based on an individual's expression of interest in receiving HCBS, the department shall review the capacity of the Community Transitions Waiver and make efforts to increase capacity to address the interest.

KEY: Medicaid

Date of Last Change: ~~January 1, 2024~~2026

Notice of Continuation: September 14, 2021

Authorizing, and Implemented or Interpreted Law: 26B-3-108; 26B-6-402~~[- Title 75, Chapter 2a]~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R512-44

Filing ID: 57858

Agency Information

1. Title catchline:	Health and Human Services, Child and Family Services	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Corey Blythe	801-891-9068	coblythe@utah.gov
Steven Sullivan	385-256-7094	ssulliva@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R512-44. Choose Life Adoption Support Restricted Account	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	SB 272 (2023 General Session)
4. Purpose of the new rule or reason for the change:	
SB 272, passed in the 2023 General Session, repealed Section 80-2-502, which previously created the Choose Life Adoption Support Restricted Account within the General Fund and gave the Division of Child and Family Services (division) the authority	

to make rules providing procedures and requirements for an organization to apply to the division to receive a distribution from that account.

Since this was made effective 07/01/2023, the account no longer exists, and it is appropriate to repeal this rule to align with current statute.

5. Summary of the new rule or change:

This rule is repealed in its entirety.

Fiscal Information

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

A. State budget:

There is no anticipated fiscal impact to the state budget as a result of this repeal, as SB 272 (2023) repealed Section 80-2-502 and the Choose Life Adoption Support Restricted Account was repealed through as of 07/01/2023.

The repealed statute provided the funding entities for this account, as well as a list of the qualifying organizations that may have applied for distributions from this account. This rule did not create those provisions, and as such, is not responsible for a fiscal impact.

The division originally used this rule to carry out the purposes of that statutorily established account, but because the account was repealed through legislative action, this rule no longer governs the use of that account and is no longer relevant.

This rule's repeal aligns division practices with what the division is statutorily authorized to do, which no longer includes governance of the repealed account, and the repeal of this rule is not anticipated to have a fiscal impact because funds have not been available for the specific purposes outlined in this rule for more than two years.

Any administrative or organizational requirements attributed to this rule that may have had a cost or savings, even indirectly, have also not been part of division processes since the repeal of this account.

B. Local governments:

There is no anticipated fiscal impact to local governments as a result of this repeal, as SB 272 (2023) repealed Section 80-2-502 and the Choose Life Adoption Support Restricted Account was repealed through as of 07/01/2023.

The repealed statute provided a list of the qualifying organizations that may have applied for distributions from this account. This rule did not create those provisions, and as such, is not responsible for a fiscal impact.

This rule originally carried out the purposes of that statutorily established account, but because the account was repealed through legislative action, this rule no longer governs the use of that account and is no longer relevant.

The repeal of this rule is not anticipated to have a fiscal impact because funds have not been available for the specific purposes outlined in this rule for more than two years. Any administrative or organizational requirements attributed to this rule that may have had a cost or savings, even indirectly, have also not been part of division or local government processes since the repeal of this account.

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

There is no anticipated fiscal impact to small businesses as a result of this repeal, as SB 272 (2023) repealed Section 80-2-502 and the Choose Life Adoption Support Restricted Account was repealed through as of 07/01/2023.

The repealed statute provided a list of the qualifying organizations that may have applied for distributions from this account. This rule did not create those provisions, and as such, is not responsible for a fiscal impact.

This rule originally carried out the purposes of that statutorily established account, but because the account was repealed through legislative action, this rule no longer governs the use of that account and is no longer relevant.

The repeal of this rule is not anticipated to have a fiscal impact because funds have not been available for the specific purposes outlined in this rule for more than two years. Any administrative or organizational requirements attributed to this rule that may

have had a cost or savings, even indirectly, have also not been part of division or small business processes since the repeal of this account.

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

There is no anticipated fiscal impact to non-small businesses as a result of this repeal, as SB 272 (2023) repealed Section 80-2-502 and the Choose Life Adoption Support Restricted Account was repealed through as of 07/01/2023.

The repealed statute provided a list of the qualifying organizations that may have applied for distributions from this account. This rule did not create those provisions, and as such, is not responsible for a fiscal impact.

This rule originally carried out the purposes of that statutorily established account, but because the account was repealed through legislative action, this rule no longer governs the use of that account and is no longer relevant.

The repeal of this rule is not anticipated to have a fiscal impact because funds have not been available for the specific purposes outlined in this rule for more than two years. Any administrative or organizational requirements attributed to this rule that may have had a cost or savings, even indirectly, have also not been part of division or non-small business processes since the repeal of this account.

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

There is no anticipated fiscal impact to other persons, including nonprofit organizations, as SB 272 (2023) repealed Section 80-2-502 and the Choose Life Adoption Support Restricted Account was repealed through as of 07/01/2023.

The repealed statute provided a list of the qualifying organizations that may have applied for distributions from this account. This rule did not create those provisions, and as such, is not responsible for a fiscal impact.

This rule originally carried out the purposes of that statutorily established account, but because the account was repealed through legislative action, this rule no longer governs the use of that account and is no longer relevant.

The repeal of this rule is not anticipated to have a fiscal impact because funds have not been available for the specific purposes outlined in this rule for more than two years. Any administrative or organizational requirements attributed to this rule that may have had a cost or savings, even indirectly, have also not been part of division or nonprofit organization processes since the repeal of this account.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons as a result of this repeal, as SB 272 (2023) repealed Section 80-2-502 and the Choose Life Adoption Support Restricted Account was repealed through as of 07/01/2023.

The repealed statute provided the funding entities for this account as well as a list of the qualifying organizations that may have applied for distributions from this account. This rule did not create those provisions, and as such, is not responsible for any compliance cost.

The Division of Child and Family Services (division) originally used this rule to carry out the purposes of that statutorily established account, but because the account was repealed through legislative action, this rule no longer governs the use of that account and is no longer relevant.

This rule's repeal aligns division practices with what the division is statutorily authorized to do, which no longer includes governance of the repealed account, and the repeal of this rule is not anticipated to have a fiscal impact because funds have not been available for the specific purposes outlined in this rule for more than two years.

Any administrative or organizational requirements attributed to this rule that may have had a cost, even indirectly, have also not been part of the processes of affected persons since the repeal of this account.

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

NOTICES OF PROPOSED RULES

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 80-2-302	Section 80-2-502	
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Public Notice Information

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

A. Comments will be accepted until:	05/01/2026
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10. This rule change MAY become effective on:	05/08/2026
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	03/15/2026
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R512. Health and Human Services, Child and Family Services.

~~**[R512-44. Choose Life Adoption Support Restricted Account.**~~

~~**R512-44-1. Purpose and Authority.**~~

- ~~_____ (1) This rule specifies the requirements for carrying out the purposes of the Choose Life Adoption Support Restricted Account as outlined in Section 80-2-502, with the funding specified in Section 41-1a-422.~~
- ~~_____ (2) This rule is authorized by Section 80-2-302.~~

~~**R512-44-2. Definitions.**~~

- ~~_____ (1) "Administrator" means the employee of Child and Family Services appointed by the director to administer the Choose Life Adoption Support Restricted Account.~~
- ~~_____ (2) "Child and Family Services" means the Division of Child and Family Services.~~
- ~~_____ (3) "Director" means the director of Child and Family Services.~~
- ~~_____ (4) "RFP" means Request for Proposal.~~

R512-44-3. Scope.

~~Funds from the Choose Life Adoption Support Restricted Account shall be used for charitable organizations that support, promote, and provide education about adoption. This may occur by producing and distributing educational and promotional materials on adoption, conducting educational courses on adoption, and providing other programs that support adoption as specified in Section 80-2-502.~~

R512-44-4. Responsibilities of the Director.

~~In addition to the responsibilities defined in Section 80-2-502, the director shall:~~

- ~~(1) designate a staff member to serve as the administrator of the Choose Life Adoption Support Restricted Account; and~~
- ~~(2) approve policies of the Choose Life Adoption Support Restricted Account.~~

R512-44-5. Funding Limitations and Requirements.

~~(1) Child and Family Services shall distribute the funds in the Choose Life Adoption Support Restricted Account to one or more charitable organizations that:~~

- ~~(a) qualify as being tax exempt under Internal Revenue Code of 2006, 26 U.S.C., Sec 501;~~
- ~~(b) as part of their primary mission, include the support, promotion, and education about adoption of children; and~~
- ~~(c) are licensed or registered to do business within the state in accordance with state law.~~

~~(2) Funding for individual projects shall be based on yearly revenues available in the restricted account. If unobligated account revenues for a given year are less than \$50,000, Child and Family Services may forgo the RFP process for that year.~~

~~(3) Each program or project funded through the Choose Life Adoption Support Restricted Account shall provide a dollar-for-dollar match from private, non-government sources.~~

~~(a) In-kind contributions may be used as part of the match requirement, with no more than 50% of the match requirement being in-kind.~~

~~(b) Items that may be used as in-kind match are contributed services of support personnel, office space, furniture and equipment, utility costs, donated printing, vehicles, and contributed services of professional personnel including physicians, nurses, social workers, psychologists, educators, public accountants, and lawyers who are performing services for which they would normally be paid.~~

~~(c) The source of original funding for this in-kind match shall not be state or federal monies.~~

~~(4) Of the total monies available for allocation in the Choose Life Adoption Support Restricted Account, awards shall be granted according to the allocation plan approved by the director.~~

R512-44-6. Proposal Requirements.

~~(1) A RFP shall be developed by the administrator based upon the approved allocation plan and adoption support priorities, and in accordance with state purchasing guidelines.~~

~~(2) The RFP shall specify the purposes and eligibility requirements for projects or programs to be funded through the Choose Life Adoption Support Restricted Account.~~

~~(3) The proposal requirements may vary from year to year.~~

~~(4) The RFP shall be disseminated through the online State Purchasing Bid Program. Project or program proposals shall be submitted as specified in the RFP.~~

R512-44-7. Procedures in Selecting Programs or Projects to be Supported by the Choose Life Adoption Support Restricted Account.

~~(1) Proposals received by Child and Family Services in response to the RFP shall be reviewed according to the criteria specified in the RFP, consistent with Section 80-2-502.~~

~~(2) The administrator or Child and Family Services contract specialists shall negotiate contracts with successful offerors, based on state purchasing guidelines.~~

R512-44-8. Research.

~~Choose Life Adoption Support Restricted Account funds may be used for research programs consistent with Section 80-2-502 at funding levels deemed appropriate. Basic or applied research programs or projects that provide empirical data that help support adoption of children or inform adoption education may be funded.~~

R512-44-9. Evaluation.

~~Each program or project funded through the Choose Life Adoption Support Restricted Account shall be evaluated by Child and Family Services at least once each year to determine if the purposes and goals of the project have been met.~~

KEY: adoption, Choose Life Adoption Support

Date of Last Change: August 15, 2023

Notice of Continuation: January 27, 2021

Authorizing, and Implemented or Interpreted Law: 41-1a-418; 41-1a-419; 41-1a-422; 80-2-302; 80-2-301, 80-2-502]

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal and Reenact		
Rule or section number:	R523-2	Filing ID: 57587

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:	
R523-2. Local Mental Health Authorities and Local Substance Abuse Authorities	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	SB 45 (2022 General Session), SB 41 (2023 General Session)
4. Purpose of the new rule or reason for the change:	
<p>This filing is necessary to update this rule following the reorganization of the Department of Health and Human Services (DHHS) and recodification of applicable statute.</p> <p>It updates statutory citations and complies with the Governor's Executive Order No. 2021-12 by aligning rule language with the Rulewriting Manual for Utah.</p> <p>Further, it removes sections of this rule that are not in compliance with the agency's rulewriting authority.</p>	
5. Summary of the new rule or change:	
<p>This filing updates statutory citations, aligns the rule with the standards of the Rulewriting Manual for Utah, and complies with the Governor's Executive Order No. 2021-12.</p> <p>It includes corrections for grammar and punctuation, clarifies or removes superfluous requirements, and simplifies language.</p> <p>This filing removes rule text that previously detailed practices incorporated into the daily administration of the publicly funded substance use and mental health treatment network or enforced through contracts, including an individual's right to participate in treatment, local authority fee policies, determining the proper local authority under special situations, coordination of care committees for the state hospital, and conflict resolution.</p> <p>This filing also removes language that is being moved into a new rule or exists in different rule, causing any such language in this rule to be redundant.</p> <p>The allocation formula for state hospital beds is moving to Rule R523-24. Language that was previously in Section R523-2-15 is removed because statute does not authorize the Office of Substance Use and Mental Health (OSUMH) to prohibit certain items within mental health facilities, which are owned and operated by the counties. Therefore, the counties have the responsibility to determine the need to make a prohibited items policy or rule.</p> <p>Due to the extensive amount of changes to the rule text, this filing is being submitted as a repeal and reenact.</p>	

(EDITOR'S NOTE: The proposed new Rule R523-24, ID 57856, is in this issue, April 1, 2026, of the Bulletin.)

Fiscal Information

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

A. State budget:

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

Changes to this rule do not increase or decrease costs that already exist in state budgets.

Sections removed as a result of this filing are being moved to a different rule that will be made effective before this repeal and reenact, so there is no lapse in oversight that would lead to a fiscal impact.

Contained practices that are incorporated into the publicly funded treatment network are enforced through annual contracts with the local authorities. No administrative duties for state agencies are being removed as a result of this filing, and no savings are anticipated to result from this repeal and reenact.

B. Local governments:

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

Changes to this rule do not increase or decrease costs that already exist in local government budgets.

Sections removed as a result of this filing are being moved to a different rule that will be made effective before this repeal and reenact, so there is no lapse in oversight that would lead to a fiscal impact.

Contained practices that are incorporated into the publicly funded treatment network are enforced through annual contracts with the local authorities. No administrative duties for local governments are being removed as a result of this filing, and no savings are anticipated to result from this repeal and reenact.

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

The statutory authority used to create this rule applies to local substance use and mental health authorities. Local substance abuse authorities and local mental health authorities are county governments and defined in Subsection 17-43-201(1) and Subsection 17-43-301(2).

The Office of Substance Use and Mental health is authorized to contract with a county to provide the substance use and mental health services described in this rule, therefore, this rule applies to local governments and not small businesses.

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

The statutory authority used to create this rule applies to local substance use and mental health authorities. Local substance abuse authorities and local mental health authorities are county governments and defined in Subsection 17-43-201(1) and Subsection 17-43-301(2).

The Office of Substance Use and Mental health is authorized to contract with a county to provide the substance use and mental health services described in this rule, therefore, this rule applies to local governments and not 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 statutory authority used to create this rule applies to local substance use and mental health authorities. Local substance abuse authorities and local mental health authorities are county governments and defined in Subsection 17-43-201(1) and Subsection 17-43-301(2).

The Office of Substance Use and Mental health is authorized to contract with a county to provide the substance use and mental health services described in this rule, therefore, this rule applies to local governments and not persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons, identified as local authorities, as a result of this filing.

Changes do not increase or decrease costs that already exist.

Sections that were removed are already in rule, will be moved to a different rule that will be made effective before this repeal and reenact, or contained practices that are incorporated into the publicly funded treatment network and are enforced through annual contracts with the local authorities.

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-5-104	Section 26B-5-107	
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Public Notice Information

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

A. Comments will be accepted until: 05/01/2026

10. This rule change MAY become effective on: 05/08/2026

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
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[R523. Human Services, Substance Abuse and Mental Health.**R523-2. Local Mental Health Authorities and Local Substance Abuse Authorities.****R523-2-1. Authority.**

_____ This rule is promulgated under authority granted to the Division of Substance Abuse and Mental Health (Division) by Section 62A-15-105, and Subsections 62A-15-108(1), 62A-15-611(2)(a), 62A-15-610(2)(a) and 62A-15-902(2)(c).

R523-2-2. Purpose.

- _____ (1) The purpose of this rule is to provide guidance on:
- _____ (a) the priorities for treatment services;
 - _____ (b) the rights of individuals participating in services;
 - _____ (c) process for Local Mental Health Authorities (LMHAs) and Local Substance Abuse Authorities (LSAAs) to set policies on fees for services;
 - _____ (d) LMHA and LSAA program standards;
 - _____ (e) the formula for allocation of funding;
 - _____ (f) allocation of Utah State Hospital (Hospital) beds to LMHAs;
 - _____ (g) admission to the Hospital and coordination of care;
 - _____ (h) determining the proper LMHA under special situations;
 - _____ (i) transfer planning between LMHAs from the Hospital;
 - _____ (j) conflict resolution; and
 - _____ (k) prohibited items and devices on the grounds of public mental health facilities;

R523-2-3. Priorities for Treatment Services.

_____ (1) The Division shall regularly seek, and receive input from the Utah Behavioral Health Planning and Advisory Council on priorities for services:

- _____ (2) Programs providing substance use and mental health services with federal, state, and local matching funds shall provide:
- _____ (a) services based on immediacy of need, and severity of the mental illness, and priority may also be given to under-served age groups as appropriately demonstrated through needs studies;
 - _____ (b) effective and responsive crisis intervention, suicide prevention, assessment, direct care, and referral program available to all citizens;
 - _____ (c) the least restrictive and most appropriate treatment and settings for:
 - _____ (i) children, youth, and adults with severe mental illness;
 - _____ (ii) children, youth, and adults with acute mental illness; and
 - _____ (iii) children, youth and adults who are receiving services from other divisions within the Department of Human Services;
 - _____ (d) services to children with emotional disabilities, youth and aged citizens who are neither acutely nor severely mentally ill, but whose adjustment is critical for their future as well as for society in general;
 - _____ (e) services to emotionally disabled adults who are neither acutely nor severely mentally ill, but whose adjustment is critical to their personal quality of life as well as for society in general; and
 - _____ (f) consultation, education and preventive mental health services targeted at high risk groups in particular.

_____ (2) Programs providing substance use disorder treatment services with federal, state, and local matching funds shall provide priority admission to the following populations in the following order of priority:

- _____ (a) pregnant females who use drugs by injection;
- _____ (b) pregnant females who use substances;
- _____ (c) other persons who use drugs by injection;
- _____ (d) substance using females with dependent children and their families, including women who are attempting to regain custody of their children; and
- _____ (e) any other client with a substance use disorder, regardless of gender or route of use.

R523-2-4. Rights of Individuals Participating in Services.

_____ (1) Any service provider contracted with the Division and the LMHAs and LSAAs shall disclose the following information in writing to each individual participating in treatment services:

- _____ (a) their rights and responsibilities to participate in the development of the treatment or other type of service plan;
- _____ (b) their right to be involved in selection of their primary therapist;
- _____ (c) their right to access their individual treatment records;
- _____ (d) their right to informed consent regarding medications;
- _____ (e) their rights regarding medication-assisted treatment;
- _____ (f) disclosure of all program fees and personal financial responsibility;
- _____ (g) information on grievance procedures that include any necessary information to file a formal grievance; and
- _____ (h) the service provider's commitment to treat individuals with substance use disorders and mental health consumers with dignity and individuality in a positive, supportive and empowering manner.

_____ (2) This information shall be shared with the individual participating in treatment services at the time of intake, and a signed copy made part of that individual's file. The Division shall periodically review this process to assure appropriate content is present within the rights statement, and that proper application of the intent of this policy is being carried out by the provider.

NOTICES OF PROPOSED RULES

~~_____ (3) If an individual is impaired or temporarily incapable of understanding the initial information, it shall be shared again when the individual is able to understand the information and give informed consent, and shall be documented in the individual's file.~~

~~R523-2-5. LMHA and LSAA Fee Policy.~~

~~_____ (1) Each LMHA, and LSAA shall require any program that receives federal, state and matching funds from the Division and provides services to clients to establish a policy to set and collect fees. Each fee policy shall include:~~

- ~~_____ (a) a fee reduction plan based on the client's ability to pay for services; and~~
- ~~_____ (b) a provision that clients who have received an assessment and require mental health or substance use disorder services shall not be denied services based on the lack of ability to pay.~~

~~_____ (2) Any adjustments to the assessed fee shall follow the procedures approved by the LMHA or the LSAA.~~

~~_____ (3) The governing body of each LMHA and LSAA shall approve the fee policy, and shall set a usual and customary rate for services rendered.~~

~~_____ (4) Each LMHA and LSAA program shall provide a written explanation of the fee policy to clients at the time of intake except in the case of emergency services.~~

~~_____ (5) Each client shall be assessed fees based on:~~

- ~~_____ (a) the usual and customary rate established by the LMHA or LSAA, or~~
- ~~_____ (b) a negotiated contracted cost of services rendered to clients.~~

~~_____ (6) Fees assessed to clients shall not exceed the average cost of delivering the service.~~

~~_____ (7) Any fee assessed to clients, including upfront administrative fees, shall be reasonable as determined by the LMHA or LSAA.~~

~~_____ (8) Each LMHA and LSAA shall make reasonable effort to collect outstanding fee charges and may use an outside collection agency.~~

~~_____ (9) Each LMHA and LSAA may reduce the assessed fee for services if the fee is determined to be a financial hardship for the client.~~

~~_____ (10) The Division shall annually review each LMHA's and LSAA's policy and fee schedule to ensure that the elements set in this rule are incorporated.~~

~~R523-2-6. LMHA and LSAA Minimum Program Standards.~~

~~_____ (1) Each LMHA and LSAA program shall have the appropriate current license issued by the Office of Licensing, Department of Human Services, and any other required licenses.~~

~~_____ (2) Each LMHA and LSAA shall have a comprehensive plan of service which shall be reviewed and updated at least annually to reflect changing needs. The plan shall:~~

- ~~_____ (a) be consistent with the Division directives;~~
- ~~_____ (b) designate the projected use of state and federal contracted dollars and the 20% county match dollars; and~~
- ~~_____ (c) define the LMHA's or LSAA's priorities for service and the population to be served.~~

~~_____ (3) Each LMHA shall provide or arrange for the provision of services within the following continuum of care:~~

- ~~_____ (a) inpatient care and services;~~
- ~~_____ (b) residential care and services;~~
- ~~_____ (c) day treatment and psycho-social rehabilitation;~~
- ~~_____ (d) outpatient care and services;~~
- ~~_____ (e) twenty four hour crisis care and services;~~
- ~~_____ (f) psychotropic medication management;~~
- ~~_____ (g) case management services;~~
- ~~_____ (h) community supports including in home services, housing, family support services and respite services;~~
- ~~_____ (i) consultation, education and preventative services, including case consultation, collaboration with other county service agencies, public education and public information; and~~
- ~~_____ (j) services to persons incarcerated in a county jail or other county correctional facility.~~

~~_____ (4) Each LSAA shall provide or arrange for the provision of services within the following continuum of care:~~

- ~~_____ (a) universal prevention;~~
- ~~_____ (b) selective prevention;~~
- ~~_____ (c) indicated prevention including the educational series approved by the Division in Rule R523-11 for individuals convicted of driving under the influence;~~
- ~~_____ (d) treatment services prescribed by Division contract and Directives; and~~
- ~~_____ (e) recovery support services.~~

~~_____ (5) Each LMHA and LSAA shall participate in a yearly on-site evaluation conducted by the Division.~~

~~_____ (6) Each LMHA and LSAA shall be responsible for monitoring and evaluating all subcontracts to ensure:~~

- ~~_____ (a) services delivered to consumers commensurate with funds provided; and~~
- ~~_____ (b) progress is made toward accomplishing contract goals and objectives.~~

~~_____ (7) Each LMHA and LSAA shall conduct a minimum of one site visit per year with each subcontractor. There shall be a written report to document the review activities and findings, a copy of which will be made available to the Division.~~

~~R523-2-7. Formula for the Annual Allocation of Funding.~~

~~_____ (1) The formulas for the annual allocation of funds to LMHAs and LSAA's do not apply to funds used by the Division for administration, statewide services consistent with the requirements of Subsection 62A-15-108(2) for discretionary grants awarded to the Division, funds appropriated for Drug Court, Medicaid matching funds, and any other funds where Utah code establishes the funding process.~~

- ~~(2) Funds used by the Division for administration shall not exceed 5% of the total annual legislative appropriation to the Division excluding the appropriation for the Hospital.~~
- ~~(3) The funding formulas shall be applied annually to state and federal block grant funds appropriated by the legislature to the Division, and are intended for the annual equitable distribution of these funds to the state's LMHAs and LSAA's.~~
- ~~(4) Excluding discretionary grants, Drug Court, and other programs for which Utah code establishes the funding process, funds used by the Division for statewide substance use disorder services consistent with requirements of Subsection 62A-15-108(2) shall not exceed 15% of the total annual substance abuse legislative appropriation to the Division.~~
- ~~(5) Population data used in the formulas shall be updated annually using the most current data available from the Utah Department of Health's website, Public Health Indicator Based Information System (IBIS).~~
- ~~(6) New funding and decreases in funding shall be processed, and distributed through the funding formulas.~~
- ~~(7) Each LMHA and LSAA shall provide funding equal to at least 20% of the state general fund appropriation that it receives to fund services described in that LMHA's or LSAA's annual plan, and:~~
- ~~(a) the Division determines that the funds required by Subsection 17-43-301(6)(a)(x), normally called the 20% match requirement, shall be paid from tax revenues assessed by the county legislative body, and collected by the County Clerk;~~
- ~~(b) if a LMHA or LSAA is unable to provide the required matching funds, the LMHA or LSAA shall be allocated the amount the LMHA or LSAA can match;~~
- ~~(c) excess funds may be allocated on a one-time basis to LMHAs and LSAA's with the ability to provide matching funds; and~~
- ~~(d) if no LMHA or LSAA can provide the required match, the Division may use the funds to purchase statewide services.~~
- ~~(8) Funding for mental health shall be allocated as follows:~~
- ~~(a) the Division shall allocate 5% of mental health funds to the 24 smallest counties ranked by population as a rural differential; and~~
- ~~(b) The rural differential shall be allocated using the following methodology:~~
- ~~(i) 35% divided in equal amounts to the six smallest counties;~~
- ~~(ii) 30% divided in equal amounts to the seventh through twelfth smallest counties;~~
- ~~(iii) 20% divided in equal amounts to the thirteenth through the eighteenth smallest counties; and~~
- ~~(iv) 15% divided in equal amounts to the nineteenth through the twenty-fourth smallest counties;~~
- ~~(c) the Division shall allocate all remaining mental health funds to the LMHAs on a per capita basis, using the most current population data available on the Utah Department of Health's IBIS website; and~~
- ~~(d) the funding formula may utilize a determination of need other than population if the Division establishes by valid and acceptable data, that other defined factors are relevant and reliable indicators of need.~~
- ~~(9) The funding formula for substance use disorder services shall be applied annually to state and federal funds appropriated by the legislature to the Division, and is intended for the annual equitable distribution of these funds to the state's LSAA's.~~
- ~~(10) The Division shall allocate 5% of the remaining funds to the 24 smallest counties ranked by population. The rural differential shall be allocated using the following methodology:~~
- ~~(a) 35% divided in equal amounts to the six smallest counties;~~
- ~~(b) 30% divided in equal amounts to the seventh through twelfth smallest counties;~~
- ~~(c) 20% divided in equal amounts to the thirteenth through the eighteenth smallest counties;~~
- ~~(d) 15% divided in equal amounts to the nineteenth through the twenty-fourth smallest counties;~~
- ~~(e) 60% of the remaining funds shall be allocated to each county based on the incidence and prevalence of substance use disorders based on the following:~~
- ~~(i) the percent of adults estimated to be binge drinkers as reported by the Behavioral Risk Factor Surveillance System (BRFSS);~~
- ~~(ii) the percent of adults estimated to be chronic drinkers as reported by BRFSS;~~
- ~~(iii) the percent of youth reporting alcohol use within the past 30 days by the most current Student Health and Risk Protection Survey (SHARP);~~
- ~~(iv) the percent of youth estimated to be binge drinkers by the most current SHARP; and~~
- ~~(v) the percent of youth needing drug treatment as reported by the most current SHARP and~~
- ~~(f) 40% of the remaining funds shall be allocated to LSAA's on a per capita basis, according to the most current population data available from the IBIS.~~

R523-2-8. Formula for Allocation of Medicaid Match Funds.

- ~~(1) The Division shall obtain the following data from the Utah Department of Health:~~
- ~~(a) the number of eligible Medicaid recipients in each county, for each month of the previous state fiscal year hereinafter called Medicaid Member Months; and~~
- ~~(b) the actuarially established rates for each county;~~
- ~~(2) The Division shall calculate county need for Medicaid match funds by multiplying each county's total Medicaid Member Months by their corresponding actuarial rates for the most current 12-month period.~~
- ~~(3) The Division shall sum all county need to determine the state Medicaid match need.~~
- ~~(4) The percent of total Medicaid match funds for each local authority shall be determined by dividing the sum of county need by the state Medicaid match need.~~
- ~~(5) LMHAs and LSAA's that do not participate in the Medicaid prospective payment capitation plan shall receive the amount of funds they would have received if the funds had been distributed using state population.~~
- ~~(6) Each LMHA and LSAA shall provide funding from tax revenues assessed by the County legislative body equal to at least 20% of the Medicaid match funds, and:~~

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- ~~_____ (a) if a LMHA or LSAA is unable to provide the required matching funds, the LMHA or LSAA shall be allocated the amount the LMHA or LSAA can match; and~~
- ~~_____ (b) excess funds may be allocated on a one-time basis to local authorities with the ability to provide matching funds.~~

R523-2-9. Allocation of Hospital Adult Bed Days to Local Mental Health Authorities.

- ~~_____ (1) The allocation of adult beds shall be based on:~~
 - ~~_____ (a) the percentage of the state's adult population located within a LMHA catchment area; and~~
 - ~~_____ (b) a differential to compensate for the additional demand for hospital beds in LMHA catchment areas that are located within urban areas.~~
- ~~_____ (2) The formula to determine adult bed allocation shall be based on:~~
 - ~~_____ (a) the most recent available population estimates obtained from the Utah Department of Health's IBIS website;~~
 - ~~_____ (b) the total adult population figures for the state; and~~
 - ~~_____ (c) the adult population numbers for each county.~~
- ~~_____ (3) Counties that are currently classified as urban by the lieutenant governor's office pursuant to Section 17-50-501 are given a differential as follows:~~
 - ~~_____ (a) the total number of adult beds available at the Hospital shall be determined; and~~
 - ~~_____ (b) 4.8% shall be subtracted from the total number of beds available for adults to be allocated as an urban differential.~~
- ~~_____ (4) The total number of available adult beds minus the urban differential shall be multiplied by the county's percentage of the state's total adult population to determine the number of allocated beds for each county.~~
- ~~_____ (5) Each LMHA's service areas for individual county numbers shall be added to determine the total number of beds allocated to a LMHA. This fractional number shall be rounded to the nearest whole bed.~~
- ~~_____ (6) The urban differential shall be distributed to urban counties based on their respective percentage of urban counties as a whole.~~
- ~~_____ (7) At least one adult bed shall be allocated to each LMHA.~~
- ~~_____ (8) Adjustments of adult beds, as the formula is applied, shall become effective at the beginning of the next fiscal year.~~
- ~~_____ (9) The Division is responsible to calculate the adult bed allocation, and to notify each LMHA of changes in adult bed allocations.~~
- ~~_____ (10) The number of allocated adult beds shall be reviewed and adjusted as necessary or at least every three years as required by statute.~~
- ~~_____ (11) A LMHA may sell or loan its allocation of adult beds to another LMHA.~~

R523-2-10. Allocation of Hospital Pediatric Beds to Local Mental Health Authorities for Individuals Under the Age of 18.

- ~~_____ (1) The formula established provides for allocation based on the percentage of the state's population of persons under the age of 18 located within a LMHA service area.~~
- ~~_____ (2) Each LMHA shall be allocated at least one pediatric bed.~~
- ~~_____ (3) The formula to determine pediatric bed allocation shall be based on:~~
 - ~~_____ (a) the most recent available population estimates obtained from the Utah Department of Health's Indicator Based Information System (IBIS) website;~~
 - ~~_____ (b) the total pediatric population figures for the state; and~~
 - ~~_____ (c) the pediatric population figures for each county.~~
- ~~_____ (4) The total number of pediatric beds available shall be multiplied by the county's percentage of the state's total pediatric population. This will determine the number of allocated pediatric beds for each county.~~
- ~~_____ (5) Each LMHA's service area for individual county numbers shall be added to determine the total number of pediatric beds allocated to a LMHA's service area. This fractional number shall be rounded to the nearest whole bed.~~
- ~~_____ (6) Adjustments of pediatric beds shall be applied, and become effective at the beginning of the new fiscal year.~~
- ~~_____ (7) Each LMHA shall be notified of changes in pediatric bed allocations.~~
- ~~_____ (8) The number of allocated pediatric beds shall be reviewed, and adjusted as necessary or at least every three years as required by statute.~~
- ~~_____ (9) A LMHA may sell or loan its allocation of pediatric beds to another LMHA.~~

R523-2-11. Admission to the Hospital and Coordination of Care.

- ~~_____ (1) The Division has oversight of the Hospital as per Subsection 62A-15-103(2)(b)(ii) and shall oversee the Continuity of Care Committees for adult and children, youths and their patients. When the patient is a child or youth, then patient also refers to the parent or legal guardian as it pertains to admissions, coordination of care, discharges and transfers between LMHAs of patients to and from the Hospital.~~
- ~~_____ (2) The Division and Hospital shall conduct Continuity of Care Committee meetings regularly according to need, unless the time for the meetings is postponed or canceled for good cause.~~
- ~~_____ (3) Each LMHA shall assign a liaison to the Hospital as the identified representative of the LMHA.~~
- ~~_____ (4) The liaison shall coordinate patient needs for admission to the Hospital and shall complete the Hospital Pre-admission packet, which includes identifying community discharge and treatment options prior to admission. Any individual or family member independently requesting voluntary Hospital admission shall be referred to the appropriate LMHA geographical area in which the individual currently resides.~~
- ~~_____ (5) LMHA liaisons are responsible to participate in the coordination of care at the Hospital. This includes participation in clinical staffing in person when possible, when the LMHA has a patient in the Hospital, and when the Continuity of Care Committee is meeting. The liaisons and Hospital staff are required to participate in order to coordinate patient treatment, discuss the progress of assigned patients and meet with patients and Hospital staff jointly to formulate patient care. On occasion in exceptional circumstances, liaisons may attend a Continuity~~

of Care Committee meeting, and to coordinate patient treatment via teleconference, preferably video conference, if circumstances make travel unreasonable. Liaisons will inform the Division and Hospital staff in advance if this is the case.

_____ (6) Patients admitted to the forensic units are under the jurisdiction of the criminal court system; if the need arises the LMHA liaison will participate in community discharge placements, and follow up care.

_____ (7) Hospital staff and liaison shall coordinate discharge plans. As there are multiple factors inherent in determining "readiness for discharge," this decision will be made:

_____ (a) on an individual basis, with input from the patient, the Hospital, the LMHA and the Division as necessary; and

_____ (b) with patient's preferences and feedback regarding discharge placements as a consideration.

_____ (8) Outplacement funds shall be used to resolve financial barriers that delay or complicate patients discharge.

_____ (9) For adult patients the LMHA liaison is required to arrange discharge placement and follow up care once the patient is ready for discharge as indicated by the Division's designated electronic discharge program.

_____ (10) The Hospital and LMHAs are required to use the designated program consistently, and:

_____ (a) LMHAs are required to have at least two designated individuals with access to the electronic program to ensure uninterrupted coverage; and

_____ (b) information from the designated program will be distributed monthly to the Hospital, and the LMHAs to track progress toward discharge.

_____ (11) The philosophy of the Hospital is to provide short term inpatient care for the purpose of stabilization with the goal of transition to a less restrictive level of care as soon as possible. If the Hospital or the LMHA determine that the patient is clinically ready for discharge, and the coordination of the placement is not occurring, the Hospital and liaison are required to notify the Division within five business days.

_____ (12) If the LMHA does not agree the patient is clinically ready for discharge then the LMHA shall indicate disagreement, including a note in the coordination software system, within 5 business days of the Hospital indicating readiness for discharge.

_____ (13) The liaison shall follow the Hospital's policies on admission, treatment, discharge, and transfers of each Hospital patient.

R523-2-12. Determining the Proper LMHA Under Special Situations.

_____ (1) An individual who is homeless and in need of Hospital admission shall be referred by the LMHA in which the individual comes to the attention of local emergency services. If from out of state, the homeless individual shall be referred to the LMHA where the individual was identified as mentally ill and in need of services.

_____ (2) A child or adolescent in state custody shall be referred to the LMHA in which they resided prior to their custody being changed to the Division of Child and Family Services or the Division of Juvenile Justice Services.

_____ (3) A forensic patient, placed at the Hospital pursuant to criminal adjudication as set forth in Section 62A-15-902, and determined to meet civil commitment criteria shall be committed to the LMHA where the patient resided before being arrested.

_____ (4) Utah State Prison inmates who are transferred to the Hospital Forensic Unit, and subsequently civilly committed, become the responsibility of the LMHA where the person resided prior to incarceration.

_____ (5) An individual placed at the Utah State Developmental Center (USDC), who is transferred to the Hospital for treatment of a mental illness is the responsibility of the LMHA of the individual's last community residence, excluding foster and group home placements less than one year in duration. If the individual was admitted to the USDC as a child, the custodial parent's residence at the time of admission to USDC shall be used to determine the responsible LMHA. The LMHA is responsible for treatment and discharge planning during the course of the individual's Hospital stay.

R523-2-13. Transfer Planning Between LMHAs From the Hospital.

_____ (1) When a Hospital patient or the patient's legal guardian desires to relocate to a new geographical area, the patient's LMHA liaison responsible for the civil bed in which the patient currently resides shall notify the receiving LMHA regarding the desire of the patient. The referring liaison has the responsibility to discuss the matter with the patient, and with the receiving LMHA, and work toward discharge.

_____ (2) The referring and receiving LMHA liaison shall discuss the transfer, and shall provide information as needed.

_____ (3) Once the receiving LMHA accepts the referral, the receiving LMHA shall proceed with Hospital patient discharge planning. During the time period between the referral to the receiving LMHA and Hospital discharge, the Hospital patient shall continue to be assessed against the bed allocation of the referring LMHA. The receiving LMHA is expected to work toward discharge.

_____ (4) The LMHAs may negotiate an agreement with one another, and if the patient returns to the Hospital, the patient returns to the referring LMHA's bed. The agreement is not to exceed one year, whereby the referring LMHA agrees the patient's bed shall be assessed against the bed allocation of the referring LMHA. The agreement shall specify the role of each LMHA, and who is responsible for providing needed services and payment for those services. Any such agreement shall be made in writing. If a LMHA to LMHA agreement cannot be reached, then the conflict resolution process as outlined in Section R523-2-14 shall be followed.

_____ (5) At the conclusion of the negotiated period, the receiving LMHA shall assume all responsibility for the full continuum of mental health services, including Hospital care.

R523-2-14. Conflict Resolution.

_____ (1) The Division will work to resolve conflicts between the Hospital and a LMHA, as well as conflicts between LMHAs.

_____ (2) If negotiations between a LMHA and the Hospital regarding admissions, discharges or provisions of patient services fails to be resolved at the local level, the following steps shall be taken:

_____ (a) the director of the Division or designee shall appoint a committee to review the facts of the conflict, and make recommendations;

_____ (b) if the recommendations of the committee do not adequately resolve the conflict, the clinical or medical director of the LMHA and the Hospital clinical director shall meet, and attempt to resolve the conflict;

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- ~~_____ (c) if a resolution cannot be reached, the LMHA director and the superintendent of the Hospital shall meet, and attempt to resolve the conflict; or~~
- ~~_____ (d) if a resolution cannot be reached, the director of the Division or designee shall make the final decision.~~
- ~~_____ (3) If conflicts arise between LMHAs regarding admissions, discharges, or provisions of consumer services, the final authority for resolution shall rest with the director of the Division or designee.~~

R523-2-15. Prohibited Items and Devices on the Grounds of Public Mental Health Facilities.

- ~~_____ (1) Pursuant to Sections 76-10-523.5, 76-8-311.1, and 76-8-311.3, any facility owned or operated by community mental health centers that have any contracts with a LMHA or the Division are designated as secure areas.~~
- ~~_____ (2) Any weapons, contraband, controlled substances, implements of escape, ammunition, explosives, spirituous or fermented liquors, firearms, or any other devices that are normally considered to be weapons are prohibited from entry into community mental health centers.~~
- ~~_____ (3) There shall be a prominent visual notice of secure area designation.~~
- ~~_____ (4) Law enforcement personnel are authorized to carry firearms while completing official duties on the grounds of those facilities.]~~

R523. Health and Human Services, Substance Use and Mental Health.

R523-2. Local Mental Health Authorities and Local Substance Abuse Authorities.

R523-2-1. Authority and Purpose.

- ~~_____ (1) Sections 26B-5-104 and 26B-5-107 authorize this rule.~~
- ~~_____ (2) This rule establishes:~~
 - ~~_____ (a) a procedure to seek local mental health authority (LMHA) and local substance abuse authority (LSAA) input;~~
 - ~~_____ (b) priority of services for a LMHA and LSAA; and~~
 - ~~_____ (c) formulas for allocating funds that are authorized by the Utah Legislature for the treatment of substance use and mental health disorders to an LMHA and LSAA.~~

R523-2-2. LMHA and LSAA Input on Policies, Procedures, and Rules.

- ~~_____ (1) The Division of Integrated Healthcare (division) shall regularly seek and receive input from the Utah Behavioral Health Committee on:~~
 - ~~_____ (a) priorities for services;~~
 - ~~_____ (b) changes to existing policy or implementation of new policy; and~~
 - ~~_____ (c) changes to existing rule or implementation of new rule.~~
- ~~_____ (2) The division shall send notice of any change to a service priority, policy, procedure, or rule to the current chair of the Utah Behavioral Health Committee.~~

R523-2-3. LMHA and LSAA Minimum Program Standards.

- ~~_____ (1) Each LMHA and LSAA program shall have any legally mandated licenses, including the appropriate current license issued by the Office of Licensing under the Department of Health and Human Services.~~
- ~~_____ (2) Each LMHA and LSAA shall have a comprehensive plan of service that shall be reviewed and updated at least annually to reflect changing needs of those served. This plan shall:~~
 - ~~_____ (a) be consistent with division directives;~~
 - ~~_____ (b) define the LMHA's or LSAA's priorities for service and the population to be served; and~~
 - ~~_____ (c) designate the projected use of state and federal contracted dollars and the 20% county match dollars.~~
- ~~_____ (3) Each LMHA shall provide or arrange for the provision of services within the following continuum of care:~~
 - ~~_____ (a) 24-hour crisis care and services;~~
 - ~~_____ (b) case management services;~~
 - ~~_____ (c) community supports, including:~~
 - ~~_____ (i) family support services;~~
 - ~~_____ (ii) in-home services;~~
 - ~~_____ (iii) housing; and~~
 - ~~_____ (iv) respite services;~~
 - ~~_____ (d) consultation, education, and preventative services, including:~~
 - ~~_____ (i) case consultation;~~
 - ~~_____ (ii) collaboration with other county service agencies; and~~
 - ~~_____ (iii) providing public education and public information;~~
 - ~~_____ (e) day treatment and psycho-social rehabilitation;~~
 - ~~_____ (f) inpatient care and services;~~
 - ~~_____ (g) outpatient care and services;~~
 - ~~_____ (h) psychotropic medication management;~~
 - ~~_____ (i) residential care and services; and~~
 - ~~_____ (j) services to persons incarcerated in a county jail or other county correctional facility.~~
- ~~_____ (4) Each LSAA shall provide or arrange for the provision of services within the following continuum of care:~~
 - ~~_____ (a) indicated prevention, including an educational series approved by the division in Rule R523-11, for individuals convicted of driving under the influence;~~
 - ~~_____ (b) recovery support services;~~

- (c) selective prevention;
- (d) treatment services prescribed by division contract or directive; and
- (e) universal prevention.
- (5) Each LMHA and LSAA shall participate in a yearly on-site evaluation conducted by the division.
- (6) Each LMHA and LSAA shall be responsible for monitoring and evaluating each subcontract to ensure:
 - (a) progress is made toward accomplishing contract goals and objectives; and
 - (b) services delivered to consumers are commensurate with funds provided.
- (7)(a) Each LMHA and LSAA shall conduct a minimum of one site visit per year with each subcontractor and produce a written report to document the reviewed activities and findings.
- (b) A copy of the written site visit report shall be made available to the division upon request.

R523-2-4. Formula for the Annual Allocation of Funding to LMHAs and LSAAs.

(1) Funds authorized by the Legislature for mental health services shall be allocated to LMHAs and LSAAs as described in Section 26B-5-107 and as follows:

- (a)(i) 5% of the total mental health funds shall be divided between the 24 smallest county LMHAs ranked by population as a rural differential; and
- (ii) the rural differential shall be allocated using the following methodology:
 - (A) 35% shall be divided in equal amounts to the first through sixth smallest counties;
 - (B) 30% shall be divided in equal amounts to the seventh through twelfth smallest counties;
 - (C) 20% shall be divided in equal amounts to the thirteenth through the eighteenth smallest counties; and
 - (D) 15% shall be divided in equal amounts to the nineteenth through the twenty-fourth smallest counties.
- (b) The division shall allocate the remaining mental health funds to the LMHAs on a per capita basis, using the most current population data available on the Utah Department of Health and Human Services Indicator-Based Information System for Public Health (IBIS-PH) website.
- (c) The funding formula may utilize a determination of need other than population if the division establishes by valid and acceptable data that other defined factors are relevant and reliable indicators of need.

(2) Funds appropriated by the Legislature to the division for substance use disorder services shall be allocated using the following formula:

- (a)(i) 5% of the total substance use disorder services funds shall be divided between the 24 smallest county LMHAs ranked by population as a rural differential; and
- (ii) the rural differential shall be allocated using the following methodology:
 - (A) 35% shall be divided in equal amounts to the first through sixth smallest counties;
 - (B) 30% shall be divided in equal amounts to the seventh through twelfth smallest counties;
 - (C) 20% shall be divided in equal amounts to the thirteenth through the eighteenth smallest counties; and
 - (D) 15% shall be divided in equal amounts to the nineteenth through the twenty-fourth smallest counties.
- (b) 57% of the total substance use disorder services funds shall be allocated to each county based on the incidence and prevalence of substance use disorders using the following data:
 - (i) the percent of adults estimated to be binge drinkers as reported by the Behavioral Risk Factor Surveillance System (BRFSS);
 - (ii) the percent of adults estimated to be chronic drinkers as reported by BRFSS;
 - (iii) the percent of youth reporting alcohol use within the past 30 days by the most current Student Health and Risk Protection (SHARP) survey;
 - (iv) the percent of youth estimated to be binge drinkers by the most current SHARP survey; and
 - (v) the percent of youth needing drug treatment as reported by the most current SHARP survey.
- (c) 38% of the total substance use disorder services funds shall be allocated to LSAAs on a per capita basis, according to the most current population data available from the IBIS-PH.

R523-2-5. Formula for Allocation of Medicaid Match Funds.

(1) For this section, "Medicaid member month" means the number of eligible Medicaid recipients in each county for each month of the previous state fiscal year.

(2) The division shall obtain the following data from the division's Medicaid program:

- (a) each Medicaid member month; and
 - (b) the actuarially established rates for a capitated Medicaid service system as determined by the Department of Health and Human Services and approved by the federal government for each county.
- (3) The division shall calculate county need for Medicaid match funds by multiplying each county's total Medicaid member months by that county's corresponding actuarial rates for the most current 12-month period.
- (4) The division shall sum county need to determine the state Medicaid match need.
- (5) The percent of total Medicaid match funds for each local authority shall be determined by dividing the sum of county need by the state Medicaid match need.
- (6) LMHAs and LSAAs that do not participate in the Medicaid prospective payment-capitation plan shall receive the amount of funds the LMHA or LSAA would have received if the funds had been distributed using state population as a determinate.

KEY: funding formula, bed allocations, Local Mental Health Authority, Local Substance Abuse Authority

Date of Last Change: ~~February 26, 2021~~ 2026

Notice of Continuation: December 1, 2025

Authorizing, and Implemented or Interpreted Law: ~~17-43-301(6)(a)(x); 62A-10-103(2)(a); 62A-15-103(2)(b)(ii); 62A-15-103(2)(g); 62A-15-105; 62A-15-108(1); 62A-15-108(2); 62A-15-610(2)(a); 62A-15-611(2)(a); 62A-15-902(2)(c); 76-8-311.1; 76-8-311.3; 76-10-523.5~~ 26B-5-104; 26B-5-107

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or section number:	R523-24	Filing ID: 57856

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:	
R523-24. Utah State Hospital Bed Allocation for Local Mental Health Authorities	
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:	
The provisions in this rule originally existed as a section in Rule R523-2 and are being reorganized into this rule to better align with Executive Order EO No. 2021-12.	
Statutory citations have been updated to reflect the changes that took place with the consolidation of the Department of Health and Human Services (department).	
5. Summary of the new rule or change:	
This rule establishes the formulas the department will use when assisting local mental health authorities to ensure that adult and pediatric state hospital beds are used in an equitable manner and that the needs of each local mental health authority for adult and pediatric hospital beds are met.	
The formulas establish a rural differential for counties that are classified as third class, fourth class, fifth class, and sixth class by the lieutenant governor's office pursuant to Section 17-50-501 for adult and pediatric bed allocations, ensure that every county receives a minimum of one adult and one pediatric bed, and require the Office of Substance Use and Mental Health to calculate the allocation of beds annually.	
(EDITOR'S NOTE: The proposed repeal and reenact of Rule R523-2, ID 57857, is in this issue, April 1, 2026, of the Bulletin.)	

Fiscal Information

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

A. State budget:

This rule establishes the formulas the department will use when assisting local mental health authorities to allocate adult and pediatric state hospital beds as required by statute.

These requirements already existed in Rule R523-2 and do not increase or decrease costs in state budgets.

B. Local governments:

This rule establishes the formulas the department will use when assisting local mental health authorities to allocate adult and pediatric state hospital beds as required by statute.

These requirements already existed in Rule R523-2 and do not increase or decrease costs in local governments.

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

This rule establishes the formulas the department will use when assisting local mental health authorities to allocate adult and pediatric state hospital beds as required by statute and does not apply to small businesses as small businesses do not have access to state hospital beds.

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

This rule establishes the formulas the department will use when assisting local mental health authorities to allocate adult and pediatric state hospital beds as required by statute and does not apply to non-small businesses as non-small businesses do not have access to state hospital beds.

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

This rule establishes the formulas the department will use when assisting local mental health authorities to allocate adult and pediatric state hospital beds as required by statute and does not apply to persons other than small businesses, non-small businesses, state, or local government entities as persons other than small businesses, non-small businesses, state, or local government entities do not have access to state hospital beds.

F. Compliance costs for affected persons:

There are no identified compliance costs for affected persons. The provisions in this rule already existed as a section in Rule R523-2 and establish the formulas the department will use when assisting local mental health authorities to allocate adult and pediatric state hospital beds as required by statute.

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

NOTICES OF PROPOSED RULES

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-5-326(2)(a)	Section 26B-5-327	
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.
A. Comments will be accepted until: 05/01/2026

10. This rule change MAY become effective on: 05/08/2026

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:	03/15/2026
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R523. Health and Human Services, Substance Use and Mental Health.

R523-24. Utah State Hospital Bed Allocation for Local Mental Health Authorities.

R523-24-1. Authority and Purpose.

- (1) Subsection 26B-5-326(2)(a) and Section 26B-5-327 authorize this rule.
- (2) This rule establishes the standards the Department of Health and Human Services (department) may use when assisting local mental health authorities in the utilization of unused beds, including:
 - (a) a formula to separately allocate adult beds to local mental health authorities (LMHAs) for persons who meet the requirements of Subsection 26B-5-306(2)(a); and
 - (b) a formula to allocate pediatric beds to LMHAs for persons who meet the requirements of Subsection 26B-5-306(2)(b).

R523-24-3. Definitions.

- (1) Terms in this rule are defined in Sections 26B-5-326 and 26B-5-327. Additionally:
- (2) "Adult " means that same as defined in Section 26B-5-301.

R523-24-4. Allocation of Hospital Adult Bed Days to Local Mental Health Authorities.

- (1) The formula to determine adult bed allocation in circumstances when the department assists LMHAs in utilizing unused beds shall be based on:
 - (a) the most recent available population estimates obtained from the Utah Department of Health and Human Service Indicator-Based Information System website;
 - (b) the total adults in the state; and
 - (c) the total number of adults in each mental health catchment area.
- (2) LMHAs within counties that are currently classified as third class, fourth class, fifth class, and sixth class by the lieutenant governor's office pursuant to Section 17-50-501 are given a rural differential as follows:
 - (a) the total number of adult beds available at the Utah State Hospital shall be determined; and
 - (b) 4.8% shall be subtracted from the total number of adult beds available for adults to be allocated as an urban differential.
- (3) The total number of available adult beds minus the urban differential shall be multiplied by the mental health catchment area percentage of the state's total adult population to determine the number of allocated adult beds for each LMHA.
- (4) Each LMHA shall be allocated the total number of beds within the LMHA's mental health catchment area, and any fractional number shall be rounded to the nearest whole bed.
- (5) The urban differential shall be distributed to each LMHA within an urban county based on the mental health catchment area's respective percentage of urban counties as a whole.

- (6) Each LMHA shall be allocated at least one adult bed.
- (7) Adjustments of adult beds, as the formula is applied, shall become effective at the beginning of the next fiscal year.
- (8) The Office of Substance Use and Mental Health shall:
 - (a) calculate the adult bed allocation;
 - (b) address any rounding issues to ensure allocated adult beds do not exceed total adult beds; and
 - (c) notify each LMHA of any change in adult bed allocations.

R523-24-5. Allocation of Hospital Pediatric Beds to Local Mental Health Authorities for Individuals Under the Age of 18.

- (1) The formula to determine pediatric bed allocation in circumstances when the department assists LMHAs in utilizing unused beds shall be based on:
 - (a) the most recent available population estimates obtained from the Utah Department of Health and Human Service Indicator-Based Information System website;
 - (b) the total number of individuals under the age of 18 for the state; and
 - (c) the total number of individuals under the age of 18 for each county.
- (2) The total number of pediatric beds available shall be multiplied by each county's percentage of the state's total pediatric population. This will determine the number of allocated pediatric beds for each mental health catchment area.
- (3) Each LMHA shall be allocated the total number of beds within the LMHA's mental health catchment area, and any fractional number shall be rounded to the nearest whole bed.
- (4) Each LMHA shall be allocated at least one pediatric bed.
- (5) Adjustments of pediatric beds, as the formula is applied, shall become effective at the beginning of the next fiscal year.
- (6) The Office of Substance Use and Mental Health shall:
 - (a) calculate the pediatric bed allocation;
 - (b) address any rounding issues to ensure allocated pediatric beds do not exceed total pediatric beds; and
 - (b) notify each LMHA of any change in pediatric bed allocations.

KEY: state hospital bed allocations, local mental health authority state hospital bed allocations

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 26B-5-326(2)(a); 26B-5-327

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R590-126-2	Filing ID: 57854

Agency Information

1. Title catchline:	Insurance, Administration	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R590-126-2. Purpose and Scope	
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 58 (2026 General Session)

<p>4. Purpose of the new rule or reason for the change:</p> <p>The rule is being amended because the language requiring the commissioner to adopt a rule under Title 31A, Chapter 22, Part 20, was removed from statute by the passing of HB 58 (2026 General Session).</p> <p>With the rule specific to limited long-term care being removed, this change will provide minimum standards similar to other types of accident and health insurance as provided in Section 31A-22-605.</p>
<p>5. Summary of the new rule or change:</p> <p>This rule removes the provision specifying that this rule does not apply to a limited long-term care insurance contract.</p> <p>This change will provide minimum standards similar to other types of accident and health insurance as provided in Section 31A-22-605.</p>

Fiscal Information

<p>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</p>
<p>A. State budget:</p> <p>There is no anticipated cost or savings to the state budget.</p> <p>While the commissioner no longer has rulemaking authority specific to limited long-term care insurance, the statute for minimum standards for accident and health insurance remains in effect.</p> <p>The Department anticipates no significant changes in its overall duties or operations.</p>
<p>B. Local governments:</p> <p>There is no anticipated cost or savings to local governments.</p> <p>The amendment of this rule does not affect local governments in any way.</p>
<p>C. Small businesses ("small business" means a business employing 1-49 persons):</p> <p>There is no anticipated cost or savings to small businesses.</p> <p>The revisions apply statute that remains in effect that applies to licensees of the Department, which may include small businesses, that are expected to comply with it.</p>
<p>D. Non-small businesses ("non-small business" means a business employing 50 or more persons):</p> <p>There is no anticipated cost or savings to non-small businesses.</p> <p>The revisions apply statute that remains in effect that applies to licensees of the Department, which may include small businesses, that are expected to comply with it.</p>
<p>E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):</p> <p>There is no anticipated cost or savings to any other persons.</p> <p>The revisions apply statute that remains in effect that applies to licensees of the Department, which may include small businesses, that are expected to comply with it.</p>
<p>F. Compliance costs for affected persons:</p> <p>There are no compliance costs for any affected persons.</p> <p>This rule is being revised to adopt minimum standards, which are less restrictive than the previous standards, and requires no compliance on the part of any person.</p>

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

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner of the Insurance Department, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 31A-2-201	Section 31A-2-201.1	Section 31A-22-605
Section 31A-22-605.1	Section 31A-22-623	Section 31A-22-626

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:	05/01/2026
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10. This rule change MAY become effective on: 05/08/2026

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

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	03/13/2026
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R590. Insurance, Administration.

R590-126. Accident and Health Insurance Standards.

R590-126-2. Purpose and Scope.

- (1) The purpose of this rule is to:
 - (a) standardize and simplify the terms and coverage of an accident and health insurance contract;
 - (b) facilitate public understanding and comparison of coverage;
 - (c) prohibit use of a provision that is misleading or confusing in connection with the purchase of coverage or the settlement of a claim;
 - (d) set minimum coverage requirements; and
 - (e) provide for full disclosure in the sale of insurance.
- (2) This rule applies to an accident and health insurance contract that is not specifically exempted from this rule, regardless of:
 - (a) whether the contract is issued to an association, a trust, a discretionary group, or another similar group; or

NOTICES OF PROPOSED RULES

- (b) the situs of delivery of the contract.
- (3) This rule does not apply to:
 - (a) an accident and health insurance contract issued to an employee group under Section 31A-22-502;
 - (b) a contract issued to an employee or member as an addition to a franchise plan in existence on January 1, 2006;
 - (c) a Medicare supplement contract subject to Section 31A-22-620;
 - (d) a TRICARE policy, formerly known as a Civilian Health and Medical Program of the Uniformed Services, 10 U.S.C. 55, CHAMPUS settlement insurance policy;
 - (e) a health benefit plan subject to Title 31A, Chapter 45, Managed Care Organizations;
 - (f) a short-term limited duration health insurance contract subject to Rule R590-286; or
 - (g) a long-term care insurance contract subject to Title 31A, Chapter 22, Part 14, Long-Term Care Insurance Standards[~~;~~ or
 - ~~(h) a limited long term care insurance contract subject to Title 31A, Chapter 22, Part 20, Limited Long Term Care Insurance Act].~~

KEY: health insurance

Date of Last Change: ~~2026~~**[March 24, 2025]**

Notice of Continuation: December 8, 2021

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-2-202; 31A-21-201; 31A-22-605; 31A-22-623; 31A-22-626; 31A-23a-402; 31A-26-301

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R614-1-9

Filing ID: 57826

Agency Information

1. Title catchline:	Labor Commission, Occupational Safety and Health	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146600	
City, state and zip:	Salt Lake City, UT 84114-6600	
Contact persons:		
Name:	Phone:	Email:
Holly Lawrence	801-530-6494	hlawrence@utah.gov
Floyd Johnson	801-530-6898	fjohnsion@utah.gov
Chris Hill	801-530-6113	chill@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R614-1-9. Retaliation
4. Purpose of the new rule or reason for the change:
The purpose of this amendment to Utah's Occupational Safety and Health (UOSH) rule is to reduce the burden placed on UOSH and parties by specifying the quantity of information that UOSH will consider as part of whistleblower investigations.
5. Summary of the new rule or change:
The proposed amendment: 1) adds a paragraph to Section R614-1-9 that: a. limits the number of pages that parties to a whistleblower investigation can provide to UOSH in position, rebuttal and sur-rebuttal statements; and b. limits the number of memoranda that will be considered by UOSH as part of the whistleblower investigation.

Fiscal Information

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

A. State budget:

UOSH's enforcement of the proposed amendment will not result in additional costs or savings to the state budget.

The amendment to UOSH's retaliation rule limits the number of pages and memoranda that may be submitted to UOSH, unless first approved by the Division of Occupational Safety and Health (division).

B. Local governments:

Local governments have no administration or enforcement obligations under the proposed amendment.

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

The proposed amendment will have no anticipated cost or savings to small businesses.

The amendment to UOSH's retaliation rule limits the number of pages and memoranda that may be submitted to UOSH, unless first approved by the division.

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

The proposed amendment will have no anticipated cost or savings to non-small businesses.

The amendment to UOSH's retaliation rule limits the number of pages and memoranda that may be submitted to UOSH, unless first approved by the division.

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

The proposed amendment will have no anticipated cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.

The amendment to UOSH's retaliation rule limits the number of pages and memoranda that may be submitted to UOSH, unless first approved by the division.

F. Compliance costs for affected persons:

The proposed amendment will have no anticipated compliance costs for affected persons.

The amendment to UOSH's retaliation rule limits the number of pages and memoranda that may be submitted to UOSH, unless first approved by the division.

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

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

NOTICES OF PROPOSED RULES

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner of the Utah Labor Commission, Jaceson R. Maughan, has reviewed and approved this regulatory impact analysis.
 This rule will not have a significant fiscal impact on businesses.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
 Section 34A-6-203

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: 05/01/2026

10. This rule change MAY become effective on: 05/08/2026
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jaceson R. Maughan, Commissioners	Date:	02/23/2026
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R614. Labor Commission, Occupational Safety and Health.

R614-1. General Provisions.

R614-1-9. Retaliation.

A. Section 34A-6-203 of the Utah OSH Act provides protection for employees who engage in protected activities under or related to the Utah OSH Act.

B. Engagement in Protected Activity. To establish a violation of Section 34A-6-203, the employee's engagement in protected activity need not be the sole consideration behind discharge or other adverse action. If protected activity was a substantial reason for the action, or if the discharge or other adverse action would not have taken place "but for" engagement in protected activity, Section 34A-6-203 has been violated.

C. Notification of Division's Findings.

Within 90 days of receipt of a whistleblower complaint, the division is to issue to the complainant and the respondent an order of the division's findings of whether a violation has or has not occurred, in accordance with Subsection 34A-6-203(2)(c) of the Utah OSH Act. This 90-day provision is considered directory in nature whereas there may be instances when it is not possible to meet the directory period set forth in this rule.

D. Memorandum Submission -- Length.

A memorandum is a formal written document or other written communication that supports or opposes a party's position. Without prior approval of the division, supporting and opposing memoranda shall not exceed a total of 15 pages, and reply memorandum shall not exceed seven pages. The page limits exclude exhibits and attachments. Memoranda must be clearly legible and use a font size no smaller than 12-point.

1. The page limitations are inclusive of headings, table of contents, introduction, background, conclusion, statement of issues and facts, and arguments.

2. The division shall not consider anything contained on pages which exceed the page limits.

3. If a memorandum is to exceed the page limitations set forth in this rule, approval of the division must first be obtained. A request for approval must include a statement of the reasons why additional pages are needed and specify the number required. The division may approve such requests only for good cause and a showing of exceptional circumstances that justify the need for an extension of the specified page limitations. Absent such a showing by the requesting party, such requests will not be approved.

4. Other than one supporting memorandum, one opposing memorandum, and one reply memorandum, no other memoranda shall be considered by the division, unless exceptional circumstances exist as determined by and at the discretion of the division.

~~D~~E. Employee Refusal to Comply with Safety Rules.

Employees who refuse to comply with occupational safety and health standards or valid safety rules implemented by the employer in furtherance of the Utah OSH Act are not exercising any rights given by the Utah OSH Act. Disciplinary measures taken by employers solely in response to employee refusal to comply with appropriate safety rules and regulations will not ordinarily be regarded as retaliatory action prohibited by Section 34A-6-203 of the Utah OSH Act.

KEY: safety

Date of Last Change: 2026~~[June 9, 2025]~~

Notice of Continuation: June 24, 2022

Authorizing, and Implemented or Interpreted Law: 34A-6

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R649-3-36

Filing ID: 57831

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-3-36. Shut-in and Temporarily Abandoned Wells
4. Purpose of the new rule or reason for the change:
The Division of Oil, Gas and Mining (Division) is updating their performance bond requirements for Oil and Gas wells.
5. Summary of the new rule or change:
This rule filing adds the word "inactive" within the "shut-in and temporarily abandoned wells" to clarify drilling operations suspended.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is a total of one state agency, the Division that will be associated with this proposed rule change.
There will be no fiscal impact to the agency as these changes are purely administrative.
B. Local governments:
No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.
C. Small businesses ("small business" means a business employing 1-49 persons):
There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be a fiscal impact to operators as these changes are purely administrative.

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

There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be a fiscal impact to operators as these changes are purely administrative.

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

This rule change will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.

F. Compliance costs for affected persons:

There will be a fiscal impact to operators as these changes are purely administrative.

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

Regulatory Impact Summary Table

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 40-6-1 et seq.

Public Notice Information

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

A. Comments will be accepted until: 05/01/2026

10. This rule change MAY become effective on: 06/01/2026

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

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	03/01/2026
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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.

R649-3. Drilling and Operating Practices.

R649-3-36. Shut-in, Inactive, and Temporarily Abandoned Wells.

(1)[+-] Wells may be initially shut-in, inactive, or temporarily abandoned for a period of [~~twelve~~-(12)] consecutive months. If a well is to be shut-in or temporarily abandoned for a period exceeding [~~twelve~~-(12)] consecutive months, the operator shall file a Sundry Notice providing the following information:

(a)[+-] Reasons for shut-in, inactive, or temporarily abandonment of the well[-];

(b)[+-] The length of time the well is expected to be shut-in, inactive, or temporarily abandoned[-]; and

(c)[+-] An explanation and supporting data, for showing the well has integrity, meaning that the casing, cement, equipment condition, static fluid level, pressure, existence or absence of Underground Sources of Drinking Water and other factors do not make the well a risk to public health and safety or the environment.

(2)[2-] After review the division will either approve the continued shut-in, inactive, or temporarily abandoned status or require remedial action to be taken to establish and maintain the well's integrity.

(3)[3-] After five[-(5)] years of nonactivity or nonproductivity, the well shall be plugged in accordance with S[ub]section R649-3-24, unless approval for extended shut-in time is given by the division upon a showing of good cause by the operator.

(4)[4-] If after a five[-(5)] year period the well is ordered plugged by the division, and the operator does not comply, the operator shall forfeit the drilling and reclamation bond and the well shall be properly plugged and abandoned under the direction of the division.

KEY: oil and gas law

Date of Last Change: ~~2026~~[December 3, 2025]

Notice of Continuation: June 30, 2025

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.; 40-6-5; 40-6-20; 40-6-21

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New

Rule or section number:

R650-307

Filing ID: 57851

Agency Information

1. Title catchline:	Natural Resources, Outdoor Recreation	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT	
Mailing address:	1594 W North Temple	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Jorge Vazquez	385-332-6177	jjvazquez@utah.gov
Morgan Smith	801-538-5500	morgansmith@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	R650-307. Outdoor Recreation Mitigation Grant 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:	HB 456 (2025 General Session)	

<p>4. Purpose of the new rule or reason for the change:</p> <p>HB 456, passed in the 2025 General Session, created the Outdoor Recreation Mitigation Grant and Board.</p> <p>This rule is being proposed in accordance with Section 79-9-102, which requires the Division of Outdoor Recreation (Division) to administer an outdoor recreation mitigation grants program, and to make rules (in consultation with the Outdoor Recreation Mitigation Board created in Section 79-9-104) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act as necessary to perform the division's duties in Title 79, Chapter 9.</p>
<p>5. Summary of the new rule or change:</p> <p>This rule governs procedures for Utah Outdoor Recreation Mitigation Grant Program applications, eligibility, project selection, and reporting and reimbursement requirements.</p> <p>This rule provides instructions for submitting an Outdoor Recreation Mitigation Grant application, specifies entities eligible to receive a grant, specifies criteria an applicant must meet to receive a grant, and specifies the scoring system used to evaluate grant applications.</p>

Fiscal Information

<p>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</p>																		
<p>A. State budget:</p> <p>Based on the fiscal note on the bill that created this grant program, the Division anticipate an increase in state revenue to the Outdoor Recreation Mitigation Grant Fund by \$6,700,000 in fiscal year 2026 and \$7,610,000 ongoing beginning in fiscal year 2027 (this is due to the 33% earmark on the additional 0.75% transient room tax rate enacted by the bill).</p>																		
<p>B. Local governments:</p> <p>Based on the fiscal note on the bill that created this grant program, the Division anticipates that there may be \$6,700,000 in fiscal year 2026 and \$7,610,000 ongoing beginning in fiscal year 2027, which will be available to local governments in the form of a grant administered by the Division.</p>																		
<p>C. Small businesses ("small business" means a business employing 1-49 persons):</p> <p>There are no anticipated costs or savings for small businesses associated with this rule because it does not impact small businesses, only local governments.</p>																		
<p>D. Non-small businesses ("non-small business" means a business employing 50 or more persons):</p> <p>The proposed rule does not have a fiscal impact on non-small businesses, nor will a service be required of them to implement this rule, because it does not impact small businesses, only local governments.</p>																		
<p>E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):</p> <p>There are no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities associated with this rule, because it does not impact small businesses, only local governments.</p>																		
<p>F. Compliance costs for affected persons:</p> <p>There are no anticipated compliance costs for affected persons because this rule/law only has fiscal impact on local governments.</p>																		
<p>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.)</p>																		
<p>Regulatory Impact Summary Table</p> <table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2026</th> <th>FY2027</th> <th>FY2028</th> <th>FY2029</th> <th>FY2030</th> </tr> </thead> <tbody> <tr> <td>State Budget</td> <td>\$0</td> <td>\$6,700,000</td> <td>\$7,100,000</td> <td>\$7,100,000</td> <td>\$7,100,000</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030	State Budget	\$0	\$6,700,000	\$7,100,000	\$7,100,000	\$7,100,000	Local Governments	\$0	\$0	\$0	\$0	\$0
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030													
State Budget	\$0	\$6,700,000	\$7,100,000	\$7,100,000	\$7,100,000													
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	\$6,700,000	\$7,100,000	\$7,100,000	\$7,100,000
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$6,700,000	\$7,100,000	\$7,100,000	\$7,100,000
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	\$6,700,000	\$7,100,000	\$7,100,000	\$7,100,000
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
 Section 79-9-102

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: 05/01/2026

10. This rule change MAY become effective on: 05/08/2026
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Jason Curry, Director	Date:	03/05/2026
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R650. Natural Resources, Outdoor Recreation.
R650-307. Outdoor Recreation Mitigation Grant Program.
R650-307-1. Authority.

- (1) This rule is established pursuant to Section 79-9-102 and applies to the Outdoor Recreation Mitigation Grant Program.
- (2) The purpose of this rule is to establish procedures for administering the Outdoor Recreation Mitigation Grant Program to assist eligible counties in addressing "Visitor-related emergency costs" and "Visitor-related safety costs."
- (3) This rule governs procedures for Outdoor Recreation Mitigation Grant Program applicants, eligibility, project selection, and reporting and reimbursement requirements. The rule provides instructions for submitting an Outdoor Recreation Mitigation Grant application, specifies entities eligible to receive a grant, specifies criteria an applicant must meet to receive a grant, and specifies the scoring system used to evaluate grant applications.

R650-307-2. Definitions.

- (1) "Board" means the Outdoor Recreation Mitigation Board created in Section 79-9-104, which advises the division and makes recommendations on funding priorities.
- (2) "Director" means the Director of the Division of Outdoor Recreation or the director's designee.
- (3) "Division" means the Division of Outdoor Recreation.
- (4) "Eligible County" means a county that meets the class, transient room tax rate, and revenue requirements in Sub-section 79-9-101(3).
- (5) "Grant" means an Outdoor Recreation Mitigation Grant awarded by the Division to an eligible county as described in Section 79-9-201.
- (6) "Grantee" means an eligible county that receives an Outdoor Recreation Mitigation Grant.

NOTICES OF PROPOSED RULES

(7) "Reimbursement" means the repayment of eligible and documented costs previously incurred by an eligible county for mitigation activities consistent with this rule and approved by the division.

(8) "Eligible cost" means an activity or expenditure that qualifies for funding.

(9) "Visitor-related emergency costs" means documented expenditures incurred by an eligible county in conducting search and rescue or emergency medical services in direct relation to individuals visiting for outdoor recreation, tourism, or conventions. These costs may include:

(a) road repair and upgrades, provided sufficient evidence demonstrates the road conditions directly affect emergency response; and

(b) costs, as described in Subsection 17-78-702(2)(d), so long as the eligible county applying for a grant presents sufficient evidence to suggest that the condition of roads in the eligible county has a direct impact on search and rescue efforts or providing emergency medical services in relation to an individual who is in the eligible county for outdoor recreation, tourism, or a convention.

(10) "visitor-related safety costs" means a mitigation cost described in Subsection 17-78-702(2)(d) that is not a visitor-related emergency cost, so long as the eligible county applying for a grant presents sufficient evidence to suggest that:

(a) the eligible county's current solid waste disposal operations are overwhelmed by outdoor recreation, tourism, or conventions in the eligible county, resulting in unsanitary or unsafe conditions in the eligible county;

(b) law enforcement activities within the eligible county are strained as a direct result of outdoor recreation, tourism, or conventions in the eligible county, resulting in unsafe conditions for recreators, visitors, tourists, county residents, and members of law enforcement within the eligible county; or

(c) road repair and upgrade costs, if the current condition of roads in the eligible county are overwhelmed by outdoor recreation, tourism, or conventions in the eligible county, resulting in unsafe conditions in the eligible county.

R650-307-3. Grant Application Form and Submission Procedure.

(1) The division shall provide a grant application form for eligible counties, which shall be posted on the division's website and contain:

(a) grant application submission instructions;

(b) the amount of funds available for application;

(c) grant eligibility criteria;

(d) instructions regarding submission of an "Eligible Cost" description, including submission of a description of a timeline for expenditures over the course of the grant;

(e) instructions for providing an outlined budget for total costs;

(f) instructions for providing an itemized budget showing the planned use of any granted funds;

(g) identification of documents and information the division determines are necessary for its verification and review of the application; and

(h) the prioritization matrix, as established by the division, that the division will use to evaluate the grant application.

(2) The division shall supply a paper application to any person or entity requesting a paper application.

(3) Applicants shall submit a completed grant application to the division by the deadline specified in the application

(a) the division shall determine the application deadline.

(b) the division shall offer applicants an early review option and provide feedback to grant applicants.

(c) the division shall publish on the application website, and in grant program materials, the deadline by which an applicant shall submit a grant application to receive early review.

(d) the division shall review a final application for completeness and shall verify the application meets the requirements set out in Section 79-9-201 and this rule and shall return to the applicant an incomplete application or an application that does not meet the requirements set out in Section 79-9-201 or this rule.

R650-307-4. Eligible Entities and Allowable Uses.

(1) Grants may be awarded only to "Eligible Counties."

(2) Grant funds may be used only for "Eligible costs include:"

(a) To pay for any present or ongoing "Visitor-related emergency costs" or "Visitor-related safety costs";

(b) To reimburse a provider of search and rescue efforts or emergency medical services within the past fiscal year and within the eligible county;

(c) To support the activities of a special district providing search and rescue, emergency medical services, solid waste disposal, or road repair.

(d) As proposed in the eligible counties or eligible special districts application for grant funding;

(3) "Eligible costs" are documented visitor-related emergency costs and visitor-related safety costs, including costs incurred:

(a) for search and rescue efforts related to increased outdoor recreation, tourism, or conventions;

(b) for emergency medical services related to increased outdoor recreation, tourism, or conventions;

(c) to support law enforcement activities related to increased outdoor recreation, tourism, or conventions.

(d) to support solid waste disposal operations related to increased outdoor recreation, tourism, or conventions conditions directly affect visitor-related emergency response or safety; and

(e) by, or reimbursed to, a special district providing services.

(4) The division shall review proposed "Eligible costs" to determine whether the costs align with the priorities and purposes of the Outdoor Recreation Mitigation Grant Program.

(5) The division may provide additional guidance on understanding "Eligible costs" through policy and application materials.

R650-307-5. Method And Formula for Determining Grant Recipients.

- (1) The division may, with available funding, award an outdoor recreation mitigation grant as described in this section.
- (2) In the event the division receives grant applications in excess of funding available to make grants, the division shall:
- (a) Provide a prioritization matrix that enables the Board to analyze, advise, and recommend grants for award; and
- (b) Describe the matrix in the grant application.
- (3) The prioritization matrix shall assess and value various categories, including whether the proposed "Eligible costs" address "Visitor-related emergency costs" or "Visitor-related safety costs."The prioritization matrix shall apply the following order of priority:
- (a) "Visitor-related emergency costs"
- (i) search and rescue
- (ii) emergency medical services
- (iii) road repair and upgrades
- (iv) smaller populations over larger populations
- (b) "Visitor-related safety costs"
- (i) solid waste disposal operations
- (ii) law enforcement
- (iii) road repair and upgrades
- (iv) smaller populations over larger populations
- (c) After making priority determination described in this section the division may prioritize available funding based on need in terms of:
- (i) amount of outdoor recreation and tourism taking place within the eligible county;
- (ii) the eligible counties' existing capacity to manage search and rescue efforts or emergency medical services without additional financial assistance;
- (iii) the eligible counties' existing capacity to manage search and rescue efforts or emergency medical services without additional financial assistance;
- (iv) the eligible counties' existing capacity to manage tourism-related safety costs without additional financial assistance;
- (4) Use of grant funds in a manner considered reasonable and necessary as determined by a submitted budget or past project performance that demonstrates the applicant's fiscal integrity;
- (5) Offer partnerships and cooperative efforts for the mitigation efforts among agencies and users, including opportunities for cooperative funding;
- (6) The Board shall, upon receipt of a grant application from the division:
- (a) review and consider the grant application; and
- (b) consult with and recommend to the division whether granted funds should be awarded based on the prioritization matrix in the grant application
- (7) The director shall select and approve grant applications based on the prioritization matrix in the grant application, taking into consideration recommendations from division staff and the Board, which may be in the form of joint or separate recommendations.
- (8) Within two weeks of the director's approval, the division shall notify applicants of the final decision on the applicant's grant application.
- (9) The division shall inform successful applicants of the expected contractual requirements.
- (10) The division shall inform unsuccessful applicants that their application was not successful.
- (11) The division shall inform the Board of grants approved for award.

R650-307-6. Reporting and Reimbursement Cooperation Requirements.

- (1) A grant recipient shall provide any financial records related to the grant project upon the division's request.
- (2) A grant recipient shall provide the division with progress reports until the project is complete.
- (3) A grant recipient shall provide to the division an itemized report that describes and details the expenditure of all granted funds or the intended expenditure of any unspent granted funds.
- (4) A recipient shall provide the reports referenced in Subsections (2) and (3) of this section at least annually, and no later than December 31st of each year in which grant funding is received, whether expended or unexpended.
- (5) A grant recipient shall submit a final report to the division no later than 60 days after the grant agreement termination date.
- (6) The final report shall clearly demonstrate, and provide assurances, that all granted funds disbursed to the grant recipient have been used for the purposes specified in the recipient's grant application and the grant agreement approved by the division.
- (7) To request reimbursement for approved expenditures, a grant recipient shall submit the following documentation to the division:
- (a) a reimbursement request on a form provided by the division;
- (b) copies of all invoices and evidence of payment of invoices, such as checks, bank statements, or receipts, as well as records of volunteer labor or other in-kind donations for work completed on the project;
- (c) several photos or similar documentation showing the project is complete;
- (d) a final report with the description of the completed project; and
- (e) any other documentation the division deems necessary to ensure the recipient has complied with the grant agreement.
- (8) A Grantee shall expend grant funds within 18 months of the day on which the funding was received. If the Grantee cannot expend due to the lack of need within the eligible county, the Grantee:
- (a) shall inform the division in writing regarding the remaining funding and why funds have not been expended;

NOTICES OF PROPOSED RULES

- (b) may retain the remaining grant funding until fully expended unless required by the division to return the remaining grant funding to the division; and
- (c) may not apply for a new outdoor recreation mitigation grant until the grant funding is fully expended or returned.
- (d) shall provide an accounting of all project expenditures on the timeline set out by the division in the grant contract.
- (9) At its sole discretion, the division may advance funds at no more than 75% of granted funds to the grant recipient for on-going and upfront costs, before the project's completion if the grant recipient demonstrates it does not have the financial ability to pay project expenses during the grant period.
 - (a) if a grant recipient requests advance granted funds from the division, the recipient shall outline the expected use of the advanced granted funds for a period of 12 months.
 - (b) if the division awards advance funds, it shall do so at the minimum amount to progress the project, and in increments of no more than 25% of the total grant award.
 - (c) in addition to any other documents, this rule requires the recipient to submit to the division any documentation the division determines necessary to ensure advance funds are managed and expended in accordance with the requirements of the grant agreement.
 - (d) if the division advances granted funds, the grant recipient shall provide a progress report and an accounting of all project expenditures pursuant to timelines set out by the division in the grant contract.
 - (e) the division shall provide the balance of granted funds to the grant recipient after the completion of the project and only after a final accounting of total project costs that details the expenditure of all granted funds or the intended cost of any unspent advanced granted funds.
 - (f) the division shall, in the grant agreement, provide any additional conditions that a grant recipient shall fulfill to receive advance granted funds, as well as any continuing obligations, including documentation requirements, that the grant recipient shall fulfill if advanced granted funds are received.
- (10) A recipient shall make all eligible expenditures during the contract period.
- (11) a recipient shall submit documentation for reimbursement within 60 days following the contract's expiration.
- (b) failure to submit documentation for reimbursement within the 60-day time frame may result in a delayed or denied reimbursement.
- (c) the documentation shall describe the expenditure of all granted funds.
- (11) The grant recipient shall return to the division any grant funds not expended or reimbursed in accordance with the contract terms.

KEY: outdoor recreation mitigation grant, outdoor recreation grants
Date of Last Change: 2026
Authorizing, and Implemented or Interpreted Law: 79-9-101 et seq.

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R765-134	Filing ID: 57848

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R765-134. Informal Adjudicative Proceedings Under the Utah Administrative Procedures Act	
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 1001 (2025 Special Session)

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

This filing amends Rule R765-134 based on revisions passed by the Utah Board of Higher Education.

Those revisions update Rule R765-134's definitions, and clarify the procedures for informal adjudicative procedures, including by making a provision for emergency adjudicative proceedings as needed.

The amendments to Rule R765-134 also include changes in citations, numbering, and organization based on SB 1001 (2025 Special Session).

5. Summary of the new rule or change:

The amendments to Rule R765-134 update statutory citations based on SB 1001 (2025 Special Session) and make changes to the language of this rule, including to the definitions.

The amendments also update the process for informal adjudicative proceedings, and the provisions for emergency adjudicative proceedings.

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

The amendments to Rule R765-134 will not have any fiscal impact on the state budget.

There is no fiscal impact on the state budget because this rule provides procedures for the administration of informal adjudicative proceedings and the changes made to the provisions of this rule do not have any impact on appropriations (which are not required under this rule) or any potential costs of implementing this rule.

As such, the changes do not affect any cost to or savings for the state budget.

B. Local governments:

The amendments to Rule R765-134 will not have any fiscal impact on local governments.

There is no fiscal impact on local governments because this rule provides procedures for the administration of informal adjudicative proceedings and the changes made to the provisions of this rule do not have any impact on appropriations (which are not required under the rule) or any potential costs of implementing this rule.

As such, the changes do not affect any cost to or savings for local governments.

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

The amendments to Rule R765-134 will not have any fiscal impact on small businesses.

There is no fiscal impact on small businesses because this rule provides procedures for the administration of informal adjudicative proceedings and the changes made to the provisions of this rule do not have any impact on appropriations (which are not required under this rule) or any potential costs of implementing this rule.

As such, the changes do not affect any cost to or savings for small businesses.

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

The amendments to Rule R765-134 will not have any fiscal impact on non-small businesses.

There is no fiscal impact on non-small businesses because this rule provides procedures for the administration of informal adjudicative proceedings and the changes made to the provisions of this rule do not have any impact on appropriations (which are not required under this rule) or any potential costs of implementing this rule.

As such, the changes do not affect any cost to or savings for non-small businesses.

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

The amendments to Rule R765-134 will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

There is no fiscal impact on small businesses, non-small businesses, state, or local government entities because this rule provides procedures for the administration of informal adjudicative proceedings and the changes made to the provisions of this rule do not have any impact on appropriations (which are not required under this rule) or any potential costs of implementing this rule.

As such, the changes do not affect any cost to or savings for small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

The amendments to Rule R765-134 will not impose any compliance costs on affected persons.

There are no compliance costs because this rule provides procedures for administering informal adjudicative proceedings and the changes made to the provisions of this rule to not create any such compliance costs.

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

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

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

The Utah Commissioner of Higher Education, Geoffrey Landward, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 63G-4-102(6)

Public Notice Information

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

A. Comments will be accepted until: 05/01/2026

10. This rule change MAY become effective on: 05/08/2026

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:	Alison Adams, Board Secretary and Designee	Date:	03/06/2026
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R765. Higher Education (Utah Board of), Administration.

R765-134. Informal Adjudicative ~~[Procedures]~~ Proceedings ~~[U]~~ under the Utah Administrative Procedures Act.

R765-134-1. Purpose.

The purpose of this rule is to provide ~~[rules]~~ guidelines and procedures for the application of Title 63G, Chapter 4, Administrative Procedures Act, and associated regulations, to the public institutions of higher education, the Utah Board of Higher Education (Board), and ~~[the Utah Higher Education Assistance Authority]~~ my529.

R765-134-2. Authority.

This rule is authorized by Subsection 63G-4-102(6).

R765-134-3. Definitions.

(1) ~~["Act" means Title 63G, Chapter 4, Administrative Procedures Act.~~

~~_____ (2)]~~ "Adjudicative proceeding" means an institutional action or proceeding described in Section 63G-4-103~~[2, Utah Code Annotated (1953)]~~.

~~_____ (2)]~~ "Institution" means the Board, my529, or an institution listed in Section 53H-1-102.

~~_____ (3)]~~ ~~["Board" means Utah Board of Higher Education.]~~ "Party" means the institution or other person commencing an adjudicative proceeding, all respondents, all persons permitted by the presiding officer to intervene in the proceeding, and all persons authorized by statute or institutional rule to participate as parties in an adjudicative proceeding.

~~_____ (4)]~~ ~~["Institution" means an institution that is named in Section 53B-1-102 and Utah Higher Education Assistance Authority.]~~ "Person" means an individual, group of individuals, partnership, corporation, association, institution, agency, political subdivision or its units, governmental subdivision or its units, public or private organization or entity of any character.

~~_____ (5)]~~ ~~["Party" means the institution or other person commencing an adjudicative proceeding, each respondent, any person permitted by the presiding officer to intervene in the proceeding, and any person authorized by statute or institutional rule to participate as parties in an adjudicative proceeding.]~~ "Presiding officer" means the chief executive officer of the institution, or an individual or body of individuals designated by the chief executive officer, by institutional rules, or by statute to conduct an adjudicative hearing.

~~_____ (6)]~~ ~~["Person" means an individual, group of individuals, partnership, corporation, association, institution, agency, political subdivision or its units, governmental subdivision or its units, public or private organization or entity of any character.]~~ "Respondent" means a person against whom an adjudicative proceeding is initiated, whether by an institution or any other person.

~~_____ (7)]~~ ~~["Presiding officer" means the chief executive officer of the institution, or an individual or body of individuals designated by the chief executive officer, by institutional rules, or by statute to conduct an adjudicative hearing.~~

~~_____ (8)]~~ "Respondent" means a person against whom an adjudicative proceeding is initiated, whether by an institution or any other person.]

R765-134-4. Applicability of Rule and Findings of Board.

(1) The Utah Administrative Procedures Act (Act), Section 63G-4-102, provides certain exemptions from the Act which affect higher education institutions. As a consequence of these statutory provisions, adjudicative proceedings relating to the evaluation, discipline, employment, transfer, reassignment, or promotion of students and faculty, to personnel matters for all employees, to contracts for the purchase and sale of goods and services by the institutions, or to actions required by federal statute or regulation to be conducted solely according to federal procedures are not governed by the Act.

(2) Subsection ~~[53B-3-106(2)]~~ 53H-3-905(2) provides that, "[s]tate institutions of higher education are 'political subdivisions'... as [these] this term [s-are] is used in Title 41, Chapter 6a, Traffic Code." The Act applies to ~~[an agency]~~ "agencies" which, as defined in Subsection 63G-4-103(1)(b), does not include "any political subdivision of the state, or any administrative unit of a political subdivision of the state." Consequently, the institutions are exempt from the Act in matters involving campus traffic regulations not only where students and employees are involved but also where they impact persons other than students and employees. However, since some aspects of parking and parking lot management may not be covered by Title 41, Chapter 6a, Traffic Code, hearings relating to parking matters which involve persons other than students and employees may be subject to the Act.

(3) ~~(a)]~~ Adjudicative proceedings, undertaken by an institution, ~~[which affect the following matters are exempt from the Act]~~ are to be conducted informally according to the procedures set forth in this rule, enacted under the authority of the Act, except for matters that involve:

~~(i)]~~ (a) the evaluation, discipline, employment, transfer, reassignment, or promotion of students and faculty;

~~(ii)]~~ (b) personnel matters for all employees;

~~(iii)]~~ (c) campus traffic;

~~(iv)]~~ (d) contracts for the purchase and sale of goods and services by the institution; or

~~(v)]~~ (e) actions required by federal statute or regulation to be conducted solely according to federal procedures.

~~_____ (b)]~~ For any adjudicative proceeding not identified in Subsection (3)(a) that is undertaken by an institution where the parties are students or employees, the proceedings shall be conducted informally according to the procedures set forth in Section R765-134-5.

NOTICES OF PROPOSED RULES

~~(c) For any adjudicative proceeding not identified in Subsection (3)(a) that is taken by an institution where parties other than students or employees are involved are authorized to be handled informally according to Section R765-134-5. Such proceedings include:~~

(4) Adjudicative proceedings where parties other than students or employees are involved that are authorized to be handled informally include:

- ~~(i)~~ (a) admissions;
- ~~(ii)~~ (b) residence for tuition purposes;
- ~~(iii)~~ (c) financial aid, [~~including the eligibility for and collection of student loans~~];
- ~~(iv)~~ (d) campus parking;
- ~~(v)~~ (e) campus event participation;
- ~~(vi)~~ (f) former student matters; and
- ~~(vii)~~ (g) former employee matters.

~~(4)~~ (5) The Board makes the following findings as to the appropriateness of informal adjudicative proceedings:

(a) The use of informal procedures as provided in Subsection R765-134-4(3) does not violate any procedural requirement imposed by a statute other than the Act.

(b) The rights of the parties to the proceedings will be reasonably protected by the informal procedures.

(c) The institutions' administrative efficiency will be enhanced by this categorization.

(d) The cost of formal adjudicative proceedings outweighs the potential benefits to the public of a formal adjudicative proceeding.

~~(5)~~ (6) If fairness is not compromised, an institution may substitute one presiding officer for another during any proceeding. A person who acts as a presiding officer at one phase of a proceeding need not continue as presiding officer through all phases of a proceeding.

~~(6)~~ (7) Each institution [~~is authorized to~~] may adopt its own categorizations and procedures [~~duly~~] enacted under the authority of the Act. Significant variations from the Board's rules and procedures must be approved by the Board.

R765-134-5. Procedures for Informal Adjudicative Proceedings.

(1) An informal adjudicative proceeding shall be commenced by either:

(a) a notice of institutional action, if proceedings are commenced by the institution; or

(b) a request for institutional action, if proceedings are commenced by persons other than the institution.

(2) A notice of institutional action or a request for institutional action shall be filed and served according to the following requirements:

(a) The notice shall be in writing, signed by a presiding officer if the proceeding is commenced by the institution, or by the person invoking the jurisdiction of the institution, or by [~~the person's~~] their representative, and shall include:

(i) the names and mailing addresses of each respondent and other persons to whom notice is being given;

(ii) the institution's file number or other reference number;

(iii) the name of the adjudicative proceeding;

(iv) the date that the notice of institutional action or the request for institutional action was mailed;

(v) if a hearing is to be held, a statement of the time and place of any scheduled hearing, a statement of the purpose for which the hearing is to be held, and a statement that a party who fails to attend or participate in the hearing may be held in default;

(vi) if a hearing is not scheduled, a statement that a party may request a hearing within 20 days of the mailing of the notice or such other time as prescribed by institutional rule;

(vii) a statement of the legal authority and jurisdiction under which the adjudicative proceeding is to be maintained or institutional action is requested;

(viii) a statement of the purpose of the adjudicative proceeding, the questions to be decided to the extent known or the facts and reasons forming the basis for relief, and the relief or decision sought by the commencing party; and

(ix) the name, title, mailing address, and telephone number of the presiding officer.

(b) The institution shall mail the notice of institutional action or the request for institutional action to each party.

(3) No answer or other pleading responsive to the allegations contained in the notice of institutional action or the request for institutional action need be filed.

(4) The institution shall hold a hearing only if a hearing is required by statute or rule, or if a hearing is permitted by statute and a hearing is requested by a party within 20 days of the mailing of the notice, or such other time as prescribed by institutional rule. "Hearing" includes not only a face-to-face proceeding but also a proceeding conducted by telephone, television, or other electronic means.

(5) In any hearing, the parties named in the notice of institutional action or in the request for institutional action shall be permitted to testify, present evidence, and comment on the issues. Participation may be limited to the named parties.

(6) Hearings will be held only after timely notice to each party.

(7) Discovery is prohibited, and the institution may not issue subpoenas or other discovery orders. [~~The parties may gather and share information in a non-coercive manner.~~] This prohibition against discovery is not intended to discourage non-coercive gathering or sharing of information by the parties.

(8) Each party shall have access to information contained in the institution's files and to all materials and information gathered in any investigation, to the extent permitted by law.

(9) Intervention is prohibited, except that the institution may enact rules permitting intervention where a federal statute or federal rule requires that a state permit intervention.

(10) Each hearing shall be open to each party. If the hearing is conducted by telephone, television or other electronic means this criterion is met if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see that aspect of the entire proceeding which is significant to the viewer while the proceeding is taking place.

(11) Within a reasonable time after the close of the hearing, or after the parties' failure to request a hearing within the time prescribed by the institution's or this rule, the presiding officer shall issue a signed order in writing that states the following:

- (a) the decision;
- (b) the reasons for the decision;
- (c) a notice of any right of administrative or judicial review available to the parties; and
- (d) the time limits for filing an appeal or request for review.

(12) The presiding officer's order shall be based on the facts appearing in the institution's files and on the facts presented in evidence at any hearings.

(13) Each hearing shall be recorded at the institution's expense. Any party, at ~~his~~their own expense, may have a reporter approved by the institution prepare a transcript from the institution's record of the hearing.

(14) Nothing in this rule restricts or precludes any investigative right or power given to an institution by a statute other than the Act.

(15) The presiding officer may enter an order of default against a party if that party fails to participate in the adjudicative proceeding. The order shall include a statement of the grounds for default and be mailed to each party. A defaulted party may seek to have the institution set aside the default order according to procedures outlined in the Utah Rules of Civil Procedure~~[- Rule 60]~~. After issuing the order of default, the presiding officer shall conduct any further proceedings necessary to complete the adjudicative proceeding without the participation of the party in default and determine each issue in the adjudicative proceeding, including those affecting the defaulting party.

(16) If a statute or the institution's rules permit parties to any adjudicative proceeding to seek review of an order, the aggrieved party may file a written request for review within ten days after the issuance of the order with the person or entity designated for that purpose by statute or rule. The form and procedures for such a request are set forth in Section 63G-4-301.

(17) Within ten days after the date that an order on review is issued, or within ten days after the date that a final order is issued for which institutional review is unavailable, any party may file a written request for reconsideration, stating the specific grounds upon which relief is requested. Unless otherwise provided by statute, the filing of the request is not a prerequisite for seeking judicial review of the order or the order on review. The request for reconsideration shall be filed with the institution and one copy shall be sent by mail to each party by the person making the request. The institution president, or a person designated for that purpose, shall issue a written order granting the request or denying the request. If the president or ~~his~~their designee does not issue an order within 20 days after the filing of the request, the request for rehearing shall be considered ~~to be~~denied.

(18) A party aggrieved may obtain judicial review of final institutional action except in actions where judicial review is expressly prohibited by statute, only after exhausting all administrative remedies available, except that:

(a) a party seeking judicial review need not exhaust administrative remedies if a statute states that exhaustion is not required;~~[-and]~~

(b) the court may relieve a party seeking judicial review of the requirement to exhaust any or all administrative remedies if the administrative remedies are inadequate, or exhaustion of remedies would result in irreparable harm disproportionate to the public benefit derived from requiring exhaustion.

(19) A party shall file a petition for judicial review of final institutional action within 30 days after the date that the order constituting the final institutional action is issued. The petition shall name the institution and all other appropriate parties as respondents and shall meet the form requirements specified in the Act.

(20) The district courts shall have jurisdiction to review by trial de novo all final institutional action resulting from an adjudicative proceeding hereunder, except that final institutional action from proceedings based on a record shall be reviewed by the district courts on the record according to the standards of Subsection 63G-4-403(4). The form of the petition and procedures for this process are set forth in Section 63G-4-40~~[2]~~~~[3]~~.

(21) Unless precluded by statute, the institution may grant a stay of its order, or other temporary remedy during the pendency of judicial review, according to the institution's rules. If the institution denies a stay or denies other temporary remedies requested by a party, the institution's order of denial shall be mailed to all parties and shall specify the reasons why the stay or other temporary remedy was not granted.

(22) An institution may issue an order on an emergency basis without complying with the requirements of the Act if the facts known by the institution or presented to the institution show that an immediate and significant danger to the public health, safety, or welfare exists, and the threat requires immediate action by the institution. In issuing its emergency order, the institution shall~~[- comply with Section 63G-4-502-]~~:

(a) limit its order to require only the action necessary to prevent or avoid the danger to the public health, safety, or welfare;

(b) issue promptly a written order, effective immediately, that includes a brief statement of findings of fact, conclusions of law, and reasons for the institution's utilization of emergency adjudicative proceedings; and

(c) give immediate notice to the persons who are required to comply with the order.

(23) If the emergency order issued under Subsection R765-134-5(22) will result in the continued infringement or impairment of any legal right or interest of any party, the institution shall begin appropriate adjudicative proceedings in accordance with the other provisions of this rule and the Act.

~~(23)(a)~~(24)(a) Any person may file a request for institutional action, requesting that the institution issue a declaratory order determining the applicability of a statute, rule, or order within the primary jurisdiction of the institution to specified circumstances. An institution may issue a declaratory order that would substantially prejudice the rights of a person who would be a necessary party, only if that person consents in writing to the determination of the matter by a declaratory proceeding. After receipt of a petition for a declaratory order, the institution may issue a written order:

- (i) declaring the applicability of the statute rule, or order in question to the specified circumstances;
- (ii) setting the matter for adjudicative proceedings;
- (iii) agreeing to issue a declaratory order within a specified time; or
- (iv) declining to issue a declaratory order and stating the reasons for its action.

NOTICES OF PROPOSED RULES

- (b) The declaratory order shall contain:
 - (i) the names of all parties to the proceeding on which it is based;
 - (ii) the particular facts on which it is based; and
 - (iii) the reasons for its conclusions.

KEY: colleges, higher education, adjudicative procedures

Date of Last Change: ~~July 15, 2021~~ 2026

Notice of Continuation: August 11, 2022

Authorizing, and Implemented or Interpreted Law: 63G-4-102(6)

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends May 01, 2026.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through July 30, 2026, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: CPR (Change in Proposed Rule)		
Rule or section number:	R501-22	Filing ID: 57649
Date of previous publication (only for CPRs):	12/01/2025	

Agency Information

1. Title catchline:	Health and Human Services, Human Services Program Licensing	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@utah.gov
Jada Stelmach	801-230-4296	jstelmach3@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

General Information

2. Rule or section catchline:	
R501-22. Residential Support Programs	
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 297 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
<p>The purpose of this change in proposed rule (CPR) filing is to update this rule to include additional health and safety standards and statutory requirements of congregate care programs, regulated by the Office of Licensing (OL), under the Department of Health and Human Services (department).</p> <p>This CPR incorporates applicable provisions from Sections 26B-2-124 and 26B-2-124.1, introduced in SB 297, passed in the 2025 General Session.</p> <p>SB 297 (2025) amended Section 26B-2-124 by adding definitions and requirements specific to congregate care program regulation and requiring OL to make rules describing additional mandatory provisions for a discharge plan, a suicide prevention plan, objective criteria that a congregate care program shall apply in determining whether a child is in crisis, and how a congregate care program shall notify OL when a child begins receiving services.</p> <p>SB 297 (2025) also enacted Section 26B-2-124.1, which establishes the Congregate Care Advisory Committee and, in consultation with this committee, requires OL to adopt by rule a set of applicable minimum safety requirements and make rules to implement and enforce that section for the various provider types that offer congregate care.</p> <p>This section also requires OL to, in consultation with the committee, regulate admissions criteria for congregate care programs and define levels of congregate care.</p> <p>OL and the committee are in the process of developing the standard and intensive levels of congregate care and plan to update the rule when the levels of congregate care have been determined.</p>	
5. Summary of the new rule or change:	
This CPR adds definitions for clarity and outlines criteria for a child to qualify as a candidate for and gain admission to a congregate care residential support program.	

It also requires any regulated residential support provider to develop a disruption plan and suicide prevention plan for any client served in this type of program.

Additionally, this CPR describes the Congregate Care Advisory Committee, requires providers to post and distribute a notice related to the congregate care ombudsman, and references applicable statute regarding provider requirements. This CPR also outlines how OL, in consultation with the Congregate Care Advisory Committee, will define and assign the levels of congregate care to new and existing programs, as well as the process for reviewing initial and renewal applications for congregate care residential support providers.

Additionally, this CPR makes style and formatting changes to align with the Rulewriting Manual for Utah and other rules under the department.

(EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the December 1, 2025, issue of the Utah State Bulletin, on page 171. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

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

A. State budget:

This CPR is not anticipated to result in a cost or savings to the state budget, as congregate care providers are already regulated by the Office of Licensing (OL) under other human services rules. The additional content included in this CPR is intended to clarify the health and safety requirements for congregate care providers offering residential support services.

Any content that did not previously exist under other department rules is based on new requirements for congregate care providers as a result of SB 297 (2025), and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered in the fiscal note for SB 297 (2025).

New language in this rule related to a disruption plan and suicide prevention for a client in a congregate care program provides further clarity on an existing requirement and is not anticipated to introduce any cost or savings.

No new processes are being added to licensing reviews of providers.

The department does not anticipate any fiscal impact on the state budget as a result of the style and formatting changes and additional definitions included in this CPR.

The fiscal note for SB 297 (2025 General Session) is available at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/SB0297S05.fn.pdf>.

B. Local governments:

This CPR is not anticipated to impact local governments' revenues or expenditures because congregate care providers are regulated by OL and not local governments.

There will be no change in local business licensing or any other item with which local governments are involved.

Additionally, OL has not identified any congregate care residential support providers that qualify as local governments.

The department does not anticipate any fiscal impact on local governments as a result of the style and formatting changes and additional definitions included in this CPR.

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

This CPR is not anticipated to result in a cost or savings for small businesses operating as congregate care providers, as congregate care providers are already regulated by OL and have already been complying with this rule's requirements as part of OL's existing licensing process.

Any content that did not previously exist under other department rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered under the state budget in fiscal note for the bill.

Any new content in this rule related to a disruption plan and suicide prevention plan for a client in a congregate care program provides further clarity on an existing requirement and is not anticipated to introduce any cost or savings. No new licensing processes have been added to increase costs for small business compliance.

The department does not anticipate any fiscal impact on small businesses as a result of the style and formatting changes and additional definitions included in this CPR.

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

This CPR is not anticipated to result in a cost or savings for non-small businesses operating as congregate care providers, as congregate care providers are already regulated by OL and have already been complying with this rule's requirements as part of OL's existing licensing process.

Any content that did not previously exist under other department rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered under the state budget in fiscal note for the bill.

Any new content in this rule related to a disruption plan and suicide prevention plan for a client in a congregate care program provides further clarity on an existing requirement and is not anticipated to introduce any cost or savings. No new licensing processes have been added to increase costs for non-small business compliance.

The department does not anticipate any fiscal impact on non-small businesses as a result of the style and formatting changes and additional definitions included in this CPR.

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

This CPR is not anticipated to result in a cost or savings for other persons, including nonprofit entities, operating as congregate care providers, as congregate care providers are already regulated by OL and have already been complying with this rule's requirements as part of OL's existing licensing process.

Any content that did not previously exist under other human services rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered under the state budget in fiscal note for the bill.

Any new content in this rule related to a disruption plan and suicide prevention plan for a client in a congregate care program provides further clarity on an existing requirement and is not anticipated to introduce any cost or savings. No new licensing processes have been added to increase costs for compliance for other persons.

The department does not anticipate any fiscal impact on other persons as a result of the style and formatting changes and additional definitions included in this CPR.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons, identified as small businesses, non-small businesses, and other persons, including nonprofit entities, providing congregate care residential support services or OL, as the regulatory body for health and safety standards for department providers.

Any content that did not previously exist under other human services rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered under the state budget in fiscal note for the bill.

Any new content in this rule related to a disruption plan and suicide prevention plan for a client in a congregate care program provides further clarity on an existing requirement and is not anticipated to introduce any compliance costs. No new licensing processes have been added to increase compliance costs.

The department does not anticipate any compliance cost for affected persons as a result of the style and formatting changes and additional definitions included in this CPR.

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

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

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

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 26B-2-104	Section 26B-2-124	Section 26B-2-124.1
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Public Notice Information

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

A. Comments will be accepted until:	05/01/2026
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10. This rule change MAY become effective on:	05/08/2026
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:	03/15/2026
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R501. Health and Human Services, Human Services Program Licensing.

R501-22. Residential Support Programs.

R501-22-1. Authority and Purpose.

- (1) Sections 26B-2-104, 26B-2-124, and 26B-2-124.1 authorize[s] this rule.
- (2) This rule establishes basic health and safety standards for residential support program[s] licensure.

R501-22-2. Definitions.

Terms used in this rule are defined in Sections 26B-2-101, 26B-2-120, 26B-2-124, 26B-2-124.1 and Rule R380-600. Additionally:

- (1)(a) "Child in crisis" means a child who is experiencing a situation where the child's mental health or safety is at immediate risk.
- (b) A child in crisis may exhibit extreme behaviors or emotions that require immediate intervention and support, including:
 - (i) destruction of property;
 - (ii) engaging in self-injurious behavior;
 - (iii) experiencing severe aggression, agitation, or hostility;
 - (iv) expressing suicidal thoughts;
 - (v) extreme emotional changes including intense anger, irritability, or sadness;
 - (vi) hallucinating or experiencing delusions; or
 - (vii) withdrawal or isolation.
- (c) A child in crisis is a reportable critical incident.
- (~~1~~)² "Deemed site" means:
 - (a) the same as defined in Section 26B-2-110; and
 - (b) a human services program identified by a single geographic location [~~and linked to the parent program, if one exists~~].
- (3) "Direct Access Clearance System" or "DACs" means the online system used by the Office of Background Processing (OBP), under the Division of Licensing and Background Checks, for processing and monitoring background checks for any applicant with direct access to a client in a human services program.
- (~~2~~)⁴ "Good standing" means the same as defined in Section 26B-2-110.
- (5) "Program" means the same as "program or facility" is defined in Section 26B-2-701.
- (~~3~~)⁶(a) "Receiving center" means any facility that has received written office approval to allow short-term residential support.
- (b) A receiving center is not a secure or lock-down facility.

R501-22-3. Scope.

(~~1~~) Each provider shall comply with any applicable federal, state, or local law, rule, or ordinance, including:

- (1) Section 26B-2-123;
- (2) Section 26B-2-124;
- (3) Section 26B-2-124.1;
- (~~a~~)⁴ Rule R380-80;
- (~~b~~)⁵ Rule R380-600;
- (6) Rule R500-4;
- (~~e~~)⁷ Rule R501-1; [~~and~~]
- (8) Rule R501-14; and
- (~~d~~)⁹ this rule.

R501-22-4. Administration.

- (1) A provider may offer treatment through a referral or through the provider's own program by voluntary client participation.
- (2) Each provider that offers treatment shall obtain the appropriate categorical Department of Health and Human Services (department) license for that treatment.
- (3) Each provider serving an individual experiencing homelessness in a setting with a contracted service provider shall identify each key decision maker and service provider that is associated with the license application and accountable for compliance with licensing rules within the licensed setting.
- (4) A provider may not require consent to treatment as a condition of admission.
- (5) The provider shall provide evidence of ongoing coordination with any appropriate local health authority regarding managing communicable diseases within the licensed setting.

- (6) The provider shall train staff regarding:
 - (a) various types of communicable diseases;
 - (b) recognizing signs and symptoms of communicable diseases; and
 - (c) steps to take when a potential disease is identified or an outbreak occurs.
- (7) The provider shall develop, implement, and comply with safe practices that ensure:
 - (a) client health, safety, and supervision;
 - (b) the needs of the client population are met, including needs for food, hydration, laundry, medication, and medical care; and
 - (c) there is no conflict with any administrative rule or statute.

R501-22-5. Staffing.

- (1) The provider shall provide 24-hour supervision for any domestic violence facility serving adults.
- (2) The provider shall establish and provide safe practices that identify each situation requiring medical attention and a plan to~~how the program will~~ meet the client's medical needs.

R501-22-6. Background Checks.

- (1) A program shall submit to OBP ~~shall conduct~~ a human services program background check for each program staff or volunteer, in accordance with Section 26B-2-120 and Rule R501-14, except for:
 - (a) an individual identified as an invited visitor in accordance with Subsection 26B-2-120(10)(b)(iii); or
 - (b) a volunteer that does not have direct or unsupervised access to a client.
- (2) The provider shall designate an individual who is responsible for:
 - (a) ensuring and documenting how each applicant is directly supervised for the entirety of that applicant's supervised employment term before receiving the eligible determination;
 - (b) ensuring an application is submitted in DACS within 14 days of each staff becoming associated with the provider;
 - (c) initiating, monitoring, and maintaining background checks in DACS for each individual with direct access;
 - (d) maintaining compliance with Rule R501-14;
 - (e) managing communications with OBP and OL;
 - (f) monitoring DACS and taking necessary action when eligibility status changes; and
 - (g) separating any staff in DACS within five days of that staff:
 - (i) no longer being associated with the provider; or
 - (ii) having an ineligible determination status from OBP on a background check with no pending appeal.
- (3) The provider shall ensure each direct care staff, contracted staff, volunteer, and intern has an eligible background check determination before permitting that individual to work unsupervised with a client, except as excluded in Rule R501-14.

R501-22-7. Physical Facility.

- (1) Except as otherwise provided in this section, each provider shall have at least one bathroom for every ten clients.
 - (2)(a) A domestic violence facility may allow family members to share a bathroom.
 - (b) When a bathroom is shared by more than one family or by children over the age of eight, each child's parent or program staff shall ensure that client privacy is maintained.
 - (3) The provider shall develop safe practices to identify how to manage emergency overflow if the facility reaches capacity during dangerous weather conditions, which include any condition that warrants a public warning or alert by the National Weather Service under Section 35A-16-702.
 - (4) The provider shall develop safe practices that allow and encourage each client to have clean linens at least weekly.
 - (5) Except as outlined in Subsection (10), the provider shall provide each client with clean bedding that is laundered:
 - (a) at least weekly
 - (b) when soiled; and
 - (c) before being provided to a different person.
 - (6) A provider may allow family members to share bedroom space.
 - (7) The provider shall ensure that any domestic violence facility or family support center complies with the following bedroom standards:
 - (a) in a multiple occupant bedroom, there shall be at least:
 - (i) 40 square feet per client, not counting storage space; or
 - (ii) one crib for each child under two years old that does not inhibit access to or from the room;
 - (b) any rollaway bed or hide-a-bed may only be used when the 40 square foot space requirement in Subsection (7)(a) is maintained;
- and
- (c) when a bedroom is shared by more than one family, program staff shall make arrangements to ensure client privacy.
 - (8) The provider shall ensure that any receiving center complies with the following bedroom standards:
 - (a) each dormitory-style bedroom shall meet the square footage and capacity determinations made by the local fire authority;
 - (b) capacity determinations in Subsection (8)(a) include any staff present in the facility;
 - (c) if the local fire authority does not identify capacity, licensing square footage requirements described in Subsection (7) apply; and

NOTICES OF CHANGES IN PROPOSED RULES

- (d) there is a safe practice in place to identify how to manage overflow if the receiving center reaches capacity.
- (9) Each provider shall develop, implement, and comply with policy that addresses:
 - (a) conflict resolution;
 - (b) daily schedules;
 - (c) housekeeping responsibilities;
 - (d) nuisance and disruptive behavior;
 - (e) prohibited items;
 - (f) rules and guidelines for each family or mixed gender clients sharing the same dormitory space or bedroom, including each individualized bedroom assignment;
 - (g) securing personal belongings;
 - (h) the responsibility for each client to supervise that client's own children; and
 - (i) the search procedure.
- (10) Each provider that requires a client to provide that client's own laundry supplies and locate a laundromat for laundering shall have a safe practice to assist any client on a limited basis when that client cannot provide laundry supplies or locate a laundromat.

R501-22-8. Specialized Services for Programs Serving Clients With Substance Use Disorders.

- (1) A provider may not admit any client in a coma, experiencing convulsions, shock, delirium tremens, or unconsciousness~~[-or in a coma]~~.
- (2) Each provider serving a client with a substance use disorder shall provide evidence of ongoing coordination with any appropriate local health authority regarding managing communicable diseases within the licensed setting.
- (3) The provider shall screen each staff and client for risk of tuberculosis.
- (4) A licensed substance use disorder treatment program shall maintain documentation of annual completion of the National Survey of Substance Abuse Treatment.

R501-22-9. Specialized Services for Programs Providing Services~~[ng]~~ for Children.

- ~~[(1) A provider serving only child populations is considered a congregate care program, as defined in Section 26B-2-101, and shall adhere to each requirement of Sections 26B-2-120, 26B-2-123, and 26B-2-124 for background clearances, policy development, and behavior management practices.~~
- ~~[(2) Congregate care rules under Title R501 apply to any youth program that retains a client past the age of 18 to complete treatment or education.~~
- ~~[(3)1] Only a custodial parent, legal guardian, or person designated in writing by a parent or legal guardian may remove a child from ~~the~~a program that provides services for children.~~
- ~~[(4)2] [The]A provider that provides services for children shall maintain a ratio of at least one staff for every six children.~~
- ~~[(5)3] The provider shall provide adequate staff to supervise children or be available to monitor any parent supervising the parent's own child.~~
- ~~[(6) The provider shall comply with Title 80, Chapter 2, Part 9, the Interstate Compact on Placement of Children (ICPC), including ensuring the disruption plan is followed if an out-of-state minor presents at a shelter as a result of a failed ICPC placement in a Utah residential setting.~~

R501-22-10. Additional Requirements for Congregate Care Programs.

- (1) A congregate care program provider shall adhere to each requirement of Sections 26B-2-120, 26B-2-123, 26B-2-124, 26B-2-124.1 and Rules R501-1 and R501-14 for any background clearance, policy development, and behavior management practice.
- (2) Each provider shall ensure at least two direct care staff are on-duty and immediately available.
- (3) Each provider shall maintain a ratio of at least one staff for every six children.
- (4) Each provider shall develop, maintain, and adhere to an admissions review process that:
 - (a) is approved by OL during initial and renewal licensure;
 - (b) aligns with the admissions criteria described in Section 26B-2-124;
 - (c) outlines the process for identifying a qualified candidate who can be safely served in the program, including an assessment of each candidate in consideration of:
 - (i) the candidate's behavior;
 - (ii) the candidate's diagnosis;
 - (iii) the candidate's individual situation;
 - (iv) the candidate's trauma history;
 - (v) the population and age of each child the provider already serves;
 - (vi) the physical facility;
 - (vii) the programming; and
 - (viii) the ability of current staff to manage the candidate; and
 - (d) outlines how to identify a child not considered a qualified candidate.
- (5) The provider shall develop, maintain, and adhere to:

- (a) an outline of each behavior or presenting issue that would be a reason for:
 - (i) declining to classify a candidate as qualified for admission; or
 - (ii) discharging a current child from the program; and
- (b) a statement included in the provider's admissions criteria marketing material that the program does not accept placement of a client whose needs exceed the scope or ability of the program.
- (6) The provider shall ensure each child record includes:
 - (a) the child's name, date of birth, and identified gender;
 - (b) accurate parent or legal guardian contact information;
 - (c) a list of the child's authorized contact as identified by the child's parent, legal guardian, or sending agency or private agency, including each authorized contact's:
 - (i) name;
 - (ii) phone number; and
 - (iii) relationship to the child;
 - (d) any signed agreement or consent form; and
 - (e) any clinical recommendation, if applicable.
- (7) The provider shall ensure, upon admission, a disruption plan is tailored to each child and includes:
 - (a) any plausible reason identified in the admissions process for possible discharge or transfer;
 - (b) an aftercare plan for disruption, which includes any resource available to the child;
 - (c) a plan for safe transportation, including:
 - (i) any return to the child's state of origin;
 - (ii) to the child's parent or legal guardian; or
 - (iii) to another licensed congregate care program, or higher level of care, as needed;
 - (d) a signed statement from the child's parent or legal guardian outlining the plan for the child in the event of an unplanned disruption in care;
 - (e) current emergency contact information of the child's parent or legal guardian, including the parent or legal guardian's:
 - (i) name;
 - (ii) address;
 - (iii) phone number; and
 - (iv) email address;
 - (f) each individual responsible for the child's return if placement at the program disrupts; and
 - (g) a statement acknowledging the program retains jurisdiction and responsibility for the child while the child remains in Utah.
- (8) Any provider that serves a child who has been placed in a Utah program from outside of Utah shall comply with Title 80, Chapter 2, Part 9, Interstate Compact on Placement of Children.
- (9) The provider may not solicit or accept payment from, or on behalf of, a child in the program, unless:
 - (a) the child meets the approved admissions criteria; and
 - (b) the child's parent or legal guardian has signed a contract for the provider's services.
- (10) The provider shall develop a suicide prevention plan for each child upon admission, including an initial evaluation and a component to reevaluate the needs of the child and fit within the scope of services provided.
- (11) The provider shall maintain a phone number to be used for the purposes described in Subsections 26B-2-124(4)(g) through 26B-2-124(4)(h).
- (12) If a child is in crisis, a congregate care program shall:
 - (a) comply with Subsection 26B-2-124(6)(a) by notifying the child's parent or guardian as soon as reasonably possible but not later than five hours after the time at which the child's state of crisis first begins; and
 - (b) make every reasonable effort to connect a child by telephone to an authorized contact who:
 - (i) attempts to contact the child by calling the program's telephone number described in Subsection (11); and
 - (ii) is an authorized contact under Subsection (6)(c).
- (13) The provider shall make every reasonable effort to connect any authorized contact who calls the program in an attempt to contact a child with that child by phone.
- (14) In conspicuous places where each visitor, staff, and child may see, the provider shall post a congregate care ombudsman notice form, in compliance with each requirement in Subsection 26B-2-124(7)(a).
- (15) In addition to posting the congregate care ombudsman notice described in Subsection (14), the provider shall ensure each child, the child's parent or legal guardian, OL, and each sending agency or private agency receives a copy of the congregate care ombudsman notice.

R501-22-1[0]1. Specialized Services for Domestic Violence Facilities.

- (1) The provider shall:
 - (a) provide to each client domestic violence facility rules, any reason for termination, and the client's rights to confidentiality; and
 - (b) document that the items in Subsection (1)(a) were provided to each client verbally and in writing.
- (2)(a) Each parent is responsible for supervising that parent's own child while at the domestic violence facility.

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(b) If the parent is required to be away from the facility or involved in a facility activity without the child, the parent shall arrange for appropriate child care services.

(3) The provider shall ensure that each domestic violence facility action plan documents and includes a review:

(a) with each client regarding danger and lethality and the level of the client's risk of safety assessment;

(b) with each client of the client's safety plan;

(c) with each client of supportive services, including child care, financial assistance, housing assistance, legal assistance, medical care, and self-sufficiency; and

(d) of the procedure for a protective order and a referral for the client to the appropriate agency or clerk of the court authorized to issue the protective order.

(4) The provider shall assist with connecting the client to identified resources.

(5) The provider shall make and document a referral, when indicated in the client record, for client treatment, drug and alcohol treatment, psychiatric consultation, or other allied service.

(6) The provider shall ensure that an experienced and trained domestic violence provider supervises each domestic violence facility staff completing an action plan.

R501-22-1[4]2. Specialized Services for Programs Serving Clients of the Division of Services for People with Disabilities.

(1) In accordance with the federal home and community based services (HCBS) settings final rule, defined in Rule R501-1, a program serving clients on an HCBS waiver shall complete and adhere to the residential attestation agreement form and self-assessment survey for each licensed site.

(2) The provider shall maintain current copies of the residential attestation agreement form and self-assessment survey forms in program documentation.

(3) In the event of a conflict between this rule and the settings final rule, the settings final rule shall prevail.

(4) The office shall report any noncompliance of the settings final rule to the department Division of Continuous Quality and Improvement for contract compliance consideration.

R501-22-1[2]3. Specialized Services for Receiving Centers.

(1) Each receiving center may be licensed under multiple license types to assess and triage immediate client needs.

(2) A receiving center provider may offer short-term residential support that is intended to mitigate the initial identified issue, stabilize each client, and return each client to the community as quickly and safely as possible.

(3) A receiving center provider shall outline safe practices in consumer agreements regarding how each population will be separated and maintained and any circumstance when an interaction between populations is permitted.

(4) A receiving center provider shall include individualized clinical documentation outlining the ongoing need and anticipated time frame for discharge for each instance when a client's stay lasts longer than 30 days.

(5) A receiving center provider shall ensure that placement in a receiving center is a voluntary alternative that the client chooses instead of a more restrictive placement.

(6) A receiving center may not mandate treatment as a condition of residence.

R501-22-1[3]4. Exception to Licensure.

In accordance with Subsection 35A-16-703(4), a license is not required for a private, nonprofit, or government entity to provide temporary shelter during, and up to seven days following, a code blue event, as defined in Section 35A-16-701 as long as the facility remains compliant with any local fire and building code and the governing body of the organization approves the use.

R501-22-1[4]5. Requirements for Granting Deemed Status to a Mental Health or Substance Use Disorder Treatment Program Site.

(1) The department may grant deemed status to the site of a mental health or substance use disorder treatment program if:

(a) the provider's license for the site is in good standing;

(b) the site only serves adults;

(c) the site is currently accredited from a department-approved national organization; and

(d) the provider submits the licensing documentation from the accrediting organization to the department, including any applicable:

(i) inspection record;

(ii) finding; and

(iii) corrective action plan and a progress report on the site addressing any corrective action plan.

(2) A site with deemed status may opt out of a department renewal inspection.

(3) The department may investigate any complaint or incident involving a deemed site.

(4) The provider is responsible for any renewal licensing fee for each deemed site.

(5) The department shall revoke the deemed site status if:

(a) the site receives any moderate, high, or extreme noncompliance licensing violation from department;

(b) the required accreditation documentation is not submitted to the department;

(c) the accreditation documentation includes any noncompliance violation finding equal to any moderate, high, or extreme state licensing finding level; or

- (d) the provider no longer receives national accreditation for the deemed site.
- (6) For any provider with multiple deemed sites:
 - (a) each site must meet the requirements to be granted deemed status; and
 - (b) the revocation of deemed status for any single site does not impact the status of any other site unless any condition listed in Subsection (5) applies to the other site.

R501-22-1[5]6. Compliance.

A program operating within the scope of this rule shall have 60 days from the effective date of this rule to come into compliance with this rule.

KEY: human services, licensing

Date of Last Change: ~~2025~~2026

Notice of Continuation: February 28, 2025

Authorizing, and Implemented or Interpreted Law: 26B-2-104; 26B-2-124; 26B-2-124.1

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: CPR (Change in Proposed Rule)		
Rule or section number:	R501-22A	Filing ID: 57650
Date of previous publication (only for CPRs):	12/01/2025	

Agency Information

1. Title catchline:	Health and Human Services, Human Services Program Licensing	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@utah.gov
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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:
R501-22A. Residential Support Programs, Homeless Facilities
4. Purpose of the new rule or reason for the change:
Based on feedback received during original filing's public comment period, this change in proposed rule (CPR) updates the proposed new rule, Rule R501-22A, to further clarify health and safety requirements for homeless facilities for Office of Licensing (OL) staff, providers, and the public.
5. Summary of the new rule or change:
This CPR adds policy requirements related to the transportation of any client under Subsection R501-22A-5(4) and provides clarification related to the required provider firearm policy.
This CPR also adds clarity by prohibiting a facility from serving clients outside of the scope of the provider under Subsection R501-22A-6(1), updates the staff supervision ratio for adult clients to one staff for every 40 clients to align with the previous staff

supervision ratio included in Rule R501-22 under Subsection R501-22A-7(2)(a), and adds volunteer training requirements to Subsection R501-22A-10(2).

Additionally, this CPR updates the "Direct Access Clearance System" definition to use wording consistent with other OL human services rules, adds a reference to Rule R501-14 in Section R501-22A-3, and clarifies the type of screening required under Subsection R501-22A-8(1)(d).

This CPR also makes style and formatting changes to align with the Rulewriting Manual for Utah and other rules under the department.

(EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the December 1, 2025, issue of the Utah State Bulletin, on page 180. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

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

A. State budget:

This CPR is not anticipated to result in any measurable cost or savings to the state budget, as the OL already regulates homeless facility providers through Rule R501-22. The original filing for this new Rule R501-22A was intended to create a rule specific to homeless facilities and include only requirements applicable to this type of residential support program. This CPR clarifies homeless facility requirements, including adjusting the adult supervision ratio back to the ratio in Rule R501-22 and volunteer training requirements left out of the original filing.

However, these additional requirements have already been enforceable under Rule R501-22 and do not introduce any new procedure to the licensing review by OL staff, so they are not anticipated to result in a cost or savings to the state budget.

Other updates in this filing that add references, clarify wording, or make style and formatting changes are not anticipated to change any licensing review procedure or result in a fiscal impact to the state budget.

B. Local governments:

This CPR is not anticipated to impact local governments' revenues or expenditures because homeless facility providers are regulated by OL for basic health and safety requirements and not local governments. There will be no change in local business licensing or any other item with which local government is involved.

Before this proposed standalone rule for homeless facilities, this provider type was already regulated by OL under Rule R501-22. Residential Support Programs, and this CPR to the new proposed rule will add clarification for providers and the public regarding homeless facility requirements, including keeping the same adult supervision ratio as Rule R501-22 and volunteer training requirements.

Updates in this filing that add references, clarify wording, or make style and formatting changes are also not anticipated to change any licensing review procedure or result in any fiscal impact to local governments.

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

The original filing for this new Rule R501-22A was intended to create a rule specific to homeless facilities and include only requirements applicable to this type of residential support program.

This CPR clarifies homeless facility requirements, adjusting the adult supervision ratio back to the ratio in Rule R501-22 and including volunteer training requirements left out of the original filing of this new rule but already enforceable under Rule R501-22. Therefore, they are not anticipated to result in a cost or savings to small businesses.

Updates in this filing that add references, clarify wording, or make style and formatting changes are also not anticipated to change any licensing review procedure or result in fiscal impact to small businesses.

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

The original filing for this new Rule R501-22A was intended to create a rule specific to homeless facilities and include only requirements applicable to this type of residential support program.

This CPR clarifies homeless facility requirements, adjusting the adult supervision ratio back to the ratio in Rule R501-22 and including volunteer training requirements left out of the original filing of this new rule but already enforceable under Rule R501-22. Therefore, they are not anticipated to result in a cost or savings to non-small businesses.

Updates in this filing that add references, clarify wording, or make style and formatting changes are also not anticipated to change any licensing review procedure or result in fiscal impact 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 original filing for this new Rule R501-22A was intended to create a rule specific to homeless facilities and include only requirements applicable to this type of residential support program.

This CPR clarifies homeless facility requirements, adjusting the adult supervision ratio back to the ratio in Rule R501-22 and including volunteer training requirements left out of the original filing of this new rule but already enforceable under Rule R501-22. Therefore, they are not anticipated to result in a cost or savings to persons other than small businesses, non-small businesses, state, or local government entities.

Updates in this filing that add references, clarify wording, or make style and formatting changes are also not anticipated to change any licensing review procedure or result in fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

Affected persons would be the small businesses, non-small businesses, and persons other than small businesses, non-small businesses, state, or local government entities, including nonprofit entities, operating homeless facility services. Additionally, OL, as the regulatory body for health and safety standards for human services providers, is affected by the CPR.

The original filing for this new Rule R501-22A was intended to create a rule specific to homeless facilities and include only requirements applicable to this type of residential support program. This CPR clarifies homeless facility requirements, adjusting the adult supervision ratio back to the ratio in Rule R501-22 and including volunteer training requirements left out of the original filing of this new rule but already enforceable under Rule R501-22. This CPR does not introduce any new procedure to the licensing review by OL staff. Therefore, they are not anticipated to result in compliance costs for affected persons.

Updates in this filing that add references, clarify wording, or make style and formatting changes are also not anticipated to change any licensing review procedure or result in compliance costs for affected persons.

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

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

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
 Section 26B-2-104

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: 05/01/2026

10. This rule change MAY become effective on: 05/08/2026
 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:	03/15/2026
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R501. Health and Human Services, Human Services Program Licensing.

R501-22A. Residential Support Programs, Homeless Facilities.

R501-22A-1. Authority and Purpose.

- (1) Section 26B-2-104 authorizes this rule.
- (2) This rule provides basic health and safety standards for homeless facility licensure.

R501-22A-2. Definitions.

Terms used in this rule are defined in Section 26B-2-101 and Rule 380-600. Additionally:

- (1) "Adult homeless facility" means a facility serving individuals experiencing homelessness who are at least 18 years old.
- (2) "Code blue alert" means the same as defined in Section 35A-16-701.
- (3) "Code blue event" means the same as defined in Section 35A-16-701.
- (4) "Dangerous weather conditions" means any condition that warrants a public warning or alert by the National Weather Service.
- (5) "Direct Access Clearance System" or "DACS" means the online system used by the Office of Background Processing (OBP), under the Division of Licensing and Background Checks, for processing and monitoring background checks for any [individual] applicant with direct access to a client in a human services program.
- (5) "~~Dangerous weather conditions~~" means any condition that warrants a public warning or alert by the National Weather Service.
- (6) "Direct care staff" means any staff that works directly with a client.
- (7) "Emergency facility" means any facility providing immediate, short-term housing to an individual experiencing homelessness, with or without supportive services.
- (8) "Family" means individuals related by:
 - (a) biology;
 - (b) fictive kinship;
 - (c) legal guardianship; or
 - (d) marriage.
- (9) "Family homeless facility" means a facility serving families experiencing homelessness with children under the age of 18.
- (10) "Homeless facility" means the same as "homeless shelter," as defined in Section 35A-16-701, and includes:

- (a) an adult homeless facility, including any facility where multiple individual pods or units are located on the same property and operated by the same organization;
- (b) an emergency facility;
- (c) a family homeless facility;
- (d) a temporary homeless youth facility; and
- (e) transitional housing.
- (11) "Temporary homeless youth facility" means the same as "temporary homeless youth shelter," as defined in Section 80-5-102.
- (12) "Transitional housing" means a facility offering longer-term housing with supportive services to facilitate permanent housing.

R501-22A-3. Scope.

- (1) Each homeless facility provider shall comply with any applicable federal, state, or local law, rule, or ordinance, including:
 - (a) any directive from the Office of Homeless Services, as described in Section 35A-16-201;
 - (b) Rule R380-80;
 - (c) Rule R380-600; ~~and~~
 - (d) Rule R501-14; and
 - (~~d~~) e) this rule.
- (2) Each homeless facility provider shall prioritize the safety of an individual needing shelter or services and emphasize transitioning each client into a more permanent housing setting.

R501-22A-4. License Required.

- (1) A residential support homeless facility license is required if a provider meets the definition of a residential support program, as defined in Section 26B-2-101, ~~or~~ and a homeless facility, as defined in Section 35A-16-701.
- (2) In accordance with Subsection 35A-16-703(4), a license is not required for a private, nonprofit, or government entity to provide temporary shelter during, and up to seven days following, a code blue event, as defined in Section 35A-16-701 as long as the facility remains compliant with any local fire and building code and the governing body of the organization approves the use.
- (3) Any residential support homeless facility serving youth, ages 13 through 17, shall comply with the additional requirements for a temporary homeless youth facility in Section R501-22A-13.

R501-22A-5. Policies, Procedures, and Safe Practices.

- (1) To begin program implementation, a provider must first receive OL approval of policies and procedures, in accordance with Subsection 26B-2-109(2).
- (2) The provider shall develop, implement, and comply with safe practices that ensure:
 - (a) client health, safety, and supervision;
 - (b) the needs of the client population are met, including needs for food, hydration, laundry, medication, and medical care; and
 - (c) there is no conflict with any administrative rule or statute.
- (3) (a) The provider shall maintain a policy for the prevention, screening, and response to any communicable disease outbreak.
- (b) The policy shall include coordination with any appropriate local health authority.
- (4) The provider shall develop, implement, and comply with policy that addresses:
 - (a) assessing each client's physical and mental health needs upon intake;
 - (b) conflict resolution;
 - (c) de-escalation practices and techniques;
 - (d) emergency evacuation procedures and conducting drills to ensure each staff knows where to locate emergency exits and assembly points;
 - (e) identifying any situation requiring medical attention, including using an opioid overdose reversal kit;
 - (f) nuisance and disruptive behavior;
 - (g) prohibited items;
 - (h) responding to significant criminal activity;
 - (i) responding to a significant medical emergency;
 - (j) search procedure;
 - (k) securing personal belongings;
 - (l) storage and administration of medication, if applicable;
 - (m) suicide prevention; ~~and~~
 - (n) transportation of any client, as applicable; and
 - (~~n~~) o) the management of facility overflow, including:
 - (i) contacting local authorities, as applicable;
 - (ii) during dangerous weather conditions;
 - (iii) when capacity has been reached; and
 - (iv) during other emergency situations.
- (5) The provider shall have a policy on access to a firearm that complies with:-

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- ~~(a) Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and Nicotine Products; and~~
- ~~(b)] Title 53, Chapter 5a, Part 3, Concealed Firearm Permits.~~
- (6) The provider shall have a policy that complies with Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and Nicotine Product.

R501-22A-6. Administration.

(1) The provider shall ensure the facility does not take placement of an individual whose needs exceed the scope or ability of the facility to reasonably manage.

~~(1)2~~ Each provider shall identify each key decision maker and service provider associated with the license application who is accountable for compliance with licensing rules.

~~(2)3~~ In conspicuous places where each visitor, staff, and client may see, the provider shall post:

- (a) abuse reporting laws, as described in Sections 26B-6-205 and 80-2-609;
- (b) an Americans with Disabilities Act notice;
- (c) any department notice of agency action;
- (d) a civil rights notice;
- (e) a department code of conduct poster; and
- (f) the program license.

~~(3)4~~ The provider shall ensure that whenever a client is present, there is a phone available in the facility that can be used to call

911.

~~(4)5~~ The provider shall ensure there is a means to communicate with each client at a facility, including an interpreter as needed.

~~(5)6~~ The provider shall comply with Subsection R380-600-7(16) regarding critical incident reporting.

~~(6)7~~ The provider shall maintain compliance with, or documentation of any exemption from, requirements for:

- (a) any person preparing meals for any other person at the facility to have a food handler permit;
- (b) capacity determinations that:
 - (i) include each staff and client on the premises; and
 - (ii) do not exceed the capacity limits placed by local authorities;
- (c) fire clearance, if conducted separately from a business license; and
- (d) licensure and registration of any vehicle used to transport a client.

~~(7)8~~ A provider that allows self-serve meals shall ensure that each user of the self-serve kitchen is supervised, directed, and trained by staff that has a food handler permit.

~~(8)9~~ A provider that serves a parent and the parent's child may allow an adult client to maintain full responsibility for that client's dietary needs and the dietary needs of that client's child if the provider maintains that client's written consent in the client record.

~~(9)10~~ A provider that offers meals for a client shall adhere to and document staff training for safe practices that include:

(a) an allowance for nutritious snacks to be available during restricted hours if the provider restricts access to food and kitchen equipment; and

(b) how to identify and accommodate a client with special dietary needs.

~~(10)11~~ If a client participates in any meal preparation, the provider shall provide written information to each participating staff and client of:

- (a) menu planning and procedures;
- (b) nutrition and sanitation requirements;
- (c) rules and privileges of kitchen use;
- (d) the schedule of responsibilities;
- (e) rules for sharing self-prepared food; and
- (f) shopping and storage responsibilities.

~~(11)12~~ The provider shall require each client to sign an agreement form at admission acknowledging that:

(a) visitors are allowed on premises to assist with housing, locating housing, religious needs, social needs, the Supplemental Nutrition Assistance Program (SNAP), and other client-specific needs;

(b) participation in any meeting or group with a visitor is voluntary; and

(c) each client signature on the form and voluntary participation in the visitation constitutes the client's invitation to the visitors in the facility.

~~(12)13~~ A visitor, as described in Subsection ~~(11)12~~, does not include staff.

R501-22A-7. Client Care, Safety, and Supervision.

(1) The provider shall ensure there is 24-hour supervision of any client at the facility.

(2) The provider shall maintain staffing ratios in accordance with the facility type, as described in Subsections (2)(a) through (2)(c).

(a) An adult homeless facility shall ensure there is at least one direct care staff at the facility for every ~~3]4~~ adults during weekday, daytime hours.

(b) A family homeless facility may allow a child's parent or guardian to be responsible for supervising the child if there is at least one staff member present for every five families.

- (c) A temporary homeless youth facility shall ensure there is at least one direct care staff member at the facility for every ten clients.
- (3)(a) The provider shall ensure that at least one staff member who is on-duty and present with clients has first aid and CPR certification.
 - (b) Any first aid and CPR certification staff training shall be in-person and hands-on.
 - (4) An emergency facility may operate above staffing ratios during dangerous weather conditions, on a weekend, or during sleeping hours if the program has:
 - (a) a documented chain of command for on-call availability;
 - (b) a surveillance camera system;
 - (c) an emergency radio on site and each on-duty staff is trained regarding how and when the radio is to be used; or
 - (d) other means of back-up support in case of emergency.
 - (5) In accordance with Subsections 35A-16-703(1) through 35A-16-703(3), an emergency facility provider operating in a county where a code blue alert is in effect may increase capacity by 35% when:
 - (a) fire code and building code capacities permit the increase; and
 - (b) procedures are implemented for:
 - (i) expediting intake; and
 - (ii) denial of an individual's entry if the facility is at the maximum building capacity or the individual poses a risk to the population.

R501-22A-8. Client Intake.

- (1) The provider shall ensure that at client intake, staff addresses and documents:
 - (a) each client's authorization to obtain emergency care;
 - (b) each client's dominant language and mode of communication; and
 - (c) a suicide risk screening for each client.
- (2) A provider may not admit an individual who is unresponsive or unable to consent to care.

R501-22A-9. Client Records.

- (1) The provider shall maintain client records that meet the requirements of the Homeless Management Information System, as defined in Section 35A-16-102.
- (2) The provider shall maintain the documentation listed in Subsection (1) for at least 30 days after a client's last facility stay, with the exception of a single-night stay, to reopen the client file if the client returns.
- (3)(a) The provider shall ensure each client record includes:
 - (i) client contact information, including the client's:
 - (A) name;
 - (B) date of birth;
 - (C) identified gender;
 - (D) entrance date into the facility;
 - (E) exit date from the facility;
 - (F) phone number;
 - (G) last known physical address; and
 - (H) current email address;
 - (ii) any emergency contact for the client, including the emergency contact's:
 - (A) name;
 - (B) phone number;
 - (C) physical address; and
 - (D) current email address;
 - (iii) any information that could affect the health, safety or wellbeing of the client, including any:
 - (A) allergy;
 - (B) chronic condition;
 - (C) communicable disease; and
 - (D) medication needs;
 - (iv) any grievance or complaint made by or against the client and any action taken by the program to address the grievance or complaint;
 - (v) any critical incident report involving the client; and
 - (vi) any signed agreement and consent form for the client to receive services.
- (b) If the provider cannot obtain any of the information listed in Subsection (3)(a), the client record shall document the reason why that information is not obtainable.

R501-22A-10. Staff Records and Training.

- (1) The provider shall make available and document training for each staff member~~[-and volunteer]~~ that addresses:
 - (a) communicable disease outbreak prevention and response, including:

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- (i) common communicable diseases in the population served;
 - (ii) immediate steps to take upon disease identification or outbreak suspicion, including isolation protocols and notification to the appropriate local health authority; and
 - (iii) recognizing signs and symptoms of communicable diseases;
 - (b) cultural competency;
 - (c) de-escalation and crisis intervention techniques;
 - (d) facility policies and safe practices; and
 - (e) recognizing and addressing signs of abuse and neglect.
- (2) For any facility policy, procedure, and safe practice, the provider shall provide any volunteer:
- (a) an initial orientation; and
 - (b) ongoing training and support.
- ~~(2)~~ (3) The provider shall ensure each staff record contains:
- (a) any certification or qualification relevant to staff providing services to a client;
 - (b) any grievance or incident records involving staff;
 - (c) any applicable CPR and first aid training and certification; and
 - (d) the signed department provider code of conduct form.

R501-22A-11. Background Checks.

- (1) OBP shall conduct a human services program background check for each program staff member and volunteer in accordance with Section 26B-2-120 and Rule R501-14, except for:
- (a) an individual identified as an invited visitor in accordance with Subsection 26B-2-120(10)(b)(iii); or
 - (b) a volunteer that does not have direct or unsupervised access to a client.
- (2) The provider shall designate an individual who is responsible for:
- (a) ensuring and documenting how each applicant is directly supervised for the entirety of that applicant's supervised employment term before receiving the eligible determination;
 - (b) ensuring an application is submitted in DACS within 14 days of each staff becoming associated with the provider;
 - (c) initiating, monitoring, and maintaining background checks in DACS for each individual with direct access;
 - (d) maintaining compliance with Rule R501-14;
 - (e) managing communications with OBP and OL;
 - (f) monitoring DACS and taking necessary actions when eligibility status changes; and
 - (g) separating any staff in DACS within five days of that staff:
 - (i) no longer being associated with the provider; or
 - (ii) having an ineligible determination status from OBP on a background check with no pending appeal.
- (3) The provider shall ensure each direct care staff, contracted staff member, volunteer, and intern has an eligible background check determination before permitting that individual to work unsupervised with a client, except as excluded in Rule R501-14.

R501-22A-12. Physical Facility.

- (1) The provider shall ensure that each facility complies with the following bedroom standards:
- (a) a capacity determination that includes any staff present in the facility;
 - (b)(i) a dormitory-style bedroom that meets any square footage and capacity determinations made by the local fire authority;
 - (ii) if the local fire authority does not identify capacity, the provider shall ensure that in a multiple occupant bedroom, there is at least:
 - (A) 40 square feet per client, not counting storage space; and
 - (B) one crib for each child under two years old that does not inhibit access to or from the room;
 - (c) each client is provided with clean, comfortable bedding that is laundered:
 - (i) at least weekly;
 - (ii) when soiled; and
 - (iii) before being provided to a different person;
 - (d) except in a family unit, the sleeping area for a male client shall be separate from the sleeping area for a female client; and
 - (e) secure storage shall be available for a client's personal belongings.
- (2) An emergency facility provider may provide any portable bed, cot, or mat to accommodate fluctuating client volume.
- (3) Except as otherwise provided in Subsection (4), the provider shall ensure there is at least one bathroom that is inspected, cleaned, and stocked daily in each facility.
- (4) The facility may exceed the bathroom ratio set forth in Subsection (3) if:
- (a) each bathroom ratio is approved by the local authority that determines capacity or OL;
 - (b) each bathroom ratio is specifically designated in any adult-only nightly facility setting;
 - (c) the provider ensures privacy for toileting and bathing;
 - (d) any individual with a disability has access to at least one locking bathroom or stall; and
 - (e) accommodations are made to meet the needs of any parent or guardian for bathing, changing, and toileting their child.

- (5) The provider shall ensure each facility has adequate ventilation and temperature control, as required by local building code.
- (6)(a) The provider may allow family members to share a bathroom.
- (b) If the bathroom is shared by more than one family, or children over the age of eight, the provider shall ensure that client privacy is maintained by the child's parent or guardian or staff.
- (7)(a) The provider shall maintain any medication and potentially hazardous item on-site in compliance with any legal requirement and consideration of the safety and risk level of the population.
- (b) The provider shall keep any medication or hazardous chemical in locked storage when not in active use.
- (8) The provider shall maintain a first aid kit at each facility.

R501-22A-13. Additional Requirements for Temporary Homeless Youth Facilities.

- (1)(a) A temporary homeless youth facility provider may only serve clients who are younger than 18 years old, except as outlined in Subsection (1)(b).
- (b) The provider may offer services to an individual who is 18 through 20 years old if:
 - (i) the provider maintains a ratio of at least one staff for every ten clients;
 - (ii) each client who is an adult is placed in age and gender appropriate sleeping quarters separate from the population of clients under 18 years old;
 - (iii) each client who is an adult remains in the facility voluntarily and is informed of facility rules and the repercussions of criminal behavior as an adult;
 - (iv) each client, of any age, is assessed by a licensed mental health therapist, as defined in Section 58-60-102, to determine and document whether the client is at imminent risk of self-harm or harming another person; and
 - (v) each client that is assessed and determined to be at imminent risk of self-harm or harming another person is referred to a program qualified to serve that client.
- (2) In addition to the requirements in Subsection R501-22A-5(4), the provider shall develop, implement, and comply with policy that addresses:
 - (a) the responsibility of any client to supervise that client's own child; and
 - (b) rules and guidelines for each family or mixed gender clients sharing the same dormitory space or bedroom, including each individualized bedroom assignment.
- (3)(a) The provider may admit a client under 18 years old with that client's own biological child.
- (b) The provider shall ensure any client admitted with that client's own child has at least 40 square feet of space per person, excluding storage space, in a separately enclosed bedroom that houses only that the client with the client's child.
- (4) The provider shall comply with Section 80-5-601 regarding mandatory reporting requirements for harboring a runaway.
- (5) The provider shall comply with Section 26B-2-116 to coordinate educational services requirements for each client under 18 years old.
- (6) The provider shall coordinate and transition each client under 18 years old to a more appropriate setting when the client cannot remain in the youth setting.

R501-22A-14. Compliance.

- (1) Any provider operating within the scope of this rule shall have 60 days from the effective date of this rule to come into compliance with this rule.
- (2) Any person who violates this rule may be subject to the penalties in Rule R380-600 and Title 26B, Chapter 2, Part 7, Penalties and Investigations.

KEY: human services, licensing, homeless

Date of Last Change: 2025

Authorizing, and Implemented or Interpreted Law: 26B-2-104

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: CPR (Change in Proposed Rule)		
Rule or section number:	R501-24	Filing ID: 57651
Date of previous publication (only for CPRs):	12/01/2025	

Agency Information

1. Title catchline:	Health and Human Services, Human Services Program Licensing
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W

NOTICES OF CHANGES IN PROPOSED RULES

City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state and zip:	Salt Lake City, UT 84114-2003	
Contact persons:		
Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	kamillesheikh@utah.gov
Jada Stelmach	801-230-4296	jstelmach3@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:
R501-24. Behavioral Health Receiving Centers
4. Purpose of the new rule or reason for the change:
Based on feedback received during original filing's public comment period, this change in proposed rule (CPR) updates the proposed new rule, Rule R501-24, to further clarify health and safety requirements for 23-hour behavioral health receiving centers for Office of Licensing (OL) staff, providers, and the public.
5. Summary of the new rule or change:
This CPR adds policy requirements related to coordination efforts with local mental health authorities, the transportation of any client, and the use of seclusion and restraint into Section R501-24-5. It also provides clarification related to the required provider firearm policy. This CPR also adds clarity by prohibiting a facility from serving clients outside of the scope of the provider under Subsection R501-24-6(1) and updating the requirement in Subsection R501-24-7(2) to include a minimum of two direct care staff on site and update the staff-to-client ratios. This CPR also specifies additional requirements for client intake and discharge documentation under Section R501-24-8 and adds a requirement for training under Section R501-24-10 to include best practices for working with an individual with a disability. Additionally, this CPR adds a reference to Section 26B-2-104 in Section R501-24-1, updates the definition of "Direct Access Clearance System" to use wording consistent with other OL rules, adds a reference to Rule R501-14 in Section R501-24-3, and clarifies the type of screening required under Subsection R501-24-8(1)(d). This CPR also makes style and formatting changes to align with the Rulewriting Manual for Utah and other rules under the department. (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the December 1, 2025, issue of the Utah State Bulletin, on page 188. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This CPR is not anticipated to result in any measurable cost or savings to the state budget, as the OL already regulates receiving center providers generally through Rule R501-22.

The original filing for this new Rule R501-24 was intended to create a rule specific to 23-hour behavioral health receiving centers and include only requirements applicable to this type of receiving center.

This CPR clarifies behavioral health receiving center policy requirements, intake and discharge requirements, and staff training requirements by adding language for applicable requirements that were left out of the original filing. However, these additional requirements have already been enforceable under Rule R501-22, so they are not anticipated to result in a cost or savings to the state budget.

Additionally, this CPR updates the number of staff required in staff-to-client ratios for client supervision, but since staff-to-client ratios were already included in the initial filing for this new rule, this CPR introduces no new procedures to the licensing review by OL staff.

Other updates in this filing that add references, clarify wording, or make style and formatting changes are not anticipated to change any licensing review procedure or result in a fiscal impact to the state budget.

B. Local governments:

As of March 2026, OL has not identified any behavioral health receiving center providers that qualify as local governments.

This CPR is not anticipated to impact local governments' revenues or expenditures because behavioral health receiving center providers are regulated by OL for basic health and safety requirements and not local governments.

There is no anticipated change in local business licensing or any other item with which local government is involved as a result of this filing.

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

This CPR may result in an inestimable cost or savings to small businesses that will be 23-hour behavioral health receiving centers because it updates the minimum required staff-to-client ratio to include additional staff.

However, as of March 2026, no small businesses have requested this type of license, so it is impossible for OL to know what the existing practices are for staff-to-client ratios, including how many staff are employed and what the schedule for staff is.

Other substantive changes in this CPR are not anticipated to introduce any cost or savings for small businesses because OL already monitors these requirements through its general regulation of receiving center providers through Rule R501-22.

The original filing for this new Rule R501-24 was intended to create a rule specific to 23-hour behavioral health receiving centers and include only requirements applicable to this type of receiving center.

This CPR clarifies behavioral health receiving center policy requirements, intake and discharge requirements, and staff training requirements by adding language for applicable requirements that were left out of the original filing for this new rule but were already enforceable under Rule R501-22. Therefore, they are not anticipated to result in a cost or savings to small businesses.

Updates in this filing that add references, clarify wording, or make style and formatting changes are not anticipated to change any licensing review procedure or result in a fiscal impact to small businesses.

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

This CPR may result in an inestimable cost or savings to non-small businesses that will be 23-hour behavioral health receiving centers because it updates the minimum required staff-to-client ratio to include additional staff.

However, as of March 2026, no non-small businesses have requested this type of license, so it is impossible for OL to know what the existing practices are for staff-to-client ratios, including how many staff are employed and what the schedule for staff is.

Other substantive changes in this CPR are not anticipated to introduce any cost or savings for non-small businesses because OL already monitors these requirements through its general regulation of receiving center providers through Rule R501-22.

The original filing for this new Rule R501-24 was intended to create a rule specific to 23-hour behavioral health receiving centers and include only requirements applicable to this type of receiving center.

This CPR clarifies behavioral health receiving center policy requirements, intake and discharge requirements, and staff training requirements by adding language for applicable requirements that were left out of the original filing for this new rule but were already enforceable under Rule R501-22. Therefore, they are not anticipated to result in a cost or savings to non-small businesses.

Updates in this filing that add references, clarify wording, or make style and formatting changes are not anticipated to change any licensing review procedure or result in a fiscal impact 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*):

This CPR may result in an inestimable cost or savings to other persons, including nonprofit entities, that will be 23-hour behavioral health receiving centers because it updates the minimum required staff-to-client ratio to include additional staff.

However, as of March 2026, no other persons have requested this type of license, so it is impossible for OL to know what the existing practices are for staff-to-client ratios, including how many staff are employed and what the schedule for staff is.

Other substantive changes in this CPR are not anticipated to introduce any cost or savings for other persons because OL already monitors these requirements through its general regulation of receiving center providers through Rule R501-22.

The original filing for this new Rule R501-24 was intended to create a rule specific to 23-hour behavioral health receiving centers and include only requirements applicable to this type of receiving center.

This CPR clarifies behavioral health receiving center policy requirements, intake and discharge requirements, and staff training requirements by adding language for applicable requirements that were left out of the original filing for this new rule but were already enforceable under Rule R501-22. Therefore, they are not anticipated to result in a cost or savings to other persons.

Updates in this filing that add references, clarify wording, or make style and formatting changes are not anticipated to change any licensing review procedure or result in a fiscal impact to other persons.

F. Compliance costs for affected persons:

There may be inestimable compliance costs for affected persons that are small businesses, non-small businesses, and other persons, including nonprofit entities, providing 23-hour behavioral health receiving center services due to updates in this CPR on minimum staff-to-client ratio requirements.

However, as of March 2026, none of these affected persons have requested this type of license, so it is impossible for OL to know what the existing practices are for each of these entities for staff-to-client ratios, including how many staff are employed and what the schedule for staff is.

The requirement for minimum staff-to-client ratios was included in the initial filing for this new rule, so even though this CPR updates the number of staff required in staff-to-client ratios for client supervision, this CPR does not introduce any new procedures to the licensing review by OL staff. Therefore, there is no anticipated compliance cost for OL as an affected person as a result of this update.

Other substantive changes in this CPR are not anticipated to introduce any compliance costs for affected persons because OL already monitors these requirements through its general regulation of receiving center providers through Rule R501-22.

The original filing for this new Rule R501-24 was intended to create a rule specific to 23-hour behavioral health receiving centers and include only requirements applicable to this type of receiving center. This CPR clarifies behavioral health receiving center policy requirements, intake and discharge requirements, and staff training requirements by adding language for applicable requirements that were left out of the original filing for this new rule but were already enforceable under Rule R501-22. Therefore, they are not anticipated to result in compliance costs for affected persons.

Updates in this filing that add references, clarify wording, or make style and formatting changes are also not anticipated to change any licensing review procedure or result in compliance costs for affected persons.

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

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 26B-2-104	Section 26B-2-135	
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Public Notice Information

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

A. Comments will be accepted until:	05/01/2026
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10. This rule change MAY become effective on:	05/08/2026
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	03/15/2026
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R501. Health and Human Services, Human Services Program Licensing.

R501-24. Behavioral Health Receiving Centers.

R501-24-1. Authority and Purpose.

- (1) Sections 26B-2-104 and 26B-2-135 authorize[s] this rule.
- (2) This rule provides basic health and safety standards for behavioral health receiving center licensure.

R501-24-2. Definitions.

Terms used in this rule are defined in Sections 26B-2-101, 26B-2-120, and Rule 380-600. Additionally:

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(1) "Direct Access Clearance System" or "DACs" means the online system used by the Office of Background Processing (OBP), under the Division of Licensing and Background Checks, for processing and monitoring background checks for any ~~individual~~ applicant with direct access to a client in a human services program.

(2) "Direct care staff" means any staff that works directly with a client.

(3) "Mental health crisis" means the same as defined in Section 26B-5-609.

R501-24-3. Scope.

(1) Each behavioral health receiving center provider shall comply with any applicable federal, state, or local law, rule, or ordinance, including:

(a) Rule R380-80;

(b) Rule R380-600; ~~and~~

(c) Rule R501-14; and

~~(e)d~~ this rule.

(2) Each behavioral health receiving center provider shall offer 23-hour crisis services in a non-secured facility to an individual experiencing a mental health crisis.

R501-24-4. License Required.

A behavioral health receiving center license is required if a provider meets the criteria of a behavioral health receiving center, as defined in Section 26B-2-101.

R501-24-5. Policies, Procedures, and Safe Practices.

(1) To begin program implementation, each provider must receive OL approval of policies and procedures, in accordance with Section 26B-2-109.

(2) The provider shall develop, implement, and comply with safe practices that ensure:

(a) client health, safety, and supervision;

(b) the needs of the client population are met, including needs for food, hydration, laundry, medication, and medical care; and

(c) there is no conflict with any administrative rule or statute.

(3)(a) The provider shall maintain a policy for the prevention, screening, and response to any communicable disease outbreak.

(b) The policy shall include coordination with any appropriate local health authority.

(4) The provider shall develop, implement, and comply with policy that addresses:

(a) assessing each client's physical and mental health needs upon intake;

(b) conflict resolution;

(c) any coordination effort with the local mental health authority;

~~(e)d~~ de-escalation practices and techniques;

~~(e)e~~ emergency evacuation procedures and conducting drills to ensure each staff knows where to locate emergency exits and assembly points;

~~(e)f~~ identifying any situation requiring medical attention, including using an opioid overdose reversal kit;

~~(f)g~~ nuisance and disruptive behavior;

~~(g)h~~ prohibited items;

~~(h)i~~ responding to significant criminal activity;

~~(i)j~~ responding to a significant medical emergency;

~~(j)k~~ search procedure;

~~(k)l~~ securing personal belongings;

~~(l)m~~ storage and administration of medication, if applicable; ~~and~~

~~(m)n~~ suicide prevention; ~~and~~

(o) transportation of any client, if applicable; and

(p) use of restraint and seclusion.

(5) The provider shall have a policy on access to a firearm that complies with ~~and~~

~~(a) Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and Nicotine Products; and~~

~~(b) Title 53, Chapter 5a, Part 3, Concealed Firearm Permits.~~

(6) The provider shall have a policy that complies with Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and Nicotine Product.

R501-24-6. Administration.

(1) The provider shall ensure the facility does not take placement of an individual whose needs exceed the scope or ability of the facility to reasonably manage.

~~(1)2~~ Each provider shall identify each key decision maker and service provider associated with the license application who is accountable for compliance with licensing rules.

~~(1)3~~ In conspicuous places where each visitor, staff, and client may see, the provider shall post:

- (a) abuse reporting laws as described in Sections 26B-6-205 and 80-2-609;
- (b) an Americans with Disabilities Act notice;
- (c) any department notice of agency action;
- (d) a civil rights notice;
- (e) the department code of conduct poster; and
- (f) the program license.

~~(3)4~~ The provider shall ensure that when a client is present, there is a phone available in the facility that can be used to call 911.

~~(4)5~~ The provider shall ensure there is a means to communicate with each client at a facility, including an interpreter as needed.

~~(5)6~~ The provider shall comply with Subsection R380-600-7(16) regarding critical incident reporting.

~~(6)7~~ The provider shall maintain compliance with, or documentation of any exemption from, requirements for:

- (a) any person preparing meals for any other person at the facility to have a food handler permit;
- (b) capacity determinations that:
 - (i) include each staff and client on the premises; and
 - (ii) do not exceed the capacity limits placed by local authorities;
- (c) fire clearance, if conducted separately from a business license; and
- (d) licensure and registration of any vehicle used to transport a client.

~~(7)8~~ A provider that allows self-serve meals shall ensure that each user of the self-serve kitchen is supervised, directed, and trained by staff that has a food handler permit.

~~(8)9~~ A provider that offers meals for a client shall adhere to and document staff training for safe practices that include:

(a) an allowance for nutritious snacks to be available during restricted hours if the provider restricts access to food and kitchen equipment; and

(b) how to identify and accommodate a client with special dietary needs.

~~(9)10~~ The provider shall ensure that placement in a behavioral health receiving center is a voluntary alternative that the client chooses instead of a more restrictive placement.

~~(10)11~~ A behavioral health receiving center may not require consent to treatment as a condition of admission.

R501-24-7. Client Care, Safety, and Supervision.

~~(1)a~~ The provider shall ensure ~~that~~ any client at the facility is supervised during that client's stay.

~~(b)~~ The provider shall conduct and document line of sight check-ins for each client at least every 15 minutes.

(2) The provider shall ensure that at least ~~one~~ two direct care staff ~~is~~ are on-site for every:

- (a) ~~15~~ 30 clients if each client is an adult; or
- (b) ~~ten~~ 16 clients if any ~~of those~~ client[s] is under 18 years old.

(3) The provider shall ensure each client who is an adult~~;~~

~~(a)~~ is placed in an age and gender appropriate area, separate from the population of any client under 18 years old.

(4)(a) The provider shall ensure there is at least one staff member who is on-duty and present with clients has first aid and CPR certification.

(b) Any first aid and CPR certification staff training shall be in-person and hands-on.

R501-24-8. Client Intake and Discharge.

(1) The provider shall ensure that at client intake, staff addresses and documents:

- (a) each client's authorization to obtain emergency care;
- (b) each client's dominant language and mode of communication;~~and~~
- ~~(c) each client's medical stability; and~~
- ~~(e)d~~ a suicide risk screening for each client.

(2) A provider may not admit an individual who is unresponsive or unable to consent to care.

~~(3)a~~ A behavioral health receiving center shall complete a discharge summary for each client served within 23 hours of admission ~~even if discharging the client to a different unit within the same facility or campus~~.

~~(b)~~ A behavioral health receiving center shall provide a transfer plan within the discharge summary for any client transfer, including any discharge to a separate unit within the same facility or campus.

R501-24-9. Client Records.

(1) The provider shall maintain client records that include the intake assessment, any 15-minute check-in notes, and a discharge plan.

(2) The provider shall maintain the documentation listed in Subsection (1) for at least 30 days after a client's last facility stay to reopen the client file if the client returns.

(3)(a) The provider shall ensure each client record includes:

- (i) client information, including the client's:
 - (A) name;
 - (B) date of birth;
 - (C) identified gender;

NOTICES OF CHANGES IN PROPOSED RULES

- (D) entrance date into the facility;
 - (E) exit date from the facility;
 - (F) phone number;
 - (G) last known physical address; and
 - (H) current email address;
 - (ii) any emergency contact for the client, including the emergency contact's:
 - (A) name;
 - (B) phone number;
 - (C) physical address; and
 - (D) current email address;
 - (iii) any information that could affect the health, safety or wellbeing of the client, including any:
 - (A) allergy;
 - (B) chronic condition;
 - (C) communicable disease; and
 - (D) medication needs;
 - (iv) any grievance or complaint made by or against the client and any action taken by the program to address the grievance or complaint;
 - (v) any critical incident report involving the client; and
 - (vi) any signed agreement and consent form for the client to receive services, including any parent or legal guardian signature for a client under 18 years old.
- (b) If the provider cannot obtain any of the information listed in Subsection (3)(a), the client record shall document the reason why that information is not obtainable.

R501-24-10. Staff Records and Training.

- (1) The provider shall make available and document training for each staff member and volunteer that addresses:
- (a) communicable disease outbreak prevention and response, including:
 - (i) common communicable diseases in the population served;
 - (ii) immediate steps to take upon disease identification or outbreak suspicion, including isolation protocols and notification the appropriate local health authority; and
 - (iii) recognizing signs and symptoms of communicable diseases;
 - (b) cultural competency;
 - (c) de-escalation and crisis intervention techniques;
 - (d) facility policies and safe practices; ~~and~~
 - (e) best practices for working with an individual with a disability; and
 - ~~(e) recognizing and addressing signs of abuse and neglect.~~
- (2) The provider shall ensure each staff record contains:
- (a) any certification or qualification relevant to the staff providing services to a client;
 - (b) any grievance or incident record involving the staff member;
 - (c) any applicable CPR and first aid training and certification; and
 - (d) the signed department provider code of conduct form.

R501-24-11. Background Checks.

- (1) OBP shall conduct a human services program background check for each program staff member and volunteer in accordance with Rule R501-14 and Section 26B-2-120, except for:
- (a) an individual identified as an invited visitor in accordance with Subsection 26B-2-120(10)(b)(iii); and
 - (b) a volunteer that does not have direct or unsupervised access to a client.
- (2) The provider shall designate an individual who is responsible for:
- (a) ensuring and documenting how each applicant is directly supervised for the entirety of that applicant's supervised employment term before receiving the eligible determination;
 - (b) ensuring an application is submitted in DACS within 14 days of each staff becoming associated with the provider;
 - (c) initiating, monitoring, and maintaining background checks in DACS for each individual with direct access;
 - (d) maintaining compliance with Rule R501-14;
 - (e) managing communications with OBP and OL;
 - (f) monitoring DACS and taking necessary actions when eligibility status changes; and
 - (g) separating any staff in DACS within five days of that staff:
 - (i) no longer being associated with the provider; or
 - (ii) having an ineligible determination status from OBP on a background check with no pending appeal.
- (3) The provider shall ensure each direct care staff, contracted staff member, volunteer, and intern has an eligible background check determination before permitting that individual to work unsupervised with a client, except as excluded in Rule R501-14.

R501-24-12. Physical Facility.

- (1) The provider shall ensure that each facility complies with the following bedroom standards:
 - (a) a capacity determination that includes any staff present in the facility;
 - (b)(i) a dormitory-style bedroom that meets any square footage and capacity determinations made by the local fire authority;
 - (ii) if the local fire authority does not identify capacity, the provider shall ensure that in a multiple occupant bedroom, there is at least 40 square feet per client, not counting storage space;
 - (c) each client is provided with clean, comfortable bedding that is laundered:
 - (i) when soiled; and
 - (ii) before being provided to a different person;
 - (d) the sleeping area for a male client shall be separate from the sleeping area for a female client; and
 - (e) secure storage shall be available for a client's personal belongings.
- (2) Except as otherwise provided in Subsection (3), the provider shall ensure there is at least one bathroom that is inspected, cleaned, and stocked daily in each facility.
- (3) The facility may exceed the bathroom ratio set forth in Subsection (2) if:
 - (a) each bathroom ratio is approved by the local authority that determines capacity or by OL;
 - (b) the provider ensures privacy for toileting and bathing; and
 - (c) any individual with a disability has access to at least one locking bathroom or stall.
- (4) The provider shall ensure each facility has adequate ventilation and temperature control, as required by local building code.
- (5)(a) The provider shall maintain any medication and potentially hazardous item on-site in compliance with any legal requirement and consideration of the safety and risk level of the population.
 - (b) The provider shall keep any medication or hazardous chemical in locked storage when not in active use.
 - (6) The provider shall maintain a first aid kit at each facility.

R501-24-13. Compliance.

- (1) A program operating within the scope of this rule shall have 60 days from the effective date of this rule to come into compliance with this rule.
- (2) Any person who violates this rule may be subject to the penalties in Rule R380-600 and Title 26B, Chapter 2, Part 7, Penalties and Investigations.

KEY: human services, licensing, homeless

Date of Last Change: 202[5]6

Authorizing, and Implemented or Interpreted Law: 26B-2-104; 26B-2-135

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: CPR (Change in Proposed Rule)		
Rule or section number:	R649-1	Filing ID: 57709
Date of previous publication (only for CPRs):	01/01/2026	

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-1. Oil and Gas Definitions

4. Purpose of the new rule or reason for the change:
The purpose of the change in proposed rule is to offer more clarity to defined terms.
5. Summary of the new rule or change:
This change offers more clarity around drilling operations suspended by replacing the current definition with two new ones. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the January 1, 2026, issue of the Utah State Bulletin, on page 116. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:												
A. State budget:												
There is a total of one state agency, the Division of Oil, Gas and Mining (Division), that will be associated with this proposed rule change. There will be no fiscal impact to the agency as these changes are purely administrative.												
B. Local governments:												
No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.												
C. Small businesses ("small business" means a business employing 1-49 persons):												
There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. There is no fiscal impact to small businesses as these changes are purely administrative.												
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):												
There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. There is no fiscal impact to non-small businesses as these changes are purely administrative.												
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):												
This rule change will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.												
F. Compliance costs for affected persons:												
There will be no compliance costs as this rule change is purely administrative.												
G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)												
Regulatory Impact Summary Table												
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Fiscal Cost</th> <th style="text-align: center;">FY2026</th> <th style="text-align: center;">FY2027</th> <th style="text-align: center;">FY2028</th> <th style="text-align: center;">FY2029</th> <th style="text-align: center;">FY2030</th> </tr> </thead> <tbody> <tr> <td>State Budget</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> <td style="text-align: center;">\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030	State Budget	\$0	\$0	\$0	\$0	\$0
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030							
State Budget	\$0	\$0	\$0	\$0	\$0							

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
 Section 40-6-1 et seq.

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.
A. Comments will be accepted until: 05/01/2026

10. This rule change MAY become effective on: 06/01/2026
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Director	Date:	03/01/2026
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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.

R649-1. Oil and Gas Definitions.

R649-1-1. Definitions.

"Active Well" means a well that is drilled, completed and is currently being utilized for disposal or injection of fluids related to oil and gas.

"Adjudicative proceeding" means an agency action or proceeding that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons, including any agency actions to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license; and judicial review of any of such actions.

"Agency" means the Board of Oil, Gas and Mining and the Division of Oil, Gas and Mining including the director or division employees acting on behalf of or under the authority of the director or board.

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

"Application for Permit to Drill, Deepen or Plug Back" or "APD" means the Form 3 submission required under Section R649-3-4 with the division.

"Aquifer" means a geological formation including a group of formations or part of a formation that is capable of yielding a significant amount of water to a well or spring.

NOTICES OF CHANGES IN PROPOSED RULES

"At Risk Well" means a State Well that produces less than an average of 1 BOE per day for the first 12 consecutive months of the previous 15-month period, or an Injection Well with zero injection activity for the same period. This definition does not include a well with drilling operations suspended conductor status in the division's database.

"At Risk Well Ratio" means an operator's total number of At Risk Wells divided by the Total Well Count.

"At Risk Well Supplement Amount" means the amount calculated in accordance with Subsection R649-13-3(1)(b)(i)(B).

"Authorized Agent" means a representative of the director as authorized by the board.

"Authority for Expenditure" or "AFE" is a detailed written statement made in good faith by an operator memorializing the total estimated costs to be incurred in the drilling, testing, completion and equipping of a well for oil and gas operations.

"Average TVD" means the average true vertical depth of all State Wells for an operator.

"Barrel" means 42 gallons at 60 degrees Fahrenheit at atmospheric pressure.

"Board" means the Board of Oil, Gas and Mining.

"BOE" means one barrel of oil equivalency. For conversion of gas production in calculating average daily production, 5,800 cubic feet of natural gas is equivalent to one BOE.

"Bond Calculation" means the calculation of the Performance Bonds as provided in Section R649-13-2 or Rule R649-13 as applicable.

"Carrier, Transporter or Taker" means any person moving or transporting oil or gas away from a well or lease or from any pool.

"Casing Pressure" means the pressure within the casing or between the casing and tubing at the wellhead.

"Class II Injection Well" means a well that is used for:

(1) the disposal of fluids that are brought to the surface in connection with conventional oil or natural gas production and that may be commingled with wastewater produced from the operation of a gas plant that is an integral part of production operations, unless that wastewater is classified as a hazardous waste at the time of injection;

(2) enhanced recovery of oil or gas; or

(3) storage of hydrocarbons that are liquids at standard temperature and pressure conditions.

"Closed System" means the use of a combination of solids control equipment including a shale shaker, flowline cleaner, desanders, desilters, mud cleaners, centrifuges, agitators, and any necessary pumps and piping incorporated in a series on the rig's steel mud tanks, or a self contained unit that eliminates the use of a reserve pit to dump and dilute drilling fluids for the removal of entrained drill solids. A closed system for Title R649 rules may with division approval include the use of a small pit to receive cuttings, but does not include the use of trenches for the collection of fluids of any kind.

"Coalbed Methane" means natural gas that is produced, or may be produced, from a coalbed and rock strata associated with the coalbed.

"Collateral Bond" means an agreement in a sum certain executed by the operator as principal which is supported by the deposit with the division of:

(1) a cash account, which will be the deposit of cash in one or more federally-insured account, payable only to the division upon demand, or the deposit of cash directly with the division;

(2) negotiable certificates of deposit, made payable or assigned to the division and placed in its possession, or held by a federally insured bank authorized to do business in Utah; or

(3) an irrevocable letter of credit of any bank authorized to do business in the United States.

"Completion of a Well" means that the well has been adequately worked to be capable of producing oil or gas or that well testing as required by the division has been concluded.

"Confining Strata" refers to a body of material that is relatively impervious to the passage of liquid or gas and that occurs either below, above, or lateral to a more permeable material in such a way that it confines or limits the movement of liquids or gases that may be present.

"Controlling Interest" means an ownership of more than 50% of the voting shares or equity in a company, project, or asset, granting the holder the power to make key operational, financial, and strategic decisions. This includes decisions about exploration, production, asset management, or corporate governance. In the absence of more than 50% or greater percentage the largest percentage ownership will be the controlling interest.

"Correlative Rights" means the opportunity of each owner in a pool to produce a just and equitable share of the oil and gas in the pool without waste.

"Cubic Foot" of gas means the volume of gas contained in one cubic foot of space at a standard pressure base of 14.73 psia and a standard temperature base of 60 degrees Fahrenheit.

"Day" means a period of 24 consecutive hours.

"Development Wells" means any oil and gas producing wells other than wildcat wells.

"Director" means the executive and administrative head of the division.

"Disposal Facility" means a facility that uses an injection well to dispose of produced water. This includes both commercial and noncommercial facilities.

"Division" means the Division of Oil, Gas and Mining.

"Drilling" means creating a bore hole for, or to be used for, producing, extracting, or injecting gas, petroleum, or another liquid related to oil and gas production or storage, including brine disposal, but excluding a bore hole drilled to produce potable water.

"Drilling Fluid" means a circulating fluid usually called mud, that is introduced in a drill hole to lubricate the action of the rotary bit, remove the drilling cuttings, and control formation pressures.

~~["Drilling Operations Suspended" means~~

~~(1) the cessation of drilling, or re-drilling of a well where the drilling rig is released before the well has reached its permitted total depth and the well has not been drilled deeper or plugged or completed as a well capable of producing oil or gas within one year from the date the drilling rig was released from the well; or~~

~~(2) drilling has not been continued below the deepest depth to which conductor pipe or surface casing, or both, was set in the well within one year from the date the spudder, hammer, drilling rig or equivalent rig type was released from the well.]~~

"Drilling Operations Suspended Conductor" (OPSC) means the cessation of drilling, or re-drilling of a well where the drilling rig was released after the conductor pipe was drilled and is drilled to less than 500 feet.

"Drilling Operations Suspended" (OPS) means the cessation of drilling, or re-drilling of a well where the drilling rig was released before the well is officially abandoned or completed and is drilled past 500 feet.

"E and P Products" means Exploration and Production Products, and is defined as produced water, drilling fluids and other materials associated with the exploration, development and production of crude oil and natural gas, which are recyclable.

"E and P Recycling Facility" means Exploration and Production Recycling Facility, and is defined as any facility or site constructed or used for the primary purpose to recycle E and P products, making them available for reuse.

"E and P Waste" means Exploration and Production Waste, and is defined as waste resulting from the drilling of and production from an oil and gas well as determined by the Environmental Protection Agency (EPA), before January 1, 1992, to be exempt from Subtitle C of the Resource Conservation and Recovery Act (RCRA).

"Emergency Pit" means a pit used for containing any fluid at an operating well during an actual emergency or for a temporary period.

"Enhanced Recovery" means the process of introducing fluid or energy into a pool to increase the recovery of hydrocarbons from the pool.

"Enhanced Recovery Project" means the injection of liquids or hydrocarbon or non-hydrocarbon gases directly into a reservoir to augment reservoir energy, modify the properties of the fluids or gases in the reservoir, or change the reservoir conditions to increase the recoverable oil, gas, or oil and gas through the joint use of two or more well bores.

"Entity" means a well or a group of wells that have identical division of interest, have the same operator, produce from the same formation, have product sales from a common tank, LACT meter, gas meter, or are in the same participating area of a properly designated unit. Entity number assignments are made by the division in cooperation with other state government agencies.

"Existing Liability" means an outstanding obligation of the operator to the division, which includes:

(1) where wells or facilities have been abandoned and not properly plugged and reclaimed;

(2) where a forfeited bond was insufficient to cover plugging and restoration costs and additional costs incurred by the division in plugging and restoration have failed to be repaid;

(3) a violation of, or failure to comply with, a final order of the division or the board and is not pending appeal; or

(4) a failure to pay in full a final outstanding administrative penalty imposed by the division or board and is not pending appeal.

"Field" means the general area underlaid by one or more pools.

"Gas" means natural gas or natural gas liquids or other gas or any mixture thereof defined as follows:

(1) "Natural Gas" means those hydrocarbons, other than oil and other than natural gas liquids separated from natural gas, that occur naturally in the gaseous phase in the reservoir and are produced and recovered at the wellhead in gaseous form. Natural gas includes coalbed methane.

(2) "Natural Gas Liquids" means those hydrocarbons initially in reservoir natural gas, regardless of gravity, that are separated in gas processing plants from the natural gas as liquids at the surface through the process of condensation, absorption, adsorption, or other methods.

(3) "Other Gas" means hydrogen sulfide (H₂S), carbon dioxide (CO₂), helium (He), nitrogen (N), and other nonhydrocarbon gases that occur naturally in the gaseous phase in the reservoir or are injected into the reservoir in connection with pressure maintenance, gas cycling, or other secondary or enhanced recovery projects.

"Gas-Oil Ratio" means the ratio of the number of cubic feet of natural gas produced to the number of barrels of oil concurrently produced during any stated period. The term GOR is synonymous with gas-oil ratio.

"Gas Processing Plant" means a facility in which liquefiable hydrocarbons are removed from natural gas, including wet gas or casinghead gas, and the remaining residue gas is conditioned for delivery for sale, recycling or other use.

"Gas Well" means any well capable of producing gas in substantial quantities that is not an oil well.

"Ground Water" means water in a zone of saturation below the ground surface.

"Hearing" means any matter heard before the board or its designated hearing examiner.

"Horizontal Well" means a well bore drilled laterally at an angle of at least 80 degrees to the vertical or with a horizontal projection exceeding one hundred feet measured from the initial point of penetration into the productive formation through the terminus of the lateral in the same common source of supply.

"Illegal Oil or Illegal Gas" means oil or gas that has been produced from any well within the state in violation of Title 40, Chapter 6, Board and Division of Oil, Gas and Mining, or any rule or order of the board.

"Illegal Product" means any product derived in whole or in part from illegal oil or illegal gas.

"Inactive Well" means a well that is drilled, completed and currently not being utilized for disposal or injection of fluids related to oil and gas.

NOTICES OF CHANGES IN PROPOSED RULES

"Incremental Production" means that part of production that is achieved from an enhanced recovery project that would not have economically occurred under the reservoir conditions existing before the project and that has been approved by the division as incremental production.

"Injection or Disposal Well" means any Class II Injection Well used for the injection of air, gas, water or other substance into any underground stratum.

"Interest Owner" means a person owning an interest, which may include working interest, royalty interest, payment out of production, or any other interest, in oil or gas, or in the proceeds thereof.

"Joint Operating Agreement" or "JOA" is an agreement for the exploration, development, and production for oil, gas or other minerals between parties entitled to participate pursuant to the ownership of said minerals or leaseholds covering said minerals, which are subject to the contract area, which may be inclusive of a drilling unit, described therein.

"Large Capacity Storage Tank" means a tank that is designed to be disassembled and reassembled for temporary set up and take down with volume above 500 barrels.

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

"Load Oil" means any oil or liquid hydrocarbon that is used in any remedial operation in an oil or gas well.

"Log or Well Log" means the written record progressively describing the strata, water, oil or gas encountered in drilling a well with such additional information as is usually recorded in the normal procedure of drilling including electrical, radioactivity, or other similar conventional logs, a lithologic description of samples and drill stem test information.

"Long Term Produced Water Recycling Pond Facility" means a facility that contains ponds that are designed, maintained and operated for the reuse of produced water in oil and gas operations, and not designed primarily for evaporation.

"Major Modification" means any structural or operational change at an E and P Recycling Facility that significantly alters the volume of E and P products managed or changes the processes used to recycle and make these products available for reuse.

"Multiple Zone Completion" means a well completion in which two or more separate zones, mechanically segregated one from the other, are produced simultaneously from the same well.

"Notice of Opportunity to Participate" means the written notice of opportunity to participate in a well for oil and gas operations required under Subsections 40-6-2(4) and (12) to be provided to an owner and which includes an offer to lease if the owner is an unleased owner, and an offer for the owner to directly participate financially, in proportion to the owner's interest in the drilling, testing, completion, equipping and operation of the subject well and which includes:

- (1) the approximate surface and, bottom hole location of the subject well by county, township, range, section, quarter-quarter section or substantially equivalent lot, and footages from directional section lines;
- (2) the proposed well name;
- (3) the proposed total distance from the surface of the ground to the terminus measured along the vertical and lateral components if the well is a horizontal well;
- (4) the proposed total depth;
- (5) the objective productive zone and the approximate depth and locations of producing intervals in the borehole;
- (6) the approximate date upon which the subject well was or will be spud;
- (7) a joint operating agreement proposed in good faith by the operator for operation of the drilling unit upon which the subject well is to be drilled;
- (8) an AFE for the subject well;
- (9) a statement that a refusal to agree to either lease or participate in the subject well may result in the imposition of the statutory risk compensation award allowed under Subsection 40-6-6.5(4)(d)(i)(D) of between 150% and 400% as determined by the board; and
- (10) a statement that any initial compulsory pooling order may apply to subsequent wells within the drilling unit including any statutory risk compensation award imposed under Utah law pursuant to Subsection 40-6-6.5(12).

"Oil" means crude oil or condensate or any mixture thereof, defined as follows:

(1) "Crude Oil" means those hydrocarbons, regardless of gravity, that are produced at the wellhead in liquid form and occur naturally in the liquid phase in the reservoir or are produced through enhanced recovery operations authorized by the board in accordance with Subsection 40-6-5(3)(c).

(2) "Condensate" means those hydrocarbons, regardless of gravity, that occur naturally in the gaseous phase in the reservoir that are separated from the natural gas as liquids through the process of condensation either in the reservoir, in the well bore or at the surface in field separators.

(3) "Oil and Gas" may not include gaseous or liquid substances derived from coal, oil shale, tar sands or other hydrocarbons classified as synthetic fuel, except tar sands produced at the wellhead in liquid form through enhanced recovery operations authorized by the board in accordance with Subsection 40-6-5(3)(c).

"Oil and Gas Field" means a geographical area overlying an oil and gas pool.

"Oil Well" means any well capable of producing oil in substantial quantities.

"Operator" means the person who has been designated by the owners or the board to operate a well or unit.

"Operatorship" means the exclusive right, privilege and obligation of exercising any rights granted by the owners or the board to act as operator of a well or drilling unit which rights are necessary and effective for prospecting for, producing, storing, allocating and distributing oil and gas extracted from a well or a drilling unit.

"Owner" means the person who has the right to drill into and produce from a reservoir and to appropriate the oil and gas that they produce, either for themselves and others.

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

"Performance Bond" or "Bond" means a surety bond or collateral bond, or a combination thereof, payable to the division, and conditioned upon the faithful performance by the operator of all requirements of Title 40, Mines and Mining, Title R649, the State Program, and of the duty to plug each dry or abandoned well, repair each well causing waste or pollution, maintain and restore the well site, and complete reclamation of other permitted oil and gas activity.

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

"Pit" means an earthen surface impoundment constructed to retain fluids and oil field wastes.

"Pollution" means such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, or the discharge of any liquid, gaseous or solid substance into any waters of the state in such manner as will create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish or other aquatic life.

"Pool" means an underground reservoir containing a common accumulation of oil or gas or both. Each zone of a general structure that is completely separated from any other zone in the structure is a separate pool. "Common source of supply" and "reservoir" are synonymous with "pool."

"Preparation for Drilling" means:

- (1) mobilization of drilling equipment; or
- (2) erecting a drilling rig; or
- (3) diligently engaging in other work necessary to prepare the well site, including commencement of access road and pad construction.

"Presiding Officer" means an agency head, or an individual or body of individuals designated by the agency head, by the agency's rules, or by statute to conduct an adjudicative proceeding. The board, or its appointed hearing examiner, may be considered the presiding officer of any appeals or informal adjudicative proceedings that is commenced before the division as well as any adjudicative proceeding that is commenced before the board. The director or their designated agent may be considered a presiding officer for any informal adjudicative proceedings that is commenced before the division. If fairness to the parties is not compromised, an agency may substitute one presiding officer for another during any proceeding.

"Pressure Maintenance" means the injection of gas, water or other fluids into a reservoir, either to increase or maintain the existing pressure in such reservoir or to retard the natural decline in the reservoir pressure.

"Produced Water" means water that is:

- (1) extracted below the earth's surface by an oil and gas producing well, or separated from hydrocarbons after extraction; and
- (2) Required to be managed pursuant to board rules for waste management and disposal made pursuant to Subsection 40-6-5(3) and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking act.

"Producer" means the owner or operator of a well capable of producing oil or gas.

"Producing Well" means a well capable of producing oil or gas.

"Product" means any commodity made from oil and gas.

"Production Facilities" means any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells or injection wells, before any processing plant or refinery.

"Purchaser or Transporter" means any person who, acting alone or jointly with any other person, by their own, an affiliated, or designated carrier, transporter or taker, shall directly or indirectly purchase, take or transport by any means, or who shall otherwise remove from any well or lease, oil or gas produced from any pool, excepting royalty portions of oil or gas taken in kind by an interest owner who is not the operator.

"Recompletion" means any completion in a new perforated interval or pool within an established wellbore and approved as a recompletion by the division.

"Recycling" means to take action to recover E and P products from solid waste generated by oil and gas operations for the purposes of use or reuse, conversion into raw materials, or use in the production of new products.

"Refinery" means a facility, other than a gas processing plant, where controlled operations are performed by which the physical and chemical characteristics of petroleum or petroleum products are changed.

"Reserve Pit" means a pit used to retain fluid during the drilling, completion, and testing of a well.

"Resource Detriment" means: damage, harm or detriment to the mineral estate or oil and gas formation; pollution or surface damages as specified in Section R649-3-15; damage, harm or detriment to the surface estate or Surface Land as defined in Subsection 40-6-2(25); damage to a Surface land owner's property as defined in Subsection 40-6-2(27); or damage, harm or detriment to livestock or wildlife.

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

"Seismic Operator" means a person who conducts seismic exploration for oil or gas, whether for themselves or as a contractor for others.

NOTICES OF CHANGES IN PROPOSED RULES

"State At Risk Well" means a State Well that is an At Risk Well.

"State Well" means any well located in Utah that either penetrates, or proposes to penetrate, fee or state minerals or is a well that is not otherwise subject to a performance bond with a federal tribal or other governmental agency having jurisdiction and that, at the time of Bond Calculations, has one of the following statuses in the division's database: active, drilling, drilling operations suspended conductor, drilling operations suspended, inactive, producing, shut-in, and temporarily abandoned.

"State Well Count" means the total number of an Operator's State Wells at the time of Bond Calculation.

"Shut-in Well" means a well that is completed, is shown to be capable of production in paying quantities, and is not presently being operated.

"Spud In" means the first boring of a hole in the drilling of a well by any type of rig.

"State" means the State of Utah.

"Stratigraphic Test or Core Hole" means any hole drilled for the sole purpose of obtaining geological information. The general rules applicable to the drilling of a well will apply to the drilling of a stratigraphic test or core hole.

"Surety Bond" means an indemnity agreement in a sum certain payable to the division, executed by the operator as principal and which is supported by the performance guarantee of a company licensed to do business as a surety in Utah.

"Temporarily Abandoned Well" means a well that is incapable of production or injection without downhole intervention. This status requires downhole work and approval from the division. ~~[completed, is shown not capable of production in paying quantities, and is not presently being operated.]~~

"Temporary Produced Water Recycling Tank Facility" means a facility that contains a large capacity storage tank set on or near drill sites that is used for nearby well completion activities.

"Temporary Spacing Unit" means a specified area of land designated by the board for purposes of determining well density and location. A temporary spacing unit may not be a drilling unit as provided for in Section 40-6-6, Drilling Units, and does not provide a basis for pooling the interest therein as does a drilling unit.

"Total Well Count" means the total number of wells operated by a single operator in the state regardless of ownership of the minerals penetrated and that, at the time of Bond Calculations, has one of the following statuses in the division's database: active, drilling, drilling operations suspended conductor, drilling operations suspended, inactive, producing, shut-in, and temporarily abandoned.

"Underground Source of Drinking Water" (USDW) means a fresh water aquifer or a portion thereof that supplies drinking water for human consumption or that contains less than 10,000 mg/1 total dissolved solids and that is not an exempted aquifer under Section R649-5-4.

"Waste" means:

- (1) The inefficient, excessive or improper use or the unnecessary dissipation of oil or gas or reservoir energy.
- (2) The inefficient storing of oil or gas.
- (3) The locating, drilling, equipping, operating, or producing of any oil or gas well in a manner that causes reduction in the quantity of oil or gas ultimately recoverable from a reservoir under prudent and economical operations, or that causes unnecessary wells to be drilled, or that causes the loss or destruction of oil or gas either at the surface or subsurface.
- (4) The production of oil or gas in excess of:
 - (a) Transportation or storage facilities.
 - (b) The amount reasonably required to be produced in the proper drilling, completing, testing, or operating of a well or otherwise utilized on the lease from which it is produced.
- (5) Underground or above ground waste in the production or storage of oil or gas.

"Waste Crude Oil Treatment Facility" means any facility or site constructed or used for wholly or partially reclaiming, treating, processing, cleaning, purifying or in any manner making non-merchantable waste crude oil marketable.

"Well" means an oil or gas well, injection or disposal well, or a hole drilled for producing oil or gas or both. The definition of well may not include water wells, seismic, stratigraphic test, core hole, or other exploratory holes drilled to obtain geological information only.

"Well Site" means the areas that are directly disturbed during the drilling and subsequent use of, or affected by production facilities directly associated with any oil well, gas well or injection well.

"Wildcat Wells" means oil and gas producing wells that are drilled and completed in a pool in which a well has not been previously completed as a well capable of producing in commercial quantities.

"Willful Violation" means any action or inaction done with conscious objective or desire to engage in the action or inaction that a reasonably prudent person would know is likely to cause a violation.

"Working Interest Owner" means the owner of an interest in oil or gas burdened with a share of the expenses of developing and operating the property.

"Workover" means any operation designed to sustain, to restore, or to increase the production rate, the ultimate recovery, or the reservoir pressure system of a well or group of wells and approved as a workover, a secondary recovery, a tertiary recovery, or a pressure maintenance project by the division. The definition may not include operations that are conducted principally as routine maintenance or the replacement of worn or damaged equipment.

KEY: oil and gas law

Date of Last Change: 2026

Notice of Continuation: June 30, 2025

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: CPR (Change in Proposed Rule)		
Rule or section number:	R649-3-38	Filing ID: 57714
Date of previous publication (only for CPRs):		01/01/2026

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-3-38. Surface Owner Protection Act Provisions
4. Purpose of the new rule or reason for the change:
The Division of Oil, Gas and Mining (Division) is filing this change in proposed rule to add a financial cap on surface bond requirements.
5. Summary of the new rule or change:
This rule filing has added a cap of \$500,000 on the amount of bonding required for well pads. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the January 1, 2026, issue of the Utah State Bulletin, on page 139. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is a total of one state agency, the Division, that will be associated with this proposed rule change. There will be a fiscal impact of \$10,000 per well, but no more than \$500,000 per well pad, however, the Division cannot estimate how many operators will need a surface owner protection bond.
B. Local governments:
No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.
C. Small businesses ("small business" means a business employing 1-49 persons):
There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

NOTICES OF CHANGES IN PROPOSED RULES

There will be a fiscal impact of \$10,000 per well, but no more than \$500,000 per well pad, however, the Division cannot estimate how many operators will need a surface owner protection bond.

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

There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be a fiscal impact of \$10,000 per well, but no more than \$500,000 per well pad, however, the Division cannot estimate how many operators will need a surface owner protection bond.

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

This rule change will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.

F. Compliance costs for affected persons:

There will be a compliance cost of \$10,000, but no more than \$500,000 per well pad, however, the Division cannot estimate how many operators will need a surface owner protection bond.

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

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 40-6-1 et seq.		
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Public Notice Information

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

A. Comments will be accepted until:	05/01/2026
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10. This rule change MAY become effective on:	06/01/2026
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Mick Thomas, Directors	Date:	03/01/2026
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R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.

R649-3. Drilling and Operating Practices.

R649-3-38. Surface Owner Protection Act Provisions.

(1) Title R649 and any subsequent revisions as approved by the board are developed pursuant to the requirements of the Surface Owner Protection Act of 2012 in Title 40, Chapter 6. It is the intent of the board and the division to encourage owners or operators and surface land owners to enter into surface use agreements. Surface use agreements should fairly consider the respective rights of the owner or operator and the surface land owner and also comply with the requirements of Section R649-3-34.

(2) For the purposes of Section R649-3-38, these definitions are utilized.

(a) "Crops" means any growing vegetative matter used for an agricultural purpose, including forage for grazing and domesticated animals.

(b) "Oil and gas operations" means to explore for, develop, or produce oil and gas.

(c) "Surface land" means privately owned land overlying privately owned oil and gas resources, upon which oil and gas operations are conducted, and owned by a surface land owner.

(d) "Surface land owner" means a person who owns, in fee simple absolute, any or part of the surface land as shown by the records of the county where the surface land is located. Surface land owner does not include the surface land owner's lessee, renter, tenant, or other contractually related person.

(e) "Surface land owner's property" means a surface land owner's surface land, crops on the surface land, and existing improvements on the surface land.

(f) "Surface use agreement" means an agreement between an owner or operator and a surface land owner addressing the use and reclamation of surface land owned by the surface land owner and compensation for damage to the surface land caused by oil and gas operations that result in loss of the surface land owner's crops on the surface land, loss of value of existing improvements owned by the surface land owner on the surface land, and permanent damage to the surface land.

(3) Oil and gas operations shall be conducted in such manner as to prevent unreasonable loss of a surface land owner's crops on surface land, unreasonable loss of value of existing improvements owned by a surface land owner on surface land, and unreasonable permanent damage to surface land.

(4) In accordance with Section 40-6-20, an owner or operator may enter onto surface land under which the owner or operator holds rights to conduct oil and gas operations and use the surface land to the extent reasonably necessary to conduct oil and gas operations and consistent with allowing the surface land owner the greatest possible use of the surface land owner's property, to the extent that the surface land owner's use does not interfere with the owner's or operator's oil and gas operations.

(a) Except as is reasonably necessary to conduct oil and gas operations, an owner or operator shall mitigate the effects of accessing the surface land owner's surface land, minimize interference with the surface land owner's use of the surface land owner's property, and compensate a surface land owner for unreasonable loss of a surface land owner's crops on the surface land, unreasonable loss of value to existing improvements owned by a surface land owner on the surface land, and unreasonable permanent damage to the surface land.

(b) An owner or operator may but is not required to obtain location or spacing exceptions from the division or board or utilize directional or horizontal drilling techniques that are not technologically feasible, economically practicable, or reasonably available.

(5) In accordance with Section 40-6-21, non-binding mediation may be requested by a surface land owner and an owner or operator, by providing written notice to the other party, if they are unable to agree on the amount of damages for unreasonable crop loss on the surface land, unreasonable loss of value to existing improvements owned by the surface land owner on the surface land, or unreasonable permanent damage to the surface land.

(a) A mediator may be mutually selected by a surface land owner and an owner or operator from a listing of qualified mediators maintained by the division and the Utah Department of Agriculture and Food, which includes the mediators identified on the Utah State Courts website with "property" or "real estate" as an area of expertise, or a mediator may be selected from any other source.

(b) The surface land owner and the owner or operator shall equally share the cost of the mediator's services.

(c) The mediation provisions of this subsection do not prevent or delay an owner or operator from conducting oil and gas operations in accordance with applicable law.

NOTICES OF CHANGES IN PROPOSED RULES

- (6) A surface use bond shall be furnished to the division by the owner or operator, in accordance with Subsections (6)(a) through (6)(j).
 - (a) A surface use bond does not apply to surface land where the surface land owner is a party to, or a successor of a party to:
 - (i) A lease of the underlying privately owned oil and gas;
 - (ii) A surface use agreement applicable to the surface land owner's surface land; or
 - (iii) A contract, waiver, or release addressing an owner's or operator's use of the surface land owner's surface land.
 - (b) The surety bond or other guarantee shall be in an amount of not less than \$10,000 per well on the land and no more than \$500,000 per well pad, ~~[unless the operations involve seismic activities.]~~ The surface use bond shall be conditioned upon the performance by the owner or operator of the duty to protect a surface land owner against unreasonable loss of crops on surface land, unreasonable loss of value of existing improvements, and unreasonable permanent damage to surface land.
 - (c) The surface use bond shall be furnished to the division on Form 4S after good faith negotiation and before the approval of the application for permit to drill. The mediation process identified in Subsection R649-3-38(5) may begin and is encouraged to be completed.
 - (d) The division may accept a surface use bond in the form of a cash account or a certificate of deposit as provided in Subsection R649-13-1(2). Interest will remain within the account.
 - (e) The division may allow the owner or operator, or a subsequent owner or operator, to replace an existing surface use bond with another bond that provides sufficient coverage.
 - (f) The surface use bond shall remain in effect by the operator until released by the division.
 - (g) The surface use bond shall be payable to the division for the use and benefit of the surface land owner, subject to Title R649.
 - (h) The surface use bond shall be released to the owner or operator after the division receives sufficient information that:
 - (i) A surface use agreement or other contractual agreement has been reached;
 - (ii) Final resolution of the judicial appeal process for an action for unreasonable damages, as defined in Subsection R649-3-38(6)(b), has occurred and have been paid; or
 - (iii) Plugging and abandonment of the well is completed.
 - (j) The division shall make a reasonable effort to contact the surface land owner before the division's release of the surface use bond.

KEY: oil and gas law

Date of Last Change: 2026

Notice of Continuation: June 30, 2025

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.; 40-6-5; 40-6-20; 40-6-21

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: CPR (Change in Proposed Rule)		
Rule or section number:	R649-13	Filing ID: 57716
Date of previous publication (only for CPRs):	01/01/2026	

Agency Information

1. Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 1210	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R649-13. Performance Bonds
4. Purpose of the new rule or reason for the change:
The Division of Oil, Gas and Mining (Division) is clarifying the language around the at risk well supplement amount calculation and updating dates.

5. Summary of the new rule or change:
 This rule filing updates beginning dates for bond requirements from March 1 to June 1, 2026, and clarifies the tiered bonding system.
 (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the January 1, 2026, issue of the Utah State Bulletin, on page 147. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

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

A. State budget:

There is a total of one state agency, the Division, that will be associated with this proposed rule change.
 There will be no fiscal impact to the agency as these changes are purely administrative.

B. Local governments:

No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.

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

There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
 There will be no fiscal impact to operators as these changes are purely administrative.

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

There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
 There will be no fiscal impact to operators as these changes are purely administrative.

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

This rule change will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.

F. Compliance costs for affected persons:

There will be no fiscal impact to operators as these changes are purely administrative.

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

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

NOTICES OF CHANGES IN PROPOSED RULES

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

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

The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 40-6-1 et seq.

Public Notice Information

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

A. Comments will be accepted until:

05/01/2026

10. This rule change MAY become effective on:

06/01/2026

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

Agency Authorization Information

Agency head or designee and title:

Mick Thomas, Director

Date:

03/01/2026

R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.

R649-13. Performance Bonds.

R649-13-1. Performance Bonds Required for Oil and Gas Activities.

(1) Before approval of a permit to drill a new well or engaging in any permitted oil and gas activity in Utah, an operator shall provide a performance bond to the division as set forth in Rule R649-13.

(a) Oil and gas activities include:

(i) drilling, completion or recompletion of an oil or gas well;

(ii) production of oil or gas;

(iii) re-entering an abandoned well;

(iv) activities commenced by a transferee upon a transfer of ownership of existing wells;

(v) Underground Injection Control (UIC) disposal and Enhanced Oil Recovery (EOR) Operations;

(vi) operation of E&P product recycling facilities; and

(vii) seismic exploration.

(b) Except as set forth in Subsection R649-13-1(c), the division will not require a separate bond when an operator furnishes evidence to the division that a bond to cover plugging and restoration and in a form and amount acceptable to the division is held by other governmental or tribal entities in accordance with state, federal or tribal regulatory requirements and has been approved by the agency having jurisdictional primacy over oil and gas operations for each permitted oil and gas activity.

(c) If a federally permitted well with private or state surface does not penetrate the targeted federal or Tribal minerals and the federal bonding agency releases or excludes the well from their bonding, the well will be regulated by the division and bonded according to Section R649-13-2 or R649-13-3.

(d) Except as set forth in Section R649-13-6, performance bonds shall remain in full force and effect until liability thereunder is released by the division.

(e) Should the division determine that an operator is not appropriately bonded, the division shall provide written notice to the operator of the bonding deficiencies. Except as provided in Subsection R649-13-6(b), if the operator fails to obtain appropriate bonding within 120 days, the division may require an operator to immediately cease all oil and gas activities until the operator complies with the bonding requirements.

(f) A performance bond furnished to the division shall be payable to the division and conditioned upon the faithful performance by the operator of the duty to plug each dry or abandoned well, repair each well causing waste or pollution, maintain and restore the well site and complete reclamation of other permitted oil and gas activity.

(g) The form and amount of the performance bond must be approved by the division. Subject to the requirements of Subsection (2), acceptable forms may include a surety bond, a collateral bond, cash, certificates of deposit, letters of credit or a combination of these bonding methods.

(h) Performance bond liability shall be for the duration of the drilling, operating, plugging, restoration of the well and well site, and reclamation of other permitted oil and gas activity.

(i) To ensure continuous coverage, a performance bond shall be automatically renewable or the operator shall ensure continuous bond coverage by replacing a bond, if necessary, at least 30 days before the expiration date with another acceptable bond.

(2) General Terms & Conditions of Performance Bonds.

(a) Each performance bond shall provide a mechanism for the surety, or other guarantor of the performance bond, to provide prompt notice to the division and the operator of any action filed alleging the insolvency or bankruptcy of the surety or guarantor, or alleging violations that would result in suspension or revocation of the surety's or guarantor's charter or license to do business.

(i) Upon the incapacity of the surety or guarantor to guarantee payment of the performance bond by reason of bankruptcy, insolvency, or suspension or revocation of a charter or license, the operator shall be deemed to be without bond coverage.

(ii) Upon notification of insolvency or bankruptcy, the division shall notify the operator in writing of the lack of bond coverage and shall specify a reasonable period, not to exceed 90 days, to provide substitute bond coverage. The 90-day period may be extended upon written request and a showing of good cause to the division or the board.

(b) Surety Bonds.

(i) A surety bond shall be executed by the operator and a surety company licensed to do business in Utah that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better. All surety companies will also be listed in the current issue of the U.S. Department of the Treasury Circular 570.

(ii) When the division notifies an operator that a surety company guaranteeing its performance does not meet the standard of Subsection (2)(b)(i), the operator shall have 120 days after notice from the division to obtain bond coverage which complies with this rule.

(iii) A surety bond will be forfeited and collected by the division if not replaced by an acceptable bond at least 30 days before its expiration date.

(c) Collateral Bonds.

(i) The division may not accept an individual account or certificate of deposit in excess of the maximum insurable amount as determined by the Federal Deposit Insurance Corporation;

(ii) The division shall require that certificates of deposit be made payable to or assigned to the division both in writing and upon the records of the bank issuing the certificates. If assigned to the division, the division shall require the bank issuing the certificate to waive all rights of setoff or liens against that certificate.

(iii) Any interest paid on a cash account or certificate of deposit shall be retained in the account and applied to the bond value of the account unless the division has provided written approval for the payment of interest to the operator.

(iv) Letters of credit will be subject to the following conditions:

(A) Letters of credit shall be payable to the division upon demand.

(B) Letters of credit shall be irrevocable during their terms.

(C) Letters of credit shall be issued by a federally insured bank authorized to do business in the United States.

(D) A letter of credit will be forfeited and collected by the division if not replaced by an acceptable bond at least 30 days before its expiration date.

(v) Persons with an interest in collateral posted as a bond, and who desire notification of actions pursuant to the bond, shall request the notification in writing from the division when the collateral is offered.

(d) Transfer of wells.

(i) If the transfer, sale, or exchange of wells between parties results in a change in well performance bond amounts the division may allow the parties to agree to maintain the bonding amount before the transfer, sale, or exchange for a period of up to 12 months to facilitate operational changes. An extension may be requested before the board.

(3) Bonding Schedules.

(a) The board shall adjust the bonding schedules outlined in Section R649-13-4 on a not to exceed five-year cycle to account for inflation based on current data from the Producer Price Index for oil and gas extraction operations. The adjusted schedules shall follow Rulemaking Procedure pursuant to Section 63G-3-301.

(b) Then, upon written notice and a showing of good cause, may require operators to provide performance bonds in amounts greater than set out in this rules. Good cause includes violation of Section R649-3-36, Shut-in and Temporarily Abandoned Wells, a violation of which shall result in the division requiring a bond amount for the applicable well in the amount of actual plugging and site restoration costs.

NOTICES OF CHANGES IN PROPOSED RULES

(c) An operator may appeal a performance bond determination by the division by filing a request for agency action with the division pursuant to Rule R649-10.

R649-13-2. Individual Well Depth Performance Bonds.

(1) Except as set forth in Section R649-13-3, an operator who, on or after ~~June~~^{March} 1, 2026, engages in the drilling, completion, re-entry, deepening, or who acquires a well, shall furnish to the division an individual well depth performance bond in the amount set forth in the approved individual well depth performance bonding schedule.

(2) The individual well depth performance bond amount may be found in Subsection R649-13-4(4).

(3) The division shall provide written notification to each operator of the need to establish or adjust an individual well depth performance bond to conform with an updated bonding schedule or bonding requirement. Within 120 days of such notification by the division the operator shall post the required individual well bond with the division. In the event of a transfer of ownership for the well where there is an approved bond in place the operator shall provide an updated bond amount within 12 months of a transfer of ownership for the well as provided in Subsection R649-13-6(b).

R649-13-3. Blanket Well Performance Bonds.

(1) Blanket Well Performance Bonds

An operator who, on or after ~~June~~^{March} 1, 2026, engages in the drilling, completion, re-entry, deepening of a well, or who acquires an existing well, and who meets the qualifications set forth in Subsection (1)(a), may file with the division a blanket well performance bond to cover operations of its State Wells in lieu of an individual well depth performance bond for each well as required by Section R649-13-2.

(a) Qualifications Required for Blanket Well Performance Bonding

(i) To qualify for a blanket well performance bond, an operator must meet: (1) a production requirement, and (2) a threshold at risk well ratio requirement.

(ii) An operator qualifies for blanket well performance bonding in accordance with the tier 1 base blanket bond schedule if:

(A) The operator's total well count production is equal to or greater than 1,000 BOE per day average for the previously reportable 12 months; and

(B) The operator's at risk well ratio is equal to or less than 20%.

(iii) An operator qualifies for blanket well performance bonding in accordance with the tier 2 base blanket bond schedule if:

(A) The operator's total well count production is equal to or greater than 500 BOE per day average for the previously reportable 12 months; and

(B) The operator's at risk well ratio is equal to or less than 22%.

(iv) An operator qualifies for blanket well performance bonding in accordance with the tier 3 base blanket bond schedule if:

(A) The operator's total well count production is equal to or greater than 200 BOE per day average for the previously reportable 12 months; and

(B) The operator's at risk well ratio is equal to or less than 25%.

(v) An operator who does not qualify for blanket well performance bonding must provide individual well depth performance bonds for each well as outlined in Section R649-13-2.

(b) Determination of Blanket Well Performance Bond Amount

(i) An operator who qualifies for blanket well performance bonding shall post a bond with the division that equals the total sum of the operator's combined base blanket bond amount and at risk well supplemental amount within the appropriate tier.

(A) Base Blanket Bond Amount Calculation.

(I) An operator's base blanket bond amount is determined in accordance with the base blanket bond table for the appropriate tier outlined in Section R649-13-4.

(II) An operator's base blanket bond amount shall be the amount which corresponds to the operator's total state well count.

~~[(ii) For each tier, the allowable percentage of at risk wells exempt from inclusion in the calculation is as follows:~~

~~(A) Tier 1: 20%;~~

~~(B) Tier 2: 13%; and~~

~~(C) Tier 3: 8%.]~~

(B) At Risk Well Supplement Amount Calculation.

(i) For each tier, the allowable number of at risk wells exempt from inclusion in the at risk well supplemental amount calculation is as follows:

(A) Tier 1: 20% of state wells;

(B) Tier 2: 13% of state wells; and

(C) Tier 3: 8% of state wells.

(II) An operator's at risk well supplement amount shall be determined for the number of non-exempt at risk wells, which are the at risk wells exceeding the number of exempt at risk wells described in Subsection (1)(b)(i)(B)(I), [following percentages] and is in accordance with the at risk well supplement table for the appropriate tier outlined in Section R649-13-4.]:

~~(A) Tier 1: 20%;~~

~~(B) Tier 2: 13%; and~~

~~(C) Tier 3: 8%.]~~

(III) The depth to be used for this calculation shall be the average TVD.

(IV~~(H)~~) An operator's at risk well supplement amount shall be calculated by:

- (1) determining the total number of non-exempt at risk wells, rounded down to the nearest multiple of ten;
- (2) determine the average TVD;
- (3) identifying the corresponding bond amount for the average TVD for the appropriate tier; and
- (4) multiplying the multiple of ten from Subsection (1)(b)(i)(B)(IV~~(H)~~)(1) by the corresponding bond amount.

(2) Adjustment of Blanket Well Performance Bond Amount.

(a) An operator's blanket well performance bond amount shall be set in accordance with the base blanket bond schedules found in Section R649-13-4, which shall be adjusted ~~[every five years]~~ not to exceed five years as referenced in Subsection R649-13-1(3).

(b) An operator's at risk well supplement will be recalculated under Subsection (1)(b)(i)(B)(IV~~(H)~~)(1) when an operator's at risk wells increase to the next multiple of ten.

(c) An operator may request a recalculation of its at risk well supplement when an operator's at risk wells decrease by a multiple of ten.

(d) An operator's blanket well performance bond amount shall be recalculated if the division determines the operator's blanket well performance bonding qualifications have changed since the last calculation.

(e) The division shall provide written notification to an operator of the need to increase the amount of its blanket well performance bond to conform with updated bonding schedules or an increase in state at risk wells.

(f) Within 120 days of such notification by the division, the operator shall post a bond with the division in compliance with Rule R649-13 or appeal the decision to the Board of Oil, Gas, and Mining.

R649-13-4. Bonding Schedules.

(1)(a) Tier 1 Requirements:

(i) The operator's total ~~[state]~~ well count production shall be equal to or greater than 1,000 BOE per day average for the previously reportable 12 months; and

(ii) An at risk well ratio equal to or less than 20%.

(b)(i) Tier 1 base blanket bond table for total state well count:

TABLE BASE BLANKET BOND	
STATE WELL COUNT	AMOUNT OF BOND
1-10	\$200,000
11-25	\$300,000
26-50	\$400,000
51- 100	\$500,000
101-250	\$650,000
251-500	\$800,000
501-750	\$1,000,000
751-1000	\$1,250,000
1001-1500	\$1,500,000
1501-2000	\$2,000,000
2001-2500	\$2,500,000

(ii) Tier 1 at risk well supplemental schedule for state at risk wells based on average TVD:

TABLE AT RISK WELL SUPPLEMENT SCHEDULE

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AVERAGE TVD	AMOUNT OF BOND PER AT RISK WELL
0 - 500 FEET	\$2,500
501 - 1,000 FEET	\$5,000
1,001 - 3,000 FEET	\$10,000
3,001 - 6,000 FEET	\$20,000
6,001 - 9,000 FEET	\$32,500
9,001 - 12,000 FEET	\$42,500
12,000+ FEET	\$55,000

(2)(a) Tier 2 Requirements:

(i) The operator's total [~~state~~]well count production shall be equal to or greater than 500 BOE per day average for the previously reportable 12 months; and

(ii) An at risk well ratio equal to or less than 22%.

(b)(i) Tier 2 base blanket bond table for total state well count:

TABLE BASE BLANKET BOND	
STATE WELL COUNT	AMOUNT OF BOND
1-10	\$300,000
11-25	\$450,000
26-50	\$600,000
51- 100	\$750,000
101-250	\$975,000
251-500	\$1,200,000
501-750	\$1,500,000
751-1000	\$1,875,000
1001-1500	\$2,250,000
1501-2000	\$3,000,000
2001-2500	\$3,750,000

(ii) Tier 2 at risk well supplemental schedule for state at risk wells based on average TVD:

TABLE AT RISK WELL SUPPLEMENT SCHEDULE	
AVERAGE TVD	AMOUNT OF BOND PER AT RISK WELL
0 - 500 FEET	\$2,500
501 - 1,000 FEET	\$5,000
1,001 - 3,000 FEET	\$10,000
3,001 - 6,000 FEET	\$20,000
6,001 - 9,000 FEET	\$32,500
9,001 - 12,000 FEET	\$42,500
12,000+	\$55,000

(3)(a) Tier 3 Requirements:

(i) The operator's total [state]-well count production shall be equal to or greater than 200 BOE per day average for the previously reportable 12 months; and

(ii) An at risk well ratio equal to or less than 25%; or

(iii) Production greater than 1,000 BOE per day for the previously reportable 12 months with no required at risk well ratio.

(b)(i) Tier 3 base blanket bond table for total state well count:

TABLE BASE BLANKET BOND	
STATE WELL COUNT	AMOUNT OF BOND
1-10	\$400,000
11-25	\$600,000
26-50	\$800,000
51- 100	\$1,000,000
101-250	\$1,300,000
251-500	\$1,600,000
501-750	\$2,000,000
751-1000	\$2,500,000
1001-1500	\$3,000,000
1501-2000	\$4,000,000
2001-2500	\$5,000,000

(ii) Tier 3 at risk well supplemental schedule for state at risk wells based on average TVD:

TABLE AT RISK WELL SUPPLEMENT SCHEDULE	
AVERAGE TVD	AMOUNT OF BOND PER AT RISK WELL
0 - 500 FEET	\$2,500
501 - 1,000 FEET	\$5,000
1,001 - 3,000 FEET	\$10,000
3,001 - 6,000 FEET	\$20,000
6,001 - 9,000 FEET	\$32,500
9,001 - 12,000 FEET	\$42,500
12,000+	\$55,000

(4) Individual Well Depth Performance Bond, which is based on TVD:

TABLE INDIVIDUAL WELL DEPTH PERFORMANCE BOND	
TVD	AMOUNT OF BOND PER WELL
0 - 500 FEET	\$5,000
501 - 1,000 FEET	\$10,000
1,001 - 3,000 FEET	\$20,000
3,001 - 6,000 FEET	\$40,000
6,001 - 9,000 FEET	\$65,000

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9,001 - 12,000 FEET	\$85,000
12,000+	\$110,000

R649-13-5. Miscellaneous Bonds.

- (1) Exploration and Production Recycling Facilities shall be bonded as set forth in Section R649-9-9.
- (2) Waste Crude Oil Treatment Facilities shall be bonded as set forth in Section R649-9-9.
- (3) Seismic Exploration operations shall be bonded as set forth in Section R649-3-26.
- (4) Surface bonding shall be required as set forth in Section R649-3-38.

R649-13-6. Replacement of Performance Bonds.

- (1) The division may allow an operator to replace existing performance bonds with other performance bonds that provide sufficient coverage.
- (2) The division shall not release an existing performance bond until the operator has furnished, and the division has approved, an acceptable replacement performance bond.
- (3) Replacement of a performance bond pursuant to this Subsection shall not constitute a release of bond under Section R649-13-7.
- (4) Bond Replacement Due to Change of Operator.
 - (a) No later than 30 days after receipt of a complete Form 16 Operator Change Form, pursuant to Section R649-8-18, the division will provide the current and proposed operator with a determination of the proposed operator's performance bond requirements.
 - (b) In the event the division determines that the new operator's bond coverage will be insufficient to cover the costs of plugging and site restoration for the well or wells assigned, the division will provide a written explanation justifying the bond adjustment. After receipt and approval of a plan to remedy the bond inadequacy the division may grant the new operator up to 12 months to remedy the bond inadequacy.
 - (c) The current operator's bond shall not be released until the proposed operator provides adequate replacement bonding.
 - (d) When the division has approved the termination of liability under a bond, the current operator is relieved from the responsibility of plugging or repairing any wells and restoring any well site affected by the operator change.

R649-13-7. Requirements for Performance Bond Release.

- (1) The owner or operator may request release of a bond by submitting a request for bond release together with a certification of the mailing of the same to interested parties having standing to challenge the same, including the surface landowner.
 - (a) Within 30 days of filing a bond release with the division, the operator shall submit signed affidavits from the surface landowner of the bonded site certifying that restoration has been performed as required by the surface agreements or to the satisfaction of the parties. These affidavits shall be used by the division in determination of final bond release as required by Subsection R649-3-34(13).
 - (i) If such affidavits are not submitted, the division shall conduct an inspection in accordance with Subsection (1)(b) upon receiving a written request from the operator.
 - (ii) The division shall give the operator and surface landowner notice of the date and time of the inspection. If either the operator or the surface landowner are unable to attend the inspection at the scheduled time and date, the division may reschedule the inspection to allow the operator or surface landowner to participate.
 - (b) Before the approval of a bond release, the division shall conduct an evaluation and inspection of the bonded site as follows:
 - (i) within 60 days of the filing of the request for bond release, or the conclusion of any associated informal adjudicative proceeding described in Subsection R649-13-6(2)(b), or as soon thereafter as weather conditions permit, the division shall conduct an inspection and evaluation of the bonded site to determine if restoration has been adequately performed.
 - (ii) The division's evaluation and inspection shall consider the adequacy of the bonded site restoration, the degree of difficulty to complete any remaining restoration, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution.
 - (iv) The adequacy of a well site restoration will also evaluate any restoration requirements provided for in Section R649-3-34.
 - (v) The division shall retain a record of the evaluation and inspection according to the division's approved retention schedule.
- (2)(a) If no written objection to the request for bond release is received by the division within 30 days after the filing of the request, the division may release liability under the bond as an administrative action, subject to the evaluation and inspection described in Subsection (1)(b).
 - (b) If a written objection to the request for bond release is received by the division within 30 days after the filing of the request, the request shall be set for an informal adjudicative proceeding and notice thereof given in accordance with the procedural rules of the division under Rule R649-10.
 - (i) within 60 days of the conclusion of any associated informal adjudicative proceeding, or as soon thereafter as weather conditions permit, whichever is the later, the division shall conduct an inspection and evaluation of the bonded site to determine if restoration has been adequately performed.
- (3)(a) The division shall give written notice of its decision to release or not to release all or part of the performance bond within 30 days after the completion of the inspection and evaluation.
 - (b) The following parties will be notified of the division's decision:
 - (i) the operator;

- (ii) the surety or other guarantor of the bond;
- (iii) other persons with an interest in bond collateral who have requested notification under Subsection R649-13-1(2)(c)(v);
- (iv) the persons who filed written objections to the notice of application for bond release; and
- (v) any other interested parties identified in the certification of mailing in Subsection (1).
- (c) If the decision is made to release the bond, the notification shall also state the effective date of the bond release.
- (d) If the division denies the request for bond release or a portion thereof, the written notice shall state the reasons for denial and recommend corrective actions necessary to secure the release.
- (4) Release of bond liability shall be conditioned upon compliance with Title 40, Chapter 6, Board and Division of Oil, Gas and Mining, Title R649, Natural Resources; Oil, Gas and Mining; Oil and Gas, and orders of the division and board.
- (5) The denial of a request for bond release may be appealed by filing a request for agency action with the division pursuant to Rule R649-10.

R649-13-8. Forfeiture of Performance Bonds.

- (1) The division shall take action to forfeit a performance bond if any of the following occur:
 - (a) the operator refuses or cannot conduct plugging and site restoration;
 - (b) the operator refuses or cannot repair a well or remediate pollution;
 - (c) the operator fails to comply with conditions of a permit issued by the division; or
 - (d) the operator defaults on the conditions under which the bond was accepted.
- (2) In the event the division forfeits a bond, the matter will be considered by the board before the division taking any action to plug a well.
- (3) After proper notice and hearing, the board may order the division to do the following:
 - (a) use funds collected from bond forfeiture to complete the plugging and restoration of the well or wells to which bond coverage applies;
 - (b) enter into a written agreement with the operator or another party to perform plugging and restoration operations in accordance with a compliance schedule established by the division as long as such party has the ability to perform the necessary work;
 - (c) allow a surety to complete the plugging and restoration, if the surety can demonstrate an ability to complete the plugging and restoration; or
 - (d) take other actions the board deems reasonable and appropriate.
- (4) In the event the amount forfeited is insufficient to pay for the full cost of the plugging and restoration, the division may complete or authorize completion of plugging and restoration and may recover from the operator and its principals all costs of plugging and restoration in excess of the amount forfeited.
- (e) In the event the amount forfeited was more than the amount necessary to complete plugging and restoration, the unused funds shall be returned by the division to the party from whom they were collected.
- (f) In the event the bond is forfeited and there exists any unplugged well or wells previously covered under the forfeited bond, the operator must establish new bond coverage in accordance with this rules or, upon an order from the division or the board, cease operations until adequate bonding is provided.

R649-13-9. Approval of Bonding Contingent Upon Compliance with Laws.

- (1) Division approval of a bond is conditioned upon an operator's compliance with Title 40, Chapter 6, Board and Division of Oil, Gas and Mining, Title R649, Natural Resources; Oil, Gas and Mining; Oil and Gas, and orders of the division and board.
- (2) Except as set forth in Subsection (3), the division shall not approve a bond where information available to the division indicates that an operator:
 - (a) has an existing liability with the division; or
 - (b) has an owner, officer, director, partner, member or manager of a limited liability company, or other person with a controlling interest in the entity, who has or previously had, a controlling interest in another entity with an existing liability with the division.
- (3) The division may approve a bond for an operator with an existing liability if the operator provides proof that the existing liability has been resolved or is in the process of being resolved to the division's satisfaction.
- (4) The denial of a bond by the division may be appealed by filing a request for agency action with the board pursuant to Rule R649-10.

R649-13-10. Effective Date of Rule Revisions.

- (1) The performance bond amounts for all wells, facilities, and operations permitted after June[March] 1, 2026 shall be determined as set forth in Sections R649-13-2 and R649-13-3 in accordance with the bond schedules referenced in Subsection R649-13-1(3)(a).
- (2) Performance bonds for wells, facilities, and operations permitted before June[March] 1, 2026, will be adjusted to conform to the requirements of Sections R649-13-2 and R649-13-3 as follows:
 - (a) on or before June[March] 1, 2026, the division shall complete a comprehensive well analysis for each operator and determine the total performance bond amount required by the bonding schedule.
 - (b) the division shall send written notification to each operator of the division's final bonding assessment.

NOTICES OF CHANGES IN PROPOSED RULES

(c) For wells with existing bonding as of ~~June~~~~March~~ 1, 2026, an operator will be allowed to increase their bonding to conform to the division's bonding assessment in five installments. The installments shall be made as follows:

(i) the first installment is due six months after the date the division notifies the operator of their bonding assessment, and must be a minimum of \$50,000, or one-fifth the difference between the operator's existing bonding and the division's bonding assessment, whichever is greater;

(ii) the second through fourth installments are due annually ~~June~~~~March~~ 1 and must be a minimum of one-quarter of the difference between the operator's existing bonding after payment of the first installment and the division's bonding assessment.

(iii) the fifth and final installment is due on ~~June~~~~March~~ 1 of the year following the fourth installment and must be in the amount of the remaining difference between the operator's existing bonding and the division's bonding assessment.

KEY: oil and gas law

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.

End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text (~~example~~). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE

Rule or section Number:	R66-50	Filing ID: 57832
Effective date:	03/04/2026	

Agency Information

1. Title catchline:	Agriculture and Food, Specialized Products	
Building:	Taylorsville State Office Building, South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT 84129	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Camille Knudson	801-597-6010	camillek@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Amber Brown	385-245-5222	ambermbrown@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	R66-50. Kratom Retail Permit
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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 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
<p>The Department of Agriculture and Food (Department) is filing this emergency rule to maintain existing regulatory standards while the Utah Legislature finalizes the statutory framework for kratom. SB 45 (2026 General Session) initially proposed a total ban on kratom products by classifying them as Schedule I controlled substances. However, recent legislative substitutes have shifted toward a restrictive "pure leaf" model and new retail licensing requirements.</p> <p>Because the legislative intent moved from total prohibition to a complex regulatory transition, the Department has deferred permanent rulemaking to avoid implementing standards that would be immediately invalidated or contradicted by the final enacted law.</p>	
5. Summary of the new rule or change:	
<p>This emergency rule maintains the revisions to Rule R66-50 intended to align administrative rules with state statute and address constitutional concerns.</p> <p>The filing consistently replaces the term "children" with "an individual under 18 years old" in Sections R66-50-5 and R66-50-6 to match the statutory age limit found in Section 4-45-105. This change addresses potential First Amendment concerns regarding the ambiguity of the term "children" while ensuring clear enforcement of age-based marketing and sales restrictions.</p> <p>Additionally, technical adjustments were made throughout this rule to remove passive voice and improve clarity as recommended by the Rulewriting Manual for Utah.</p>	
6A. The agency finds that regular rulemaking would:	
<input type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;	
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or	
<input checked="" type="checkbox"/> place the agency in violation of federal or state law.	
B. Specific reasons and justifications for this finding:	
<p>Regular rulemaking would place the Department in violation of state law because it would require the agency to finalize permanent rules based on a statutory framework that is currently being revised.</p> <p>The initial version of SB 45 (2026) would have rendered all current administrative rules for kratom obsolete by banning the product entirely. With the bill's evolution into a restrictive licensing and "pure leaf" model, the Department must wait for the final codified language to ensure permanent rules regarding testing (R66-52), labeling (R66-51), and permitting (R66-50) are legally consistent with the new mandates.</p> <p>(EDITOR'S NOTE: The emergency rule for Rule R66-50, ID 57832, and the emergency rule for Rule R66-51, ID 57833, and the emergency rule for Rule R66-52, ID 57834, all effective on 03/04/2026, are in this issue, April 1, 2026, of the Bulletin.)</p>	

Fiscal Information

7. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
<p>This filing has a neutral fiscal impact as it maintains the current operational status quo and prevents administrative waste by delaying permanent rulemaking until the final requirements of proposed legislation are established.</p>
B. Local governments:
<p>This filing has no fiscal impact on local governments as the Department maintains exclusive authority over kratom retail permits; local entities do not participate in the program.</p>
C. Small businesses ("small business" means a business employing 1-49 persons):
<p>This filing has a neutral fiscal impact on small businesses as it maintains current regulatory requirements and avoids potential compliance costs associated with inconsistent standards.</p>

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**):

This filing has a neutral fiscal impact on other persons, including consumers, as it ensures continued state oversight of kratom retail locations during the legislative process.

E. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons, as the Department's administration of the retail permit program remains unchanged by this filing.

F. Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule will not have a fiscal impact on businesses. Kelly Pehrson, Commissioner

Citation Information

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

Section 4-45-107

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	03/04/2026
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R66. Agriculture and Food, Specialized Products.

R66-50. Kratom Retail Permit.

R66-50-1. Authority and Purpose.

Pursuant to Section 4-45-107, this rule establishes the requirements for a person seeking a kratom retailer permit.

R66-50-2. Definitions.

- (1) "End Consumer" means an individual who does not resell the purchased kratom product.
- (2) "Kratom Retailer" means a kratom processor who sells a kratom product to an end consumer.
- (3) "Kratom Retailer Permit" means a permit that the department issues to a retailer who sells or markets any kratom product.
- (4) "Person" means an individual, partnership, association, firm, trust, limited liability company, or corporation, or any employees of such.
- (5) "Premises" means a place where a kratom product is sold, offered for sale, exposed for sale, stored, or marketed.

R66-50-3. Kratom Retailer Permit.

- (1) A person who sells, offers for sale, or exposes for sale a kratom product in the state shall secure a kratom retailer permit from the department.
- (2) A person shall obtain a retailer permit ~~shall be obtained~~ before offering a kratom product ~~is offered~~ for sale in Utah.
- (3) A person seeking a kratom retailer permit shall provide the following to the department for each individual store or retail establishment location where kratom products are sold:
 - (a) the name of the person who sells, offers for sale, or markets a kratom product;
 - (b) the address where the kratom product is sold, offered for sale, or marketed; and
 - (c) written consent allowing a representative of the department to enter any premises where the person is selling or storing a kratom product.
- (4) A person shall pay the non-refundable permit fee, as set forth in the fee schedule approved by the ~~E~~ legislature, ~~shall be paid~~ to the department with the submission of the application.
- (5) The department may deny a permit for an incomplete application.
- (6) A permit is renewable for up to a one-year period with an annual renewal fee that shall be paid on or before December 31~~st~~ of each year.
- (7) ~~The department shall assess~~ ~~A~~ a late fee ~~shall be assessed~~ for a renewal of a kratom retailer permit submitted ~~on or after~~ ~~December~~ January 1~~st~~ and a permittee shall ~~be paid~~ pay it before the renewal is issued.

R66-50-4. Inspection and Testing.

- (1) The department may randomly inspect a ~~permittee~~ premises to ensure that kratom products distributed or available for distribution in Utah comply with this rule and Rule R66-51.

NOTICES OF 120-DAY (EMERGENCY) RULES

(2) The department shall periodically sample, analyze, and test kratom products distributed within the state for compliance with registration and labeling requirements and the certificate of analysis.

(a) Each department sample shall include at least ten grams of kratom product.

(b) The department may test kratom products for any substance listed in Rule R66-52 as well as for any of the following prohibited substances, at the discretion of the department:

- (i) any fentanyl derivative;
- (ii) any cannabinoid tested ~~for~~ by the laboratory with an action level of 0.01% (w/w);
- (iii) cocaine; or
- (iv) any of the following Benzodiazepines:
 - (A) diazepam;
 - (B) alprazolam;
 - (C) triazolam;
 - (D) lorazepam; or
 - (E) clonazepam.

(c) ~~The department shall consider [A]~~ a kratom product that ~~is found to~~ contain a prohibited substance ~~[shall be considered]~~ as adulterated ~~and~~ in violation of this rule.

(3) The department may inspect kratom products distributed or available for distribution for any other reason the department deems necessary.

(4) The department may, upon request, inspect a retailer permittee's records of receipt, inventory, and invoices to ensure that kratom products distributed or available for distribution in Utah are following this rule and Rule R66-51.

(5) The sample taken by the department shall be the official sample.

R66-50-5. Retailer Permittee Responsibilities.

(1) A retailer shall ~~ensure that~~:

(a) ~~ensure that a~~ each kratom product ~~distributed, sold, or offered for sale,~~ is properly registered with the department; and

(b) ~~ensure that~~ any advertisement for a kratom product ~~[sold or marketed in Utah]~~ ~~does not~~:

- (i) ~~does not~~ contain any medical claims; and
- (ii) ~~does not~~ appeal to ~~children~~ an individual under 18 years old.

(2) A retailer shall provide the ~~department with the~~ identity of the manufacturer or distributor of a kratom product sold upon request ~~of the department~~.

(3) A retailer may register the product in lieu of the manufacturer if the manufacturer does not register the product ~~[is not registered]~~.

R66-50-6. Violation.

(1) Each unregistered product shall be a separate violation of this rule.

(2) An advertisement ~~[shall be considered]~~ is falsely advertised if the permittee makes a claim about a product that is not on the label.

(3) It is a violation to market or sell kratom products in Utah without a valid retailer permit pursuant to this rule.

(4) It is a violation to refuse inspection of a retail establishment, product for sale, or a product storage area.

(5) It is a violation to sell kratom products that have any ~~[likeness-bearing]~~ resemblance to a cartoon character or fictional character.

(6) It is a violation to sell kratom products that appear to imitate a food or other product, or that is typically marketed toward or appealing to ~~children~~ an individual under 18 years old.

(7) It is a violation to prepare, distribute, sell, or offer for sale a kratom product that would be potentially harmful to consumers.

KEY: kratom, retail permit, retailer responsibilities, inspection, and testing

Date of Last Change: March 4, 2026 ~~September 22, 2025~~

Authorizing, and Implemented or Interpreted Law: 4-45-107

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or section Number:	R66-51	Filing ID: 57833
Effective date:	03/04/2026	

Agency Information

1. Title catchline:	Agriculture and Food, Specialized Products
Building:	Taylorsville State Office Building, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state	Taylorsville, UT 84129
Mailing address:	PO Box 146500
City, state, and zip:	Salt Lake City, UT 84114-6500

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

General Information

2. Rule or section catchline:	
R66-51. Kratom Product Registration and Labeling	
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 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
<p>The Department of Agriculture and Food (Department) is filing this emergency rule to maintain existing regulatory standards while the Utah Legislature finalizes the statutory framework for kratom. SB 45 (2026 General Session) initially proposed a total ban on kratom products by classifying them as Schedule I controlled substances. However, recent legislative substitutes have shifted toward a restrictive "pure leaf" model and new retail licensing requirements.</p> <p>Because the legislative intent moved from total prohibition to a complex regulatory transition, the Department has deferred permanent rulemaking to avoid implementing standards that would be immediately invalidated or contradicted by the final enacted law.</p>	
5. Summary of the new rule or change:	
<p>This emergency filing maintains the labeling and registration standards established on 11/04/2025, while the Department awaits the outcome of SB 45 (2026), which initially proposed a total ban on kratom before moving toward a "pure leaf" regulatory model.</p> <p>This rule strikes the requirement for child-resistant packaging in Section R66-51-7 to resolve conflicts with federal authority and replaces "Food and Drug Administration" with "governmental entity" in labeling requirements to correctly identify state oversight.</p> <p>Additionally, the term "children" is replaced throughout this rule with "an individual under 18 years old" to align with state statutory definitions. These changes ensure an enforceable regulatory framework exists until the new statutory mandates take effect.</p>	
6A. The agency finds that regular rulemaking would:	
<input type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/>	place the agency in violation of federal or state law.
B. Specific reasons and justifications for this finding:	
<p>Regular rulemaking would place the Department in violation of state law because it would require the agency to finalize permanent rules based on revising the current statutory framework. The initial version of SB 45 (2026) would have rendered all current administrative rules for kratom obsolete by banning the product entirely.</p> <p>With the bill's evolution into a restrictive licensing and "pure leaf" model, the Department must wait for the final codified language to ensure permanent rules regarding testing (R66-52), labeling (R66-51), and permitting (R66-50) are legally consistent with the new mandates.</p> <p>(EDITOR'S NOTE: The emergency rule for Rule R66-50, ID 57832, and the emergency rule for Rule R66-51, ID 57833, and the emergency rule for Rule R66-52, ID 57834, all effective on 03/04/2026, are in this issue, April 1, 2026, of the Bulletin.)</p>	

Fiscal Information

7. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A. State budget:
This filing has a neutral fiscal impact as it maintains the current operational status quo and avoids administrative waste by delaying permanent rulemaking until the final statutory requirements of SB 45 (2026) are established.
B. Local governments:
This filing has no fiscal impact on local governments as the Department maintains exclusive authority over kratom product registration; local entities do not participate in the program.
C. Small businesses ("small business" means a business employing 1-49 persons):
This filing has a neutral fiscal impact on small businesses as it maintains current regulatory requirements and avoids potential compliance costs associated with technically unenforceable or legally preempted standards.
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):
This filing has a neutral fiscal impact on other persons, including consumers, as it ensures continued market access to registered products while maintaining current safety standards during the legislative transition.
E. Compliance costs for affected persons:
There are no anticipated compliance costs for affected persons, as the Department's administration of the registration and labeling program remains unchanged by this extension.
F. Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
This rule will not have a fiscal impact on businesses. Kelly Pehrson, Commissioner

Citation Information

8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
Section 4-45-107

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	03/04/2026
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R66. Agriculture and Food, Specialized Products.
R66-51. Kratom Product Registration and Labeling.
R66-51-1. Authority and Purpose.

- (1) Pursuant to Section 4-45-107, this rule establishes the requirements for labeling and registration of kratom products.

R66-51-2. Definitions.

- (1) "7-OH" means 7-hydroxymitragynine (CAS 174418-82-7).
- (2) "Batch or lot" means a uniquely processed quantity identified by a specific date and the timeframe between two consecutive cleanups.
- (3) "Certificate of Analysis" (COA) means a document produced by a testing laboratory listing the quantities of the various analytes for which testing was performed.
- (4) "Finished product" means a reasonably homogenous kratom product in its final packaged form.
- (5) "Label" means the display of any written, printed, or graphic matter upon the immediate container of a kratom product or a statement by or under the control of the kratom processor or distributor, which is directly related to the kratom product bearing the label.
- (6) "Registrant" means a person who assumes responsibility for the compliance of the product registration.
- (7) "Serving Size" means a specific amount of food, measured as an integer, that^[s] is used as a standard reference to help consumers make informed choices.
- (8) "Third-party Laboratory" means a laboratory that has no direct interest in a processor or distributor of kratom products that can perform mandated testing utilizing validated methods.
- (9) "Unapproved delivery form" means:

- (a) any form that is combustible or intended to be used for vaporization; or
- (b) any form that mimics a candy product or is manufactured, packaged, or advertised in a way that appeals to ~~children~~an individual under 18 years old.

R66-51-3. Product Registration.

- (1) A registrant shall register any kratom product distributed, available for distribution, or that is intended to be offered for sale to an end consumer, including on the internet or social media platforms, annually with the department.
- (2) The department shall require a separate registration fee for each kratom product unless:
 - (a) the label is identical;
 - (b) the product delivery form is identical; and
 - (c) the product ingredients are identical.
- (3) A single registration may include products that contain the same kratom ingredients in the same kratom delivery form but in a different container or volume.
- (4) To register a product, a registrant shall:
 - (a) apply on a form provided by the department; and
 - (b)(i) include a Certificate of Analysis (COA) for the kratom product from a third-party laboratory, based on tests performed within the previous six months.
 - (ii) The third-party laboratory shall have International Organization for Standardization (ISO) 17025:2017 accreditation from an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement.
 - (iii) A third-party laboratory may test a kratom product before obtaining ISO/IEC 17025:2017 accreditation, provided the third-party laboratory:
 - (A) adopts and follows minimum good laboratory practices which satisfy the OECD Principles of Good Laboratory Practice and Compliance Monitoring published by the Organization for Economic Co-operation and Development; and
 - (B) is currently in the process of becoming ISO/IEC 17025:2017 accredited by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement.
 - (5) A ~~registrant shall pay the non-refundable registration fee, as outlined in the fee schedule approved by the Legislature,~~registrant shall pay the non-refundable registration fee, as outlined in the fee schedule approved by the Legislature,~~[shall be paid]~~ to the department with the submission of a registration application.
 - (6) The department shall deny or withdraw registration if:
 - (a) the kratom product violates Title 4, Chapter 45, Kratom Consumer Protection Act;
 - (b) there is any reasonable basis to suspect that the kratom product is unsafe or that ingredients violate state law;
 - (c) the kratom product is in a shape that is appealing to ~~children~~an individual under 18 years old; or
 - (d) the product contains a prohibited additive as outlined in Section R66-52-11.
 - (6) ~~The department requires~~ A new registration application ~~is required~~ for the following:
 - (a) a change in the kratom product ingredients or processes that materially alters the product;
 - (b) a change to the recommended usage; or
 - (c) a change of name for the product.
 - (7) Other changes may not require a new registration, but the registrant shall submit copies of each label change to the department as soon as they are effective.
 - (8) The registrant is responsible for the accuracy and completeness of information submitted.
 - (9) Kratom product registrations shall expire on June 30 of each year, and the department may not prorate these registrations.
 - (10) The department shall deny product registration if products:
 - (a) violate Chapter 4-45 Kratom Consumer Protection Act; or
 - (b) are in an unapproved delivery form.

R66-51-4. Product Renewal.

- (1)(a) Beginning on May 1 of each year, a registrant shall renew a product registration by submitting payment of an annual renewal fee per kratom product on or before June 30.
- (b) The department shall assess a late fee for a renewal of a kratom product registration submitted on or after July 1 and may not issue a renewal until paid.
- (2) A ~~registrant shall continue to register discontinued~~ kratom products ~~[that has been discontinued shall continue to be registered in the state]~~ until the product is no longer available for distribution.

R66-51-5. Certificate of Analysis (COA).

- (1) Testing shall be performed on finished products identified with a lot or batch number.
- (2) At a minimum, the ~~[certificate of analysis]~~COA for each batch of kratom product in its final form shall include the following test results:
 - (a) the contents of mitragynine and 7-hydroxymitragynine in the kratom product certifying compliance with this rule and Subsection 4-45-104(1);
 - (b) microbials;
 - (c) heavy metals;
 - (d) pesticides;
 - (e) solvents; and

NOTICES OF 120-DAY (EMERGENCY) RULES

- (f) mycotoxins if requested by the department.
- (3) The test results required in Section R66-51-5 shall be reported in accordance with the requirements for a kratom product in Rule R66-52, including the specified units of measure.
- (4) The ~~[certificate of analysis]~~COA shall also include the following information:
 - (a) the lot or batch identification number of the tested product;
 - (b) the date received;
 - (c) the date of testing completion;
 - (d) the method of analysis for each test conducted;
 - (e) proof that the certificate of analysis is connected to the product documented by:
 - (i) a photo of the kratom product that was tested; or
 - (ii) as determined by the department;
 - (f) the name of the kratom processor that manufactured the product; and
 - (g) the name and address of the laboratory that completed the testing.
- (5) The lot or batch number on the ~~[certificate of analysis]~~COA shall match the lot or batch number on the kratom product.
- (6) An adverse or non-compliant test result shall be cause for denial of registration.

R66-51-6. Label Requirements.

- (1) The label of a kratom product shall contain the following information, legibly displayed:
 - (a) product name or common name, on the front of the label;
 - (b) the suggested use of the product, including serving size and recommended daily intake;
 - (c) the amount of mitragynine and 7-hydroxymitragynine contained in the packaged kratom product;
 - (d) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;
 - (e) identification of each kratom product by a unique batch or lot number, specifically linking each kratom product to a specific batch or lot manufactured by the kratom processor;
 - (f) manufacturer, packer, or distributor name and address; and
 - (g) the following statements:
 - (i) "this product has not been evaluated by ~~[the Food and Drug Administration]~~ a governmental entity" or an equivalent statement;
 - (ii) "this product is not intended to diagnose, treat, cure, or prevent any disease" or an equivalent statement.
- (2) If there is not sufficient room on the kratom product label, the kratom product may include a scannable bar code, QR code, or web address linked to a document containing any additional required information.
- (3) A kratom product shall meet the standards of any applicable state laws and ~~[regulations]~~rules relating to the labeling of food, including ~~Title 4, Chapter [4-]5, Utah Wholesome Food Act.~~
- (4) A kratom product label may not:
 - (a) contain claims that the product ~~[is-]intends[ed]~~ to diagnose, treat, cure, or prevent any health condition or disease~~[-on the label or labeling unless the product has been registered with the FDA];~~
 - (b) have any likeness bearing resemblance to a cartoon character or fictional character;
 - (c) appear to imitate a food or other product that is typically marketed toward or that is appealing to ~~[children]~~an individual under 18 years old; or
 - (d) contain statements that remove responsibility or liability for the use of the product.
- (5) A registrant misbrands a kratom product if:
 - (a) its label is false or misleading in any way; or
 - (b) it fails to conform to any requirement specified in this section.

R66-51-7. Product Appearance and Flavor.

- (1) A kratom processor may not produce a kratom product ~~[that is-]~~designed to mimic a candy product.
- (2) A kratom processor may not produce a product that includes a candy-like flavor or another flavor that appeals to ~~[children]~~an individual under 18 years old.
- (3) A kratom processor may not shape a kratom product in any way that appeals to ~~[children]~~an individual under 18 years old.
- ~~[(4) A kratom product shall be packaged in child-resistant packaging.]~~

R66-51-8. Inspection and Testing.

- (1) The department shall conduct a randomized inspection of kratom products distributed or available for distribution in the state for compliance with this rule.
- (2) The department shall periodically sample, analyze, and test a kratom product distributed within the state for compliance with registration and labeling requirements and the ~~[certificate of analysis]~~COA.
 - (a) Each department sample shall include at least ten grams of kratom product.
 - (b) The department may test a kratom product for any substance listed in Rule R66-52 as well as for any substance the department deems necessary.
 - (c) The department shall consider [A] a kratom product that ~~[is found to-]~~contains a prohibited substance ~~[shall be considered]~~as adulterated and in violation of this rule.

(3) The department may conduct an inspection of kratom products distributed or available for distribution for any reason the department deems necessary.

(4) The sample taken by the department shall be the official sample.

(5) Upon request, a kratom processor shall provide documentation certifying that any batch of kratom raw materials₂ acquired pursuant to a compliant specification purchase that is used to process or manufacture a kratom product₂ is compliant with Section R66-51-5.

R66-51-9. Violation.

(1) Each improperly labeled kratom product shall be a separate violation of this rule.

(2) Kratom products not meeting the labeling requirements shall be considered misbranded.

(3) Kratom products shall be considered falsely advertised if they do not meet the labeling requirements of this rule.

(4) It is a violation to distribute or market a kratom product that is not registered with the department.

(5) It is a violation to distribute or market a kratom product that contains 7-OH at greater than 2% of the alkaloid composition.

(6) It is a violation to distribute or market a kratom product that has not been tested as required by Rule R66-52.

(7) It is a violation to distribute or market a kratom product that is marketed toward or is appealing to ~~children~~ an individual under 18 years old.

(8) It is a violation to submit a fraudulent COA to the department.

KEY: kratom, kratom processor, product registration, labeling, inspection, and testing

Date of Last Change: ~~September 22, 2025~~ **March 4, 2026**

Authorizing, and Implemented or Interpreted Law: 4-45-107

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or section Number:	R66-52	Filing ID: 57834
Effective date:	03/04/2026	

Agency Information

1. Title catchline:	Agriculture and Food, Specialized Products	
Building:	Taylorsville State Office Building, South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Camille Knudson	801-597-6010	camillek@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Amber Brown	385-245-5222	ambermbrown@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R66-52. Kratom Product Testing	
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 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
The Department of Agriculture and Food (Department) is filing this emergency rule to maintain existing regulatory standards while the Utah Legislature finalizes the statutory framework for kratom. SB 45 (2026 General Session) initially proposed a total ban on kratom products by classifying them as Schedule I controlled substances. However, recent legislative substitutes have shifted toward a restrictive "pure leaf" model and new retail licensing requirements.	

Because the legislative intent moved from total prohibition to a complex regulatory transition, the Department has deferred permanent rulemaking to avoid implementing standards that would be immediately invalidated or contradicted by the final enacted law.

5. Summary of the new rule or change:

This emergency filing maintains the removal of Table 6 and the associated per-serving limits for controlled additives (such as Ashwagandha and Caffeine) because these standards were found to be technically unverifiable by state and third-party laboratories.

This rule also continues the strict prohibition of cannabinoids and specific mushroom species to ensure consumer safety. These changes are being extended via an emergency rule rather than a permanent filing because SB 45 (2026) initially proposed a total ban on kratom before shifting toward a "pure leaf" regulatory model.

The Department is delaying permanent rulemaking to ensure that final testing protocols, particularly regarding new 7-hydroxymitragynine concentration limits, are fully synchronized with the final legislative intent and the updated statutory framework.

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:

Regular rulemaking would place the Department in violation of state law because it would require the agency to finalize permanent rules based on the revisions of the current statutory framework.

The initial version of SB 45 (2026) would have rendered all current administrative rules for kratom obsolete by banning the product entirely.

With the bill's evolution into a restrictive licensing and "pure leaf" model, the Department must wait for the final codified language to ensure permanent rules regarding testing (R66-52), labeling (R66-51), and permitting (R66-50) are legally consistent with the new mandates.

(EDITOR'S NOTE: The emergency rule for Rule R66-50, ID 57832, and the emergency rule for Rule R66-51, ID 57833, and the emergency rule for Rule R66-52, ID 57834, all effective on 03/04/2026, are in this issue, April 1, 2026, of the Bulletin.)

Fiscal Information

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

A. State budget:

This filing has a neutral fiscal impact as it maintains the current operational status quo and avoids unbudgeted expenditures for laboratory equipment required to enforce technically unverifiable standards, while the Department awaits final legislative clarity.

B. Local governments:

This filing has no fiscal impact on local governments as the Department has exclusive authority over kratom product registration and laboratory testing standards.

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

This filing has a neutral fiscal impact on small businesses as it maintains current operational standards and removes technically unverifiable testing requirements, thereby preventing potential compliance costs or market disruptions until the final statutory framework is established.

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):
This filing has a neutral fiscal impact on other persons, including consumers, as it maintains current market availability and prevents price increases or product shortages that would result from enforcing technically unverifiable testing standards while the Department awaits final legislative clarity.
E. Compliance costs for affected persons:
The compliance costs are not changing.
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):
The rule changes will not have a fiscal impact on businesses. Kelly Pehrson, Commissioner

Citation Information

8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:
Section 4-45-107

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	03/04/2026
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R66. Agriculture and Food, Specialized Products.

R66-52. Kratom Product Testing.

R66-52-1. Authority and Purpose.

Pursuant to Section 4-45-107, this rule establishes the standards for kratom product potency testing and sets limits for foreign matter, microbial life, pesticides, residual solvents, heavy metals, mycotoxins, and other additives.

R66-52-2. Definitions.

- (1) "7-OH level" means the concentration of 7-OH divided by the combined concentration of total kratom alkaloids.
- (2) "Adulterant" means any poisonous or deleterious substance in a quantity that may be injurious to health, including:
 - (a) prohibited additives outlined in Section R66-52-11;
 - (b) pesticides;
 - (c) heavy metals;
 - (d) solvents;
 - (e) microbial life;
 - (f) mycotoxins; or
 - (g) foreign matter.
- (3) "Alkaloid" means any class of nitrogenous organic compounds of plant origin which have pronounced physiological actions on humans.
- (4) "Analyte" means a substance or chemical component undergoing analysis.
- (5) "Certificate of Analysis (COA)" means a certificate from a laboratory describing the results of the laboratory's analytical testing of a sample.
- (6) "Extract" means:
 - (a) the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the alkaloid contained in the biomass; and
 - (b) any amount of a natural, derivative, or synthetic alkaloid in the synthetic alkaloid's purified state.
- (7) "Foreign matter" means any matter that is present in a kratom:
 - (a) lot that is not a part of the kratom plant; or
 - (b) product that is not listed as an ingredient.
- (8) "Kratom manufacturer" means an entity that holds, stores, packages, or labels a kratom product.
- (9) "Pesticide" means any:
 - (a) substance or mixture of substances, including a living organism, that is intended to prevent, destroy, control, repel, attract, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed, or other forms of plant or animal life that are normally considered to be a pest or that the commissioner declares to be a pest;
 - (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and

NOTICES OF 120-DAY (EMERGENCY) RULES

(c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, or emulsifying agent with deflocculating properties of its own, used with a pesticide to aid in the application or effect of a pesticide.

(10) "Total alkaloid" means the sum of the determined amount of alkaloids from *Mitragyna speciosa*.

R66-52-3. Required Kratom Product Tests.

(1) Testing shall be performed on finished products identified with a lot or batch number.

(2) A kratom manufacturer may not register or sell a kratom product unless a third-party ISO/IEC 17025:2017 accredited testing laboratory has tested a representative sample of the kratom product to determine:

(a) the amount of any alkaloids present in the sample; and

(b) the presence of adulterants in the sample.

(3) Each batch or lot of kratom product shall include a certificate of analysis, in accordance with Section R66-51-5.

R66-52-4. Foreign Matter Standards.

A sample and related batch of kratom product fail quality assurance testing if:

(1) the sample contains foreign matter visible to the unaided human eye;

(2) the sample is found to contain microscopic foreign matter considered to be harmful or estimated to comprise greater than 3% of the mass of the representative sample as determined by the testing laboratory; or

(3) foreign matter is found that is suspected to have been intentionally added to the sample to increase its visual appeal or market value.

R66-52-5. Potency Testing and Standards.

(1) At a minimum, the ~~[certificate of analysis]~~COA for each batch of kratom product shall include the following test results, when applicable:

(a) the contents of mitragynine and 7-hydroxymitragynine in the kratom product certifying compliance with this rule and Subsection 4-45-104(1);

(i) the department may require testing of alkaloid content of a kratom product by the department lab for verification, at the cost of the registrant.

(b) the level of microbials in the kratom product that does not exceed the amounts listed in Table 1 when one gram or greater sample is tested;

(c) the levels of heavy metals in the kratom product that do not exceed the amounts listed in Table 2;

(d) the levels of pesticides in the kratom product do not exceed the amounts listed in Table 3;

(e) the levels of residual solvents in the kratom product that do not exceed the amounts listed in Table 4; and

(f) if required by the department, mycotoxin levels that are compliant with Section R66-52-10.

R66-52-6. Microbial Standards.

(1) A sample and related batch of kratom product fail quality assurance testing for microbiological contaminants if the results exceed the limits in Table 1.

TABLE 1 Kratom Plant Matter	
Microbial	Microbial Limit Requirement
Total Aerobic Microbial Count	NMT ≤100,000 cfu/g
Total Combined Yeast and Mold	NMT ≤100,000 cfu/g
Salmonella spp., Shiga-toxin producing E. coli (STEC), Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, and Aspergillus terreusc	Not detected in 25g
Kratom Extract	
Microbial	Microbial Limit Requirement
Total Aerobic Microbial Count	NMT ≤10,000 cfu/g
Total Combined Yeast and Mold	NMT ≤1,000 cfu/g

Salmonella spp., Shiga-toxin producing E. coli (STEC)	Not Detected in 1g
Kratom Infused Edible	
Microbial	Microbial Limit Requirement
Total Aerobic Microbial Count	NMT ≤10,000 cfu/g
Total Combined Yeast and Mold	NMT ≤1,000 cfu/g
Salmonella spp., Shiga-toxin producing E. coli (STEC)	Not Detected in 1g

R66-52-7. Heavy Metal Standards.

(1) A sample and related batch of kratom product fail quality assurance testing for heavy metals if the results exceed the limits in Table 2.

Metals	Natural Health Products Acceptable Limits
Arsenic	<2 ppm
Cadmium	<0.82 ppm
Lead	<1.2 ppm
Mercury	<0.4 ppm

R66-52-8. Pesticide Standards.

(1) A sample and related batch of kratom product fail quality assurance testing for pesticides if the results exceed the limits in Table 3.

Analyte	Chemical Abstract Service (CAS) Registry number	Action Level ppm
Abamectin	71751-41-2	0.5
Acephate	30560-19-1	0.4
Acequinocyl	57960-19-7	2
Acetamiprid	135410-20-7	0.2
Aldicarb	0116-06-03	0.4
Azoxystrobin	131860-33-8	0.2
Bifenazate	149877-41-8	0.2
Bifenthrin	82657-04-03	0.2

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Boscalid	188425-85-6	0.4
Carbaryl	63-25-2	0.2
Carbofuran	1563-66-2	0.2
Chlorantraniliprole	500008-45-7	0.2
Chlorfenapyr	122453-73-0	1
Chlorpyrifos	2921-88-2	0.2
Clofentezine	74115-24-5	0.2
Cyfluthrin	68359-37-5	1
Cypermethrin	52315-07-08	1
Daminozide	1596-84-5	1
DDVP (Dichlorvos)	62-73-7	0.1
Diazinon	333-41-5	0.2
Dimethoate	60-51-5	0.2
Ethoprophos	13194-48-4	0.2
Etofenprox	80844-07-01	0.4
Etoxazole	153233-91-1	0.2
Fenoxycarb	72490-01-08	0.2
Fenpyroximate	134098-61-6	0.4
Fipronil	120068-37-3	0.4
Flonicamid	158062-67-0	1
Fludioxonil	131341-86-1	0.4
Hexythiazox	78587-05-0	1
imazalil	35554-44-0	0.2
Imidacloprid	138261-41-3	0.4
Kresoxim-methyl	143390-89-0	0.4
Malathion	143390-89-0	0.2
Metalaxyl	57837-19-1	0.2
Methiocarb	2032-65-7	0.2
Methomyl	16752-77-5	0.4
Methyl parathion	298-00-0	0.2
MGK-264	113-48-4	0.2

Myclobutanil	88671-89-0	0.2
Naled	300-76-5	0.5
Oxamyl	23135-22-0	1
Paclobutrazol	76738-62-0	0.4
Permethrins	52645-53-1	0.2
Phosmet	0732-11-6	0.2
Piperonyl_butoxide	51-03-6	2
Prallethrin	23031-36-9	0.2
Propiconazole	60207-90-1	0.4
Propoxur	114-26-1	0.2
Pyrethrins	8003-34-7	1
Pyridaben	96489-71-3	0.2
Spinosad	168316-95-8	0.2
Spiromesifen	283594-90-1	0.2
Spirotetramat	203313-25-1	0.2
Spiroxamine	118134-30-8	0.4
Tebuconazole	80443-41-0	0.4
Thiacloprid	111988-49-9	0.2
Thiamethoxam	153719-23-4	0.2
Trifloxystrobin	141517-21-7	0.2

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

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

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

R66-52-9. Residual Solvent Standards.

(1) A sample and related batch of kratom product fail quality assurance testing for residual solvents if the results exceed the limits in Table 4, unless the solvent is:

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

TABLE 4 Kratom Extract/Kratom Infused Edible List of Solvents and Action Levels		
Solvent	Chemical Abstract Service; (CAS) Registry number	Action Level; <u>ppm</u>
1,2 Dimethoxyethane	110-71-4	100

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1,4 Dioxane	123-9	380
1-Butanol	71-36-3	5,000
1-Pentanol	71-41-0	5,000
1-Propanol	71-23-8	5,000
2-Butanol	78-92-2	5,000
2-Butanone	78-93-3	5,000
2-Ethoxyethanol	110-80-5	160
2-methylbutane	78-78-4	5,000
2-Propanol (IPA)	67-63-0	5,000
Acetone	67-64-1	5,000
Acetonitrile	75-05-8	410
Benzene	71-43-2	2
Butane	106-97-8	5,000
Cumene	98-82-8	70
Cyclohexane	110-82-7	3,880
Dichloromethane	75-09-2	600
2,2-dimethylbutane	75-83-2	290
2,3-dimethylbutane	79-29-8	290
1,2-dimethylbenzene	95-47-6	See Xylenes
1,3-dimethylbenzene	108-38-3	See Xylenes
1,4-dimethylbenzene	106-42-3	See Xylenes
Dimethyl sulfoxide	67-68-5	5,000
Ethanol	64-17-5	5,000
Ethyl acetate	141-78-6	5,000
Ethylbenzene	100-41-4	See Xylenes
Ethyl ether	60-29-7	5,000
Ethylene glycol	107-21-1	620
Ethylene Oxide	75-21-8	50
Heptane	142-82-5	5,000
n-Hexane	110-54-3	290
Isopropyl acetate	290	5,000

Methanol	67-56-1	3,000
Methylpropane	75-28-5	5,000
2-Methylpentane	107-83-5	290
3-Methylpentane	96-14-0	290
N,N-dimethylacetamide	127-19-5	1,090
N,N-dimethylformamide	68-12-2	880
Pentane	109-66-0	5,000
Propane	74-98-6	5,000
Pyridine	110-86-1	100
Sulfolane	126-33-0	160
Tetrahydrofuran	109-99-9	720
Toluene	108-88-3	890
Xylenes	1330-20-7	2,170

- (2) Xylenes is a combination of the following:
- (a) 1,2-dimethylbenzene;
 - (b) 1,3-dimethylbenzene;
 - (c) 1,4-dimethylbenzene; and
 - (d) ethyl benzene.

R66-52-10. Mycotoxin Standards.

- (1) Mycotoxin testing of a kratom product may be required if the department has reason to believe that mycotoxins may be present.
- (2) A sample and related batch of kratom product fail quality assurance testing for mycotoxin if the results exceed the limits in Table

5.

TABLE 5 Mycotoxin	
Test	Specification
The total of Aflatoxin B1, B2, G1 and G2	<20 ppb of substance
Ochratoxin	<20 ppb of substance

R66-52-11. Additives.

~~[(1)]~~A kratom product may not~~[-~~

- ~~(a) contain additives that exceed the allowable limits in the following table:]~~

[TABLE 6 Controlled Additives	
Additive	Limit per Serving
Ashwagandha	250mg
Blue Lotus	250mg

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Caffeine	100mg
California Poppy	40mg
Corydalis Yanhuso	500mg
Devil's Claw	100mg
Guarana	100mg
Kavalactones	125mg
Valerian Root	150mg
Yohimbe Bark	9mg]

[~~_____~~(b)] contain any of the following:

(1) cannabinoids; or

(~~(i)~~2) mushroom species, that contain:

(~~[A]~~a) psilocin;

(~~[B]~~b) muscimol;

(~~[C]~~c) ibotenic acid; or

(~~[D]~~d) muscarine.

[~~_____~~(ii) any cannabinoids.]

KEY: kratom, kratom processor, testing

Date of Last Change: 2026[September 22, 2025]

Authorizing, and Implemented or Interpreted Law: 4-45-107

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R25-2	Filing ID: 54546
Effective date:	03/10/2026	

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:	
R25-2. Finance Adjudicative Proceedings	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 63G-4-203	This rule is authorized under Section 63G-4-203, which requires the Department of Government Operations, Division of Finance (Division) to establish the procedures for informal adjudicatory proceedings for said proceedings to be designated as informal.
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 procedures required for their adjudicative proceedings to be designated as informal is still active. Rule R25-2 must remain active so that the Division can maintain these procedures. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Marvin Dodge, Executive Director	Date:	03/05/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R25-14	Filing ID:	53490
Effective date:	03/10/2026		

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:
R25-14. Payment of Attorney's Fees in Death Penalty Cases

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 78B-9-202	This rule is authorized under Subsection 63A-17-510-(2), which requires the Department of Government Operations, Division of Finance (Division) to establish the rules for paying attorney's fees and litigation expenses to the legal counsel appointed by the courts to represent indigent persons sentenced to death with state funds.
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4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

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 rules for using state funds to pay legal counsel representing indigent persons sentence to death is still active. Rule R25-14 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:	03/05/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R68-11	Filing ID: 54512
Effective date:	03/16/2026	

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:	
R68-11. Quarantine Pertaining to the Emerald Ash Borer	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 4-2-103(1)(k)	This subsection mandates the Department of Agriculture and Food (department) to protect Utah's agricultural resources from pests and authorizes the department to inspect any public or private place, including nurseries and farms for harmful insects.
Section 4-35-109	This section grants the department authority to adopt and enforce rules to carry out the mandates of Title 4, Chapter 35, Plant Pest Emergency Control Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
The department has received no written comments regarding this rule since the last five-year review in 2021.	
The department continues to work with stakeholders in the nursery and timber industries to ensure compliance with the quarantine.	
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 protect Utah's urban and natural forests from the Emerald Ash Borer (EAB), an invasive beetle that attacks and kills trees within the genus <i>Fraxinus</i> . Because Utah is currently uninfested, this rule serves as the primary regulatory defense by establishing a quarantine that prohibits the entry of high-risk materials, such as ash nursery stock and firewood, without proper certification.	
This rule provides the legal framework for the department to verify that imported regulated articles originate from EAB-free areas through documentation and monitoring data requirements. Without this rule, Utah would lack the authority to inspect shipments or mandate the destruction of infested materials, leaving the state's significant ash tree population vulnerable to widespread mortality and economic loss. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	03/16/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R70-580	Filing ID:	57525
Effective date:	03/03/2026		

Agency Information

1. Title catchline:	Agriculture and Food, Regulatory Services		
Building:	Taylorsville State Office Buildings, South Bldg, Floor 2		
Street address:	4315 S 2700 W		
City, state:	Taylorsville, UT		
Mailing address:	PO Box 146500		
City, state, and zip:	Salt Lake City, UT 84114-6500		
Contact persons:			
Name:	Phone:	Email:	
Amber Brown	385-245-5222	Ambermbrown@Utah.gov	
Camille Knudson	801-597-6010	Camillek@Utah.gov	
Travis Waller	801-982-2200	Twall@Utah.gov	

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

General Information

2. Rule catchline:	
R70-580. Kratom Manufacturer Food Establishment Registration	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 4-45-107	Authorizes the Department of Agriculture and Food (department) to make rules that include standards for a registered kratom product, and standards for testing, accurate labeling, and any other issue the department considers necessary.
Subsection 4-5-301(1)	Requires rules providing for the registration of food establishments to protect public health and ensure a safe food supply.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
The department has not received any public comments regarding the continuation of this rule.	
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 maintain the regulatory framework that classifies kratom manufacturers as food establishments. This classification ensures that all manufacturing operations are subject to standardized oversight and safety protocols, which are critical for protecting public health and verifying the integrity of the food supply chain. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	03/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R152-1a	Filing ID: 54255
Effective date:	03/12/2026	

Agency Information

1. Title catchline:	Commerce, Consumer Protection	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146704	
City, state and zip:	Salt Lake City, UT 84114-6704	
Contact persons:		
Name:	Phone:	Email:
Andrea Mitton	801-530-6446	amitton@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R152-1a. Internet Content Provider Ratings Methods Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	Subsection 76-5c-403(4) Directs the Division of Consumer Protection (division) to establish acceptable rating methods to be implemented by a content provider under Subsection (1).	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	The division is unaware of any written comments regarding 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 Subsection 76-5c-403(4) and provides guidance to content providers regarding acceptable rating methods applicable to material harmful to minors. For the foregoing reasons, this rule should be in effect including proposed nonsubstantive changes described by OAR ID 57852. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Andrea Mitton, Analyst	Date:	03/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R156-40	Filing ID: 57192
Effective date:	03/02/2026	

Agency Information

1. Title catchline:	Commerce, Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146741	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Jeff Busjahn	801-530-6789	jbusjahn@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R156-40. Recreational Therapy Practice Act Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Title 58, Chapter 40	Provides for the licensing and regulation of recreational therapists.
Subsection 58-1-106(1)(a)	Provides the Division of Professional Licensing with the authority to adopt and enforce rules to administer Title 58.
Subsection 58-1-202(1)(a)	Provides that the Board of Recreational Therapy's duties, functions, and responsibilities include recommending appropriate rules to the director. This rule was enacted to clarify the provisions of Title 58, Chapter 40, with respect to recreational therapists.
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:	
<p>This rule is necessary because it provides a mechanism to inform potential licensees of the requirements for licensure as a recreational therapist under the statutory authority provided in Title 58, Chapter 40.</p> <p>This rule is also necessary because it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.</p> <p>It also provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.</p>	

Agency Authorization Information

Agency head or designee and title:	Jana Johansen, Assistant Division Director	Date:	03/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-57	Filing ID: 50288
Effective date:	03/02/2026	

Agency Information

1. Title catchline:	Commerce, Professional Licensing
Building:	Heber M. Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84111-6741	
Contact persons:		
Name:	Phone:	Email:
Jeff Busjahn	801-530-6789	jbusjahn@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R156-57. Respiratory Care Practices Act Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Title 58, Chapter 57	Provides for the licensing and regulation of respiratory care practitioner.
Subsection 58-1-106(1)(a)	Provides the Division of Professional Licensing with the authority to adopt and enforce rules to administer Title 58.
Subsection 58-1-202(1)(a)	Provides that the Respiratory Care Licensing Board's duties, functions, and responsibilities include recommending appropriate rules to the director. This rule was enacted to clarify the provisions of Title 58, Chapter 57, with respect to respiratory care practitioner.
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 because it provides a mechanism to inform potential licensees of the requirements for licensure as a respiratory care practitioner under the statutory authority provided in Title 58, Chapter 57. This rule is also necessary because it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements. It also provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Jana Johansen, Assistant Division Director	Date:	03/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-77	Filing ID: 56813
Effective date:	03/02/2026	

Agency Information

1. Title catchline:	Commerce, Professional Licensing
Building:	Heber M. Wells Building
Street address:	160 E 300 S

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Jeff Busjahn	801-530-6789	jbusjahn@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R156-77. Direct-Entry Midwife Act Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Title 58, Chapter 77	Provides for the licensing and regulation of direct-entry midwives.
Subsection 58-1-106(1)(a)	Provides the Division of Professional Licensing with the authority to adopt and enforce rules to administer Title 58.
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:	
<p>This rule is necessary because it provides a mechanism to inform potential licensees of the requirements for licensure as a direct-entry midwife under the statutory authority provided in Title 58, Chapter 77.</p> <p>This rule is also necessary because it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.</p> <p>It also provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.</p>	

Agency Authorization Information

Agency head or designee and title:	Jana Johansen, Assistant Division Director	Date:	03/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R174-1	Filing ID: 54815
Effective date:	03/16/2026	

Agency Information

1. Title catchline:		
Communications Authority Board (Utah), Administration		
Street address:		
5125 Wiley Post Way, #550		
City, state:		
Salt Lake City, UT		
Contact persons:		
Name:	Phone:	Email:
Tina Mathieu	801-840-4200	tmathieu@uca911.org
Chris Hughes	801-840-4200	chughes@uca911.org

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

General Information

2. Rule catchline:

R174-1. Utah Communications Authority Board

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 63H-7a-204(12)	The statute authorizes the Utah Communication Authority Board (Board) provide for the management and administration of the public safety communications network by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
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4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R174-1 governs the management and administration of Utah's public safety communications network and is essential to the Utah Communications Authority's (UCA) fulfillment of its statutory mandate under Title 63H, Chapter 7a. This rule is necessary for the following reasons:

Statutory Necessity. Subsection 63H-7a-204(12) expressly requires the Board to provide for the management and administration of the public safety communications network by rule made in accordance with the Utah Administrative Rulemaking Act. Rule R174-1 directly implements this requirement. Without this rule, the UCA would lack the administrative framework necessary to carry out its core statutory duties regarding 911 services, the radio network, and restricted account disbursements.

Operational Continuity of the NG911 System. Sections R174-1-3 and R174-1-4 establish the procedures by which PSAPs and dispatch centers participate in the UCA's Next-Generation 911 (NG911) system, including eligibility criteria, application procedures, allocation of call-taking positions, and payment responsibilities. These provisions are critical to ensuring the orderly, equitable, and accountable deployment of NG911 services across the state, consistent with the UCA's obligations under Section 63H-7a-302.

Stewardship of Restricted Accounts. Section R174-1-4 governs disbursements from the Unified Statewide 911 Emergency Service Account and the Computer Aided Dispatch Restricted Account. This rule establishes the procedural safeguards -- including application requirements, eligibility determinations, and recoupment provisions -- necessary to ensure that public funds are expended lawfully, transparently, and in accordance with the UCA's strategic plan and the requirements of Section 63H-7a-304.

Public Safety Radio Network Participation and Integrity. Sections R174-1-5 and R174-1-6 establish eligibility criteria, application procedures, service tier classifications, and radio device compatibility standards for participation in the public safety radio network. These provisions protect the reliability and availability of the network for first responders -- particularly Tier One participants such as law enforcement, fire, and emergency medical services -- by ensuring that only compatible, certified devices are connected and that network access is appropriately prioritized.

Accountability and Due Process. Section R174-1-7 provides an appeals process for persons aggrieved by decisions of the Executive Director, ensuring fairness and accountability in administrative decision-making consistent with the UCA's obligations and sound administrative practice.

For these reasons, the Utah Communications Authority Board finds that Rule R174-1 remains necessary, appropriate, and consistent with the UCA's statutory mission. Therefore, this rule should be continued.

No Opposition. No public comments in opposition to this rule have been received since the last five-year review. The absence of opposition, combined with the rule's foundational role in supporting Utah's statewide public safety communications infrastructure, strongly supports continuation without amendment at this time.

Agency Authorization Information

Agency head or designee and title:	Tina Mathieu, Executive Director	Date:	03/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R270-1	Filing ID:	55794
Effective date:	03/06/2026		

Agency Information

1. Title catchline:	Crime Victim Reparations, Administration		
Building:	UOVC Offices		
Street address:	350 E 500 S, Suite 200		
City, state:	Salt Lake City, UT 84111		
Contact persons:			
Name:	Phone:	Email:	
Dale Oyler	801-238-2364	doyler@utah.gov	

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

General Information

2. Rule catchline:	
R270-1. Award and Reparation Standards	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63M-7-506(1)(b)	This subsection requires the Utah Office for Victims of Crime (UOVC) to adopt rules to implement and administer its duties, including administering crime victim reparations awards.
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:	
UOVC has received no comments in opposition to this rule in the last five years and no disagreements with 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 administer crime victim reparations awards, including setting ceilings on reparations, defining terms, and establishing specific procedures. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Chyleen Richey, Director	Date:	03/05/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R270-2	Filing ID:	50375
Effective date:	03/06/2026		

Agency Information

1. Title catchline:	Crime Victim Reparations, Administration		
Building:	UOVC Offices		
Street address:	350 E 500 S, Suite 200		

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state:	Salt Lake City, UT 84111	
Contact persons:		
Name:	Phone:	Email:
Dale Oyler	801-238-2364	doyler@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R270-2. Crime Victim Reparations Adjudicative Proceedings	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63M-7-506(1)(b)	This subsection requires and authorizes the Utah Office for Victims of Crime (UOVC) to adopt rules to implement and administer its duties, including administering crime victim reparations awards.
Section 63M-7-515	This section requires and authorizes UOVC to adopt rules that implement procedures for a claimant to contest a determination made by a reparations officer regarding a crime victim reparations award.
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:	
UOVC has received no comments in opposition to this rule in the last five years and no disagreements with 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 needed to provide procedures for a claimant to contest a determination made by a reparations officer regarding a crime victim reparations award. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Chyleen Richey, Director	Date:	03/05/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-600	Filing ID: 57728
Effective date:	03/16/2026	

Agency Information

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

General Information

2. Rule catchline:	
R277-600. Student Transportation Standards and Procedures	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.
Subsection 53E-3-501(1)(d)	Directs the Board to establish rules for bus routes, bus safety, and other transportation needs.
Sections 53F-2-402 and 53F-2-403	Provides for distribution of funds for transportation of public school students.
Section 53F-2-417	Directs the Board to make rules to implement rural school district transportation grants.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
There were no public comments received.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary to specify the standards under which school districts may qualify for and receive state transportation funds. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	03/16/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-604	Filing ID: 55856
Effective date:	03/16/2026	

Agency Information

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

General Information

2. Rule catchline:
R277-604. Private School, Home School, and Bureau of Indian Education (BIE) Student Participation in Public School Achievement Tests

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.
Section 53E-3-401	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Section 53E-4-302	Directs the Board to require local education agencies (LEAs) to administer statewide assessments to uniformly measure student performance.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
There were no public comments received.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary to provide opportunities for Utah private school students and home school students who are Utah residents, scholarships students, and Utah students attending Bureau of Indian Education or "BIE" schools to participate in statewide assessments, to maintain the integrity and security of statewide assessments and Utah's accountability system, to provide an orderly and manageable administrative process for public schools to include Utah private school students and home school students who are Utah residents, scholarships students, and Utah students attending BIE schools to participate in statewide assessments if they so desire, and to protect the public investment in statewide assessments and Utah's accountability system by making assessments available to students who are not funded by the public education system or through certain state-funded scholarship programs through fair, reasonable, and consistent practices. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	03/16/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-700	Filing ID: 57729
Effective date:	03/16/2026	

Agency Information

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

General Information

2. Rule catchline:
R277-700. The Elementary and Secondary School General Core

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Section 53E-3-501	Directs the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements.
Section 53E-4-202	Directs the Board to establish Core Standards in consultation with local education agencies (LEAs) boards and superintendents and LEA boards to adopt local evidence-based curriculum and to design programs to help students master the General Core.
Title 53E, Chapter 4, Part 2	Directs the Board to establish college and career mathematics competency standards.
Section 53E-4-205	Requires the Board to provide rules related to a basic civics test.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
There were no public comments received.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary to specify the minimum Core Standards and General Core requirements for the public schools, and to establish responsibility for mastery of Core Standard requirements. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	03/16/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-750	Filing ID: 56374
Effective date:	03/16/2026	

Agency Information

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

General Information

2. Rule catchline:
R277-750. Education Programs for Students with Disabilities

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.
Subsection 53E-3-501(1)	Directs the Board to adopt rules regarding services for persons with disabilities.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
There were no public comments received.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary to specify standards and procedures for special education programs. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	03/16/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-920	Filing ID: 57186
Effective date:	03/16/2026	

Agency Information

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

General Information

2. Rule catchline:	
R277-920. School Improvement and Leadership Development	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.
Title 53E, Chapter 5, Part 3	Requires the Board to make rules to establish an appeal process for the denial of a school improvement plan, provisions regarding funding distributed to a springboard school or elevate school, criteria for granting an extension to a springboard school, criteria for exiting a school that has demonstrated sufficient improvement, implications for a springboard school, and eligibility

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

	criteria, application procedures, selection criteria, and procedures for awarding incentive pay for the School Leadership Development Program.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
There were no public comments received.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary to enact provisions governing school improvement efforts, and implement and administer Title 53E, Chapter 5, Part 3, School Improvement and Leadership Development. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	03/16/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-924	Filing ID: 52865
Effective date:	03/16/2026	

Agency Information

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

General Information

2. Rule catchline:	
R277-924. Partnerships for Student Success Grant Program	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Board.
Section 53F-5-406	Requires the Board to make rules to administer the Partnerships for Student Success Grant Program.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
There were no public comments received.	

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to provide criteria for evaluating grant applications and procedures for an eligible partnership to apply to the Board to receive grant money and the evaluation of an eligible partnership's use of grant money. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	03/16/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R386-702	Filing ID: 56879
Effective date:	03/02/2026	

Agency Information

1. Title catchline:	Health and Human Services, Population Health, Environmental Epidemiology	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142100	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Jeffrey Eason	801-641-7324	jteason@utah.gov
Chris Smoot	385-566-9476	csmoot@utah.gov
Rachelle Boulton	385-228-5632	rboulton@utah.gov

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

General Information

2. Rule catchline:	
R386-702. Communicable Disease Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-1-202	<p>Subsection 26B-1-202(a) authorizes the Department of Health and Human Services (department) to adopt rules as the department may consider necessary or desirable for providing health and social services to the people of Utah.</p> <p>Subsection 26B-1-202(aa) authorizes the department to investigate the causes of epidemic, infectious, communicable, and other diseases affecting the public health.</p> <p>Subsection 26B-1-202(bb) authorizes the department to provide for the detection and reporting of communicable, infectious, acute, chronic, or any other disease or health hazard which the department considers to be dangerous, important, or likely to affect the public health.</p>
Section 26B-7-202	Section 26B-7-202 authorizes the department to investigate and control epidemic infections and communicable disease.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Section 26B-7-207	Section 26B-7-207 authorizes the department to designate communicable diseases of public health concern as reportable and establish rules for the reporting, investigation, prevention, and control of communicable diseases, epidemic infections, and other health hazards that affect the public health.
Section 26B-7-217	Section 26B-7-217 requires the department and local health departments to hold information, collected under Sections 26B-7-201 through 26B-7-223, relating to an individual who has or is suspected of having a disease designated as communicable or reportable, strictly confidential with exceptions provided in Section 26B-7-217.
Section 26B-7-316	Section 26B-7-316 provides mandatory reporting requirements of reportable conditions.
Section 26B-7-317	Section 26B-7-317 authorizes healthcare providers to report to the department reportable conditions.
Section 26B-7-318	Section 26B-7-318 describes pharmacy reporting requirements to the department, including for an unusual increase in the number of requests for information about or sales of over-the-counter pharmaceuticals to treat conditions which may suggest the presence of one of the illnesses or conditions described in Sections 26B-7-316 or 26B-7-317 and which are designated by department rule.
Section 26B-7-319	Section 26B-7-319 designates medical laboratory reporting requirements to report to the department reportable conditions.
Section 26B-7-320	Section 26B-7-320 provides exemption from liability to healthcare providers for making reports to the department under Sections 26B-7-316 through 26B-7-323.
Section 26B-7-321	Section 26B-7-321 requires the department to investigate suspected bioterrorism and diseases.
Section 26B-7-322	Section 26B-7-322 authorizes the department to enforce Sections 26B-7-316 through 26B-7-324.
Section 26B-7-323	Section 26B-7-323 requires public safety reporting of reportable conditions as described in 26B-7-316 through 26B-7-324 and authorizes the department to share limited information pertaining to individuals or reportable conditions described in Sections 26B-7-316 through 26B-7-324 for the treatment, control, investigation, and prevention of a public health emergency.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

Since the last five-year of this rule, the department has updated this rule several times, typically annually. Before those updates, the department solicited comments from partners, including local health department staff such as local health officers, nursing directors, and epidemiology staff, hospital infection control practitioners, laboratories, and community physicians.

In cases when those partners raised concerns, the department attempted to address those concerns before publishing a proposed rule change. However, the department still received several public comments and inquiries during a public comment period for one filing that updated this rule.

This feedback primarily centered on support for streamlining, requests for clarification, and concerns regarding specimen submission. Many stakeholders expressed satisfaction with the elimination of the requirement to report certain SARS-CoV-2 negative results, noting the change reduced administrative burden. Several entities sought technical clarification on reporting requirements, and, upon receiving a response from the department, all of the inquiring entities indicated satisfaction with the department's responses. The most significant feedback involved the new requirement for laboratories to submit positive SARS-CoV-2 PCR samples to the Utah Public Health Laboratory (UPHL) for genetic sequencing.

Major laboratories, including ARUP and Intermountain Health, and smaller regional facilities, including Kane County Hospital, expressed concerns regarding resource strain, specifically capacity during surges and technical applicability. Labs were concerned they lacked the staffing and resources to comply with 100% submission requirements during infection peaks, and some labs were unclear on which test types, such as NAAT vs. Abbott ID Now, would trigger the submission requirement.

The state epidemiologist, Dr. Leisha Nolen, engaged in extensive outreach to address these concerns, leading to resolutions on regulatory flexibility, phased submission targets, department commitment to rule amendments, and ongoing collaboration. The department clarified that this rule allows for the suspension or modification of submission requirements during surges.

To alleviate an immediate burden, the department issued a temporary guidance letter requiring the submission of 80% of positive samples during standard times and 60% during surge times, rather than 100%.

The department also committed to a future modification of this rule to remove the word "temporarily" from the department's authority to modify requirements, allowing for more permanent flexibility based on laboratory capacity.

Finally, the department established a framework for monthly coordination calls with laboratory leads to monitor strain and adjust percentages as needed.

The department proactively sought input from impacted parties, including all 13 local health departments (LHDs) and the Utah Epi Affiliate Group, infection control practitioners at all Utah hospitals, and clinical laboratory contacts and facilities reporting COVID-19 results.

All commenters expressed satisfaction with the department's responses and the proposed flexible framework for specimen submission, and no further modifications to the current rule text were deemed necessary prior to making this rule effective.

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 remains a foundational component of Utah's public health infrastructure. Its essential for the department to fulfill statutory mandates to monitor, control, and suppress the spread of infectious diseases.

Without this rule, the state would lose its legal framework for mandatory reporting, which provides the real-time data necessary for epidemiological investigations, outbreak response, and the allocation of life-saving medical resources.

The department has proactively updated this rule to ensure it remains responsive to the evolving healthcare landscape. Recent amendments have prioritized operational efficiency to reduce the burden on healthcare providers by eliminating the requirement to report certain negative test results, technological modernization by improving surveillance through mandatory genomic sequencing submissions (NAAT/PCR) that allow for the detection of new disease variants, and stakeholder collaboration by establishing flexible submission thresholds to balance public health data needs with the operational capacity of clinical laboratories. Therefore, this rule should be continued.

While the department did not receive any comments in direct opposition to this rule's continuation, the department concurred with the validity of concerns from major clinical laboratories regarding the resource burden of mandatory specimen submission during disease surges and addressed those concerns by implementing flexibility for requirements in the rule, rather than removing the requirement.

Specifically, the department clarified exemptions by confirming that lower-complexity tests, such as Abbott ID Now, do not trigger submission requirements and implemented scalable requirements by issuing guidance allowing laboratories to reduce submission percentages during surge periods to prevent staff burnout and resource exhaustion.

Additionally, the department initiated a draft filing to further clarify the department's authority to modify these requirements "until further notice," ensuring the rule remains a collaborative instrument.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	03/01/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R392-110	Filing ID:	55922
Effective date:	03/02/2026		

Agency Information

1. Title catchline:	Health and Human Services, Population Health, Environmental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142102	
City, state and zip:	Salt Lake City, UT 84114-2102	
Contact persons:		
Name:	Phone:	Email:
Karl Hartman	801-538-6191	khartman@utah.gov
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:	
R392-110. Food Service Sanitation in Child Care and Residential Care Facilities	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 26B-1-202(z)	Subsection 26B-1-202(z) authorizes the Department of Health and Human Services (department) to establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness.
Subsection 26B-2-402(1)	Subsection 26B-2-402(1) authorizes the department to make and enforce rules to implement Title 26B, Chapter 2, Part 4, Child Care Licensing, as necessary to protect qualifying children's common needs for a safe and healthy environment, to provide for adequate facilities and equipment.
Section 26B-7-402	Section 26B-7-402 requires the department to establish and enforce, or provide for the enforcement of minimum rules of sanitation necessary to protect the public health, including rules necessary for the design, construction, operation, maintenance, or expansion of a place where food or drink is handled, sold, or served to the public.
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 filing 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:	
<p>This rule is necessary because it fulfills statutory requirements for the department to make rules regarding sanitation, equipment, and maintenance of child care and residential care facilities with food services. This rule also provides standards for facility inspection and requirements and for food safety in facilities with a 24-hour group living environment for between four and 16 individuals unrelated to the owner, or provider. Therefore, this rule should be continued.</p> <p>As there were no comments in opposition to this rule, the department did not respond to any such comments.</p>	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	03/01/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R436-5	Filing ID: 57781
Effective date:	03/02/2026	

Agency Information

1. Title catchline:	Health and Human Services, Data, Systems and Evaluation, Vital Records and Statistics	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 141012	
City, state and zip:	Salt Lake City, UT 84114-1012	
Contact persons:		
Name:	Phone:	Email:
Nicole Bissonette	385-266-1543	nbissonette@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:	R436-5. Updating Birth Registration after Legitimation, Court Determination of Paternity, or Adoption	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	Section 26B-8-110 requires the state registrar to require that an applicant submit identification and proof according to Department of Health and Human Services (department) rules.	
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:	<p>This rule is necessary because it fulfills a statutory requirement for the department to have rules requiring an applicant, as described in Section 26B-8-110, to submit identification and proof and because it describes the process and procedures for updating a birth registration. Therefore, this rule should be continued.</p> <p>As the department did not receive any comments in opposition to this rule, it did not respond to any such comments.</p>	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	03/01/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R527-5	Filing ID: 55583
Effective date:	03/02/2026	

Agency Information

1. Title catchline:	Health and Human Services, Recovery Services	
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FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 45033	
City, state and zip:	Salt Lake City, UT 84145-0033	
Contact persons:		
Name:	Phone:	Email:
Jodi Witte	801-741-7417	jwitte@utah.gov
Casey Cole	801-741-7523	cacole@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:	
R527-5. Release of Information	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-1-202	Section 26B-1-202 gives the Department of Health and Human Services (department) the authority to adopt rules as the department may consider necessary or desirable for providing health and social services to the people of Utah.
Section 26B-9-108	Section 26B-9-108 gives the Office of Recovery Services (office) the authority to adopt, amend, and enforce rules as may be necessary to carry out the provisions of Title 26B, Chapter 9, Recovery Services Administration of Child Support.
Section 26B-9-207	Section 26B-9-207 requires that the office, upon written request, provide location information in its files on a custodial or noncustodial parent to the other party or the other party's legal counsel when the circumstances align with criteria in Subsections 26B-9-207(5)(a)(i) through 26B-9-207(5)(a)(v).
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 because the office is required to allow access to properly classified agency records, and this rule establishes the procedures for how records from the office may be accessed. Therefore, this rule should be continued.	
As there were no comments in opposition to this rule, the department did not respond to any such comment.	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	03/01/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R527-201	Filing ID: 57440
Effective date:	03/02/2026	

Agency Information

1. Title catchline:	Health and Human Services, Recovery Services	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 45033	
City, state and zip:	Salt Lake City, UT 84145-0033	
Contact persons:		
Name:	Phone:	Email:
Jodi Witte	801-741-7417	jwitte@utah.gov
Casey Cole	801-741-7523	cacole@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:	
R527-201. Medical Support Services	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-1-202	Section 26B-1-202 gives the Department of Health and Human Services (department) the authority to adopt rules as the department may consider necessary or desirable for providing health and social services to the people of Utah.
Section 26B-9-108	Section 26B-9-108 gives the Office of Recovery Services (office) the authority to adopt, amend, and enforce rules as may be necessary to carry out the provisions of Title 26B, Chapter 9, Recovery Services Administration of Child Support.
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:	
<p>This rule is necessary because federal regulations and state statues requiring this rule are still in effect. This rule provides necessary information on how the office carries out the medical support duties outlined in statute, including defining the agency's limits in providing medical support services, describing the condition under which medical support services are provided to non-TANF Medicaid recipients, explaining how medical support orders are secured by the agency, describing the availability of credit based on the children's portion of the premiums paid, detailing enforcement remedies, and addressing the issue of the medical support obligation of parents who are receiving or have received Medicaid. Therefore, this rule should be continued.</p> <p>As there were no comments in opposition to this rule, the department did not respond to any such comments.</p>	

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	03/01/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R590-286	Filing ID:	57006
Effective date:	03/09/2026		

Agency Information

1. Title catchline:	Insurance, Administration	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R590-286. Minimum Standards for Short-Term Limited Duration Health Insurance	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 31A-2-201	Authorizes the insurance commissioner to write rules to implement Title 31A, Insurance Code.
Section 31A-2-201.1	Authorizes the insurance commissioner to write rules regarding requirements for a form, a rate, a report, or a binder for a health benefit plan or dental policy.
Section 31A-22-605	Requires the insurance commissioner to adopt rules regarding accident and health insurance policies and authorizes the insurance commissioner to adopt rules regarding disclosure and notice requirements for accident and health insurance policies.
Section 31A-22-605.1	Requires any accident and health insurance policy with a preexisting condition limitation to be consistent with rules adopted by the insurance commissioner.
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:	
<p>This rule offers important consumer protection for a consumer who purchases a short-term limited duration (STLD) health insurance policy. It sets the minimum benefit standards that a STLD policy must cover, sets the prohibited policy provisions that an STLD policy cannot contain, and specifies the methods an insurer must use when providing an outline of coverage and disclosure documents to a consumer.</p> <p>Without this rule, a consumer cannot be assured of the coverage their STLD policy provides and may purchase a policy that does not meet their needs. Therefore, this rule should be continued.</p>	

Agency Authorization Information

Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	03/09/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R661-19	Filing ID: 51810
Effective date:	03/13/2026	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agency Information

1. Title catchline:	Navajo Trust Fund, Trustees	
Building:	Blanding Government Services Building	
Street address:	151 E 500 N	
City, state:	Blanding, UT 84511	
Contact persons:		
Name:	Phone:	Email:
Maury Bergman	435-678-1462	mbergman@utah.gov
Tony Dayish	435-678-1468	tdayish@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R661-19. Student Educational Enrichment Program	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 51-10-205(4)	The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditures of fund money.
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 from interested persons.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary because it allows the Utah Navajo Trust Fund to assist students in grades 9-12 to augment student interests in academic and career endeavors. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Tony Dayish, Administrator	Date:	03/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R661-20	Filing ID: 51814
Effective date:	03/13/2026	

Agency Information

1. Title catchline:	Navajo Trust Fund, Trustees	
Building:	Blanding Government Services Building	
Street address:	151 E 500 N	
City, state:	Blanding, UT 84511	
Contact persons:		
Name:	Phone:	Email:
Maury Bergman	435-678-1462	mbergman@utah.gov
Tony Dayish	435-678-1468	tdayish@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R661-20. Photovoltaic (Solar) Systems Program	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 51-10-205(4)	The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditures of fund money.
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 from interested persons.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary because it allows the Utah Navajo Trust Fund to provide financial assistance to individuals and entities for development of photovoltaic systems, installation and maintenance. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Tony Dayish, Administrator	Date:	03/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R661-24	Filing ID: 53472
Effective date:	03/13/2026	

Agency Information

1. Title catchline:	Navajo Trust Fund, Trustees	
Building:	Blanding Government Services Building	
Street address:	151 E 500 N	
City, state:	Blanding, UT 84511	
Contact persons:		
Name:	Phone:	Email:
Maury Bergman	435-678-1462	mbergman@utah.gov
Tony Dayish	435-678-1468	tdayish@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R661-24. Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 51-10-205(4)	The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditures of fund money.
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 from interested persons.	

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it allows the Utah Navajo Trust Fund to provide financial assistance to qualifying college students with scholarships and other financial aid. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Tony Dayish, Administrator	Date:	03/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R661-25	Filing ID: 53473
Effective date:	03/13/2026	

Agency Information

1. Title catchline:	Navajo Trust Fund, Trustees		
Building:	Blanding Government Services Building		
Street address:	151 E 500 N		
City, state:	Blanding, UT 84511		
Contact persons:			
Name:	Phone:	Email:	
Maury Bergman	435-678-1462	mbergman@utah.gov	
Tony Dayish	435-678-1468	tdayish@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	
R661-25. Utah Navajo Trust Fund Housing Projects Policy	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 51-10-205(4)	The Trust Administrator shall make rules in accordance with Subsection (6) that establish policies and criteria for expenditures of fund money.
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 from interested persons.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary because it allows the Utah Navajo Trust Fund to provide housing assistance to qualifying Utah Navajos. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Tony Dayish, Administrator	Date:	03/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R671-101	Filing ID: 57591
Effective date:	03/06/2026	
Agency Information		
1. Title catchline:	Pardons (Board of), Administration	
Street address:	448 E Winchester St, #300	
City, state:	Murray, UT 84107	
Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Robert Steed	801-366-0216	robertesteed@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information	
2. Rule catchline:	
R671-101. Definitions	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 77-27-9(5)	This statute gives the Board of Pardons and Parole statutory rulemaking authority to set up the basic definitions and procedures the Board uses.
Title 63G, Chapter 3	This chapter says that when a state agency has the power to act and its actions affect people, it must make rules explaining how it does that. Rule R671-101 does exactly that for the Board of Pardons and Parole.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No written comments have been received during and since the last five-year 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 was recently revised by the Board. As such, it is fully up to date and required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.	

Agency Authorization Information			
Agency head or designee and title:	Blake Hills, Chair	Date:	03/05/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R671-202	Filing ID: 57097
Effective date:	03/06/2026	

Agency Information	
1. Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state:	Murray, UT 84107	
Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Robert Steed	801-366-0216	robertesteed@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R671-202. Notification of Hearings	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63-G-3-201(2)	This subsection authorizes and requires Rule R671-202 because it mandates the Board of Pardons and Parole's duty to notify offenders of hearings and implements that action through a formally adopted administrative rule.
Subsection 77-27-9(5)	This statute provides the Board of Pardons and Parole the ability to establish specific procedures for notifying offenders, victims, prosecutors, courts and law enforcement about parole and related hearings. It also ensures compliance with victims' notice and participation requirements in parole proceedings.
Subsection 77-27-7(6)	This statute mandates that the Board of Pardons and Parole adopt rules on the hearing process including notice requirements.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No written comments have been received during and since the last five-year 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 was recently revised by the Board. As such, it is fully up to date and required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	03/05/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R671-302	Filing ID: 57272
Effective date:	03/06/2026	

Agency Information

1. Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Robert Steed	801-366-0216	robertesteed@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R671-302. News Media and Public Access to Hearings	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63G-3-201(3)	This subsection requires the Board of Pardons and Parole to make rules explaining the procedures regarding news media and public access to hearings.
Subsection 77-27-9(5)	This statute lets the Board of Pardons and Parole make rules about how hearings are run, including procedures, notifications and participation.
Subsection 77-27-5(1)	This statute gives the Board of Pardons and Parole the authority to establish procedures for hearings and other actions under its jurisdiction and sets the detailed procedures of how hearings are conducted.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No written comments have been received during and since the last five-year 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 was recently revised by the Board. As such, it is fully up to date and required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	03/05/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R765-431	Filing ID: 57524
Effective date:	03/05/2026	

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state:	Salt Lake City, UT	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu

Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R765-431. State Authorization Reciprocity Agreement Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 53H-1-703	This section authorizes the Utah Board of Higher Education to execute interstate reciprocity agreements for postsecondary distance education for eligible institutions in the Utah System of Higher Education.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments have been received since the last five-year review of this rule.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
Rule R765-431 provides the procedures for administration of state authorization reciprocity agreements as authorized by Section 53H-1-703.	
Under Section 53H-1-703, the Utah Board of Higher Education is authorized to execute such agreements for eligible institutions in the Utah System of Higher Education.	
As such, the procedures contained within Rule R765-431 remain relevant and necessary. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Alison Adams, Board Secretary and Designee	Date:	03/05/2026
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION

Rule number:	R152-11	Filing ID: 50236
New deadline date:	07/17/2026	

Agency Information

1. Title catchline:	Commerce, Consumer Protection	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146704	
City, state and zip:	Salt Lake City, UT 84114-6704	
Contact persons:		
Name:	Phone:	Email:
Daniel Larsen	801-530-6601	dcprules@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R152-11. Utah Consumer Sales Practices Act Rule	
3. Reason for requesting the extension:		
The Utah Consumer Sales Practices Act Rule requires significant revision to comply with Executive Order No. 2021-12 and conform to the Rulewriting Manual for Utah.		
Although the Division of Consumer Protection (Division) has been working diligently to update this rule, bills impacting the Division introduced during the 2026 General Session absorbed the Division's rulewriting resources. Now that the legislative session has ended, the Division's staff can turn back to this rule and complete the five-year review within the 120-day extension period.		

Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Managing Analyst	Date:	03/11/2026
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Commerce

Professional Licensing

No. 57787 (Amendment) R156-46b: Division Utah Administrative Procedures Act Rule

Published: 02/15/2026

Effective: 03/24/2026

No. 57633 (Amendment) R156-56: Building Inspector and Factory Built Housing Licensing Act Rule

Published: 12/01/2025

Effective: 03/30/2026

Real Estate

No. 57786 (Amendment) R162-2c: Utah Residential Mortgage Practices and Licensing Rules

Published: 02/15/2026

Effective: 03/24/2026

Education

Administration

No. 57761 (Amendment) R277-304: Teacher Preparation Programs

Published: 02/01/2026

Effective: 03/10/2026

No. 57762 (Amendment) R277-609: Standards for LEA Discipline Policy

Published: 02/01/2026

Effective: 03/10/2026

No. 57763 (Amendment) R277-709: Education Programs Serving Youth in Care

Published: 02/01/2026

Effective: 03/10/2026

No. 57764 (Amendment) R277-726: Statewide Online Education Program

Published: 02/01/2026

Effective: 03/10/2026

Governor

Economic Opportunity

No. 57788 (New Rule) R357-48: Affordable Housing Infrastructure Grant Rule

Published: 02/15/2026

Effective: 03/27/2026

NOTICES OF RULE EFFECTIVE DATES

Health and Human Services

Administration

No. 57746 (New Rule) R380-90: Accounting and Protection of Federal Benefits for Minor Beneficiaries in Custody
Published: 01/15/2026
Effective: 03/16/2026

Integrated Healthcare

No. 57699 (Amendment) R414-42: Telehealth
Published: 12/15/2025
Effective: 03/25/2026

Natural Resources

Wildlife Resources

No. 57766 (Amendment) R657-64: Predator Control Incentives
Published: 02/01/2026
Effective: 03/11/2026

No. 57767 (New Rule) R657-74: Cooperative Agreements for Big Game or Turkey
Published: 02/01/2026
Effective: 03/11/2026

Transportation

Motor Carrier

No. 57758 (Amendment) R909-2: Utah Size and Weight Rule
Published: 02/01/2026
Effective: 03/16/2026

Operations, Construction

No. 57738 (Repeal and Reenact) R916-1: Advertising and Awarding Construction Contracts
Published: 01/15/2026
Effective: 03/16/2026

No. 57739 (Repeal and Reenact) R916-2: Prequalification of Contractors
Published: 01/15/2026
Effective: 03/16/2026

No. 57744 (Repeal) R916-3: Design Build Contracts
Published: 01/15/2026
Effective: 03/16/2026

No. 57742 (Repeal) R916-4: Construction Manager/General Contractor and Progressive Construction Manager/General Contractor Contracts
Published: 01/15/2026
Effective: 03/16/2026

Transportation Commission

Administration

No. 57686 (Amendment) R940-1: Establishment of Toll Rates
Published: 12/15/2025
Effective: 03/16/2026

End of the Notices of Rule Effective Dates Section