

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed April 16, 2026, 12:00 a.m. through May 01, 2026, 11:59 p.m.

Number 2026-10
May 15, 2026

Nancy L. Lancaster, Managing Editor

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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

Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

TABLE OF CONTENTS

NOTICES OF PROPOSED RULES	1
AGRICULTURE AND FOOD, ADMINISTRATION.....	2
R51-2. Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food	2
AGRICULTURE AND FOOD, ANIMAL INDUSTRY.....	9
R58-19. Compliance Procedures	10
AGRICULTURE AND FOOD, SPECIALIZED PRODUCTS.....	13
R66-50. Kratom Retail Permit	13
R66-51. Kratom Product Registration and Labeling.....	17
R66-52. Kratom Product Testing	22
R66-53. Kratom Processors	31
AGRICULTURE AND FOOD, PLANT INDUSTRY	36
R68-19. Compliance Procedures	36
AGRICULTURE AND FOOD, REGULATORY SERVICES.....	39
R70-201. Compliance Procedures	40
COMMERCE, PROFESSIONAL LICENSING.....	43
R156-38a. Residential Lien Restriction and Lien Recovery Fund Rule.....	43
R156-55a. Utah Construction Trades Licensing Act Rule	46
ENVIRONMENTAL QUALITY, ADMINISTRATION	49
R305-12. Extraordinary Enforcement Expenses	50
ENVIRONMENTAL QUALITY, DRINKING WATER.....	53
R309-220. Monitoring and Water Quality: Public Notification Requirements.....	53
R309-225. Monitoring and Water Quality: Consumer Confidence Reports	67
R309-400. Improvement Priority System and Public Water System Ratings	82
R309-540. Facility Design and Operation: Pump and Hydropneumatic Pressure Facilities.....	97
ENVIRONMENTAL QUALITY, WATER QUALITY	101
R317-1-7. TMDLs	101
HEALTH AND HUMAN SERVICES, ADMINISTRATION.....	105
R380-50. Local Health Department Funding Allocation Formula	105
HEALTH AND HUMAN SERVICES, CHILD CARE CENTER LICENSING	108
R381-100. Child Care Centers	109
HEALTH AND HUMAN SERVICES, POPULATION HEALTH, ENVIRONMENTAL EPIDEMIOLOGY.....	132
R386-703. Injury Reporting Rule.....	132

TABLE OF CONTENTS

HEALTH AND HUMAN SERVICES, POPULATION HEALTH, ENVIRONMENTAL HEALTH..... 138

 R392-101. Food Safety Manager Certification..... 138

 R392-304. Artificial Swimming Lagoons..... 144

 R392-701. Body Art Facility Sanitation..... 157

HEALTH AND HUMAN SERVICES, FAMILY HEALTH, WIC SERVICES..... 173

 R406-100. Special Supplemental Nutrition Program for Women,
 Infants and Children 173

HEALTH AND HUMAN SERVICES, INTEGRATED HEALTHCARE 178

 R414-15. Residents Personal Needs Fund..... 178

 R414-49. Dental, Oral, and Maxillofacial Surgeons and Orthodontia 182

 R414-303-10. Refugee Medicaid 188

 R414-502. Nursing Facility Levels of Care..... 190

GOVERNMENT OPERATIONS, HUMAN RESOURCE MANAGEMENT..... 193

 R477-1. Definitions 193

 R477-5-2. Probationary Period..... 200

 R477-7. Leave 202

 R477-9-5. Employee Reporting Protections..... 207

 R477-10-1. Performance Evaluation 209

 R477-11-2. Dismissal or Demotion..... 211

INSURANCE, ADMINISTRATION..... 214

 R590-274. Submission and Required Disclosures of Public Adjuster Contracts 214

 R590-281-4. Eligibility to Apply for a License..... 220

INSURANCE, TITLE AND ESCROW COMMISSION 223

 R592-6-4. Prohibited Unfair Methods of Competition 223

NATURAL RESOURCES, OUTDOOR RECREATION 227

 R650-301. Off-Highway Vehicle Recreation Grant Program..... 227

NATURAL RESOURCES, WILDLIFE RESOURCES 232

 R657-9. Taking Migratory Game Birds - Waterfowl, Snipe, Coot, American
 Crow, Band-Tailed Pigeon, Mourning Dove, White-Winged Dove, and
 Sandhill Crane 232

 R657-12. Hunting and Fishing Accommodations for People with Disabilities..... 236

 R657-13. Taking Fish and Crayfish 239

 R657-30. Fishing License for the Terminally Ill 241

 R657-42. Fees, Exchanges, Surrenders, Refunds, and Reallocation of
 Wildlife Documents..... 244

 R657-43. Landowner Permits..... 247

 R657-60. Aquatic Invasive Species Interdiction 253

R657-72. Licensing and Operation of Outfitters, Guides, and Spotters.....260

PUBLIC SAFETY, DRIVER LICENSE264

 R708-56. Interdicted Person Identifier on Driving Certificates and
 Identification Cards.....264

TRANSPORTATION, MOTOR CARRIER.....267

 R909-1. Safety Regulations for Motor Carriers267

 R909-75. Safety Regulations for Motor Carriers Transporting Hazardous
 Materials or Hazardous Wastes270

WORKFORCE SERVICES, EMPLOYMENT DEVELOPMENT272

 R986-700. Child Care Assistance272

NOTICES OF 120-DAY (EMERGENCY) RULES.....281

 COMMERCE, PROFESSIONAL LICENSING.....281

 R156-61. Psychologist Licensing Act Rule.....281

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION285

 CAREER SERVICE REVIEW OFFICE, ADMINISTRATION.....285

 R137-1. Grievance Procedure Rules285

 COMMERCE, PROFESSIONAL LICENSING.....286

 R156-54. Radiologic Technologist, Radiologist Assistant, and Radiology
 Practical Technician Licensing Act Rule286

 ENVIRONMENTAL QUALITY, WATER QUALITY287

 R317-7. Underground Injection Control (UIC) Program.....287

 R317-11. Certification Required to Design, Inspect and Maintain Underground
 Wastewater Disposal Systems, or Conduct Soil Evaluations or Percolation
 Tests for Underground Wastewater Disposal Systems288

 HEALTH AND HUMAN SERVICES, INTEGRATED HEALTHCARE289

 R414-12. Laboratory Services.....289

 HEALTH AND HUMAN SERVICES, SERVICES FOR PEOPLE WITH DISABILITIES290

 R539-9. State-Supported Employment Program290

 PUBLIC SAFETY, FIRE MARSHAL291

 R710-11. Fire Alarm System Inspecting and Testing291

 PUBLIC SAFETY, HIGHWAY PATROL.....292

 R714-160. Equipment Standards for Passenger Vehicle and Light Truck
 Safety Inspections292

 R714-161. Equipment Standards for Motorcycle Safety Inspections293

TABLE OF CONTENTS

R714-162. Equipment Standards for Heavy Motor Vehicle, Trailer and Bus
 Safety Inspections295
TRANSPORTATION, OPERATIONS, MAINTENANCE296
 R918-5. Construction or Improvement of Highway296
WORKFORCE SERVICES, UNEMPLOYMENT INSURANCE297
 R994-302. Employer Contribution Payments.....297
 R994-308. Bond Requirement.....298
NOTICES OF RULE EFFECTIVE DATES299

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 April 16, 2026, 12:00 a.m., and May 01, 2026, 11:59 p.m. are included in this, the May 15, 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 June 16, 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 September 15, 2026, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R51-2

Filing ID: 57932

Agency Information

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

General Information

2. Rule or section catchline:
R51-2. Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food
4. Purpose of the new rule or reason for the change:
The primary purpose of this revised rule is to consolidate and modernize the Department of Agriculture and Food's (department) administrative procedures for informal adjudicative proceedings, compliance actions, and appeals. This revision standardizes the process for issuing citations and penalty escalations, ensuring a single, consistent standard across all programs. To reduce regulatory redundancy and confusion, the department is repealing Rules R58-19, R68-19, and R70-201 and integrating those requirements into this rule. (EDITOR'S NOTES: The proposed repeals of Rule R58-19, ID 57933; Rule 68-19, ID 57934; and Rule R70-201, ID 57935; are in this issue May 15, 2026, of the Bulletin.)
5. Summary of the new rule or change:
This repeal and reenact filing consolidates and standardizes administrative procedures across the department, replacing the processes in Rules R58-19, R68-19, and R70-201 with a single rule, R51-2. The proposed changes in this rule clarify the requirements for commencing an informal adjudicative proceeding, including the specific information required in a Notice of Agency Action or Citation. It provides a clearer framework for settlement conferences and the appointment of presiding officers, ensuring consistency across all department divisions. This rule extends the timeframe for a respondent to file a written request for reconsideration with the Commissioner to 20 days and outlines the specific requirements for such requests, including the need for a statement of facts and legal authorities. The filing standardizes the penalty escalation timeline by eliminating the previous 15-day doubling period found in Rules R68-19 and R70-201, replacing it with a uniform 30-day payment window. It also eliminates the 30-day "quadruple" fine escalation, capping penalties at double the original amount.

Finally, it establishes a formal 120-day timeline before the department refers delinquent accounts to the Office of State Debt Collection.

Fiscal Information

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

A. State budget:

The proposed changes standardize the fine escalation timeline to 30 days and cap the escalation at double the original fine. While this extends the grace period for respondents compared to the previous 15-day doubling period in repealed Rules R68-19 and R70-201, the department anticipates a negligible impact on the state budget.

The department expects the extension to improve initial compliance and reduce administrative costs associated with debt collection and appeals for escalated fines.

The department determined this by reviewing historical citation data, which indicates that most fines are resolved either immediately or settled, with very few payments specifically occurring in the 15-to-30-day window.

B. Local governments:

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

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

The proposed rule will not impose a new financial burden on small businesses, as it only formalizes and standardizes the process for administrative actions already authorized by statute.

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

The rule amendments will not create a direct fiscal impact for non-small businesses, as the changes are procedural and do not establish new regulatory requirements or increase the maximum statutory penalty limits.

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

The proposed changes to this rule may benefit a person's budget due to the extension of the penalty escalation timeline.

Respondents who previously faced a doubled fine after 15 days (under Rules R68-19 or R70-201) now have 30 days to pay the base fine.

Additionally, the new rule removes the "quadruple" fine escalation that was previously triggered at 30 days in Rules R68-19 and R70-201, resulting in an avoided cost for non-compliant parties.

These changes reduce the maximum potential penalty for late payments, providing a fiscal benefit to respondents who resolve their citations within the new 30-day window.

F. Compliance costs for affected persons:

None. While the timelines for penalties have changed, the underlying requirements for maintaining compliance with agricultural statutes remain the same.

The procedural shift in penalty escalation does not create new expenditures for a business to stay in compliance.

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

NOTICES OF PROPOSED RULES

Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal 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 4-1-104	Section 4-2-103	Section 63G-4-203
-----------------	-----------------	-------------------

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: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026

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:	05/01/2026
---	-----------------------------	--------------	------------

R51. Agriculture and Food, Administration.

~~**R51-2. Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food.**~~

~~**R51-2-1. Authority:**~~

- ~~_____ A. These rules establish and govern the administrative proceedings before the Utah Department of Agriculture and Food, as required by Sections 63G-4-203 and 4-1-104.~~
- ~~_____ B. These rules govern all adjudicative proceedings commencing on or after January 1, 1988. Adjudicative proceedings commencing prior to January 1, 1988, are governed by procedures presently in place.~~

~~**R51-2-2. Designation of Formal and Informal Proceedings:**~~

- ~~_____ A. Emergency Orders: The Department may issue an order on an emergency basis without complying with these rules under the circumstances and procedures set forth in Section 63G-4-502.~~
- ~~_____ B. All adjudicative proceedings of the Utah Department of Agriculture and Food here designated will be conducted as informal proceedings including the following, under the Utah Agricultural Code, Title 4:~~
 - ~~_____ 1. Applications for permits, licenses, or certifications which include:~~
 - ~~_____ Produce Dealer~~
 - ~~_____ Dealer's Agent~~
 - ~~_____ Broker/Agent~~
 - ~~_____ Produce Broker~~
 - ~~_____ Livestock Dealer~~

- ~~_____ Livestock Dealer/Agent~~
- ~~_____ Livestock Auction Market~~
- ~~_____ Auction Weighperson~~
- ~~_____ Temporary Livestock Sale~~
- ~~_____ Manufacturers of Bedding or Upholstered Furniture~~
- ~~_____ Wholesale Dealer~~
- ~~_____ Supply Dealer~~
- ~~_____ Manufacturers of Quilted Clothing~~
- ~~_____ Upholsterer With Employees~~
- ~~_____ Upholsterer Without Employees~~
- ~~_____ Test Milk For Payment~~
- ~~_____ Operate Milk Manufacturing Plant~~
- ~~_____ Make Butter~~
- ~~_____ Haul Farm Bulk Milk~~
- ~~_____ Make Cheese~~
- ~~_____ Operate a Pasteurizer~~
- ~~_____ Operate a Milk Processing Plant~~
- ~~_____ Weighing and Measuring Devices/Individual Servicemen~~
- ~~_____ Weighing and Measuring Devices/Agency~~
- ~~_____ Nursery~~
- ~~_____ Nursery Agent~~
- ~~_____ Nursery Outlet~~
- ~~_____ Commercial Feed~~
- ~~_____ Custom Mixing of Feeds~~
- ~~_____ Pesticide Product Registration~~
- ~~_____ Pesticide Dealers~~
- ~~_____ Pesticide Applicators~~
- ~~_____ Fertilizer Registration~~
- ~~_____ Fertilizer Blenders~~
- ~~_____ Beekeepers~~
- ~~_____ Salvage Wax~~
- ~~_____ Control Atmosphere~~
- ~~_____ Farm Custom Slaughter~~
- ~~_____ Feed Garbage To Swine~~
- ~~_____ Operate Hatchery~~
- ~~_____ Meat Packing Plant~~
- ~~_____ Custom Exempt Plant~~
- ~~_____ Custom Slaughter Plant~~
- ~~_____ Horse Show and Seasonal Permits~~
- ~~_____ Cattle Show and Seasonal Permits~~
- ~~_____ Lifetime Horse Permit~~
- ~~_____ Lifetime Transfer Horse Permit~~
- ~~_____ Brand Recording~~
- ~~_____ Brand Transfer~~
- ~~_____ Brand Renewal~~
- ~~_____ 2. Actions contesting initial agency determinations of eligibility for any of the permits, licenses, or certifications listed in R51-2-2(B)(1).~~
- ~~_____ 3. All adjudicative proceedings to deny, revoke, suspend, modify, annul, withdraw or amend any permit, license, or certification listed in R51-2-2(B)(1).~~
- ~~_____ 4. All adjudicative proceedings commenced pursuant to any notice of violation or order for corrective action outlined in Section 4-2-302 or 4-2-103.~~
- ~~_____ 5. All categories not designated as formal will be conducted as informal proceedings.~~

R51-2-3. Definitions.

- ~~_____ A. "Adjudicative Proceeding" means a department action or proceeding that determines the legal rights, duties, privileges, immunities, or other legal interests of one or more identifiable persons, including all Department actions to grant, deny, revoke, suspend, modify, annul, withdraw, or amend the authority, right, or license; and judicial review of all actions. Any matters not governed by Title 63G, Chapter 4 shall not be included within this definition.~~
- ~~_____ B. "Department" means the Utah Department of Agriculture and Food.~~
- ~~_____ C. "Staff" means the Utah Department of Agriculture and Food staff.~~
- ~~_____ D. "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food.~~

NOTICES OF PROPOSED RULES

- ~~E. "Person" means an individual group of individuals, partnership, corporation, association, political subdivision or its units, governmental subdivisions or its units, public or private organization or entity of any character, or other agency.~~
- ~~F. "Presiding Officer" means the Commissioner or an individual or body of individuals designated by the Commissioner, by the Department's rules, or by statute to conduct a particular adjudicative proceeding.~~
- ~~G. "Party" means the Department or other person commencing an adjudicative proceeding, all respondents, and all persons authorized by statute or agency rule to participate as parties in an adjudicative proceeding.~~
- ~~H. "Respondent" means any person against whom an adjudicative proceeding is initiated, whether by the Department or any other person.~~
- ~~I. "Application" means any application for a license, permit or certification.~~
- ~~J. "Applicant" is a person filing an application.~~
- ~~K. The meaning of any other words used herein relating to agriculture shall be as defined in Title 4, or any rules promulgated thereunder.~~

R51-2-4. Construction.

- ~~A. These rules shall be construed in accordance with Title 63G, Chapter 4.~~
- ~~B. These rules shall be liberally construed to secure just, speedy, and economical determination of all issues presented to the Department.~~
- ~~C. Deviation from Rules~~
~~The Department may permit a waiver from these rules if:~~
 - ~~1. The waiver is not precluded by statute;~~
 - ~~2. No party will be prejudiced by the waiver;~~
 - ~~3. When no health hazard will result; and~~
 - ~~4. The Department determines that it would be in the best interest or temporary convenience of the State.~~
- ~~D. Computation of Time~~
~~All adjudicative proceedings commenced by this rule and which incorporate a time frame, shall have the time frame measured in calendar days. The time frame shall be measured by excluding the first day and including the last, unless the last day is a Saturday, Sunday or State holiday, and then it is excluded and the period runs until the end of the next day which is neither a Saturday, Sunday nor State holiday.~~

R51-2-5. Commencement of Proceedings.

- ~~A. Proceedings commenced by the Department.~~
~~All informal adjudicative proceedings commenced by the Department shall be initiated as provided by applicable statute, and Section 63G-4-201.~~
- ~~B. Proceedings Commenced by Persons Other Than the Department.~~
~~All informal adjudicative proceedings commenced by persons other than the Department shall be commenced by submitting in writing a request for agency action in accordance with Subsection 63G-4-201(3).~~

R51-2-6. Hearings.

- ~~A. The Department or a presiding officer shall hold a hearing if a hearing is required by statute, or if a hearing is permitted by statute and is requested by a party within 30 days of the commencement of the adjudicative proceeding. The Department or a presiding officer may at their discretion initiate a hearing to determine matters within their authority.~~
- ~~B. Notice of the hearing shall be mailed to all parties by regular mail at least ten days prior to the hearing.~~
- ~~C. If no hearing is held in a particular adjudicative proceeding, the presiding officer shall within a reasonable time issue a decision pursuant to Subsection 63G-4-203(1)(i).~~

R51-2-7. Intervention.

~~Intervention is prohibited except where a federal statute or rule requires that a state permit intervention.~~

R51-2-8. Pre-hearing Procedure.

~~The presiding officer may, upon written notice to all parties of record, hold a pre-hearing conference for the purposes of formulating or simplifying the issues, obtaining admissions of fact and of documents which will avoid unnecessary proof, arranging for the exchange of proposed exhibits, and agreeing to other matters as may expedite the orderly conduct of the proceedings or the settlement thereof.~~

R51-2-9. Continuance.

~~If application is made to the presiding officer within a reasonable time prior to the date of hearing, upon proper notice to the other parties, the presiding officer may grant a continuance of the hearing.~~

R51-2-10. Parties to a Hearing.

- ~~A. All persons defined as a "party" are entitled to participate in hearings before the Department.~~
- ~~B. All parties shall be entitled to introduce evidence, examine and cross-examine witnesses, make arguments, and fully participate in the proceeding. The presiding officer can, for good cause, limit evidence, examination, and cross-examination of witnesses and arguments.~~

R51-2-11. ~~Appearances and Representation.~~~~A. Taking Appearances~~~~Parties shall enter their appearances at the beginning of a hearing or at a time as may be designated by the presiding officer by giving their names and addresses and stating their positions or interests in the proceeding.~~~~B. Representation of Parties~~~~1. An individual who is a party to a proceeding, or an officer designated by a partnership, corporation, association or governmental subdivision or agency which is a party to a proceeding, may represent interest in the proceeding.~~~~2. Any party may be represented by an attorney licensed to practice in the State of Utah.~~**R51-2-12. ~~Testimony, Evidence and Argument.~~**~~A. Testimony~~~~At the hearing, the presiding officer shall accept oral or written testimony from any party. Further, the presiding officer shall have the right to question and examine any witnesses called to present testimony at a hearing.~~~~B. Order of Presentation of Evidence~~~~Unless otherwise directed by the presiding officer at a hearing, the presentation of evidence shall be as follows:~~~~1. When agency action is initiated by a person other than the Department:~~~~a. the applicant;~~~~b. respondent;~~~~c. staff.~~~~2. When the Department initiates agency action:~~~~a. staff;~~~~b. respondent;~~~~c. other interested parties.~~~~During any hearing a party may offer rebuttal evidence.~~~~C. Rules of Evidence~~~~A hearing may be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings. Irrelevant, immaterial and unduly repetitious evidence shall be excluded. The weight to be given to evidence shall be determined by the presiding officer. Any relevant evidence may be admitted if it is the type of evidence commonly relied upon by prudent persons in the conduct of their affairs. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible in a judicial proceeding.~~~~D. Documentary Evidence~~~~Duplicate copies may be received as documentary evidence. However, upon request, parties shall be given an opportunity to compare the copy with the original, if available.~~**R51-2-13. ~~Decisions and Orders.~~**~~A. Report and Order~~~~After the presiding officer has reached a final decision upon any adjudicative proceeding, he shall make and enter a signed order in writing that states the decision, the reasons for the decision, a notice of the rights of the parties to request Department reconsideration or judicial review, as appropriate, and notice of the time limits for filing a request for reconsideration or a judicial review. The order shall be based on the facts appearing in any of the Department's files and on the facts presented in evidence at any hearings.~~~~B. Service of Decisions~~~~A copy of the presiding officer's order shall be promptly mailed by regular mail to each of the parties.~~**R51-2-14. ~~Request for Reconsideration.~~**~~A. Who may file~~~~Within ten days after the date that an order on review is issued, any aggrieved party may file a request for reconsideration by following the procedures of Section 63G-4-302 and the following additional rules. A request is not a prerequisite for judicial review.~~~~B. Action on the Request~~~~The Commissioner shall issue a written order granting or denying the request for reconsideration. If an order is not issued within 20 days after the filing of the request, the request for rehearing shall be considered denied. Any order granting rehearing shall be strictly limited to the matter specified in the order.]~~**R51-2. Administrative Procedures and Compliance Actions.****R51-2-1. Authority and Purpose.**~~(1) This rule is enacted under Sections 4-1-104, 4-2-103, and 63G-4-203.~~~~(2) This rule provides the department's procedures for informal adjudicative proceedings, compliance actions, and appeals.~~~~(3) This rule applies to proceedings that begin on or after the rule's effective date and supersedes any conflicting compliance, citation, or penalty escalation provisions in other department rules.~~**R51-2-2. Definitions.**~~Terms used in this rule are defined in Sections 4-1-109 and 63G-4-103, in addition:~~~~(1) "Appeal" means a written request filed by a respondent to contest a department citation, order, or notice of violation as provided in Section 63G-4-201.~~

NOTICES OF PROPOSED RULES

(2) "Citation" means a notice of agency action issued by the department for a violation of a statute or rule where an administrative fine is assessed under Section 4-2-304.

(3) "Date of service" means the date the department transmits the citation or order, which includes:

(a) the date of personal delivery;

(b) the postmark date on the certified mailing; or

(c) the date of the email is transmitted.

(4) "Emergency Order" means an order issued under Section 63G-4-502 to address an immediate and significant danger to public health, safety, or welfare.

(5) "Hold Order" means a notice of agency action to detain, seize, embargo, or stop the sale or use of a product or animal due to a violation of statute or rule.

(6) "Notice of Violation" means a notice of agency action issued for a violation of statute or rule where corrective action is required.

(7) "Presiding officer" means an individual designated by the Commissioner to conduct an adjudicative proceeding, including a division director or a hearing officer, as provided in Section 63G-4-103.

R51-2-3. Department Actions and Service.

(1) Under Section 63G-4-502, the department may issue an emergency order if there is an immediate danger to public health, safety, or welfare.

(2) The department may issue a notice of agency action as:

(a) a hold order or embargo;

(b) a citation where a fine is assessed; or

(c) a notice of violation where corrective action is required.

(3) A notice of agency action issued under this section shall be in writing and include:

(a) the citation or order number;

(b) the name and address of the respondent;

(c) a brief statement of the facts, the specific evidence found during an inspection, and the statutes or rules violated;

(d) any administrative fine amount for a citation, the required corrective actions for a notice of violation, or the specific restrictions on use or movement for a hold order;

(e) a mandatory deadline for compliance or payment;

(f) a statement of the respondent's right to appeal the department's action in writing within 30 days of the action being taken;

(g) a warning that failure to respond or participate may result in the action becoming final;

(h) the name and number of a department employee to contact regarding the action; and

(i) the signature of the presiding officer or designated representative.

(4) The department shall serve a citation or a hold order to a respondent within three business days after the document is signed and dated using one of the following methods:

(a) personal delivery;

(b) certified mail to the respondent's last known address; or

(c) email in a searchable PDF format.

(5) A person may not release, move, or alter a product, animal, or condition subject to a hold order issued under this section without a written release from the department.

(6) A person may not interfere with a product, animal, or equipment subject to a hold order or embargo that the department has physically tagged or marked, by:

(a) removing, defacing, or altering a department tag or mark without written authorization; or

(b) otherwise interfering with the physical security of the held item.

R51-2-4. Appeals and Informal Adjudicative Proceedings.

(1) To appeal a department action, a respondent shall submit a written appeal to the presiding officer within 30 days of the service date.

(2) The written appeal shall contain the following:

(a) a statement of grounds for the appeal;

(b) statement of relief being requested;

(c) the date on which the appeal is being sent; and

(d) identification of the department action being appealed.

(3) The Department may take one or more of the following actions upon receipt of a timely appeal:

(a) hold a hearing;

(b) engage in settlement negotiations; or

(c) dismiss or withdraw the violation based on information received in the appeal.

(4) The department designates the following as informal proceedings:

(a) an action to deny, revoke, suspend, or modify a permit, license, registration, or certification;

(b) an order of corrective action; or

(c) a contest of a citation, embargo, or a hold order.

(5) During an informal hearing:

(a) a party may testify, present evidence, and comment on the issues;

- (b) a party may access relevant information in the department's files, as allowed by law; and
- (c) discovery and intervention by third parties are prohibited, except as provided in Section 63G-4-203.
- (6) After the close of an informal hearing, the presiding officer shall issue a signed, written final order that includes:
 - (a) the decision and reasons for that decision; and
 - (b) a notice of the right to further reconsideration and the applicable time limits.
- (7) A presiding officer shall conduct hearings according to Section 63G-4-203 and may record the proceedings.
- (8) The presiding officer shall promptly serve their final order using a method described in Subsection R51-2-3(4), which starts the 20-day deadline for a request for reconsideration.

R51-2-5. Settlement Conferences.

- (1) The department may schedule a settlement conference before scheduling a hearing if the department has reason to believe the matter could be resolved without an informal hearing.
- (2) If the parties reach a settlement:
 - (a) both parties shall sign a written agreement; and
 - (b) the signed agreement constitutes a final order, which resolves all matters related to the action.
- (3) If the parties do not reach an agreement, the department shall schedule an informal hearing.
- (4) While settlement negotiations are in process, the department may not:
 - (a) consider a fine delinquent; or
 - (b) increase the fine under Section R51-2-6.

R51-2-6. Fines and Debt Collection.

- (1)(a) A respondent shall pay an administrative fine on or before 30 days after the date of service of the citation.
- (b) If a respondent appeals a department action, the department may not collect the fine until the presiding officer issues a final order.
- (c) If the presiding officer issues a fine as part of a final order, the respondent shall pay the fine on or before 30 days after the date of service of the final order.
- (2) If a fine has not been paid 30 days after the date of service of the citation or 30 days after the date of service of the final order, the department shall:
 - (a) record the debt into the state accounting system; and
 - (b) increase the fine amount up to double the original assessment.
- (3) An escalated fine under this section may not exceed:
 - (a) \$5,000 per violation as authorized by Section 4-2-304; or
 - (b) the maximum penalty amount authorized by a specific statute under which the violation occurred, whichever is greater.
- (4) After a fine meets the deadline in Subsection R51-2-6(2), the department may attempt to collect the debt for an additional 90 days in collaboration with the Office of the Attorney General.
- (5) After a total of 120 days of non-payment from the original date of violation or citation, the department may refer a delinquent account to the Office of State Debt Collection (OSDC) under Section 63A-3-502.
- (6) The department may withhold the issuance or renewal of a license, permit, or registration until a respondent:
 - (a) pays all outstanding fines and fees; or
 - (b) executes a signed settlement agreement and complies with the terms of the agreement.

R51-2-7. Request for Commissioner Reconsideration.

- (1) A respondent may file a written request for reconsideration of an appeal or a final order with the Commissioner within 20 days after the date the order is served.
- (2) The Commissioner, or their designee, shall issue a written order granting or denying the request within 20 days of the reconsideration request date.
- (3) As provided in Section 63G-4-302, if the Commissioner does not issue an order within 20 days, the request is considered denied.

KEY: government hearings, appellate procedures, appeal, informal hearings, compliance, citations, violations, settlement conferences

Date of Last Change: 2026[1988]

Notice of Continuation: December 2, 2021

Authorizing, and Implemented or Interpreted Law: 4-1-104; 63G-4-203

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal		
Rule or section number:	R58-19	Filing ID: 57933
Agency Information		
1. Title catchline:	Agriculture and Food, Animal Industry	
Building:	TSOB South Bldg, Floor 2	

NOTICES OF PROPOSED RULES

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
John Keller	385 977-2158	Johnkeller@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R58-19. Compliance Procedures
4. Purpose of the new rule or reason for the change:
<p>The Department of Agriculture and Food's (department) is repealing this rule as part of a larger effort to simplify Utah's Animal Industry regulations.</p> <p>After reviewing the rules, the department determined that maintaining a separate rule for the Division of Animal Industry compliance was redundant. The procedural requirements for issuing citations and emergency orders are now incorporated into Rule R51-2.</p> <p>The proposed revisions align these rules with the Rulewriting Manual for Utah and provide a consistent legal framework for all producers.</p> <p>(EDITOR'S NOTES: The proposed repeals of Rule R68-19, ID 57934; Rule R70-201, ID 57935; and the proposed repeal and reenact of Rule R51-2, ID 57932, are in this issue May 15, 2026, of the Bulletin.)</p>
5. Summary of the new rule or change:
This filing repeals this rule in its entirety.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
<p>The repeal of this rule is part of a departmental consolidation into Rule R51-2.</p> <p>By repealing the specific penalty escalation timelines in this rule, the state may see a negligible decrease in fine revenue.</p> <p>However, the department anticipates this will be offset by increased initial compliance and reduced administrative overhead required for debt collection and appeals.</p> <p>Based on historical data, the volume of payments specifically occurring within the eliminated escalation windows is low, resulting in no significant impact on the state budget.</p>
B. Local governments:
Local governments are not involved in the department's internal administrative and compliance proceedings; therefore, no fiscal impact is expected.
C. Small businesses ("small business" means a business employing 1-49 persons):
There is no fiscal impact on small businesses.

The substantive compliance requirements are being moved to Rule R51-2 without adding new fees or obligations.

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

No fiscal impact is expected as the requirements remain consistent with current practice and are being relocated within Rule R51-2.

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**):

Affected persons may experience a fiscal benefit as a result of this repeal in conjunction with the enactment of Rule R51-2.

Specifically, the repeal eliminates the 15-day deadline for doubling fines and the 30-day deadline for quadrupling fines found in this rule.

Under the new consolidated rule, respondents are granted a standardized 30-day window before any escalation occurs, and the maximum penalty is capped at double the original fine. This results in an avoided cost for individuals or businesses who may be late in resolving a citation.

F. Compliance costs for affected persons:

None. The underlying regulatory requirements and standards for compliance remain in effect but are being moved to the new consolidated rule, R51-2.

There are no new costs associated with the repeal of this rule.

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

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

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

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

Citation Information

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

Subsection 4-2-103(1)(j)		
--------------------------	--	--

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:	06/16/2026

10. This rule change MAY become effective on:	06/23/2026
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:	05/01/2026
---	-----------------------------	--------------	------------

R58. Agriculture and Food, Animal Industry.

~~**R58-19. Compliance Procedures.**~~

~~**R58-19-1. Authority.**~~

~~_____ This rule is promulgated by the Division of Animal Industry (Division), within the Department of Agriculture and Food (Department) under authority of Subsection 4-2-103(1)(j).~~

~~**R58-19-2. Definition of Terms.**~~

~~_____ (1) An Emergency Order means a written action by the Division, which is issued to a person, as a result of information that is known by the Division, which identifies an immediate and significant danger to the public's health, animal health, safety or welfare, and warrants prompt action pursuant to Section 63G-4-502.~~

~~_____ Emergency orders include: "quarantine", "seized", "Utah Inspection and Condemned", "sealed", "reject", "retain", "denatured", "detained", and "suspect", and may be issued when division action is warranted to stop the sale of a product, or halt an immediate condition or service from occurring, pursuant to Sections 4-32-109, 4-32-118, 4-32-119, 4-31-116, 4-39-107, and 9 CFR III 303.1 through 381.207.~~

~~_____ (2) A Citation means a lawful notice, issued by the division, which is intended to immediately remedy a violation of agricultural statutes or rules by a person, business, operator, etc. Pursuant to Section 4-2-304, a citation may include a penalty assessment, or provide for a fine to take effect within a stated time period.~~

~~**R58-19-3. Emergency Order.**~~

~~_____ (1) The Division may issue an emergency order when it determines that there is an immediate and significant danger to public health, animal health, safety or welfare may be issued to secure the well-being, safety, or removal of danger to state citizens.~~

~~_____ (2) Orders are intended to protect the public from unlawful agricultural and food products and services.~~

~~_____ (3) When an emergency order is justified, and conditions warrant immediate action by the Division, it shall:~~

~~_____ (a) Promptly issue a written order that includes the following information:~~

~~_____ (i) name, street address, city, state, zip code, phone number, and title or position of the person being given the order, or name, street address, city, state, zip code, phone number of the business, organization, corporation, firm, limited liability company, etc., and the name and title or position of the person in the business or organization to whom the order is given.~~

~~_____ (ii) a brief statement of findings of fact as determined by the division;~~

~~_____ (iii) references to statutes or administrative rules violated;~~

~~_____ (iv) the reasons for issuance of the emergency order;~~

~~_____ (v) the signature of the agency representative, and~~

~~_____ (vi) a space or line for the signature of the person. A signature is not required if the person refuses.~~

~~_____ (4) This order shall be written and no product, condition, or service subject to the order shall be released, except upon the subsequent written release by the department.~~

~~**R58-19-4. Citation.**~~

~~_____ (1) The Commissioner or person designated by the Commissioner, may enforce this rule by the issuance of a citation for violation, in order to secure subsequent payments of fines or the imposition of penalties:~~

~~_____ (a) The citation will include the following information:~~

~~_____ (i) name, street address, city, state, zip code, phone number, and title or position of the person being given the order, or name, street address, city, state, zip code, phone number of the business, organization, corporation, firm, limited liability company, etc., and the name and title or position of the person in the business or organization to whom the order is given;~~

~~_____ (ii) references to the statutes or rules violated;~~

~~_____ (iii) a brief statement to the findings of fact as determined by the division;~~

~~_____ (iv) a penalty or fine amount;~~

~~_____ (v) the signature of the agency representative;~~

~~_____ (vi) a space or line for the signature of the person, although a signature is not required if the person refuses; and~~

~~_____ (vii) a statement to the effect that a person is allowed to request an administrative hearing if the person feels that a citation was not warranted.~~

- ~~(2) Fine or penalty amounts will be set by the department or the division, under the direction of the Commissioner, for amounts up to \$5,000 per violation, or if the citation involves a criminal proceeding, the person may be found guilty of a class B misdemeanor.~~
- ~~(3) In accordance with Section 4-2-304, fine or penalty amounts shall be determined according to the approved department fee schedule.~~

~~R58-19-5. Request for Hearing.~~

~~When any order or citation, as defined above, is issued, the person being charged with the violation may elect to file, within allowable time limits, a request for the Department to schedule an informal Administrative Hearing in accordance with the provisions of Section 4-1-104.~~

KEY: agricultural law

Date of Last Change: March 25, 2013

Notice of Continuation: December 28, 2021

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(j)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R66-50	Filing ID: 57959

Agency Information

1. Title catchline:	Agriculture and Food, Specialized Products	
Building:	TSOB, South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT 84129	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	amberbrown@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R66-50. Kratom Retail Permit	
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), HB 385 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
This amendment aligns Rule R66-50 with statutory changes enacted by SB 45, Kratom Adjustments and HB 385, Specialized Product Sales Amendments, from the 2026 General Session.	
These legislative updates require the Department of Agriculture and Food (department) to modify retail permit requirements, product safety standards, and age-restricted sales protocols to ensure administrative rules remain consistent with current state law.	
5. Summary of the new rule or change:	
The proposed changes to this rule update the definitions to align with the revised statute and add clarifying definitions for this rule.	
The changes clarify the requirements for the Kratom Retailer Permit, as well as aligning the inspection and testing requirements with the changes in the recently passed legislation.	

Finally, the retailers' responsibilities are revised to enhance clarity on advertisements of a kratom product.

Fiscal Information

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

A. State budget:

This rule imposes no fiscal impact on the state budget beyond the estimates provided in the legislative fiscal notes for SB 45 (2026) and HB 385 (2026).

B. Local governments:

This rule establishes state-level licensing procedures and product standards.
It imposes no administrative requirements or costs on local governments.

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

This rule imposes no fiscal impact on small businesses beyond the licensing fees and regulatory costs already estimated in the legislative fiscal notes for SB 45 (2026) and HB 385 (2026).

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

This rule maintains a neutral fiscal impact for non-small businesses.
All anticipated costs for large retail entities result from statutory mandates in SB 45 (2026) and HB 385 (2026) rather than the administrative requirements of this rule.

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

This rule regulates the business-to-government relationship and imposes no fiscal impact on an individual's budget.
All corresponding financial impacts originate from SB 45 (2026) and HB 385 (2026) and are detailed in the legislative fiscal notes for those bills.

F. Compliance costs for affected persons:

This rule imposes no direct compliance costs on affected persons. All applicable licensing fees, registration costs, and potential fines originate from the enactment of SB 45 (2026) and HB 385 (2026) and are detailed in the corresponding legislative fiscal notes.

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 4-45-107

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.
A. Comments will be accepted until: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026
 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:	05/01/2026
---	-----------------------------	--------------	------------

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.~~
- ~~(3) "License" means the Specialized Product Retailer License required under Section 4-45a-102.~~
- (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.
- ~~_____ (6) "Retail Tobacco Specialty Business" means the same as defined in Sections 10-8-41.6 and 17-50-333.~~

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 seeking a kratom retailer permit shall register as a Retail Tobacco Specialty Business and obtain a specialized product retailer license as required in Chapter 4-45a, Specialized Product Regulation.~~
- (2) A ~~retail~~ kratom retailer permit shall be obtained before 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) An applicant shall pay a non-refundable permit fee, as set forth in the fee schedule approved by the Legislature, to the department with the submission of the application.
- (5) The department may deny a permit for an incomplete application.

NOTICES OF PROPOSED RULES

(6) A permit is renewable for up to a one-year period with an annual renewal fee that a permittee shall ~~be paid~~ pay on or before December 31st 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 3] January 1 [st], and a permittee shall ~~be paid~~ pay before the renewal is issued.

R66-50-4. Inspection and Testing.

(1) The department may randomly inspect a permittee to ensure that kratom products distributed or available for distribution in Utah comply with this rule and Rule R66-51.

(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 adulterants, as defined in Section R66-52-2, ~~[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) A kratom product that is found to contain a prohibited substance shall be considered adulterated 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 Title 4, Chapter 45, Kratom Regulation Act, 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~~[-~~

- ~~(a) ensure that a kratom product sold is properly registered with the department; and~~
- ~~(b) ensure that any advertisement for a kratom product sold or marketed in Utah[-~~
- ~~(i) does not contain any medical claims; and~~
- ~~(ii) does not appeal to children.~~

(2) A retailer shall provide 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 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 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 that is typically marketed toward or appealing to children.

(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: 2026[September 22, 2025]

Authorizing, and Implemented or Interpreted Law: 4-45-107

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R66-51	Filing ID: 57960
Agency Information		
1. Title catchline:	Agriculture and Food, Specialized Products	
Building:	TSOB, South Bldg, Floor 2	

Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT 84129	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R66-51. 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), HB 385 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
<p>This amendment aligns Rule R66-51 with statutory changes enacted by SB 45, Kratom Adjustments, and HB 385, Specialized Product Sales Amendments, from the 2026 General Session.</p> <p>These legislative updates require the Department of Agriculture and Food (department) to modify retail permit requirements, product safety standards, and age-restricted sales protocols to ensure administrative rules remain consistent with current state law.</p>	
5. Summary of the new rule or change:	
<p>The proposed revisions to this rule align it with the recently passed Kratom Regulation Act, primarily by revising definitions and updating statute citations.</p> <p>The changes simplify labeling requirements by removing the mandate to list alkaloid amounts on the product label and modify testing requirements by removing solvents from the Certificate of Analysis minimums.</p> <p>Additionally, the violation threshold for 7-hydroxymitragynine (7-OH) content is adjusted to greater than 0.4% of the alkaloid composition.</p>	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
This rule imposes no fiscal impact on the state budget beyond the estimates provided in the legislative fiscal notes for SB 45 (2026) and HB 385 (2026).	
B. Local governments:	
<p>This rule establishes state-level licensing procedures and product standards.</p> <p>It imposes no administrative requirements or costs on local governments.</p>	
C. Small businesses ("small business" means a business employing 1-49 persons):	
This rule imposes no fiscal impact on small businesses beyond the licensing fees and regulatory costs already estimated in the legislative fiscal notes for SB 45 (2026) and HB 385 (2026).	

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

This rule maintains a neutral fiscal impact for non-small businesses.

All anticipated costs for large retail entities result from statutory mandates in SB 45 (2026) and HB 385 (2026) rather than the administrative requirements of this rule.

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

This rule regulates the business-to-government relationship and imposes no fiscal impact on an individual's budget.

All corresponding financial impacts regarding individual age restrictions and penalties originate from SB 45 (2026) and HB 385 (2026) and are detailed in the legislative fiscal notes for those bills.

F. Compliance costs for affected persons:

This rule imposes no direct compliance costs on affected persons.

All applicable licensing fees, registration costs, and potential fines originate from the enactment of SB 45 (2026) and HB 385 (2026) and are detailed in the corresponding legislative fiscal notes.

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 4-45-107

Public Notice Information

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

A. Comments will be accepted until: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026

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:	05/01/2026
---	-----------------------------	--------------	------------

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]~~ discrete unit of ~~[food]~~ product, measured as an integer ~~[, that's 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.]~~

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)~~ 1. 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)~~ 2. A single registration may include products that contain the same kratom ingredients in the same ~~[kratom]~~ product delivery form but in a different container or volume.

~~(4)~~ 3. 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)~~ 4. A non-refundable registration fee, as outlined in the fee schedule approved by the Legislature, shall be paid to the department with the submission of a registration application.

~~(6)~~ 5. The department shall deny or withdraw registration if:

(a) the kratom product violates Title 4, Chapter 45, Kratom ~~[Consumer Protection]~~ Regulation Act;

(b) there is any reasonable basis to suspect that the kratom product is unsafe or that ingredients violate state law;

NOTICES OF PROPOSED RULES

- (c) the kratom product is in a shape that is appealing to children; or
- (d) the product contains an adulterant as defined in Section R66-52-2~~[a prohibited additive as outlined in Section R66-52-11].~~
- (6) The department requires [A] a new registration application [is required-] for a change in 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-] Title 4, Chapter [-]45, Kratom [Consumer Protection] Regulation 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 kratom product 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.

- (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; and
 - ~~(e) solvents; and]~~
 - ~~(f)]~~ e 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 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 satisfy the requirements of Subsection 4-45-104(1)(b) and 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)]~~ e an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;
 - ~~(e)]~~ d 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)]~~ e manufacturer, packer, or distributor name and address; and
 - ~~(g)]~~ f 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 relating to the labeling of food, including Chapter 4-5, Utah Wholesome Food Act.]~~

~~[(4)3] A kratom product label may not:~~

~~(a) contain claims that the product is intended 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;~~

~~[(e)b] appear to imitate a food or other product that is typically marketed toward, or that is appealing to children; or~~

~~[(d)c] contain statements that remove responsibility or liability for the use of the product.~~

~~[(5)4] 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 or package 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.]~~

~~[(3)2] A kratom processor may not shape a kratom product in any way that appeals to children.~~

~~[(4)3] 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.

(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) A kratom product that is found to contain a prohibited substance shall be considered adulterated in violation of this rule.

(3) The department may conduct an inspection of 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 materials acquired pursuant to a compliant specification purchase that is used to process or manufacture a kratom product 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],4~~ % 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.

(8) It is a violation to submit a fraudulent COA to the department.

KEY: kratom, kratom processor, product registration, labeling

Date of Last Change: 2026[September 22, 2025]

Authorizing, and Implemented or Interpreted Law: 4-45-107

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R66-52	Filing ID: 57961

Agency Information	
1. Title catchline:	Agriculture and Food, Specialized Products
Building:	TSOB, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT 84129

Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R66-52. 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), HB 385 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
<p>This amendment aligns Rule R66-52 with statutory changes enacted by SB 45, Kratom Adjustments, and HB 385, Specialized Product Sales Amendments, from the 2026 General Session.</p> <p>These legislative updates require the Department of Agriculture and Food (department) to modify product safety standards to ensure administrative rules remain consistent with current state law.</p>	
5. Summary of the new rule or change:	
<p>The proposed amendments to Rule R66-52 implement necessary changes to product safety standards required for compliance with the recent legislation.</p> <p>Key technical modifications include updating statutory references to Title 4, Chapter 45, the Kratom Regulation Act, and clarifies regulated entities from "kratom manufacturer" to "kratom processor".</p> <p>The amendments also eliminate the definitions for "Extract," "Kratom manufacturer," and "Total alkaloid", and removes the Section R66-52-9 on Residual Solvent Standards and the Section R66-52-11 on Additives.</p> <p>The passed legislation also results in the removal of specific microbial limits for kratom extract and kratom infused edible products from Table 1.</p> <p>Finally, due to removing sections, the proposed changes include renumbering and technical changes to ensure the revised rule aligns with the Rulewriting Manual for Utah.</p>	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
This rule imposes no fiscal impact on the state budget beyond the estimates provided in the legislative fiscal notes for SB 45 (2026) and HB 385 (2026).	
B. Local governments:	
<p>This rule establishes state-level licensing procedures and product standards.</p> <p>It imposes no administrative requirements or costs on local governments.</p>	

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

This rule imposes no fiscal impact on small businesses beyond the licensing fees and regulatory costs already estimated in the legislative fiscal notes for SB 45 (2026) and HB 385 (2026).

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

This rule maintains a neutral fiscal impact for non-small businesses.
 All anticipated costs for large retail entities result from statutory mandates in SB 45 (2026) and HB 385 (2026) rather than the administrative requirements of this rule.

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

This rule regulates the business-to-government relationship and imposes no fiscal impact on any individual.
 All corresponding financial impacts originate from SB 45 (2026) and HB 385 (2026) and are detailed in the legislative fiscal notes for those bills.

F. Compliance costs for affected persons:

This rule imposes no direct compliance costs on affected persons.
 All applicable licensing fees, registration costs, and potential fines originate from the enactment of SB 45 (2026) and HB 385 (2026) and are detailed in the corresponding legislative fiscal notes.

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 4-45-107		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	06/16/2026
10. This rule change MAY become effective on:	06/23/2026
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:	05/01/2026
---	-----------------------------	--------------	------------

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, and 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)a] pesticides;~~
 - ~~[(e)b] heavy metals;~~
 - ~~[(d) solvents;]~~
 - ~~[(e)c] microbial life;~~
 - ~~[(f)d] mycotoxins; or~~
 - ~~[(g)e] 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) (6) "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) (8) "Pesticide" means any:~~
 - ~~(a) substance or mixture of substances, including a living organism, that is intended to prevent, destroy, control, repel, attract, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed, or other forms of plant or animal life that are normally considered to be a pest or that the commissioner declares to be a pest;~~
 - ~~(b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and~~
 - ~~(c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, or emulsifying agent with deflocculating properties of its own, used with a pesticide to aid in the application or effect of a pesticide.~~
- ~~[(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]~~processor 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]~~COA, 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-]level~~ of mitragynine and 7-hydroxymitragynine in the kratom product certifying compliance with this rule and ~~[Subsection 4-45-104(1)]Title 4, Chapter 45, Kratom Regulation Act;~~
 - (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; and
 - ~~[(e) the levels of residual solvents in the kratom product that do not exceed the amounts listed in Table 4; and]~~
 - ~~[(f)]e~~ if required by the department, mycotoxin levels that are compliant with Table 4 listed in Section R66-52-~~[40]~~9.

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 <i>fumigatus</i> , Aspergillus <i>flavus</i> , Aspergillus <i>niger</i> , and Aspergillus <i>terreus</i> [e]	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

NOTICES OF PROPOSED RULES

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.

[(+)]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
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

NOTICES OF PROPOSED RULES

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.~~

Solvent	Chemical Abstract Service (CAS) Registry number	Action Level ppm
1,2-Dimethoxyethane	110-71-4	100
1,4-Dioxane	123-9	380
1-Butanol	71-36-3	5,000
1-Pentanol	71-41-0	5,000
1-Propanol	71-23-8	5,000

2-Butanol	78-92-2	5,000
2-Butanone	78-93-3	5,000
2-Ethoxyethanol	110-80-5	160
2-methylbutane	78-78-4	5,000
2-Propanol (IPA)	67-63-0	5,000
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

NOTICES OF PROPOSED RULES

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~~9. Mycotoxin Standards.

- (1) ~~The department may require [M]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]4.~~

TABLE [5]4 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
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:~~
- ~~_____ (i) mushroom species that contain:~~
- ~~_____ (A) psilocin;~~
- ~~_____ (B) muscimol;~~
- ~~_____ (C) ibotenic acid; or~~
- ~~_____ (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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New		
Rule or section number:	R66-53	Filing ID: 57962

Agency Information

1. Title catchline:	Agriculture and Food, Specialized Products	
Building:	TSOB, South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT 84129	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R66-53. Kratom Processors	
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), HB 385 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
This new rule implements the revised information from recently passed legislation.	
It establishes comprehensive standards, licensing requirements, and compliance procedures that regulate the processing and handling of kratom and kratom products within the state, thereby ensuring product safety and market integrity.	
5. Summary of the new rule or change:	
This rule requires kratom processors to obtain one of two licenses from the department:	

- 1) a Tier One license, which covers receiving, storing, preparing, transporting, wholesaling, and manufacturing finished products; and
- 2) a Tier Two license, which covers selling finished products to a retailer and minimal processing for storage only.

Processors must operate licensed facilities that meet basic cleanliness standards, prohibit residential use, and comply with federal and state hazardous waste laws for disposal.

This rule establishes testing requirements, mandating that a third-party laboratory tests every product lot for alkaloids, pesticides, microbials, heavy metals, and foreign matter before distribution.

The department conducts random testing and may have access to facilities, materials, and records for inspection and sampling.

Processors keep detailed records for a minimum of three years, documenting material receipt, processing batches, testing results, and product disposition.

Furthermore, this rule specifies secure storage for kratom material, separate from other manufactured products with access limited to employees, and requires a transport manifest detailing COA, location, licensure, and a bill of lading for every movement of kratom material.

Finally, the department immediately revokes a processor's license and refers the case to law enforcement if a final product tests at 0.4% or greater of 7-hydroxymitragynine.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The department anticipates no fiscal impact on the state budget beyond the estimates provided in the legislative fiscal notes for SB 45 (2026) and HB 385 (2026).
B. Local governments:
This rule establishes state-level licensing procedures and product standards. It imposes no administrative requirements or costs on local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule imposes no fiscal impact on small businesses beyond the licensing fees and regulatory costs already estimated in the legislative fiscal notes for SB 45 (2026) and HB 385 (2026).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule maintains a neutral fiscal impact for non-small businesses. All anticipated costs for large retail entities result from statutory mandates in SB 45 (2026) and HB 385 (2026) rather than the administrative requirements of this rule.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule regulates the business-to-government relationship and imposes no fiscal impact on an individual's budget. All corresponding financial impacts originate from SB 45 (2026) and HB 385 (2026) and are detailed in the legislative fiscal notes for those bills.
F. Compliance costs for affected persons:
This rule imposes no direct compliance costs on affected persons.

All applicable licensing fees, registration costs, and potential fines originate from the enactment of SB 45 (2026) and HB 385 (2026) and are detailed in the corresponding legislative fiscal notes.

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 4-45-107

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.
A. Comments will be accepted until: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026
 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:	05/01/2026
---	-----------------------------	--------------	------------

R66. Agriculture and Food, Specialized Products.

R66-53. Kratom Processors.

R66-53-1. Authority and Purpose.

Pursuant to Section 4-45-107, this rule establishes the standards, practices, procedures, and requirements for the processing and handling of kratom and kratom products.

R66-53-2. Definitions.

(1) "Bulk kratom product" means a kratom product that has been prepared and is ready for final packaging.

(2) "Concentrate" means:

NOTICES OF PROPOSED RULES

- (a) the product of any chemical or physical process applied to naturally occurring kratom plant material that concentrates or isolates alkaloids contained in the plant; and
- (b) any amount of a natural, derivative, or synthetic alkaloid in the synthetic alkaloid's purified state.
- (4) "Department" means the Utah Department of Agriculture and Food.
- (5) "Final product" means a reasonably homogenous kratom product in its final packaged form created using the same standard operating procedures and the same formulation.
- (6) "Handle" or "Handling" means possessing, transporting, or storing kratom or kratom product for any period.
- (7) "Kratom material" means raw concentrate, raw plant material, or materials made from raw plant material or raw concentrates that are not in a final packaged form.
- (8) "Location" means a specific street address, including street number, street name, city, state, and zip code.
- (9) "Manufacturing" means storing, preparing, packaging, or labeling of kratom, kratom material, or kratom products.
- (10) "Processing" means any action taken to prepare kratom for market, including preparing, manufacturing, or distributing.
- (11) "Third-party laboratory" means a laboratory that has no direct interest in a processor or retailer of kratom products that can perform mandated testing utilizing validated methods.

R66-53-3. Kratom Processor Licenses.

- (1) The department shall issue the following kratom processor licenses:
 - (a) a Tier One license, which allows a processor to receive, store, prepare, transport, and wholesale kratom plant material and manufacture finished kratom products;
 - (b) a Tier Two license, which allows a processor to: sell finished kratom product to a retailer and perform minimal processing for storage only.
- (2) A kratom processor shall obtain a separate license for each type of kratom processing establishment and each location.

R66-53-4. Application Requirements.

- (1) An applicant seeking a kratom processor license shall submit a complete application to the department.
- (2) The applicant shall submit a non-refundable fee as approved by the Legislature in the fee schedule.
- (3) The department shall deny any applicant who does not submit the required information.

R66-53-5. Processing Facility Restrictions.

- (1) A processor may not process or store kratom material or product in any structure that is used for residential purposes.
- (2) A processor shall dispose of kratom waste in accordance with federal and state laws and regulations related to hazardous waste.

R66-53-6. Processing Practices.

- A processor that manufactures kratom products shall ensure that the facility meets basic cleanliness standards, including:
- (1) buildings are of suitable size, design, and construction to permit unobstructed placement of equipment, orderly storage of materials, sanitary operation, and proper cleaning and maintenance;
 - (2) floors, walls, and ceilings are constructed of smooth, easily cleanable surfaces and are kept clean and in good repair;
 - (3) fixtures, ducts, and pipes are installed in such a manner that drip or condensate does not contaminate materials, utensils, contact surfaces of equipment, or finished products in bulk;
 - (4) lighting and ventilation are sufficient for the intended operation and comfort of personnel;
 - (5) water supply, washing and toilet facilities, floor drainage, and sewage system are adequate for sanitary operation and cleaning of facilities, equipment, and utensils, as well as satisfying employee needs and facilitating personal cleanliness; and
 - (6) adequate filth and pest controls are in place.

R66-53-7. Required Records.

- (1) The processor shall keep records of receipt for any kratom material obtained, including:
 - (a) the date of receipt;
 - (b) quantity received;
 - (c) an identifying lot number created by the processor; and
 - (d) the seller's information, including:
 - (i) the seller's contact information; and
 - (ii) the address of the facility or growing area from which the kratom material was shipped.
- (2) The processor shall keep records that include the following information for each batch of kratom material processed:
 - (a) the date of processing;
 - (b) the lot number of the material;
 - (c) the amount processed;
 - (d) the type of processing; and
 - (e) any lab test conducted on the kratom material or product during the processing.
- (3) The processor shall keep records of any tests conducted with the identifying lot number.
- (4) The processor shall keep records for a minimum of three years of any products they have manufactured and the disposition of any kratom material that leaves the facility.

R66-53-8. Testing.

- (1) A third-party laboratory shall test each kratom product lot for the following before distribution:
- (a) the amount of alkaloids;
 - (b) pesticides;
 - (c) microbials;
 - (d) heavy metals; and
 - (e) foreign matter.
- (2) The department shall conduct random testing of kratom products and materials.
- (3) The sample taken by the department shall be the official sample.

R66-53-9. Inspections and Sampling.

- (1) The department shall have complete and unrestricted access to kratom materials, kratom products, and any land, buildings, and other structures used to process kratom.
- (2) Samples of kratom product may be randomly taken from the facility by the department.
- (3) The department may review records kept in accordance with rule requirements.
- (4) Any laboratory test of a final product with a result of 7-hydroxymitragynine at 0.4% or greater of the total kratom alkaloid composition of the product shall be turned over to the appropriate law enforcement agency, and revocation of the processor license shall be immediate.
- (5) The department shall notify the processor of any adulterants found during testing.
- (6) The presence of adulterants may be considered a violation of the terms of the license and may result in a license revocation.

R66-53-10. Storage of Kratom Material and Kratom Products.

- (1) A processor may store kratom material and kratom products at their licensed facility.
- (2) A processor shall store kratom material and product:
- (a) in a secure room; and
 - (b) separate from other manufactured products.
- (3) A processor shall ensure that access to the kratom is limited to processor employees.
- (4) Storage facilities shall be maintained in accordance with Section R66-53-6.
- (5) Storage facilities and records are subject to random inspection by the department.

R66-53-11. Transportation of Kratom Material.

Each movement of kratom material shall include a transport manifest that includes the following information:

- (1) a copy of the COA for each batch included in the shipment;
- (2) the location of the sending and receiving parties;
- (3) proof of registration or licensure for the sending and receiving parties; and
- (4) a bill of lading for the transported material.

R66-53-12. Renewal.

- (1) A licensee shall resubmit the documents required in Section R66-53-4 with updated information, on or before December 31 of the current year.
- (2) The department may deny a renewal for an incomplete application.
- (3) The department may deny renewal for any licensee who has violated any portion of this rule or state law.
- (4) The department shall assess a late fee for a renewal of a kratom processor license submitted on or after January 1, and the licensee shall pay the fee before the license renewal is issued.

R66-53-13. Violations.

- (1) It is a violation to process kratom material on a site not approved by the department.
- (2) It is a violation to allow unsupervised public access to kratom processing facilities.
- (3) It is a violation to sell a kratom product to the public or another kratom processor in violation of this section or state laws governing the final product.
- (4) It is a violation to process kratom without the appropriate kratom processor license.
- (5) It is a violation to fail to keep records required by this rule or to fail to adhere to the notification requirements of this rule.
- (6) It is a violation for a licensee to engage in practices outside of the scope of their license.
- (7) It is a violation to operate a facility that does not meet basic cleanliness standards outlined in Section R66-53-6.
- (8) It is a violation to distribute a kratom product that has not been tested as required by Rule R66-52.
- (9) It is a violation to deny the department the ability to take a sample of a kratom product during an inspection or as part of an investigation.
- (10) It is a violation to deny the department access to a kratom processing facility or kratom processing facility records during regular business hours.

KEY: kratom products, kratom processor, license requirements, inspections and testing, renewal, violations

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 4-45-107

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or section number:

R68-19

Filing ID: 57934

Agency Information

1. Title catchline:	Agriculture and Food, Plant Industry	
Building:	TSOB South Bldg, Floor 2	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state, and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	Camillek@utah.gov
Rob Hougaard	801 791-2746	Rhougaard@utah.gov

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

General Information

2. Rule or section catchline:
R68-19. Compliance Procedures
4. Purpose of the new rule or reason for the change:
The Department of Agriculture and Food (department) is repealing this rule as part of a larger effort to simplify regulations. After reviewing the rules, the department determined that having a separate compliance rule for the Division of Plant Industry was redundant. The requirements for hold orders and administrative citations are now incorporated into the department-wide standards in Rule R51-2. These changes align with the Rulewriting Manual for Utah and provide a consistent legal framework for all producers. (EDITOR'S NOTES: The proposed repeals of Rule R58-19, ID 57933; Rule R70-201, ID 57935; and the proposed repeal and reenact of Rule R51-2, ID 57932, are in this issue May 15, 2026, of the Bulletin.)
5. Summary of the new rule or change:
This filing repeals this rule in its entirety.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The repeal of this rule is part of a departmental consolidation into Rule R51-2. By repealing the specific penalty escalation timelines in this rule, the state may see a negligible decrease in fine revenue. However, the department anticipates this will be offset by increased initial compliance and reduced administrative overhead required for debt collection and appeals.

Based on historical data, the volume of payments specifically occurring within the eliminated escalation windows is low, resulting in no significant impact on the state budget.

B. Local governments:

Local governments are not involved in the department’s internal administrative and compliance proceedings; therefore, the department does not expect a fiscal impact on local governments.

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

There is no fiscal impact on small businesses.

The substantive compliance requirements are being moved to Rule R51-2 without adding new fees or obligations.

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

No fiscal impact is expected as the requirements remain consistent with current practice and are being relocated to Rule R51-2.

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**):

Affected persons may experience a fiscal benefit as a result of this repeal in conjunction with the enactment of Rule R51-2.

Specifically, the repeal eliminates the 15-day deadline for doubling fines and the 30-day deadline for quadrupling fines found in this rule.

Under the new consolidated rule, respondents are granted a standardized 30-day window before any escalation occurs, and the maximum penalty is capped at double the original fine.

This results in an avoided cost for individuals or businesses who may be late in resolving a citation.

F. Compliance costs for affected persons:

None. The underlying regulatory requirements and standards for compliance remain in effect but are being moved to the new consolidated rule, R51-2.

There are no new costs associated with the repeal of this rule.

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

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

Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
H. Department head comments on fiscal impact and approval of regulatory impact analysis:					
The Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.					

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 4-2-103(1)(j)		

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:	06/16/2026
10. This rule change MAY become effective on:	06/23/2026
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:	05/01/2026
---	-----------------------------	--------------	------------

R68. Agriculture and Food, Plant Industry.

~~**R68-19. Compliance Procedures.**~~

~~**R68-19-1. Purpose and Authority.**~~

- ~~(1) This rule is promulgated under authority of Subsection 4-2-103(1)(j).~~
- ~~(2) This rule establishes the division's use of emergency orders, the issuing of citations, and requests for a hearing.~~

~~**R68-19-2. Definition of Terms.**~~

- ~~(1) "Citation" means a lawful notice, issued by the division, that is intended to immediately remedy a violation of agricultural statutes or rules by a person, business, or operator. Pursuant to Section 4-2-304, a citation may include a penalty assessment, or provide for a fine to take effect within a stated time period.~~
- ~~(2) "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food or the commissioner's designee.~~
- ~~(3) "Department" means the Utah Department of Agriculture and Food.~~
- ~~(4) "Division" means the Division of Plant Industry in the Utah Department of Agriculture and Food.~~
- ~~(5) "Emergency Order" means a written action by the division, that is issued to a person, as a result of information that is known by the division, that identifies an immediate and significant danger to the public's health, safety or welfare, and warrants prompt action pursuant to Section 63G-4-502.~~
 - ~~(a) Emergency orders include:~~
 - ~~(i) "stop sale;"~~
 - ~~(ii) "stop use;"~~
 - ~~(iii) "removal order;"~~
 - ~~(iv) "quarantine;" and~~
 - ~~(v) "regulate control order."~~
 - ~~(b) Emergency orders may be issued when division action is warranted to stop the sale of a product, or halt an immediate condition or service from occurring, pursuant to Sections 4-11-112, 4-12-107, 4-13-108, 4-14-108, 4-15-112, 4-16-301, and Subsection 4-17-103(8).~~

~~**R68-19-3. Emergency Order.**~~

- ~~(1) The division may issue an emergency order when it determines that there is an immediate and significant danger to public health, safety, or welfare, and may be issued to secure the well-being, safety, or removal of danger to state citizens.~~
- ~~(2) Emergency orders are intended to protect the public from unlawful agricultural and food products and services.~~
- ~~(3) When an emergency order is justified, and conditions warrant immediate action by the division, the division shall promptly issue a written order that includes: (a) the name, street address, city, state, zip code, phone number, and title or position of the person, business, organization, corporation, firm, or limited liability company being given the order;~~
 - ~~(b) a brief statement of findings of fact as determined by the division;~~
 - ~~(c) references to statutes or administrative rules violated;~~
 - ~~(d) the reasons for issuance of the emergency order;~~
 - ~~(e) the signature of the agency representative; and~~

- ~~_____ (f) a space or line for the signature of the person, although a signature is not needed if the person refuses.~~
- ~~_____ (4) No product, condition, or service subject to the order shall be released, except upon written release by the department.~~
- ~~_____ (5) Pursuant to Section 4-11-111, and Subsections 4-12-107(2), 4-13-108(2), 4-14-108(2), 4-15-8(2) and 4-17-8(2) the person subject to the written order may be required to pay the expense incurred by the department in connection with the withdrawal of the product, condition, or service from the market.~~

~~R68-19-4. Citation.~~

- ~~_____ (1) The commissioner may enforce this rule by the issuance of a citation for violation, to secure payments of fines or the imposition of penalties.~~
- ~~_____ (2) The citation shall include:~~
 - ~~_____ (a) the name, street address, city, state, zip code, phone number, and title or position of the person, business, organization, corporation, firm, or limited liability company being given the order;~~
 - ~~_____ (b) references to the statutes or rules violated;~~
 - ~~_____ (c) a brief statement of findings of fact as determined by the division;~~
 - ~~_____ (d) a penalty or fine amount;~~
 - ~~_____ (e) the signature of the division representative;~~
 - ~~_____ (f) a space or line for the signature of the person, although a signature is not needed if the person refuses; and~~
 - ~~_____ (g) a statement that a person is allowed to request an administrative hearing if the person feels that a citation was not warranted.~~
- ~~_____ (3) Fine or penalty amounts shall be set by the department or the division, under the direction of the commissioner, for amounts up to \$5,000 per violation, or if the citation involves a criminal proceeding, the person may be found guilty of a class B misdemeanor.~~
- ~~_____ (4) In accordance with Section 4-2-304, fine or penalty amounts per violation shall be: at most \$500.~~
- ~~_____ (5) If the citation is not paid within 15 days, it shall be two times the citation amount.~~
- ~~_____ (6) If the citation is not paid within 30 days, it shall be four times the citation amount.~~

~~R68-19-5. Request for Hearing.~~

~~_____ When any order or citation, as defined in Section R68-19-4, is issued, the person being charged with the violation may elect to file, within allowable time limits, a request for the department to schedule an informal administrative hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act.~~

KEY: agricultural law

Date of Last Change: June 8, 2022

Notice of Continuation: December 20, 2021

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(j)]

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal		
Rule or section number:	R70-201	Filing ID: 57935

Agency Information

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

General Information

2. Rule or section catchline:
R70-201. Compliance Procedures
4. Purpose of the new rule or reason for the change:
<p>The Department of Agriculture and Food (department) is repealing this rule as part of a larger effort to simplify Utah's Regulatory Services regulations.</p> <p>After reviewing the rules, the department determined that maintaining a separate rule for division-specific compliance procedures was redundant.</p> <p>The important requirements regarding emergency orders and citations are now incorporated into Rule R51-2 to ensure department-wide consistency.</p> <p>This action aligns with the Rulewriting Manual for Utah and streamlines the department's regulatory structure.</p> <p>(EDITOR'S NOTES: The proposed repeals of Rule R58-19, ID 57933; Rule R68-19, ID 57934; and the proposed repeal and reenact of Rule R51-2, ID 57932, are in this issue May 15, 2026, of the Bulletin.)</p>
5. Summary of the new rule or change:
This filing repeals this rule in its entirety.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
<p>The repeal of this rule is part of a departmental consolidation into Rule R51-2.</p> <p>By repealing the specific penalty escalation timelines in this rule, the state may see a negligible decrease in fine revenue.</p> <p>However, the department anticipates this will be offset by increased initial compliance and reduced administrative overhead required for debt collection and appeals.</p> <p>Based on historical data, the volume of payments specifically occurring within the eliminated escalation windows is low, resulting in no significant impact on the state budget.</p>
B. Local governments:
Local governments are not involved in the department's internal administrative and compliance proceedings; therefore, no fiscal impact is expected.
C. Small businesses ("small business" means a business employing 1-49 persons):
<p>There is no fiscal impact on small businesses.</p> <p>The substantive compliance requirements are moved to Rule R51-2 without adding new fees or obligations.</p>
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
No fiscal impact is expected as the requirements remain consistent with current practice and are moved to Rule R51-2.
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>):
Affected persons may experience a fiscal benefit as a result of this repeal in conjunction with the enactment of Rule R51-2.

Specifically, the repeal eliminates the 15-day deadline for doubling fines and the 30-day deadline for quadrupling fines found in this rule.

Under the new consolidated rule, respondents are granted a standardized 30-day window before any escalation occurs, and the maximum penalty is capped at double the original fine.

This results in an avoided cost for individuals or businesses who may be late in resolving a citation.

F. Compliance costs for affected persons:

None. The underlying regulatory requirements and standards for compliance remain in effect but are being moved to the new consolidated rule, R51-2.

There are no new costs associated with the repeal of this rule.

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

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

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

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

Citation Information

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

Subsection 4-2-103(1)(i)

Public Notice Information

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

A. Comments will be accepted until: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026

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:	05/01/2026
---	-----------------------------	--------------	------------

R70. Agriculture and Food, Regulatory Services.~~**R70-201. Compliance Procedures.**~~~~**R70-201.1. Purpose and Authority.**~~

- ~~(1) This rule is promulgated under the authority of Subsection 4-2-103(1)(i).~~
- ~~(2) This rule establishes the Regulatory Services Division's use of emergency orders, the issuing of citations, and requests for a hearing.~~

~~**R70-201.2. Definition of Terms.**~~

- ~~(1) "Citation" means a lawful notice, issued by the division, intended to immediately remedy a violation of agricultural statutes or rules by a person, business, or operator. Pursuant to Section 4-2-304, a citation may include a penalty assessment, or provide for a fine to take effect within a stated time period.~~
- ~~(2) "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food.~~
- ~~(3) "Department" means the Utah Department of Agriculture and Food.~~
- ~~(4) "Division" means the Division of Regulatory Services within the Utah Department of Agriculture and Food.~~
- ~~(5) "Emergency Order" means a written action by the division, issued to a person, as a result of information that is known by the division, identifying an immediate and significant danger to the public's health, animal health, safety or welfare, and warrants prompt action pursuant to Section 63G-4-502.~~
- ~~(a) Emergency orders include "quarantine," "seized," "Utah Inspection and Condemned," "sealed," "reject," "retain," "denatured," "detained," and "suspect."~~
- ~~(b) Emergency orders may be issued when division action is warranted to stop the sale of a product, or halt an immediate condition or service from occurring, pursuant to Sections 4-3-205, 4-3-403, 4-5-202, 4-9-110, 4-9-111, 4-10-112, 4-33-108, and Subsection 4-5-105(1)(a).~~

~~**R70-201.3. Emergency Order.**~~

- ~~(1) The division may issue an emergency order when it determines that there is an immediate and significant danger to public health, animal health, safety or welfare, to secure the well being, safety, or removal of danger to state citizens. Emergency orders are intended to protect the public from unlawful agricultural and food products and services.~~
- ~~(2) When an emergency order is justified, and conditions warrant immediate action by the division, the division shall promptly issue a written order that includes the following information:~~
- ~~(a) name, street address, city, state, zip code, phone number, and title or position of the person being given the order, or name, street address, city, state, zip code, phone number of the business, organization, corporation, firm, or limited liability company, and the name and title or position of the person in the business or organization to whom the order is given;~~
- ~~(b) a brief statement of findings of fact as determined by the division;~~
- ~~(c) references to statutes or administrative rules violated;~~
- ~~(d) the reasons for issuance of the emergency order;~~
- ~~(e) the signature of the agency representative; and~~
- ~~(f) a space or line for the signature of the person, although a signature is not required if the person refuses.~~
- ~~(3) This order shall be written and no product, condition, or service subject to the order shall be released, except upon written release by the department.~~

~~**R70-201.4. Citation.**~~

- ~~(1) The commissioner or commissioner's designee, may enforce this rule by issuing the person a citation for violation, in order to secure subsequent payment of fines or the imposition of penalties.~~
- ~~(2) The citation shall include:~~
- ~~(a) name, street address, city, state, zip code, phone number, and title or position of the individual being given the order, or name, street address, city, state, zip code, phone number of the entity, which includes business, organization, corporation, firm, or limited liability company, and the name and title or position of the individual in the entity to whom the order is given;~~
- ~~(b) references to the statutes or rules violated;~~
- ~~(c) a brief statement to the findings of fact as determined by the division;~~
- ~~(d) a penalty or fine amount;~~
- ~~(e) the signature of the division representative;~~
- ~~(f) a space or line for the signature of the individual, although a signature is not needed if the individual refuses to sign; and~~
- ~~(g) a statement explaining that a person is allowed to request an administrative hearing under Sections 4-1-104 and 63G-4-201 if the person believes that a citation was not warranted.~~
- ~~(3) The fine or penalty amount will be set by the department or the division, under the direction of the commissioner, for up to \$5,000 per violation.~~
- ~~(4) If the citation involves a criminal proceeding, the individual may be found guilty of a class B misdemeanor.~~
- ~~(5) In accordance with Section 4-2-304, fine or penalty amounts shall be \$500 to \$5,000 per violation depending on the level of the violation and any adverse effect or potential adverse effect at the time of the incidents giving rise to the violation.~~

- ~~_____ (a) If the citation is not paid within 15 days, the penalty or fine shall be two times the citation amount.~~
- ~~_____ (b) If the citation is not paid within 30 days, the penalty or fine shall be four times the citation amount.~~
- ~~_____ (c) The total penalty or fine per violation shall not exceed \$5,000.~~

~~R70-201-5. Request for Hearing.~~

~~_____ When any order or citation, as defined in Subsection R70-201-2(1), is issued, the person being charged with the violation may elect to file, within allowable time limits, a request for the department to schedule an informal administrative hearing in accordance with Section 4-1-104.~~

~~**KEY: agricultural law**~~

~~**Date of Last Change: August 1, 2022**~~

~~**Notice of Continuation: December 28, 2021**~~

~~**Authorizing, and Implemented or Interpreted Law: 4-2-103(i)(i)**~~

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R156-38a	Filing ID: 57902

Agency Information

1. Title catchline:	Commerce, Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Daniell Shirley	801-530-6628	daniellshirley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R156-38a. Residential Lien Restriction and Lien Recovery Fund Rule
4. Purpose of the new rule or reason for the change:
The proposed rule changes address procedures for filing new claims against the residential lien recovery fund when the fund is no longer sufficient to pay claims.
5. Summary of the new rule or change:
Section 38-11-201 created an expendable special revenue fund called the "Residence Lien Recovery Fund."
The purpose of the fund is to reimburse qualifying parties for certain liens on residential properties.
Subsections 38-11-203(1)(c) and (2)(b) state that the Division of Professional Licensing (Division) need not pay out claims against the fund if the fund lacks adequate money. The proposed changes provide procedures when the Director determines that the fund has reached this level.
Rather than devote unnecessary resources to processing claims that cannot be paid out, the proposed changes allow the Division to continue accepting Lein Recovery Fund (LRF) claims that meet basic criteria on a provisional basis.
Final processing of these provisional claims will only be initiated when sufficient money has been added to the fund to allow for new payments.

If the fund is able to disperse new payments, provisional claims will be processed in the order received.

Fiscal Information

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

A. State budget:

The proposed changes establish procedures when the residential lien recovery fund can no longer pay claims to qualified beneficiaries.

The proposed changes are not expected to have any fiscal impact on state government revenues or expenditures.

B. Local governments:

The proposed changes establish procedures when the residential lien recovery fund can no longer pay claims to qualified beneficiaries.

The proposed changes are not expected to have any fiscal impact on local governments' revenues or expenditures.

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

The proposed changes establish procedures when the residential lien recovery fund can no longer pay claims to qualified beneficiaries.

The proposed changes are not expected to have any fiscal impact on the revenues or expenditures of small businesses.

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

The proposed changes establish procedures when the residential lien recovery fund can no longer pay claims to qualified beneficiaries.

The proposed changes are not expected to have any fiscal impact on the revenues or expenditures of 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 establish procedures when the residential lien recovery fund can no longer pay claims to qualified beneficiaries.

The proposed changes are not expected to have any fiscal impact on the revenues or expenditures of persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

The proposed changes establish procedures when the residential lien recovery fund can no longer pay claims to qualified beneficiaries.

The proposed changes are not expected to have any fiscal impact on affected persons.

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

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

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner of the Department of Commerce, Margaret Busse, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 38-11-105	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
-------------------	---------------------------	---------------------------

Public Notice Information

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

A. Comments will be accepted until:		06/16/2026
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):
05/22/2026	10:00 AM	Heber M. Wells Building Room 475 160 E 300 S Salt Lake City, UT 84111 Google Meet joining info: Video call link: https://meet.google.com/wjh-vhcp-amh

10. This rule change MAY become effective on:	06/23/2026
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:	Adam Watson, Assistant Division Director	Date:	04/16/2026
---	--	--------------	------------

R156. Commerce, ~~Occupational and~~ Professional Licensing.
R156-38a. Residence Lien Restriction and Lien Recovery Fund Rule.
R156-38a-202. Application Fees.

- (1) Except as described in Subsection (2), application fees under Subsection 38-11-202(3)(a) for an application from a qualified beneficiary or laborer seeking to make a claim against the fund shall be paid concurrently with the submission of an application.
- (2) If the Director issues a notice that there is no longer adequate money in the fund to pay claimants under Subsection R156-38a-204d(1), the application fee due under Subsection 38-11-202(3)(a) shall be deferred until payment is requested by the Division.
- (3) After the Director issues a notice that adequate money to pay claimants has been allocated under Subsection R156-38a-204d(4), the Division shall request filing fees from applicants in the order described under Subsection R156-38a-204d(3).
- (a) The request for payment of application fees under Subsection R156-38a-202(3) shall be made by the Division to the email address listed on the application.

NOTICES OF PROPOSED RULES

(b) The applicant shall have 14 days to pay the application fee in full following a request by the Division with the first day being the day following the date of the email described in Subsection R156-38a-202(3)(a) and ending 14 days thereafter at 5 pm Utah local time.

(c) If the applicant does not pay the requested application fee within the period described in Subsection R156-38a-202(3)(b), the application shall be deemed incomplete and rejected.

(4) Payment of an application fee under Subsection R156-38a-202(1) or R156-38a-202(3) does not constitute a final determination of a claim on the merits by the Division.

R156-38a-204d. Depletion of Lien Recovery Funds - Potential Claims -- Provisional Acceptance of Applications.

This section establishes procedures to be adopted in the event the Director determines there is no longer adequate money in the fund to pay claimants under Subsection 38-11-203(1)(c) or (2)(b).

(1) The Director shall issue a notice that there is no longer adequate money in the fund to pay claimants. The notice shall remain in effect until the Director issues a notice under Subsection R156-38a-204d(3).

(2) Upon issuance of the notice described in Subsection R156-38a-204d(1), the Division shall:

(a) cease processing applications or making payments under Section 38-11-203;

(b) suspend the application processing procedures described under the following Sections:

(i) R156-38a-105b;

(ii) R156-38a-203;

(iii) R156-38a-204a through R156-38a-204c; and

(iv) Subsections R156-38a-105a(5) through (9).

(c) provisionally accept applications meeting the criteria listed under Subsections:

(i) 38-11-204(4)(d)(i);

(ii) 38-11-204(4)(d)(ii);

(iii) 38-11-204(2)(a);

(iv) 38-11-204(2)(b), (4)(d)(i), (4)(d)(iv), and (5); and

(v) Section 38-11-204.

(3) Upon issuance of a notice from the Director that adequate money to pay claimants has been allocated, the Division shall process applications in the order received under this section after payment of deferred filing fees by the applicant under Subsection R156-38a-202(3) are received.

(4) Provisional acceptance of an application under Subsection R156-38a-204d(2)(c) does not constitute a final determination of a claim on the merits by the Division.

KEY: licensing, contractors, liens

Date of Last Change: ~~August 21, 2018~~2026

Notice of Continuation: July 25, 2024

Authorizing, and Implemented or Interpreted Law: 38-11-~~101~~105; 58-1-106(1)(a); 58-1-202(1)(a)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R156-55a

Filing ID: 57949

Agency Information

1. Title catchline:	Commerce, Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Allyson Pettley	801-530-6628	apettley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R156-55a. Utah Construction Trades Licensing Act Rule

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

The proposed amendment adjusts the minimum insurance policy requirements for contractors to match more commercially available policy limits.

5. Summary of the new rule or change:

On 03/30/2026, the Division of Professional Licensing (Division) amended Section R156-55a-302d to increase the insurance policy requirements for contractors from \$300,000 in total liability coverage, to \$3,000,000 in total liability coverage.

During discussions with the Construction Services Commission (Commission) on 04/29/2026, representatives of the insurance industry in Utah stated that policies with \$2,000,000 in total liability were more common "off the shelf" insurance products than policies with \$3,000,000 in total liability.

To ensure accessibility to compliant insurance products, the Commission voted on a rule change to amend the current insurance requirements from \$3,000,000 of total liability coverage to the more commercially available \$2,000,000 of total liability coverage. The voting by the Commission was unanimous and the Division concurs with the Commission.

Additionally, the proposed rule corrects a minor referencing error in Section R156-55a-301ag.

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

The proposed changes relate solely to the private purchase of insurance policies between licensees and insurers by adjusting the insurance policy limits to products more commonly available and will not impact public funds including the state budget.

B. Local governments:

The proposed changes relate solely to the private purchase of insurance policies between licensees and insurers by adjusting the insurance policy limits to products more commonly available and will not impact public funds including the budget of any local government.

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

The proposed rule amends the insurance policy limits of licensed contractors.

The proposed change allows contractors to purchase more commonly available insurance policies with lower total liability amounts.

There are approximately 10,000 small business licensees.

It is expected that small businesses currently will save approximately \$50 per year by purchasing \$2,000,000 total liability policies over the \$3,000,000 total liability policies.

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

The proposed rule amends the insurance policy limits of general contractors.

The proposed change allows contractors to purchase more commonly available insurance policies. The proposed rule change lowers the total liability amount of an insurance policy from \$3,000,000 to \$2,000,000.

The Division is unaware of any non-small businesses that do not already maintain insurance coverage in excess of the current mandated levels and does not believe any non-small business will alter their coverage due to the proposed rule.

Consequently, the Division does not expect non-small businesses to see any change in insurance costs or savings.

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

The proposed rule change only impacts businesses engaged in licensed contractor work in the state of Utah.

The Division cannot estimate the extent the proposed rule may impact a business that is not categorized as a small or non-small business in boxes C and D and therefore, cannot determine the cost savings to "persons other than small businesses, non-small businesses, state, or local government entities."

F. Compliance costs for affected persons:

A business impacted by this proposed rule change may see a reduction in insurance premiums of approximately \$50 per year.

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	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
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	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000

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

The Commissioner of the Department of Commerce, Margaret Busse, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-55-101
Subsection 58-55-308(1)(a)	Subsection 58-55-102(39)(a)	

Public Notice Information

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

A. Comments will be accepted until: 06/16/2026

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):
06/01/2026	3:30 PM	Heber M. Wells Building Room 402 160 E 300 S Salt Lake City, UT

		Google Meet joining info: Video call link: https://meet.google.com/gfe-fcyo-ysx Or dial: (US) +1 669-232-3325 PIN: 436 367 229#
--	--	---

10. This rule change MAY become effective on:	06/23/2026
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:	Adam Watson, Assistant Director	Date:	04/30/2026
---	---------------------------------	--------------	------------

R156. Commerce, Professional Licensing.

R156-55a. Utah Construction Trades Licensing Act Rule.

R156-55a-301ag. Specialty Contractors -- B200 Modular Unit Installation Contractor.

The scope of practice for an B200 -- Modular Unit Installation Contractor as a specialty contractor license under Subsection 58-55-301(2)(x) is defined in this subsection.

(1) Scope. A licensee under this subsection may set up or install a modular unit as defined in Subsection 15A-1-302(12) and constructed in accordance with Section 15A-1-304.

(2) Inclusions and Exclusions. The scope described in Subsection R156-55a-301a[f]g(1):

(a) includes construction of the permanent or temporary foundations, placement of the modular unit on a permanent or temporary foundation, securing modular units together if required, and securing the modular unit to the foundation; and

(b) excludes installing factory built housing and connection of required utilities.

(3) Subcontracting and Hiring. A B200 licensee providing services under this Chapter may not subcontract or hire any person to perform work on a project outside the scope defined in Subsection R156-55a-301ag(1).

R156-55a-302d. Qualifications for Licensure - Proof of Insurance and Registrations.

(1) Under Subsection 58-55-302(2)(b), an applicant for licensure shall file with the Division proof of liability insurance and workers compensation insurance described in this section.

(i) liability insurance in force that includes:

(A) the policy number, the expiration date of the policy, the insurance company name and contact information, and coverage amounts of at least \$1,000,000 for each incident and \$[3]2,000,000 in total;

(B) the Division named as a certificate holder;

(C) that provides coverage for the scope of work performed;

(D) that is in force for the entire duration of licensure.

(ii) either:

(A) workers' compensation insurance in force that names the Division as a certificate holder, includes the policy number, the expiration date of the policy, the insurance company name and contact information; or

(B) an affidavit that the applicant does not hire employees and is therefore exempt from the requirement to have workers' compensation insurance as evidenced by a valid Workers' Compensation Coverage Waiver issued by the Utah Labor Commission.

(2) A Licensee shall update the Division immediately regarding any materials changes to the policies listed in Subsection R156-55a-302d(1) during the licensing period.

KEY: contractors, occupational licensing, licensing

Date of Last Change: [~~March 30, 2026~~]2026

Notice of Continuation: July 8, 2021

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101; 58-55-308(1)(a); 58-55-102(39)(a)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New		
Rule or section number:	R305-12	Filing ID: 57903

Agency Information

1. Title catchline:	Environmental Quality, Administration
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W, DEQ 4th floor

NOTICES OF PROPOSED RULES

City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144870	
City, state and zip:	Salt Lake City, UT 84114-4870	
Contact persons:		
Name:	Phone:	Email:
Ashley Sumner	801-856-5683	ssumner@utah.gov
Sarah Ward	385-332-9574	sarahward@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R305-12. Extraordinary Enforcement Expenses	
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 172 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
SB 172 (passed in the 2025 General Session), directed the Department of Environmental Quality (department) to make rules defining, "a qualifying environmental enforcement activity" and "a qualifying extraordinary expense."	
5. Summary of the new rule or change:	
This rule provides definitions and other requirements that govern the department's reimbursement of extraordinary enforcement expenses incurred by the department, local health departments, and other local governments from civil penalties collected under the authority of Title 19.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
<p>This rule will not generate new funds, rather it creates the conditions for the department to reimburse itself, a local government, or a local health department for the cost of enforcement under Title 19 that goes beyond the scope of ordinary enforcement expenses.</p> <p>The reimbursement and spending authority will come from funds deposited into the General Fund by the department as the result of qualifying civil penalties or criminal fines recovered by the department per Subsection 19-1-303(5).</p> <p>However, the fiscal impact is inestimable, as the information required to conduct a fiscal analysis does not yet exist.</p> <p>Qualifying extraordinary expenses were not defined prior to the drafting of this rule, and therefore, the department has not been tracking qualifying extraordinary expenditures.</p>
B. Local governments:
<p>This rule may have a beneficial fiscal impact if a local government seeks reimbursement of extraordinary expenditures through this rule.</p> <p>However, the exact fiscal impact is inestimable as the information required to conduct a fiscal analysis does not yet exist.</p> <p>Qualifying extraordinary expenses were not defined prior to the drafting of this rule, and therefore, the department has not been tracking qualifying extraordinary expenditures.</p> <p>In addition, this rule will not generate new funds, rather it creates the conditions for the department to reimburse itself, a local government, or a local health department for the cost of enforcement that goes beyond the scope of ordinary enforcement expenses.</p>

The reimbursement and spending authority will come from funds deposited into the General Fund by the department as the result of qualifying civil penalties or criminal fines recovered by the department per Subsection 19-1-303(5).

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

This rule is not expected to have any impact on small businesses' revenues or expenditures because businesses are not subject to this rule.

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

This rule is not expected to have any impact on non-small businesses' revenues or expenditures because businesses are not subject to this rule.

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

This rule is not expected to have any impact on revenues or expenditures on persons other than state and local government entities, as only state and local government entities are subject to this rule.

F. Compliance costs for affected persons:

There will not be a cost for an entity to adhere to this rule or changes.

Requesting reimbursement under this rule is voluntary for any entity, and both ordinary and extraordinary enforcement activities are already conducted by the department, local health departments, and other local governments.

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:

Subsection 19-1-303(5)(d)		
---------------------------	--	--

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:	06/16/2026

10. This rule change MAY become effective on:	06/23/2026
--	------------

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:	Ashley Sumner, Deputy Director	Date:	03/13/2026
---	--------------------------------	--------------	------------

R305. Environmental Quality, Administration.

R305-12. Extraordinary Enforcement Expenses.

R305-12-101. Purpose of Parts.

(1) This rule provides definitions and other requirements that govern the department's reimbursement of extraordinary enforcement expenses incurred by the department, local health departments, and other local governments from civil penalties collected under the authority of Title 19, Environmental Quality Code.

(2) The executive director or division directors, as the case may be, may delegate responsibilities under Title 19, Part 7, Administrative Procedures, to appropriate persons employed by the department.

R305-12-102. Definitions.

As used in this rule, the following terms shall have the following meanings:

(1) "Cost of enforcement" means the actual, reasonable cost of a qualifying enforcement activity, including costs of investigation, sampling, monitoring, and related enforcement activities incurred under the authority of Title 19, Environmental Quality Code.

(2) "Extraordinary enforcement expenses" means any cost of enforcement incurred by the department or a local government that goes beyond the scope of ordinary enforcement expenses.

(3) "Local government" means local health departments or other local governments authorized to engage in enforcement activities under the authority of Title 19, Environmental Quality Code.

(4) "Ordinary enforcement expenses" means costs of enforcement related to routine, planned compliance inspections and similar ordinary enforcement activities.

(5) "Qualifying enforcement action" means an enforcement activity that results in the incurrence of extraordinary enforcement expenses.

(6) "Qualifying penalty" means civil, administrative, and other penalties, including civil fines, collected under the authority of chapters in Title 19, Environmental Quality Code, requiring that such penalties be deposited into the General Fund.

R305-12-103. Initiation of Qualifying Enforcement Actions by the Department; Documentation.

(1) Division directors shall be responsible for determinations whether an enforcement activity meets the definition of or is reasonably expected to meet the definition of a qualifying enforcement action, subject to department oversight.

(2) For each qualifying enforcement action, division directors shall maintain records that are adequate to document and calculate costs of enforcement.

(3) Records documenting costs of enforcement for matters resulting in reimbursement of extraordinary enforcement expenses shall be maintained by division directors in accordance with approved retention schedules.

(4) For each enforcement action for which the department or division director has received notice from a local government in accordance with Subsection R305-12-104(2), the department or division director shall keep the local government apprised of the status of the enforcement matter, including whether the department intends to seek to impose or settle a qualifying penalty.

R305-12-104. Initiation of Qualifying Enforcement Actions by Local Governments; Documentation; State Fiscal Year Due Date.

(1) If a local government determines that an enforcement activity under the authority of Title 19, Environmental Quality Code, qualifies as or is reasonably expected to meet the definition of a qualifying enforcement action for which the local government intends to seek reimbursement from the department, the local government shall provide reasonable notice to the department of its determination and intent. Notice to a division director is considered to be notice to the department.

(2) For each qualifying enforcement action, the local government shall maintain records that are adequate to document and calculate the local government's cost of enforcement. Cost of enforcement shall be attributable to the specific qualifying enforcement action.

(3) Records documenting cost of enforcement for matters resulting in reimbursement of extraordinary enforcement expenses shall be maintained by the local government in accordance with approved retention schedules.

(4) Local governments shall submit claims for extraordinary enforcement expenses in a timely manner, as such expenses are incurred. All claims for reimbursement for extraordinary enforcement expenses incurred during a state fiscal year shall be submitted to the department on or before July 15th of the new fiscal year. A local government's failure to comply with this deadline shall operate as a waiver as to such claims.

R305-12-105. Reimbursement of Local Government Extraordinary Enforcement Expenses; Allocation.

(1) To obtain reimbursement of its extraordinary enforcement expenses from a qualifying penalty, the local government shall provide a reimbursement request to the department. The reimbursement request shall include the following:

(a) Documentation of the local government's notice to the department pursuant to Subsection R305-12-104(1);

(b) Documentation that the department requested the local government to engage in the qualifying enforcement action, which may include a standing request; and

(c) Documentation and supporting records that are adequate to calculate and justify the extraordinary enforcement expenses for which reimbursement is sought, including the basis for billing rates for staff time.

(2) A request for reimbursement under Subsection (1) shall be made within a reasonable time after the local government's incurrence of extraordinary enforcement expenses.

(3) In response to a request for reimbursement under Subsection (1), the department may request that the local government provide additional information, documentation, or other justification supporting its request.

(4) Not more than 60 days following receipt of a request for reimbursement under Subsection (1), the department shall reimburse extraordinary enforcement expenses claimed by the local government that the department finds, in the department's sole discretion, qualify for reimbursement.

(5) If the department determines that costs claimed by the local government do not qualify as extraordinary enforcement expenses, the department shall provide the local government with notice of the department's determination. The local government may dispute the department's determination in accordance with Section R305-12-106.

(6) The reimbursement of extraordinary enforcement expenses shall be limited by the availability of funding through qualifying penalties recovered by the department and the timeliness of requests for reimbursement.

R305-12-106. Dispute Resolution.

If a local government disagrees with a determination by the department respecting the reimbursement of the local government's extraordinary enforcement expenses, the local government may provide the executive director with written notice of the objections within 30 days of the date of the determination. The executive director may compromise and settle any objections made by a local government. The executive director's determination of any objection shall constitute a final and unappealable action involving the disposition of state funds under Subsection 63G-4-102(2)(g).

KEY: administrative law, enforcement expenses

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 19-1-303(5)(d)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R309-220

Filing ID: 57930

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi Agency State Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Brandi Smith	385-515-1650	brandismith@utah.gov
Helen Lau	801-247-7416	hlau@utah.gov
Jennifer Yee	385-515-1501	jyee@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R309-220. Monitoring and Water Quality: Public Notification Requirements

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

The Division of Drinking Water (Division) is proposing updates to Rule R309-220 through an amendment to reflect updates to the required health advisory language made by the Environmental Protection Agency. This will ensure consistency with federal requirements and allow primacy in administering the drinking water program.

Additional changes include replacing the existing rule with a modernized version that has been reorganized, restructured, and aligned with formatting requirements from the Utah Office of Administrative Rules (OAR).

5. Summary of the new rule or change:

The Division is proposing an amendment of Rule R309-220 to update public notification requirements to align with recent federal rule changes and improve clarity and consistency in risk communication.

Updates include incorporating new public notification requirements associated with the Lead and Copper Rule Revisions (LCRR) and Per- and Polyfluoroalkyl Substances (PFAS) National Primary Drinking Water Regulation (NPDWR) regulations, adding federally required health advisory language for contaminants such as lead, copper, PFAS, and other emerging contaminants, and clarifying notification requirements for formal enforcement actions.

Fiscal Information

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

A. State budget:

The Division anticipates no fiscal impact on the state budget as a result of the revised rule.

Updates to this rule, as well as maintaining, managing, and running its implementation will be handled by current staff.

B. Local governments:

Local governments that operate water systems are expected to experience a fiscal impact from this rule revision.

The proposed changes update public notification requirements to align with recent federal rule changes, including the LCRR and the PFAS NPDWR, incorporate federally required health advisory language, and clarify notification requirements for formal enforcement actions.

These updates may result in limited administrative costs associated with revising notification templates and internal processes. However, because the Division will provide the required health advisory language and guidance, associated costs are expected to be minimal.

The total fiscal impact is considered inestimable because the necessary data are unavailable, including the number of affected systems and the variability in how systems implement these requirements.

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

Small businesses that operate water systems are expected to experience a fiscal impact from this rule revision.

The proposed changes update public notification requirements to align with recent federal rule changes, including the LCRR and the PFAS NPDWR, incorporate federally required health advisory language, and clarify notification requirements for formal enforcement actions.

These updates may result in limited administrative costs associated with revising notification templates and internal processes. However, because the Division will provide the required health advisory language and guidance, associated costs are expected to be minimal.

The total fiscal impact is considered inestimable because the necessary data are unavailable, including the number of affected systems and the variability in how systems implement these requirements.

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

Non-small businesses that operate water systems are expected to experience a fiscal impact from this rule revision.

The proposed changes update public notification requirements to align with recent federal rule changes, including the LCRR and the PFAS NPDWR, incorporate federally required health advisory language, and clarify notification requirements for formal enforcement actions.

These updates may result in limited administrative costs associated with revising notification templates and internal processes. However, because the Division will provide the required health advisory language and guidance, associated costs are expected to be minimal.

The total fiscal impact is considered inestimable because the necessary data are unavailable, including the number of affected systems and the variability in how systems implement these requirements.

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

Persons other than small businesses, non-small businesses, state, or local government entities that operate water systems are expected to experience a fiscal impact from this rule revision.

The proposed changes update public notification requirements to align with recent federal rule changes, including the LCRR and the PFAS NPDWR, incorporate federally required health advisory language, and clarify notification requirements for formal enforcement actions.

These updates may result in limited administrative costs associated with revising notification templates and internal processes. However, because the Division will provide the required health advisory language and guidance, associated costs are expected to be minimal.

The total fiscal impact is considered inestimable because the necessary data are unavailable, including the number of affected systems and the variability in how systems implement these requirements.

F. Compliance costs for affected persons:

This rule is not expected to result in direct fiscal impacts to other persons, including individual consumers.

Non-fiscal benefits include improved access to clearer and more understandable drinking water information, which supports informed public health decisions.

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 19-4-104

Incorporation by Reference Information

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

Official Title of Materials Incorporated (from title page)	40 CFR 141, Subpart Q, Appendix A, B, and C
Publisher	Environmental Protection Agency
Issue Date	October 30, 2024

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: 06/16/2026

10. This rule change MAY become effective on: 07/01/2026
 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:	Nathan Lunstad, PhD, PE, Director	Date:	04/23/2026
---	-----------------------------------	--------------	------------

R309. Environmental Quality, Drinking Water.

R309-220. Monitoring and Water Quality: Public Notification Requirements.

R309-220-1. Purpose.

The purpose of this rule is to outline the public notification requirements for public water systems.

- ~~[R309-220-2 Authority.~~
- ~~R309-220-3 Definitions.~~
- ~~R309-220-4 General public notification requirements.~~
- ~~R309-220-5 Tier 1 Public Notice – Form, manner, and frequency of notice.~~
- ~~R309-220-6 Tier 2 Public Notice – Form, manner, and frequency of notice.~~
- ~~R309-220-7 Tier 3 Public Notice – Form, manner, and frequency of notice.~~
- ~~R309-220-8 Content of the public notice.~~
- ~~R309-220-9 Notice to new billing units or new customers.~~
- ~~R309-220-10 Special notice of the availability of unregulated contaminant monitoring results.~~
- ~~R309-220-11 Special notice for exceedance of the SMCL for fluoride.~~
- ~~R309-220-12 Special notice for nitrate exceedances above MCL by non-community water systems (NCWS), where granted permission by the Director.~~
- ~~R309-220-13 Special Notice for Repeated Failure to Conduct Monitoring of the Source Water for Cryptosporidium and for Failure to Determine Bin Classification or Mean Cryptosporidium Level.~~
- ~~R309-220-14 Notice by Director on behalf of the public water system.~~
- ~~R309-220-15 Standard Health Effects Language.]~~

R309-220-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by ~~[Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with 63G-3 of the same, known as the]~~ Section 19-4-104 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R309-220-3. Definitions.

Definitions for certain terms used in this rule are given in Rule R309-110 but may be further clarified ~~herein~~ in this rule.

R309-220-4. General Public Notification Requirements.

(1) Violation Categories and Other Situations Requiring a Public Notice:

Each owner or operator of a public water system, ~~[c]community water systems, non-transient non-community water systems, and transient non-community water systems, [d]~~ must give notice for all violations of ~~[these rules-]Title R309~~ and for other situations, as listed ~~[below]in this subsection~~. The term "UPDWR violations" is used in this subpart to include violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures contained in Rules R309-100 through R309-215.

(a) UPDWR Violations:

(i) Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL).

(ii) Failure to comply with a prescribed treatment technique (TT).

(iii) Failure to perform water quality monitoring, as required by the drinking water regulations.

(iv) Failure to comply with testing procedures as prescribed by a drinking water regulation.

(b) Variance and Exemptions ~~[Under R309-10 and R309-11]under Sections R309-100-10 and R309-105-5~~.

(i) Operation under a variance or an exemption.

(ii) Failure to comply with the requirements of any schedule that has been set under a variance or exemption.

(c) Special Public Notices

(i) Occurrence of a waterborne disease outbreak or other waterborne emergency.

(ii) Exceedance of the nitrate MCL by non-community water systems (NCWS), where granted permission by the ~~[Director-]director~~ under Subsection R309-200-5(1)(c), Table 200-1, note (4)(b).

(iii) Exceedance of the secondary maximum contaminant level (SMCL) for fluoride.

(iv) Availability of unregulated contaminant monitoring data.

(v) Other violations and situations determined by the ~~[Director-]director~~ to require a public notice under this subpart.

(vi) Exceedance of the lead action level per 40 CFR 141.80 (c) (October 30, 2024).

(2) Definition of Public Notice Tiers:

Public notice requirements are divided into three tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in ~~[paragraph]Subsection (1) [of this section-]~~ are determined by the tier to which it is assigned. Each tier is defined ~~[below]in this subsection~~:

(a) Tier 1 public notice -- required for UPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.

(b) Tier 2 public notice -- required for all other UPDWR violations and situations with potential to have serious adverse effects on human health.

(c) Tier 3 public notice -- required for all other UPDWR violations and situations not included in Tier 1 and Tier 2.

(3) Required Distribution of Notice

(a) Each public water system must provide public notice to persons served by the water system, in accordance with this rule. Public water systems that sell or otherwise provide drinking water to other public water systems such as a ~~[-(i.e., to) consecutive systems [d],]~~ are required to give public notice to the owner or operator of the consecutive system; the consecutive system is responsible for providing public notice to the persons it serves.

(b) If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the ~~[Director-]director~~ may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission by the ~~[Director-]director~~ for limiting distribution of the notice must be granted in writing.

(c) A copy of the notice must also be sent to the ~~[Director-]director~~, in accordance with the requirements under Section R309-105-16 and Subsection R309-220-5(2)(d).

(4) Utah Division of Drinking Water ~~[adopts]incorporates by reference~~ 40 CFR ~~[-Part]~~ 141, Subpart Q, Appendix A, ~~[and-]B, and C~~ as published on ~~[July 1, 2018]October 30, 2024~~.

R309-220-5. Tier 1 Public Notice -- Form, Manner, and Frequency of Notice.

(1) Violation Categories and Other Situations Requiring a Tier 1 Public Notice:

(a) Violation of the MCL for total coliforms when E. coli are present, as defined in Subsection R309-211-9(1);

(b) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in Subsection R309-200-5(1)(c), Table 200-1, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in Subsection R309-205-5(1)(e)(ii);

(c) Exceedance of the nitrate MCL by non-community water systems, where permitted to exceed the MCL by the ~~[Director-]director~~ under Subsection R309-200-5(1)(c), Table 200-1, note (4)(b), as required under Section R309-220-12;

(d) Violation of the MRDL for chlorine dioxide, as defined in 40 CFR ~~[section-]141.65(a)~~, when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in 40 CFR ~~[section-]141.133(c)(2)(i)~~;

(e) Violation of the turbidity MCL under Subsection R309-200-5(5)(a), where the ~~[Director-]director~~ determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;

NOTICES OF PROPOSED RULES

(f) Violation of the Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment rule (IESWTR), or the Long Term 1 Enhanced Surface Water Treatment rule (LT1ESWTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit, where the ~~Director~~ director determines after consultation that a Tier 1 notice is required or where consultation does not take place within 24 hours after the system learns of the violation;

(g) Occurrence of a waterborne disease outbreak, as defined in Rule R309-110, or other waterborne emergency, ~~[c]~~ such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination~~];~~];

(h) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the ~~Director~~ director either in its rules or on a case-by-case basis.

(i) Detection of E. coli, enterococci, or coliphage in source water samples as specified in Subsections R309-215-16(2)(a) and R309-215-16(2)(b).

(j) Exceedance of the Action Level for lead as specified in 40 CFR 141.80(c) (October 30, 2024).

(2) Frequency of the Tier 1 Public Notice and Additional Steps Required:

Public water systems must:

(a) Provide a public notice as soon as practical but no later than 24 hours after the system learns of the violation or situation requiring Tier 1 public notice;

(b) Initiate consultation with the ~~Director~~ director as soon as practical, but no later than 24 hours after the public water system learns of the violation or situation, to determine additional public notice requirements; and

(c) Comply with any additional public notification requirements, ~~[c]~~ including any repeat notices or direction on the duration of the posted notices~~]~~ that are established as a result of the consultation with the ~~Director~~ director. Such requirements may include the timing, form, manner, frequency, and content of repeat notices ~~[(if any)]~~ and other actions designed to reach all persons served.

(d) For Tier 1 notices for a lead action level exceedance, public water systems must provide a copy of the Tier 1 notice to the director of the Division as soon as practicable, but not later than 24 hours after the public water system learns of the exceedance.

(3) Form and Manner of the Public Notice:

Public water systems must provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. ~~[In order to]~~ To reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:

(a) Appropriate broadcast media, ~~[c]~~ such as radio and television~~];~~];

(b) Posting of the notice in conspicuous locations throughout the area served by the water system;

(c) Hand delivery of the notice to persons served by the water system; or

(d) Another delivery method approved in writing by the ~~Director~~ director.

R309-220-6. Tier 2 Public Notice -- Form, Manner, and Frequency of Notice.

(1) Violation Categories And Other Situations Requiring a Tier 2 Public Notice:

(a) All violations of the MCL, MRDL, seasonal system treatment technique requirements, and treatment technique requirements, except where a Tier 1 notice is required under Subsection R309-220-5(1) or where the ~~Director~~ director determines that a Tier 1 notice is required;

(b) Violations of the monitoring and testing procedure requirements, where the ~~Director~~ director determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and

(c) Failure to comply with the terms and conditions of any variance or exemption in place.

(d) Failure to take corrective action or failure to maintain at least 4-log treat~~[e]~~ment of viruses ~~[(using)]~~ through inactivation, removal, or an ~~Director~~ director-approved combination of 4-log virus inactiv~~[i]~~ation and removal~~]~~ before or at the first customer under Subsection R309-215-16(3)(a).

(e) A public water system that is subject to any formal enforcement action issued by the director, including a Compliance Agreement Enforcement Order (CAEO), Not Approved Order (NAO), Stipulated Order to Disinfect (SOTD), Groundwater Under the Direct Influence Determination and Order to Treat (OTT), or New System Order (NSO) shall provide public notice to all consumers served by the system in accordance with this section.

(2) Frequency of the Tier 2 Public Notice:

(a) Public water systems must provide the public notice as soon as practical, but no later than 30 days after the system learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven days, even if the violation or situation is resolved. The ~~Director~~ director may, in appropriate circumstances, allow additional time for the initial notice of up to three months from the date the system learns of the violation. It is not appropriate for the ~~Director~~ director to grant an extension to the 30-day deadline for any unresolved violation or to allow cross-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the ~~Director~~ director must be in writing.

(b) The public water system must repeat the notice every three months as long as the violation or situation persists, unless the ~~Director~~ director determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the ~~Director~~ director to allow less frequent repeat notice for an MCL or treatment technique violation under the Total Coliform Rule or Rule R309-211 or a treatment technique violation under the Surface Water Treatment Rule, Interim Enhanced Surface Water Treatment Rule or Filter Backwash Recycling Rule. It is also not appropriate for the ~~Director~~ director to allow through its rules or policies cross-the-board reductions in the repeat notice frequency for other ongoing violations

requiring a Tier 2 repeat notice. Director determinations allowing repeat notices to be given less frequently than once every three months must be in writing.

(c) For the turbidity violations specified in this ~~paragraph~~ subsection, public water systems must consult with the ~~Director~~ director as soon as practical but no later than 24 hours after the public water system learns of the violation, to determine whether a Tier 1 public notice under Subsection R309-220-5(1) is required to protect public health. When consultation does not take place within the 24-hour period, the water system must distribute a Tier 1 notice of the violation within the next 24 hours ~~[i.e., no later than 48 hours after the system learns of the violation]~~, following the requirements under Subsections R309-220-5(2) and (3). Consultation with the ~~Director~~ director is required for:

(i) Violation of the turbidity MCL under Subsection R309-200-5(5)(a); or

(ii) Violation of the SWTR, IESWTR, or LTIESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.

(3) Form and Manner of the Public Notice:

Public water systems must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

(a) Unless directed otherwise by the ~~Director~~ director in writing, community water systems must provide notice by:

(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

(ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in ~~paragraph~~ Subsection (3)(a)(i) ~~[of this section]~~. Such persons may include those who do not pay water bills or do not have service connection addresses ~~[e.g., such as house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.]~~. Other methods may include: publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others ~~[e.g., such as apartment building owners or large private employers]~~; posting in public places served by the system or on the ~~Internet~~ internet; or delivery to community organizations.

(b) Unless directed otherwise by the ~~Director~~ director in writing, non-community water systems must provide notice by:

(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection, ~~[if] where known~~; and

(ii) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in ~~paragraph~~ Subsection (3)(b)(i) ~~[of this section]~~. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include: publication in a local newspaper or newsletter distributed to customers; use of ~~E-mail~~ email to notify employees or students; or, delivery of multiple copies in central locations ~~[e.g., such as community centers]~~.

R309-220-7. Tier 3 Public Notice -- Form, Manner, and Frequency of Notice.

(1) Violation Categories And Other Situations Requiring a Tier 3 Public Notice:

(a) Monitoring violations under Rules R309-205, R309-210, and R309-215, except where a Tier 1 notice is required under Subsection R309-220-5(1) or where the ~~Director~~ director determines that a Tier 2 notice is required;

(b) Failure to comply with a testing procedure established in Rules R309-205, R309-210, and R309-215, except where a Tier 1 notice is required under Subsection R309-220-5(1) or where the ~~Director~~ director determines that a Tier 2 notice is required;

(c) Operation under a variance granted under Section R309-100-10;

(d) Availability of unregulated contaminant monitoring results, as required under Section R309-220-10; ~~and~~

(e) Exceedance of the fluoride secondary maximum contaminant level (SMCL), as required under Section R309-220-11; and

(f) Reporting and Recordkeeping violations under Rule R309-211.

(2) Frequency of the Tier 3 Public Notice:

(a) Public water systems must provide the public notice not later than one year after the public water system learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the public water system must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven days, ~~[if] even if the violation or situation is resolved~~.

(b) Instead of individual Tier 3 public notices, a public water system may use an annual report detailing all violations and situations that occurred during the previous ~~twelve~~ 12 months, as long as the timing requirements of ~~paragraph~~ Subsection (2)(a) ~~[of this section]~~ are met.

(3) Form and Manner of the Public Notice:

Public water systems must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

(a) Unless directed otherwise by the ~~Director~~ director in writing, community water systems must provide notice by:

(i) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

(ii) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in ~~paragraph~~ Subsection (3)(a)(i) ~~[of this section]~~. Such persons may include those who do not pay water bills or do not have service connection addresses ~~[e.g., such as house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.]~~. Other methods may include: publication in a local newspaper; delivery of multiple copies for distribution by customers that

NOTICES OF PROPOSED RULES

provide their drinking water to others [~~(e.g.,)~~such as apartment building owners or large private employers~~{}];~~ posting in public places or on the [~~Internet~~]internet; or delivery to community organizations.

(b) Unless directed otherwise by the [~~Director~~]director in writing, non-community water systems must provide notice by:

(i) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection, [~~{}~~]where known~~{}];~~ and

(ii) Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice required in [~~paragraph~~]Subsection (3)(b)(i)[~~-of this section~~]. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include: publication in a local newspaper or newsletter distributed to customers; use of [~~E-mail~~]email to notify employees or students; or, delivery of multiple copies in central locations [~~(e.g.,)~~such as community centers~~{}].~~

(4) Use of the Consumer Confidence Report to meet the Tier 3 public notice requirements:

For community water systems, the Consumer Confidence Report (CCR) required under Rule R309-225 may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, as long as:

(a) The CCR is provided to persons served no later than 12 months after the system learns of the violation or situation as required under Subsection R309-220-7(2);

(b) The Tier 3 notice contained in the CCR follows the content requirements under Section R309-220-8; and

(c) The CCR is distributed following the delivery requirements under Subsection R309-220-7(3).

R309-220-8. Content of the Public Notice.

(1) When a public water system violates a UPDWR or has a situation requiring public notification, each public notice must include the following elements:

(a) A description of the violation or situation, including the contaminant~~{s}~~ of concern, and, [~~{}~~]as applicable~~{}],~~ the contaminant level~~{s}~~;

(b) When the violation or situation occurred;

(c) Any potential adverse health effects from the violation or situation, including the standard language under [~~paragraph~~]Subsection (4)(a) or (4)(b)[~~-of this section~~], whichever [~~is applicable~~]applies;

(d) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;

(e) Whether alternative water supplies should be used;

(f) What actions consumers should take, including when they should seek medical help, if known;

(g) What the system is doing to correct the violation or situation;

(h) When the water system expects to return to compliance or resolve the situation;

(i) The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice; and

(j) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under [~~paragraph~~]Subsection (4)(c)[~~-of this section~~], where applicable.

(2) Required elements to be included in the public notice for public water systems operating under a variance or exemption:

(a) If a public water system has been granted a variance or an exemption, the public notice must contain:

(i) An explanation of the reasons for the variance or exemption;

(ii) The date on which the variance or exemption was issued;

(iii) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and

(iv) A notice of any opportunity for public input in the review of the variance or exemption.

(b) If a public water system violates the conditions of a variance or exemption, the public notice must contain the ten elements listed in [~~paragraph~~]Subsection (1)[~~-of this section~~].

(3) Presentation of the public notice.

(a) Each public notice required by this section:

(i) Must be displayed in a conspicuous way when printed or posted;

(ii) Must not contain overly technical language or very small print;

(iii) Must not be formatted in a way that defeats the purpose of the notice;

(iv) Must not contain language which nullifies the purpose of the notice.

(b) Each public notice required by this section must comply with multilingual requirements, as follows:

(i) For public water systems serving a large proportion of non-English speaking consumers, as determined by the [~~Director~~]director, the public notice must contain information in the appropriate language~~{s}~~ regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the notice or to request assistance in the appropriate language.

(ii) In cases where the [~~Director~~]director has not determined what constitutes a large proportion of non-English speaking consumers, the public water system must include in the public notice the same information as in [~~paragraph~~]Subsection (3)(b)(i)[~~-of this section~~], where appropriate to reach a large proportion of non-English speaking persons served by the water system.

(4) Public water systems are required to include the following standard language in their public notice:

(a) Standard health effects language for MCL or MRDL violations, treatment technique violations, and violations of the condition of a variance or exemption. Public water systems must include in each public notice the health effects language specified in Section R309-220-14 corresponding to each MCL, MRDL, and treatment technique violation and for each violation of a condition of a variance or exemption.

(b) Standard language for monitoring and testing procedure violations.

Public water systems must include the following language in their notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During (compliance period), we ('did not monitor or test' or 'did not complete all monitoring or testing') for (contaminant(s)), and therefore cannot be sure of the quality of your drinking water during that time."

(c) Standard language to encourage the distribution of the public notice to all persons served. Public water systems must include in their notice the following language, ~~{}~~[where applicable]: "Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail."

R309-220-9. Notice to New Billing Units or New Customers.

(1) Community water systems must give a copy of the most recent public notice for any continuing violation, the existence of a variance or exemption, or other ongoing situations requiring a public notice to all new billing units or new customers ~~[prior to]~~before or ~~[at the time]~~when service begins.

(2) Non-community water systems must continuously post the public notice in conspicuous locations ~~[in order]~~ to inform new consumers of any continuing violation, variance or exemption, or other situation requiring a public notice for as long as the violation, variance, exemption, or other situation persists.

R309-220-10. Special Notice of the Availability of Unregulated Contaminant Monitoring Results.

(1) Applicability of the special notice: The owner or operator of a community water system or non-transient, non-community water system required to monitor under 40 CFR section 141.40 must notify persons served by the system of the availability of the results of such sampling no later than 12 months after the monitoring results are known.

(2) Required form and manner of the special notice: The form and manner of the public notice must follow the requirements for a Tier 3 public notice prescribed in Subsections R309-220-7(3), (4)(a), and (4)(c). The notice must also identify a person and provide the telephone number to contact for information on the monitoring results.

R309-220-11. Special Notice for Exceedance of the Secondary MCL for Fluoride.

(1) Applicability of the special notice: Community water systems that exceed the fluoride secondary maximum contaminant level (SMCL) of 2 mg/l as specified in Section R309-200-6, ~~[determined by the last single sample taken in accordance with Section R309-205-5]~~, but do not exceed the maximum contaminant level (MCL) of 4 mg/l for fluoride, ~~[as specified in Section R309-200-5]~~, must provide the public notice in ~~[paragraph]~~Subsection (3) ~~[of this section]~~ to persons served. Public notice must be provided as soon as practical but no later than 12 months from the day the water system learns of the exceedance. A copy of the notice must also be sent to all new billing units and new customers ~~[at the time]~~when service begins and to the ~~[State]~~state public health officer. The public water system must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven days, ~~[even if the exceedance is eliminated]~~. On a case-by-case basis, the ~~[Director]~~director may require an initial notice sooner than 12 months and repeat notices more frequently than annually.

(2) Required form and manner of the special notice: The form and manner of the public notice, ~~[including repeat notices]~~, must follow the requirements for a Tier 3 public notice in Subsections R309-220-7(3), (4)(a), and (4)(c).

(3) Required mandatory language to be contained in the special notice: The notice must contain the following language, including the language necessary to fill in the blanks:

This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system (name) has a fluoride concentration of (insert value) mg/l.

Dental fluorosis, in its moderate or severe forms, may result in a brown staining, ~~[and/or]~~pitting, or both of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/l of fluoride (the U.S. Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/l because of this cosmetic dental problem.

For more information, please call (name of water system contact) of (name of community water system) at (phone number). Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP.

R309-220-12. Special Notice for Nitrate Exceedances above MCL by Non-Community Water ~~[W]~~Systems (NCWS), where Granted Permission by the Director.

(1) Applicability of the special notice: The owner or operator of a non-community water system granted permission by the ~~[Director]~~director under Subsection R309-200-5(1)(c), Table 200-1, note (4)(b) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under Subsections R309-220-5-(1) and (2).

(2) Required form and manner of the special notice: Non-community water systems granted permission by the ~~Director~~director to exceed the nitrate MCL under Subsection R309-200-5(1)(c), Table 200-1, note (4)(b) must provide continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under Subsection R309-220-5(3) and the content requirements under Section R309-220-8.

R309-220-13. Special Notice for Repeated Failure to Conduct Monitoring of the Source Water for Cryptosporidium and for Failure to Determine Bin Classification or Mean Cryptosporidium Level.

(1) Applicability of the special notice for repeated failure to monitor: The owner or operator of a community or non-community water system that is required to monitor source water under Subsection R309-215-15(2) must notify persons served by the water system that monitoring has not been completed as specified no later than 30 days after the system has failed to collect any 3 months of monitoring as specified in Subsection R309-215-15(2)(c). The notice must be repeated as specified in Subsection R309-220-6(2).

(2) Applicability of the special notice for failure to determine bin classification: The owner or operator of a community or non-community water system that is required to determine a bin classification under Subsection R309-215-15(11) must notify persons served by the water system that the determination has not been made as required no later than 30 days after the system has failed report the determination as specified in Subsection R309-215-15(11)(e). The notice must be repeated as specified in Subsection R309-220-6(2). The notice is not required if the system is complying with a ~~Director~~director-approved schedule to address the violation.

(3) Required form and manner of the special notice: The form and manner of the public notice must follow the requirements for a Tier 2 public notice prescribed in Subsection R309-220-6(3). The public notice must be presented as required in Subsection R309-220-8(3).

(4) Required mandatory language to be contained in the special notice: The notice must contain the following language, including the language necessary to fill in the blanks.

(a) The special notice for repeated failure to conduct monitoring must contain the following language: We are required to monitor the source of your drinking water for Cryptosporidium. Results of the monitoring are to be used to determine whether water treatment at the (treatment plant name) is sufficient to adequately remove Cryptosporidium from your drinking water. We are required to complete this monitoring and make this determination by (required bin determination date). We "did not monitor or test" or "did not complete all monitoring or testing on schedule" and, therefore, we may not be able to determine by the required date what treatment modifications, if any, must be made to ensure adequate Cryptosporidium removal. Missing this deadline may, in turn, jeopardize our ability to have the required treatment modifications, if any, completed by the deadline required, (date). For more information, please call (name of water system contact) of (name of water system) at (phone number).

(b) The special notice for failure to determine bin classification or mean Cryptosporidium level must contain the following language: We are required to monitor the source of your drinking water for Cryptosporidium ~~in order~~to determine by (date) whether water treatment at the (treatment plant name) is sufficient to adequately remove Cryptosporidium from your drinking water. We have not made this determination by the required date. Our failure to do this may jeopardize our ability to have the required treatment modifications, if any, completed by the required deadline of (date). For more information, please call (name of water system contact) of (name of water system) at (phone number).

(c) Each special notice must also include a description of what the system is doing to correct the violation and when the system expects to return to compliance or resolve the situation.

R309-220-14. Notice by Director on ~~behalf~~Behalf of the Public Water System.

(1) The ~~Director~~director may give the notice required by this rule on behalf of the owner and operator of the public water system if the ~~Director~~director complies with the requirements of this rule.

(2) The owner or operator of the public water system remains responsible for ensuring that the requirements of this rule are met.

R309-220-15. Standard Health Effects Language.

Microbiological Contaminants:

(1) Total Coliform. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment~~(s)~~ to identify problems and to correct any problems that were found during these assessments.

(2) Coliform Assessment and~~for~~ Corrective Action Violation. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessment(s) to identify problems and to correct any problems that are found. (THE SYSTEM MUST USE THE FOLLOWING APPLICABLE SENTENCES.) We failed to conduct the required assessment. We failed to correct all identified sanitary defects that were found during the assessment~~(s)~~.

(3) E.Coli Assessment and~~for~~ Corrective Action Violations. E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We violated the standard for E. coli, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct a detailed assessment to identify problems and to correct any problems that are found. (THE SYSTEM MUST USE THE FOLLOWING APPLICABLE SENTENCES.) We failed to conduct the required assessment. We failed to correct all identified sanitary defects that were found during the assessment that we conducted.

(4) *E. coli*. *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems

(5) Seasonal System TT Violations. When this violation includes the failure to monitor for total coliforms or *E. coli* [~~prior to~~]before serving water to the public, the mandatory language found at Subsection R309-220-8(4)(b) must be used. When this violation includes failure to complete other actions, the appropriate elements found in Subsection R309-220-8(1) to describe the violation must be used.

(6) Total organic carbon. Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acid[s] (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.

(7) Turbidity. Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may [~~indicate~~]show the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches. Surface Water Treatment Rule (SWTR), Interim Enhanced Surface Water Treatment Rule (IESWTR), Long Term 1 Enhanced Surface Water Treatment Rule (LT1) and Filter Backwash Recycling Rule (FBRR) violations.

(8) *Giardia lamblia*. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(9) Viruses. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(10) Heterotrophic plate count (HPC) bacteria. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(11) *Legionella*. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(12) *Cryptosporidium*. Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(13) Fecal Indicators. Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these [~~waste~~]wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.

Radioactive Contaminants:

(14) Alpha emitters. Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.

(15) Beta/photon emitters. Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

(16) Combined Radium 226/228. Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.

(17) Uranium. Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

Inorganic Contaminants:

(18) Antimony. Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.

(19) Arsenic. Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.

(20) Asbestos. Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.

(21) Barium. Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.

(22) Beryllium. Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.

(23) Cadmium. Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

(24) Chromium. Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

(25) Copper. Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.

(26) Cyanide. Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.

(27) Fluoride. Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually

NOTICES OF PROPOSED RULES

in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining, ~~and/or~~ pitting, or both of the teeth, and occurs only in developing teeth before they erupt from the gums.

(28) Lead. ~~Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.~~ There is no safe level of lead in drinking water. Exposure to lead in drinking water can cause serious health effects in all age groups, especially pregnant people, infants, both formula-fed and breastfed, and young children. Some of the health effects to infants and children include decreases in IQ and attention span. Lead exposure can also result in new or worsened learning and behavior problems. The children of persons who are exposed to lead before or during pregnancy may be at increased risk of these harmful health effects. Adults have increased risks of heart disease, high blood pressure, kidney or nervous system problems. Contact your health care provider for more information about your risks.

(29) Mercury (inorganic). Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.

(30) Nitrate. Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

(31) Nitrite. Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue-baby syndrome.

(32) Selenium. Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.

(33) Thallium. Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.

Synthetic organic contaminants including pesticides and herbicides:

(34) 2,4-D. Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.

(35) 2,4,5-TP (Silvex). Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.

(36) Acrylamide. Some people who drink water containing high levels of acrylamide over a long period ~~of time~~ could have problems with their nervous system or blood, and may have an increased risk of getting cancer.

(37) Alachlor. Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.

(38) Atrazine. Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.

(39) Benzo(a)pyrene (PAH). Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.

(40) Carbofuran. Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.

(41) Chlordane. Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

(42) Dalapon. Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.

(43) Di (2-ethylhexyl) adipate. Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.

(44) Di (2-ethylhexyl) phthalate. Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.

(45) Dibromochloropropane (DBCP). Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

(46) Dinoseb. Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.

(47) Dioxin (2,3,7,8-TCDD). Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.

(48) Diquat. Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.

(49) Endothall. Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.

(50) Endrin. Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.

(51) Epichlorohydrin. Some people who drink water containing high levels of epichlorohydrin over a long period ~~of time~~ could experience stomach problems, and may have an increased risk of getting cancer.

(52) Ethylene dibromide. Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.

(53) Glyphosate. Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

(54) Hazard Index PFAS (HFPO-DA, PFBS, PFHxS, and PFNA) (unitless). Per- and polyfluoroalkyl substances (PFAS) can persist in the human body and exposure may lead to increased risk of adverse health effects. Low levels of multiple PFAS that individually would not likely result in increased risk of adverse health effects may result in adverse health effects when combined in a mixture. Some people who

consume drinking water containing mixtures of PFAS in excess of the Hazard Index (HI) MCL may have increased health risks such as liver, immune, and thyroid effects following exposure over many years and developmental and thyroid effects following repeated exposure during pregnancy and childhood.

(~~54~~55) Heptachlor. Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.

(~~55~~56) Heptachlor epoxide. Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.

(~~56~~57) Hexachlorobenzene. Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.

(~~57~~58) Hexachlorocyclopentadiene. Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.

(59) HFPO-DA. Some people who drink water containing HFPO-DA in excess of the MCL over many years may have increased health risks such as immune, liver, and kidney effects. There is also a potential concern for cancer associated with HFPO-DA exposure. In addition, there may be increased risks of developmental effects for people who drink water containing HFPO-DA in excess of the MCL following repeated exposure during pregnancy and childhood.

(~~58~~60) Lindane. Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.

(~~59~~61) Methoxychlor. Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.

(~~60~~62) Oxamyl (Vydate). Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.

(~~61~~62) PCBs (Polychlorinated biphenyls). Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.

(~~62~~63) Pentachlorophenol. Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.

(64) PFHxS. Some people who drink water containing PFHxS in excess of the MCL over many years may have increased health risks such as immune, thyroid, and liver effects. In addition, there may be increased risks of developmental effects for people who drink water containing PFHxS in excess of the MCL following repeated exposure during pregnancy and childhood.

(65) PFNA. Some people who drink water containing PFNA in excess of the MCL over many years may have increased health risks such as elevated cholesterol levels, immune effects, and liver effects. In addition, there may be increased risks of developmental effects for people who drink water containing PFNA in excess of the MCL following repeated exposure during pregnancy and childhood.

(66) PFOA. Some people who drink water containing PFOA in excess of the MCL over many years may have increased health risks such as cardiovascular, immune, and liver effects, as well as increased incidence of certain types of cancers including kidney and testicular cancer. In addition, there may be increased risks of developmental and immune effects for people who drink water containing PFOA in excess of the MCL following repeated exposure during pregnancy and childhood.

(67) PFOS. Some people who drink water containing PFOS in excess of the MCL over many years may have increased health risks such as cardiovascular, immune, and liver effects, as well as increased incidence of certain types of cancers including liver cancer. In addition, there may be increased risks of developmental and immune effects for people who drink water containing PFOS in excess of the MCL following repeated exposure during pregnancy and childhood.

(~~63~~68) Picloram. Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.

(~~64~~69) Simazine. Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

(~~65~~70) Toxaphene. Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.

Volatile Organic Contaminants:

(~~66~~71) Benzene. Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.

(~~67~~72) Bromate. Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.

(~~68~~73) Carbon Tetrachloride. Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

(~~69~~74) Chloramines. Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.

(~~70~~75) Chlorine. Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.

(~~71~~76) Chlorite. Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.

NOTICES OF PROPOSED RULES

(~~72~~77) Chlorine dioxide. Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.

(~~73~~78) Chlorobenzene. Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

(~~74~~79) o-Dichlorobenzene. Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.

(~~75~~80) p-Dichlorobenzene. Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.

(~~76~~81) 1,2-Dichloroethane. Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.

(~~77~~82) 1,1-Dichloroethylene. Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

(~~78~~83) cis-1,2-Dichloroethylene. Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.

(~~79~~84) trans-1,2-Dichloroethylene. Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.

(~~80~~85) Dichloromethane. Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.

(~~81~~86) 1,2-Dichloropropane. Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.

(~~82~~87) Ethylbenzene. Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.

(~~83~~88) Haloacetic Acids (HAA). Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.

(~~84~~89) Styrene. Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.

(~~85~~90) Tetrachloroethylene. Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

(~~86~~91) 1,2,4-Trichlorobenzene. Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.

(~~87~~92) 1,1,1-Trichloroethane. Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.

(~~88~~93) 1,1,2-Trichloroethane. Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.

(~~89~~94) Trichloroethylene. Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.

(~~90~~95) TTHMs (Total Trihalomethanes). Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.

(~~91~~96) Toluene. Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.

(~~92~~97) Vinyl Chloride. Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.

(~~93~~98) Xylenes. Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

KEY: drinking water, public notification, health effects

Date of Last Change: ~~2026~~~~January 15, 2019~~

Notice of Continuation: February 10, 2025

Authorizing, and Implemented or Interpreted Law: 19-4-104

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R309-225	Filing ID: 57929

Agency Information	
1. Title catchline:	Environmental Quality, Drinking Water
Building:	Multi Agency State Building
Street address:	195 N 1950 W

City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Brandi Smith	385-515-1650	brandismith@utah.gov
Helen Lau	801-247-7416	hlau@utah.gov
Jennifer Yee	385-515-1501	jyee@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R309-225. Monitoring and Water Quality: Consumer Confidence Reports
4. Purpose of the new rule or reason for the change:
The Division of Drinking Water (Division) is proposing updates to Rule R309-225 through an amendment to reflect updates made by the Environmental Protection Agency's (EPA) revisions to the Consumer Confidence Rule (CCR). This will ensure consistency with federal requirements and allow primacy in administering the drinking water program. Additional changes include replacing the existing rule with a modernized version that has been reorganized, restructured, and aligned with formatting requirements from the Utah Office of Administrative Rules (OAR).
5. Summary of the new rule or change:
The Division is proposing an amendment of Rule R309-225 to incorporate EPA's revisions to make annual drinking water quality reports more understandable and accessible to the public while updating and modernizing this rule to align with formatting standards from the OAR. The new EPA requirements include water systems serving a population of 10,000 or more to provide a Consumer Confidence Report twice a year, systems serving a population of 100,000 or more will need to provide a language access plan and provide updated information on lead in drinking water and other updates to the health advisory language.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Division anticipates no fiscal impact on the state budget as a result of the revised rule. Updates to this rule, as well as maintaining, managing, and running its implementation will be handled by current staff.
B. Local governments:
The total fiscal impact to local governments that operate a community water system is considered inestimable because, while the Division maintains records of public water systems, it does not have precise data identifying how many community systems fall into each impact category associated with the rule amendments. Local governments are expected to experience a fiscal cost associated with updating Consumer Confidence Reports, producing additional reports, and, where applicable, developing language access plans. Utah currently has 511 community water systems statewide. Of these, approximately 80 serve populations greater than 10,000, and 8 systems serve populations greater than 100,000. The Division conducted a voluntary survey of community water systems to estimate potential impacts; however, responses were limited and provided as cost ranges rather than exact values allowing respondents to account for uncertainty and provide more realistic estimates where precise figures were not available.

Survey responses indicate that systems required to produce a second CCR reported one-time redesign costs of approximately \$2,500 to \$5,000 and recurring annual costs of \$500 to \$1,500, while systems required to develop a language access plan reported annual costs of approximately \$2,000 to \$3,000.

The full fiscal impact cannot be estimated because the necessary data are unavailable, including the number of affected systems within each category and the reliance on limited survey responses with variable cost ranges.

The extent of these costs will vary depending on system size, existing resources, and whether work is completed in-house or through contracted services.

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

The total fiscal impact to small businesses that operate a community water system is considered inestimable because, while the Division maintains records of public water systems, it does not have precise data identifying how many community systems fall into each impact category associated with the rule amendments.

Local governments are expected to experience a fiscal cost associated with updating Consumer Confidence Reports, producing additional reports, and, where applicable, developing language access plans.

Utah currently has 511 community water systems statewide. Of these, approximately 80 serve populations greater than 10,000, and 8 systems serve populations greater than 100,000.

The Division conducted a voluntary survey of community water systems to estimate potential impacts; however, responses were limited and provided as cost ranges rather than exact values allowing respondents to account for uncertainty and provide more realistic estimates where precise figures were not available.

Survey responses indicate that systems required to produce a second CCR reported one-time redesign costs of approximately \$2,500 to \$5,000 and recurring annual costs of \$500 to \$1,500, while systems required to develop a language access plan reported annual costs of approximately \$2,000 to \$3,000.

The full fiscal impact cannot be estimated because the necessary data are unavailable, including the number of affected systems within each category and the reliance on limited survey responses with variable cost ranges.

The extent of these costs will vary depending on system size, existing resources, and whether work is completed in-house or through contracted services.

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

The total fiscal impact to non-small businesses that operate a community water system is considered inestimable because, while the Division maintains records of public water systems, it does not have precise data identifying how many community systems fall into each impact category associated with the rule amendments.

Local governments are expected to experience a fiscal cost associated with updating Consumer Confidence Reports, producing additional reports, and, where applicable, developing language access plans.

Utah currently has 511 community water systems statewide. Of these, approximately 80 serve populations greater than 10,000, and 8 systems serve populations greater than 100,000.

The Division conducted a voluntary survey of community water systems to estimate potential impacts; however, responses were limited and provided as cost ranges rather than exact values allowing respondents to account for uncertainty and provide more realistic estimates where precise figures were not available.

Survey responses indicate that systems required to produce a second CCR reported one-time redesign costs of approximately \$2,500 to \$5,000 and recurring annual costs of \$500 to \$1,500, while systems required to develop a language access plan reported annual costs of approximately \$2,000 to \$3,000.

The full fiscal impact cannot be estimated because the necessary data are unavailable, including the number of affected systems within each category and the reliance on limited survey responses with variable cost ranges.

The extent of these costs will vary depending on system size, existing resources, and whether work is completed in-house or through contracted services.

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 total fiscal impact to persons other than small businesses, non-small businesses, state, or local government entities that operate a community water system is considered inestimable because, while the Division maintains records of public water systems, it does not have precise data identifying how many community systems fall into each impact category associated with the rule amendments.

Local governments are expected to experience a fiscal cost associated with updating Consumer Confidence Reports, producing additional reports, and, where applicable, developing language access plans.

Utah currently has 511 community water systems statewide. Of these, approximately 80 serve populations greater than 10,000, and 8 systems serve populations greater than 100,000.

The Division conducted a voluntary survey of community water systems to estimate potential impacts; however, responses were limited and provided as cost ranges rather than exact values allowing respondents to account for uncertainty and provide more realistic estimates where precise figures were not available.

Survey responses indicate that systems required to produce a second CCR reported one-time redesign costs of approximately \$2,500 to \$5,000 and recurring annual costs of \$500 to 1,500, while systems required to develop a language access plan reported annual costs of approximately \$2,000 to \$3,000.

The full fiscal impact cannot be estimated because the necessary data are unavailable, including the number of affected systems within each category and the reliance on limited survey responses with variable cost ranges.

The extent of these costs will vary depending on system size, existing resources, and whether work is completed in-house or through contracted services.

F. Compliance costs for affected persons:

This rule is not expected to result in direct fiscal impacts to other persons, including individual consumers.

Non-fiscal benefits include improved access to clearer and more understandable drinking water information, which supports informed public health decisions.

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 19-4-104

Incorporation by Reference Information

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

Official Title of Materials Incorporated (from title page)	40 CFR 141, Subpart O, Appendix A
Publisher	Environmental Protection Agency
Issue Date	October 30, 2024

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: 06/16/2026

10. This rule change MAY become effective on: 07/01/2026
 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:	Nathan Lunstad, PhD, PE, Director	Date:	04/23/2026
---	-----------------------------------	--------------	------------

R309. Environmental Quality, Drinking Water.

R309-225. Monitoring and Water Quality: Consumer Confidence Reports.

R309-225-1. Purpose.

This rule establishes the minimum requirements for the content of ~~[annual]~~ reports that community water systems must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks, ~~[c]~~ if any~~[y]~~, from exposure to contaminants detected in the drinking water in an accurate and understandable manner.

- ~~[_____ R309-225-2 Authority.~~
- ~~[_____ R309-225-3 Definitions.~~
- ~~[_____ R309-225-4 General Requirements.~~
- ~~[_____ R309-225-5 Content of the reports.~~
- ~~[_____ R309-225-6 Required additional health information.~~
- ~~[_____ R309-225-7 Report delivery and recordkeeping.~~
- ~~[_____ R309-225-8 Major Sources of Contaminants in Drinking Water]~~ This rule also includes requirements for systems serving more than 100,000 persons to develop and annually update a plan for providing assistance to consumers with limited English proficiency.

R309-225-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by ~~[Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104 of the Utah Code and in accordance with 63G-3 of the same, known as the]~~ Section 19-4-104 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R309-225-3. Definitions.

- ~~[_____ Definitions for certain terms used in this rule are given in R309-110 but may be further clarified herein.~~
- ~~[_____ (1) For the purpose of R309-225, customers are defined as billing units or service connections to which water is delivered by a community water system.~~
- ~~[_____ (2) For the purpose of R309-225, detected means: at or above the levels prescribed by R444-14-4(2).]~~

(1) The terms used in this rule are defined in Rule R309-110, and additional terms for Rule R309-225 are defined in this section:

(a) consumers means people served by the water system, including customers, and people that do not receive a bill.

(b) customers means billing units or service connections to which water is delivered by a community water system.

(c) detected means:

(i) at or above the levels prescribed by Subsection R444-14-4(2) for all inorganic contaminants except regulated per- and polyfluoroalkyl substances (PFAS); or

(ii) at or above the levels prescribed in 40 CFR 141.902(a)(5) and 40 CFR 141.61(c) (June 11, 2024) for regulated PFAS.

R309-225-4. General Requirements for Community Water Systems.

~~(1) This rule applies only to community water systems.~~

~~(2) Effective dates.]~~

~~(a)1] Each existing community water system must deliver [its first report by October 19, 1999, its second report by July 1, 2000, and subsequent reports by July 1 annually thereafter. The first report] reports according to Section R309-225-7 by July 1 each year. Each report delivered by July 1 must contain data collected during [or prior to, calendar year 1998 as prescribed in R309-225-5(4)(c). Each report thereafter must contain data collected during, or prior to, the] the previous calendar year, or the most recent calendar year before the previous calendar year.~~

~~(b)2] A new community water system must deliver its first report by July 1 of the year after its first full calendar year in operation [and annually thereafter].~~

~~(e)3] A community water system that sells water to another community water system must deliver the applicable information required in Section R309-225-5 to the buyer system:~~

~~(i) a] [no later than April 19, 1999, by April] by April 1, [2000]2027, and [by April 1] annually thereafter; or~~

~~(ii) b] on a date mutually agreed upon by the seller and the purchaser, and specifically included in a written contract between the parties[-]; and~~

~~(c) a community water system that sells water to another community water system that is required to provide reports biannually according to Section R309-225-7 must provide the applicable information required in Section R309-225-5 by October 1, 2027 to the buyer system and annually thereafter, or on a date mutually agreed upon by the seller and the purchaser, included in a written contract between the parties.~~

~~(3)4] Utah Division of Drinking Water [adopts]incorporates by reference 40 CFR[-Part] 141, Subpart O, Appendix A as published on [July 1, 2018]October 30, 2024.~~

R309-225-5. Content of the Reports.

(1) Each community water system must provide to its customers ~~[an annual]a report or reports~~ that contain[s] the information specified in this section, ~~[and]Section R309-225-6, and include a summary as specified in this section.~~

(2) Information on the source of the water delivered.

(a) Each report must identify the ~~[source(s)]sources~~ of the water delivered by the community water system by providing information on:

(i) The ~~[type of the water: e.g.,] water source type~~ surface water[;] or ground water; and

(ii) The commonly used name, ~~[if any]and location of the [body (or) bodies] of water.~~

(b) If a source water assessment has been completed, the report must notify consumers of the availability of this information, the year it was completed or most recently updated, and the means to obtain it. In addition, systems are encouraged to highlight in the report significant sources of contamination in the source water area if they have readily available information. Where a system has received a source water assessment from the ~~[Director]director~~, the report must include a brief summary of the system's susceptibility to potential sources of contamination, using language provided by the ~~[Director]director~~ or written by the operator.

(3) Definitions.

(a) Each report must include the following definitions:

(i) Maximum Contaminant Level Goal or MCLG: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

(ii) Maximum Contaminant Level or MCL: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

(iii) Contaminant: Any physical, chemical, biological, or radiological substance or matter in water.

(b) A report for a community water system operating under a variance or an exemption issued under Section R309-100-10 or R309-100-11 must include the following definition: Variances and Exemptions: ~~[Director]director~~ or EPA permission not to meet an MCL or a treatment technique under certain conditions.

(c) A report ~~[which]that~~ contains data on a contaminant that EPA regulates using any of the following terms must include the applicable definitions:

(i) Treatment Technique: A required process intended to reduce the level of a contaminant in drinking water.

(ii) Action Level: The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

(iii) Maximum residual disinfectant level goal or MRDLG: The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.

(iv) Maximum residual disinfectant level or MRDL: The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

(v) Hazard Index or HI. The Hazard Index is an approach that determines the health concerns associated with mixtures of certain PFAS in finished drinking water. Low levels of multiple PFAS that individually would not likely result in adverse health effects may pose health concerns when combined in a mixture. The Hazard Index MCL represents the maximum level for mixtures of PFHxS, PFNA, HFPO-DA, or PFBS allowed in water delivered by a public water system. A Hazard Index greater than one requires a system to take action.

(d) [After April 1, 2016, a] A report that contains information regarding a Level 1 or Level 2 Assessment required under Rule R309-211 must include the applicable definitions:

(i) Level 1 Assessment: A Level 1 assessment is a study of the water system to identify potential problems and determine, [if possible], why total coliform bacteria have been found in our water system.

(ii) Level 2 Assessment: A Level 2 assessment is a very detailed study of the water system to identify potential problems and determine, [if possible], why an E. coli MCL violation has occurred [and] or why total coliform bacteria have been found in our water system on multiple occasions.

(e) Systems must use the following definitions for the terms listed in Subsections R309-225-5(3)(e)(i) and (ii) if the terms are used in the report unless the system obtains written approval from the state to use an alternate definition:

(i) Pesticide: Generally, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.

(ii) Herbicide: Any chemicals used to control undesirable vegetation.

(4) Information on Detected Contaminants.

(a) This [sub-section] subsection specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring, [except Cryptosporidium]. It applies to:

(i) Contaminants subject to an MCL, action level, maximum residual disinfectant level, or treatment technique are [regulated contaminants]; and

(ii) Contaminants for which monitoring is required by 40 CFR [section-]141.40 January 25, 2022, are [unregulated contaminants]; and

(iii) Disinfection by products or microbial contaminants for which monitoring is required by R309-210, R309-215 and R309-211, except as provided under paragraph (e)(1) of this section, and which are detected in the finished water].

(b) The data relating to these contaminants must be presented in the reports in a manner that is clear and understandable for consumers. For example, the data may be displayed in one table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in its report must be displayed separately.

(c) The data must be derived from data collected to comply with EPA and [State-]state monitoring and analytical requirements during the previous calendar year [1998 for the first report and subsequent calendar years thereafter], or the most recent calendar year before the previous calendar year except that:

(i) Where a system is allowed to monitor for regulated contaminants less often than once a year, the [table(s)]contaminant data section must include the date and results of the most recent sampling and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. No data older than 5 years need be included.

[---(ii) Results of monitoring in compliance with federal Information Collection Rule, (40 CFR sections 141.142 and 141.143) need only be included for 5 years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.]

(d) For each detected regulated [contaminants]contaminant, the [table(s)]contaminant data sections must contain:

(i) The MCL for that contaminant expressed as a number equal to or greater than 1.0;

(ii) The MCLG for that contaminant expressed in the same units as the MCL;

(iii) If there is no MCL for a detected contaminant, the [table]contaminant data sections must [indicate-]state that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique [and] or action level, as appropriate, specified in [paragraph]Subsection (3)(c) [of this section];

(iv) For contaminants subject to an MCL, except turbidity, [total coliform, fecal coliform-]and E. coli, the contaminant data sections must contain the highest contaminant level used to determine compliance with the quality standards listed in Rule R309-200 and the range of detected levels, as follows:

(A) When compliance with the MCL is determined annually or less frequently: the highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

(B) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of individual sample results for all sampling points expressed in the same units as the MCL. For the MCLs for TTHM and HAA5 in Subsection R309-200-5(3)(c)[(iv)](iii), systems must include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations expressed in the same units as the MCL. If more than one location exceeds the TTHM and HAA5 MCL, the system must include the locational running annual averages for all locations that exceed the MCL.

[---(C) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all monitoring locations: the average and range of detection expressed in the same units as the MCL. The system is required to include individual sample results for the IDSE conducted under R309-210-9 when determining the range of TTHM and HAA5 results to be reported in the annual consumer confidence report for the calendar year that the IDSE samples were taken.]

[(D)](C) When rounding of results to determine compliance with the MCL is allowed by Rules R309-200, R309-205, R309-210, and R309-215[the rules], rounding should be done [prior to]before converting the number [in order-]to express it as a number equal to or greater than 1.0.

(v) For turbidity.

(A) When it is reported pursuant to Sections R309-205-8 and R309-215-9: the highest average monthly value.

(B) When it is reported pursuant to Section R309-215-9: the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in Subsections R309-200-5(5)(a) and (b) for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity.

(vi) ~~For lead and copper: the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level.~~ For lead and copper: the 90th percentile concentration of the most recent rounds of sampling, the number of sampling sites exceeding the action level in Section R209-210-6, and the range of tap sampling results:

~~(vii) Before March 31, 2016, For total coliform:~~

~~(A) The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or~~

~~(B) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month.~~

~~(viii) Before March 31, 2016, For fecal coliform: the total number of positive samples.~~

~~(vii) After April 1, 2016, for E. coli analytical results under R309-211: The total number of positive samples.]~~

~~(vii) Reserved~~

(viii) The likely ~~source(s)~~ sources of detected contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator. If the operator lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in Section R309-225-8 that is most applicable to the system~~[-]; and~~

~~(ix) For E. coli analytical results under Rule R309-211: The total number of E. coli positive samples.~~

(e) If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the ~~table should contain a separate column~~ contaminant data sections should differentiate contaminant data for each service area and the report should identify each separate distribution system. For example, if displayed in a table, it should contain a separate column for each service area. Alternatively, systems could produce separate reports tailored to include data for each service area.

(f) The ~~table(s)~~ detected contaminant data sections must clearly identify any data indicating violations of MCLs, MRDLs or treatment techniques and the report must contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system must use the relevant language in Section R309-220-15.

(g) For detected unregulated contaminants for which monitoring is required~~[-(except Cryptosporidium)]~~, the ~~table(s) must contain~~ reports must present the average and range at which the contaminant was detected. The report ~~may~~ must include a brief explanation of the reasons for monitoring for unregulated contaminants~~[-] such as:~~

~~(i) Unregulated contaminant monitoring helps EPA to determine where certain contaminants occur and whether the Agency should consider regulating those contaminants in the future.~~

~~(ii) May use an alternative educational statement in the CCR if approved by the Primacy Agency.~~

~~(h) For systems that exceeded the lead action level in Section R309-210-6, the detected contaminant data section must clearly identify the exceedance if any corrective action has been required by the director during the monitoring period covered by the report. The report must include a clear and readily understandable explanation of the exceedance, the steps consumers can take to reduce their exposure to lead in drinking water, and a description of any corrective actions the system has or will take to address the exceedance.~~

(5) Information on Cryptosporidium, radon, and other contaminants.

(a) If the system has performed any monitoring for Cryptosporidium, ~~including monitoring performed to satisfy the requirements of the federal Information Collection Rule (40 CFR section 141.143),~~ ~~which indicates~~ shows that Cryptosporidium may be present in the source water or the finished water, the report must include:

(i) A summary of the results of the monitoring; and

(ii) An explanation of the significance of the results.

(b) If the system has performed any monitoring for radon which ~~indicates~~ shows that radon may be present in the finished water, the report must include:

(i) The results of the monitoring; and

(ii) An explanation of the significance of the results.

(c) If the system has performed additional monitoring which indicates the presence of other contaminants in the finished water, EPA strongly encourages systems to report any results which may indicate a health concern. To determine if results may indicate a health concern, EPA recommends that systems find out if EPA has proposed a National Primary Drinking Water Regulation (NPDWR) ~~regulation~~ or issued a health advisory for that contaminant by ~~calling~~ contacting the Agency ~~the~~ by calling the Safe Drinking Water Hotline (800-426-4791) or an alternative method identified on the website epa.gov/safewater. EPA considers detects above a proposed MCL or health advisory level to ~~indicate~~ states possible health concerns. For such contaminants, EPA recommends that the report include:

(i) The results of the monitoring; and

(ii) An explanation of the significance of the results noting the existence of a health advisory or a proposed regulation.

(6) Compliance with ~~the~~ NPDWR. In addition to the requirements of Subsection R309-225-5(4)(f), the report must note any violation that occurred during the ~~year~~ period covered by the report of a requirement listed ~~below~~ in Subsections R309-225-5(6)(a) through (g), and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation.

(a) Monitoring and reporting of compliance data;

(b) Filtration and disinfection prescribed by ~~R309-505 of this part~~ Rule R309-215. For systems which have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes which constitutes a violation, the report must include the following language as part of the explanation of potential adverse health effects: Inadequately treated water may contain

NOTICES OF PROPOSED RULES

disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(c) Lead and copper control requirements prescribed by Section R309-210-6. For systems ~~[which]~~that fail to take one or more actions prescribed by Section R309-210-6(1)(e), R309-210-6(2), or R309-210-6(4), the report must include the applicable language in Section R309-220-14 for lead, copper, or both.

(d) Treatment techniques for Acrylamide and Epichlorohydrin prescribed by Subsection R309-215-8(3). For systems which violate the requirements of Section R309-215-8, the report must include the relevant language from Section R309-220-14.

(e) Recordkeeping of compliance data.

(f) Special monitoring requirements prescribed by 40 CFR ~~[section-]~~141.40 and 40 CFR 141.41 (January 25, 2022)~~[(unregulated contaminants)]~~; and

(g) Violation of the terms of a variance, an exemption, or an administrative or judicial order.

(7) Variances and Exemptions. If a system is operating under the terms of a variance or an exemption issued under Section R309-100-10 or R309-100-11, the report must contain:

(a) An explanation of the reasons for the variance or exemption;

(b) The date on which the variance or exemption was issued;

(c) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and

(d) A notice of any opportunity for public input in the review, or renewal, of the variance or exemption.

(8) Additional information.

(a) The report must contain a brief explanation regarding contaminants which may reasonably be expected to be found in drinking water including bottled water. This explanation may include the language of ~~[paragraphs-]~~Subsections (8)(a)(i) through (iii) or systems may use their own comparable language. The report also must include the language of ~~[paragraph]~~Subsection (8)(a)(iv)~~[- of this section]~~.

(i) ~~[The sources of drinking water (both)]~~Both tap water and bottled water ~~[- include]~~ come from rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally ~~[-]~~ occurring minerals and, in some cases, radioactive material ~~[-, and can pick up substances resulting from the presence of animals or from human activity]~~. The water can also pick up and transport substances resulting from the presence of animals or from human activity. These substances are also called contaminants.

(ii) Contaminants are any physical, chemical, biological, or radiological substance or matter in water. Contaminants that may be present in source water include:

(A) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

(B) Inorganic contaminants, such as salts and metals, which can ~~[- be naturally occurring or -]~~ occur naturally in the soil or groundwater or may result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

(C) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.

(D) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.

(E) Radioactive contaminants, which can ~~[- be]~~ occur naturally ~~[- occurring]~~ or be the result of oil and gas production and mining activities.

(iii) ~~[In order to ensure that tap water is safe to drink, EPA-]~~To protect public health, EPA prescribes regulations which limit the amount of certain contaminants in tap water provided by public water systems. [FDA]The Food and Drug Administration regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

(iv) Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily ~~[indicate]~~ mean that water poses a health risk. More information about contaminants and potential health effects can be obtained by ~~[calling]~~ contacting the ~~[Environmental Protection Agency's]~~ EPA by calling the Safe Drinking Water Hotline (800-426-4791) or visiting the website epa.gov/safewater.

(b) The report must include the telephone number of the owner, operator, or designee of the community water system as a source of additional information concerning the report. If a system uses a website or social media to share additional information, EPA recommends including information about how to access such media platforms in the report.

(c) In communities with a large proportion of ~~[non-English-speaking residents]~~ consumers with limited English proficiency, as determined by the ~~[Director]~~ director, the report must contain information in the appropriate ~~[language(s)]~~ languages regarding the importance of the report ~~[or contain a telephone number or address]~~ and either contain information where such [residents-] consumers may [contact the system to-] obtain a translated copy of the report, or assistance in the appropriate [language] languages, or the report must be in the appropriate languages.

(d) The report must include information ~~[(e.g., time and place of regularly scheduled board meetings)-]~~ about opportunities for public participation in decisions that may affect the quality of the water.

(e) The systems may include such additional information as they ~~[deem]~~ determine necessary for public education consistent with, and not detracting from, the purpose of the report.

(f) Systems required to comply with Section R309-215-16.

(i) Any ground water system that receives notice from the ~~[Director-]~~ director of a significant deficiency or notice from a laboratory of a fecal indicator-positive ground water source sample that is not invalidated by the ~~[Director-]~~ director under Subsection R309-215-16(2)(d) must inform its customers of any significant deficiency that is uncorrected at the time of the next ~~[report-]~~ reporting period or of any fecal

indicator-positive ground water source sample in the next report or 6-month update according to Section R309-225-7. The system must continue to inform the public annually until the ~~Director~~ director determines that a particular significant deficiency is corrected or the fecal contamination in the ground water source is addressed under Subsection R309-215-16(3)(a). Each report must include the following elements~~[-]~~:

(A) The nature of the particular significant deficiency or the source of the fecal contamination, ~~[(if the source is known)],~~ and the date the significant deficiency was identified by the ~~Director~~ director or the dates of the fecal indicator-positive ground water source samples;

(B) If the fecal contamination in the ground water source has been addressed under Subsection R309-215-16(3)(a) and the date of such action;

(C) For each significant deficiency or fecal contamination in the ground water source that has not been addressed under Subsection R309-215-16(3)(a), the ~~Director~~ director-approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed; and

(D) If the system receives notice of a fecal indicator-positive ground water source sample that is not invalidated by the ~~Director~~ director under Subsection R309-215-16(2)(~~d~~)(c), the potential health effects using the health effects language of ~~Appendix A of subpart~~ Subsection R309-220-4(4).

(ii) If directed by the ~~Director~~ director, a system with significant deficiencies that have been corrected before the next report is issued must inform its customers of the significant deficiency, how the deficiency was corrected, and the date of correction under ~~paragraph~~ Subsection (8)(f)(i) ~~[of this section]~~.

(9) Each community water system shall include in its annual CCR its current rating under the Improvement Priority System (IPS), as assigned by the director in accordance with Rule R309-400. The rating shall be clearly displayed and identified as: Approved, Not Approved, Corrective Action, or Unrated.

(a) The CCR shall also contain a brief explanation of the water system's assigned rating, including:

(i) Approved -- the system meets the sanitary survey, monitoring, and operational requirements necessary to provide an adequate and reliable supply of drinking water and is not currently subject to formal enforcement under Rule R309-400;

(ii) Not Approved -- the system has exceeded the IPS point threshold established in Section R309-400-5, failed to correct significant deficiencies within required timelines, or is otherwise determined by the director to pose potential or actual risk to public health;

(iii) Corrective Action -- the system has entered into a director-approved bilateral compliance agreement or formal enforcement order under Rule R309-400, and is actively working toward meeting the requirements for an Approved rating; or

(iv) Unrated -- the system is newly regulated or lacks sufficient sanitary survey or compliance information for the Division to assign a rating.

(b) The CCR shall include a brief statement describing the purpose of the IPS program, including that it is used by the Division to evaluate system compliance, prioritize risks to public health, and determine enforcement actions in accordance with Rule R309-400 and Section 19-4-104.

(c) The rating published in the CCR must reflect the system's rating in effect as of the date the CCR is issued. A system shall verify its rating using a Division approved online resource or by contacting the Division before publishing its CCR.

R309-225-6. Required Additional Health Information.

(1) All reports must prominently display the following language:

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791) or on EPA's website epa.gov/safewater.

(2) ~~[A system which detects arsenic at levels above 5 micrograms per liter, but below the MCL:]~~ A system that detects arsenic above 0.005 mg/L and up to and including 0.010 mg/L:

(a) Must include in its report a short informational statement about arsenic, using language such as: ~~[While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the costs.]~~ Arsenic is known to cause cancer in humans. Arsenic also may cause other health effects such as skin damage and circulatory problems. (NAME OF UTILITY) meets the EPA arsenic drinking water standard, also known as a Maximum Contaminant Level (MCL). However, you should know that EPA's MCL for arsenic balances the scientific community's understanding of arsenic-related health effects and the cost of removing arsenic from drinking water. ~~[EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.]~~ The highest concentration of arsenic found in (YEAR) was (INSERT MAX ARSENIC LEVEL per Subsection R309-225-5(4)(d)(iv)) ppb.

(b) ~~[May write its own educational statement, but only in consultation with the]~~ May use an alternative educational statement in the CCR if approved by ~~Director~~ director.

(3) A system which detects nitrate at levels above 5 mg/L, but below the MCL:

(a) Must include a short informational statement about the impacts of nitrate on children using language such as: ~~[Nitrate in drinking water at]~~ Even though (NAME OF UTILITY) meets the EPA nitrate drinking water standard, also known as a Maximum Contaminant Level (MCL), if you are caring for an infant and using tap water to prepare formula, you may want to use alternate sources of water or ask for advice from your health care provider. Nitrate levels above 10 ppm ~~[is]~~ pose a particularly high health ~~[risk]~~ concern for infants ~~[of less than six]~~ under 6 months of age ~~[. High nitrate]~~ and can interfere with the capacity of the infant's blood to carry oxygen, resulting in a serious illness. Symptoms of serious illness include shortness of breath and blueness of the skin, known as "blue baby syndrome." Nitrate levels in drinking water can

NOTICES OF PROPOSED RULES

~~[cause blue baby syndrome. Nitrate levels may rise quickly.]~~increase for short periods of time ~~[because]~~due to high levels of rainfall or agricultural activity~~[- If you are caring for an infant you should ask advice from your health care provider.]~~, therefore we test for nitrate (INSERT APPLICABLE SAMPLING FREQUENCY). The highest level for nitrate found during (YEAR) was (INSERT MAX NITRATE LEVEL per Section R309-210-5) ppm.

(b) ~~[May write its own educational statement, but only in consultation with the Director.]~~May use an alternative educational statement in the CCR if approved by the director.

(4) Every report must include the following lead-specific information:

(a) A short informational statement about lead in drinking water and its effects on children. The statement must include the following information:

Lead can cause serious health effects in people of all ages, especially pregnant people, infants (both formula-fed and breastfed), and young children. Lead in drinking water is primarily from materials and parts used in service lines and in home plumbing. (INSERT NAME OF SYSTEM) is responsible for providing high quality drinking water and removing lead pipes but cannot control the variety of materials used in the plumbing in your home. Because lead levels may vary over time, lead exposure is possible even when your tap sampling results do not detect lead at one point in time. You can help protect yourself and your family by identifying and removing lead materials within your home plumbing and taking steps to reduce your family's risk. Using a filter, certified by an American National Standards Institute accredited certifier to reduce lead, is effective in reducing lead exposures. Follow the instructions provided with the filter to ensure the filter is used properly. Use only cold water for drinking, cooking, and making baby formula. Boiling water does not remove lead from water. Before using tap water for drinking, cooking, or making baby formula, flush your pipes for several minutes. You can do this by running your tap, taking a shower, doing laundry or a load of dishes. If you have a lead service line or galvanized requiring replacement service line, you may need to flush your pipes for a longer period. If you are concerned about lead in your water and wish to have your water tested, contact (INSERT NAME OF SYSTEM and CONTACT INFORMATION). Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available at <https://www.epa.gov/safewater/lead>. [If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. (NAME OF UTILITY) is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead/>.]

(b) ~~[A system may write its own.]~~May use an alternative educational statement in the CCR~~[-, but only in consultation with]~~ if approved by the ~~[Director]~~director.

~~[(5) Community water systems that detect TTHM above 0.080 mg/L (milligrams per liter), but below the MCL in R309-200-5(3)(e), as an annual average, monitored and calculated under the provisions of R309-210-8, must include health effects language for TTHMs prescribed in R309-220-14.~~

~~[(6) Beginning in the report due by July 1, 2002 and ending January 22, 2006, a community water system that detects arsenic above 0.01 milligrams per liter and up to and including 0.05 milligrams per liter must include the arsenic health effects language prescribed in R309-220-14.]~~

~~[(7)]~~[(5)] ~~[After April 1, 2016,]~~Systems required to comply with Rule R309-211.

(a) Any system required to comply with the Level 1 assessment requirement or a Level 2 assessment requirement that is not due to an E. coli MCL violation must include in the report the text found in ~~[paragraph]~~Subsections ~~[(7)]~~[(5)](a)(i) ~~[and paragraphs (7)(a)(ii) and]~~through (iii) ~~[of this section]~~as appropriate, filling in the blanks accordingly and the text found in ~~[paragraphs]~~Subsections ~~[(7)]~~[(5)](a)(iv)(A) and (B) ~~[of this section]~~if appropriate. Systems may use an alternative statement with equivalent information for Subsections ~~(a)(iii) and (iv)~~.

(i) Coliforms are bacteria that ~~[are]~~occur naturally ~~[present]~~in the environment and are used as an indicator that other, potentially harmful, waterborne ~~[pathogens]~~organisms may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct ~~[assessment(s)]~~assessments to identify problems and to correct any problems that were found during these assessments.

(ii) ~~[During the past year we]~~Because we found coliforms during sampling, we were required to conduct (INSERT NUMBER OF LEVEL 1 ASSESSMENTS) ~~[Level 1 assessment(s)]~~assessments of the system, also known as a Level 1 assessment, to identify possible sources of contamination. (INSERT NUMBER OF LEVEL 1 ASSESSMENTS) Level 1 ~~[assessment(s)]~~assessments were completed. In addition, we were required to take (INSERT NUMBER OF CORRECTIVE ACTIONS) corrective actions and we completed (INSERT NUMBER OF CORRECTIVE ACTIONS) of these actions.

(iii) ~~[During the past year]~~Because we found coliforms during sampling, we were required to conduct (INSERT NUMBER OF LEVEL 2 ASSESSMENTS) detailed assessments, also known as a Level 2 ~~[assessments were required to be completed for our water system.]~~assessment, to identify possible sources of contamination. (INSERT NUMBER OF LEVEL 2 ASSESSMENTS) Level 2 assessments were completed. In addition, we were required to take (INSERT NUMBER OF CORRECTIVE ACTIONS) corrective actions and we completed (INSERT NUMBER OF CORRECTIVE ACTIONS) of these actions.

(iv) Any system that has failed to complete all the required assessments or correct all identified sanitary defects, is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate:

(A) During the past year we failed to conduct all ~~[of]~~the required ~~[assessment(s)]~~assessments.

(B) During the past year we failed to correct all identified defects that were found during the assessment.

(b) Any system required to conduct a Level 2 assessment due to an E. coli MCL violation must include in the report the text found in ~~paragraphs~~ Subsections ~~[(7)](5)(b)(i)~~ and (ii) ~~[of this section]~~, and health effects language in Subsection R309-220-4(4), filling in the blanks accordingly and the text found in ~~paragraphs~~ Subsections ~~[(7)](5)(b)(iii)(A)~~ and (B) ~~[of this section]~~, if appropriate. Systems may use an alternative statement with equivalent information for Subsections (5)(b)(i) through (iii).

~~_____ (i) E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems.]~~ (i) We found E. coli bacteria, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct ~~[assessment(s)]~~ assessments, also known as a Level 2 assessment, to identify problems and to correct any problems that were found during these assessments.

(ii) We were required to complete a detailed assessment of our water system, also known as a Level 2 assessment, because we found E. coli in our water system. In addition, we were required to take (INSERT NUMBER OF CORRECTIVE ACTIONS) corrective actions and we completed (INSERT NUMBER OF CORRECTIVE ACTIONS) of these actions.

(iii) Any system that has failed to complete the required assessment or correct all identified sanitary defects, is in violation of the treatment technique requirement and must also include one or both of the following statements, as appropriate:

(A) We failed to conduct the required assessment.

(B) We failed to correct all ~~sanitary~~ defects that were identified during the assessment that we conducted.

(c) If a system detects E. coli and has violated the E. coli MCL, in addition to completing the table as required in Subsection R309-225-5(4)(d), the system must include one or more of the following statements to describe any noncompliance, as applicable:

(i) We had an E. coli ~~[-]~~ positive repeat sample following a total coliform-positive routine sample.

(ii) We had a total coliform-positive repeat sample following an E. coli ~~[-]~~ positive routine sample.

(iii) We failed to take all required repeat samples following an E. coli ~~[-]~~ positive routine sample.

(iv) We failed to test for E. coli when any repeat sample ~~[tests]~~ tested positive for total coliform.

(d) If a system detects E. coli and has not violated the E. coli MCL, in addition to completing the table as required in Subsection R309-225-5(4)(d), the system may include a statement that explains that although they have detected E. coli, they are not in violation of the E. coli MCL.

_____ (6) Systems required to comply with Section R309-210-6.

_____ (a) The report must notify consumers that complete lead tap sampling data are available for review and must include information on how to access the data.

_____ (b) The report must include a statement that a service line inventory, including inventories consisting only of a statement that there are no lead, galvanized requiring replacement, or lead status unknown service lines, has been prepared and include instructions to access the publicly available service line inventory. If the service line inventory is available online, the report must include the direct link to the inventory.

_____ (c) For systems with lead, galvanized requiring replacement, or lead status unknown service lines in the system's inventory pursuant to 40 CFR 141.84(a) (October 30, 2024) and 40 CFR 141.84 (b) (October 30, 2024), the report must include information on how to obtain a copy of the service line replacement plan or a direct link to the plan if the system is required to make the service line replacement plan available online.

_____ (d) The report must contain a plainly worded explanation of the corrosion control efforts the system is taking in accordance with Section R309-210-6. Corrosion control efforts consist of treatment such as pH adjustment, alkalinity adjustment, or corrosion inhibitor addition, and other efforts contributing to the control of the corrosivity of water, such as, monitoring to assess the corrosivity of water. The system may use one of the following templates or use their own explanation that includes equivalent information.

_____ (e) The report must include a statement that the water system is required to sample for lead in schools and licensed child care facilities as requested by the facility and directs the public to contact the school or child care facility for further information about potential sampling results.

_____ (i) For systems with state or EPA designated Optimal Corrosion Control Treatment:

_____ (A) Corrosion of pipes, plumbing fittings and fixtures may cause lead and copper to enter drinking water. To assess corrosion of lead and copper, (NAME OF SYSTEM) conducts tap sampling for lead and copper at selected sites (INSERT FREQUENCY AT WHICH SYSTEM CONDUCTS TAP SAMPLING). (NAME OF SYSTEM) treats water using (IDENTIFY TREATMENT METHOD) to control corrosion, which was designated as the optimal corrosion control treatment by (THE STATE OR EPA, AS APPLICABLE). To ensure the treatment is operating effectively, (NAME OF SYSTEM) monitors water quality parameters set by the (STATE OR EPA, AS APPLICABLE) (INSERT FREQUENCY AT WHICH SYSTEM CONDUCTS WATER QUALITY PARAMETER MONITORING).

_____ (B) If applicable add: (NAME OF SYSTEM) is currently conducting a study of corrosion control to determine if any changes to treatment methods are needed to minimize the corrosivity of the water.

_____ (ii) For systems without state or EPA designated Optimal Corrosion Control Treatment:

_____ (A) Corrosion of pipes, plumbing fittings and fixtures may cause metals, including lead and copper, to enter drinking water. To assess corrosion of lead and copper, (NAME OF SYSTEM) conducts tap sampling for lead and copper at selected sites (INSERT FREQUENCY AT WHICH SYSTEM CONDUCTS TAP SAMPLING).

_____ (B) If applicable, add: (NAME OF SYSTEM) treats water using (IDENTIFY TREATMENT METHOD) to control corrosion.

_____ (C) If applicable add: (NAME OF SYSTEM) is currently conducting a study of corrosion control to determine if any changes to treatment methods are needed to minimize the corrosivity of the water.

R309-225-7. Report ~~Delivery~~ Delivery, Reporting, and Recordkeeping.

(1) Except as provided in ~~[paragraph]~~ Subsection (7) ~~[of this section]~~, each community water system must ~~[mail or otherwise]~~ directly deliver ~~[one]~~ a copy of the report to each customer.

(a) Systems must use at a minimum, one of the following forms of delivery:

- (i) Mail or hand deliver a paper copy of the report;
- (ii) Mail a notification that the report is available on a website via a direct link;
- (iii) Email a direct link or electronic version of the report; or
- (iv) Another direct delivery method approved in writing by the Division.

(b) Systems using electronic delivery methods in Subsection (1)(a)(ii), (iii), or (iv) must provide a paper copy of the report to any customer upon request. The notification method must prominently display directions for requesting such copy.

(c) For systems that choose to electronically deliver the reports by posting the report to a website and providing a notification either by mail or email:

- (i) The report must be publicly available on the website at time notification is made;
- (ii) Notifications must prominently display the link and include an explanation of the nature of the link; and
- (iii) Systems may use a web page to convey the information required in Sections R309-225-5, R309-225-6, and R309-225-7.
- (d) Systems that use a publicly available website to provide reports must maintain public access to the report for no less than 3 years.

(2) The system must make a good faith effort to reach consumers who do not get water bills, using means recommended by the ~~Director~~ director. EPA expects that an adequate good faith effort will be tailored to the consumers who are served by the system but are not bill-paying customers, such as renters or workers. A good faith effort to reach consumers ~~[would include a]~~ includes a mix of methods ~~[appropriate]~~ to [the particular] reach the broadest possible range of persons served by the water system such as: Posting the reports on the [Internet]; internet; mailing reports or post cards with links to [postal patrons in metropolitan areas]; the reports to all service addresses or postal customers; using an opt in notification for the system to send emails or texts with the links to the reports to interested consumers; advertising the availability of the report in the news media and on social media; publication in a local newspaper or newsletter; posting a copy of the report or notice of availability with links, or equivalent, such as Quick Response (QR) codes, in public places such as cafeterias or lunch rooms of public buildings; delivery of multiple copies for distribution by single-biller customers such as apartment buildings or large private employers; delivery to community organizations; holding a public meeting to educate consumers on the reports.

(a) Where a system is aware that it serves a substantial number of non-bill-paying consumers, the system is encouraged to directly deliver the reports or notices of availability of the reports to service addresses.

(b) Where a system is aware of a substantial number of bill-paying consumers without access to electronic forms of the report, the system should use at least one non-electronic form of delivery.

(3) No later than ten days after the date the system is required to distribute the report to its customers, each community water system must ~~[mail]~~ provide a copy of the report to the ~~Director~~ director ~~[, followed within 3 months by]~~ and a certification that the ~~[report]~~ reports ~~[has]~~ have been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the ~~Director~~ director.

(4) No later than the date the system is required to distribute the report to its customers, each community water system must deliver the report to any other agency or clearinghouse identified by the ~~Director~~ director.

(5) Each community water system must make its reports available to the public upon request. Systems should make a reasonable effort to provide the reports in an accessible format to anyone who requests an accommodation.

(6) Each community water system serving ~~[400,000-500,000]~~ 100,000-500,000 or more persons must post its current year's report to a publicly-accessible site on the ~~Internet~~ internet.

(7) The ~~Governor~~ director has waived the requirement of ~~[paragraph]~~ Subsection (a)(1) ~~[of this section]~~ for community water systems serving fewer than 10,000 persons.

(a) Such systems must:

(i) Publish the reports in one or more local newspapers or on one or more local online news sites serving the area in which the system is located;

(ii) Inform the customers that the reports will not be mailed, either in the newspapers in which the reports are published or by other means approved by the ~~Director~~ director; and

(iii) Make the reports available to the public upon request.

(b) Systems serving 500 or fewer persons may [forego] forgo the requirements of [paragraphs] Subsections (7)(a)(i) and (ii) [of this section] if they provide notice that the report is available upon request at least once per year to their customers by mail, door-to-door delivery, or by posting in [an appropriate location that the report is available upon request.] one or more locations where persons served by the system can reasonably be expected to see it.

(8) Any system subject to this rule must retain copies of its consumer confidence report for no less than 3 years.

(9) Systems serving 100,000 or more persons must develop a plan for providing assistance to consumers with limited English proficiency. The system must evaluate the languages spoken by persons with limited English proficiency served by the water system, and the system's anticipated approach to address translation needs. The first plan must be provided to the state with the first report in 2027. Plans must be evaluated annually and updated as necessary and reported with the certification required in Subsection (3).

(10) Delivery timing and biannual delivery:

(a) Each community water system must distribute reports by July 1 each year. Each report distributed by July 1 must use data collected during, or before, the previous calendar year using methods described in Subsection (a).

(b) Each community water system serving 10,000 or more persons must distribute the report biannually, or twice per calendar year, by December 31 using methods described in Subsection (a).

(c) Systems required to comply with Subsection (j)(2), with a violation or action level exceedance that occurred between January 1 and June 30 of the current year, or have received monitoring results from required monitoring under the Unregulated Contaminant Monitoring Rule in 40 CFR 141.40 (January 25, 2022), must include a 6-month update with the second report with the following:

(i) A short description of the nature of the 6-month update and the biannual delivery.

(ii) If a system receives an MCL, MRDL, or treatment technique violation, the 6-month update must include the applicable contaminant section information in Subsection R309-225-4(5)(d), and a readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, actions taken by the system to address the violation, and timeframe the system expects to complete those actions. To describe the potential health effects, the system must use the relevant language of Section R309-220-15.

(iii) If a system receives any other violation, the 6-month update must include the information in Section R309-225-5.

(iv) If a system exceeded the lead action level in Section R309-210-6 following monitoring conducted between January 1 and June 30 of the current year, the system must include information identified in Subsections R309-225-5(4)(d)(vi) and R309-225-5(4)(h).

(v) For systems monitoring under Subsections R309-225-5(4)(d)(vi) and R309-225-5(4)(h) that become aware of results for samples collected during the reporting year but were not included in the reports distributed by July 1, the system must include information as required by Subsection R309-225-5(4)(g).

(vi) Systems serving 100,000 or more persons, must develop a plan for providing assistance to consumers with limited English proficiency. The system must evaluate the languages spoken by persons with limited English proficiency served by the water system, and the system's anticipated approach to address translation needs. The first plan must be provided to the state with the first report in 2027. Plans must be evaluated annually and updated as necessary and reported with the certification required in Subsection (3).

(1) Delivery timing and biannual delivery:

(a) Each community water system must distribute reports by July 1 each year. Each report distributed by July 1 must use data collected during, or before, the previous calendar year using methods described in Subsection (a).

(b) Each community water system serving 10,000 or more persons must distribute the report biannually, or twice per calendar year, by December 31 using methods described in Subsection (a).

(c) Systems required to comply with Subsection (j)(2), with a violation or action level exceedance that occurred between January 1 and June 30 of the current year, or have received monitoring results from required monitoring under the Unregulated Contaminant Monitoring Rule in 40 CFR 141.40 (January 25, 2022), must include a 6-month update with the second report with the following:

(i) A short description of the nature of the 6-month update and the biannual delivery.

(ii) If a system receives an MCL, MRDL, or treatment technique violation, the 6-month update must include the applicable contaminant section information in 40 CFR 141.153(d)(4) (October 30, 2024), and a readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, actions taken by the system to address the violation, and timeframe the system expects to complete those actions. To describe the potential health effects, the system must use the relevant language of appendix A to this subpart.

(iii) If a system receives any other violation, the 6-month update must include the information in 40 CFR 141.153(f) (October 30, 2024).

(iv) If a system exceeded the lead action level in Section R309-210-6 following monitoring conducted between January 1 and June 30 of the current year, the system must include information identified in Subsections R309-225-5(4)(d)(vi) and R309-225-5(4)(h).

(v) For systems monitoring under 40 CFR 141.40 (January 25, 2022) that become aware of results for samples collected during the reporting year but were not included in the reports distributed by July 1, the system must include information as required by 40 CFR 141.153(d)(7) (October 30, 2024).

R309-225-8. Summary of Report Contents.

(1) Each report must include a summary displayed prominently at the beginning of the report, including a brief description of the nature of the report.

(2) Systems must include, at a minimum, the following information in the summary:

(a) Summary of violations and compliance information included in the report required by Section R309-225-5.

(b) Contact information for owner, operator, or designee of the community water system as a source of additional information concerning the report, per Subsection R309-225-5(8)(b).

(3) If applicable, systems must include the following in the summary:

(a) For systems using delivery methods in Subsection R309-225-7(1)(a)(ii), (iii), or (iv), the summary must include directions for consumers to request a paper copy of the report, as described in Subsection R309-225-7(1)(b).

(b) For systems subject to Subsection R309-225-5(8)(c) because they serve a large proportion of consumers with limited English proficiency, the summary must include information where consumers may obtain a translated copy of the report, or get assistance in the appropriate languages.

(c) For systems using the report to also meet the public notification requirements of Subsection R309-220-4(4) of this part, the summary must specify that it is also serving to provide public notification of one or more violations or situations, provide a brief statement about the nature of the notices, and a brief description of how to locate the notices in the report.

(d) The summary should be written in plain language and may use infographics.

(e) For those systems required to include a 6-month update with the second report under Subsection R309-225-7(10)(b), the summary should include a brief description of the nature of the report and update, noting the availability of new information for the current year between January and June.

(f) The report summary must include the following standard language to encourage the distribution of the report to all persons served: Please share this information with anyone who drinks this water, or their guardians, especially those who may not have received this report directly, for example, people in apartments, nursing homes, schools, and businesses. You can do this by posting this report in a public place or distributing copies by hand, mail, email, or another method.

R309-225-[8]9. Major Sources of Contaminants in Drinking Water.

Microbiological Contaminants

- (1) Total Coliform Bacteria - Naturally present in the environment.
- (2) E. coli - Human and animal fecal waste.
- (3) Fecal Indicators such as [~~(f)~~enterococci or coliphage~~(g)~~]- Human and animal fecal waste.
- (4) Turbidity- Soil runoff.
- (5) Total organic carbon - Naturally present in the environment.

Radioactive Contaminants

- (6) Alpha emitters (pCi/l) - Erosion of natural deposits.
- (7) Beta/photon emitters (mrem/yr) - Decay of natural and [~~man-made~~]artificial deposits.
- (8) Combined radium (pCi/l) - Erosion of natural deposits.
- (9) Uranium (ug/l) - Erosion of natural deposits.

Inorganic Contaminants

- (10) Antimony (ppb) - Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.
- (11) Arsenic (ppb) - Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes.
- (12) Asbestos (MFL) - Decay of asbestos cement water mains; Erosion of natural deposits.
- (13) Barium (ppm) - Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits.
- (14) Beryllium (ppb) - Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries.
- (15) Cadmium (ppb) - Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; runoff from waste batteries and paints.
- (16) Chromium (ppb) - Discharge from steel and pulp mills; Erosion of natural deposits.
- (17) Copper (ppm) - Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives.
- (18) Cyanide (ppb) - Discharge from steel~~(f)~~ or metal factories; Discharge from plastic and fertilizer factories.
- (19) Fluoride (ppm) - Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories.
- (20) Lead (ppb) - Corrosion of household plumbing systems; Erosion of natural deposits.
- (21) Mercury (inorganic) (ppb) - Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland.
- (22) Nitrate (as Nitrogen) (ppm) - Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
- (23) Nitrite (as Nitrogen) (ppm) - Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
- (24) Selenium (ppb) - Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.
- (25) Thallium (ppb) - Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories. Synthetic Organic Contaminants including Pesticides and Herbicides
- (26) 2,4-D (ppb) - Runoff from herbicide used on row crops.
- (27) 2,4,5-TP (Silvex)(ppb) - Residue of banned herbicide.
- (28) Acrylamide - Added to water during sewage~~(f)~~ or wastewater treatment.
- (29) Alachlor (ppb) - Runoff from herbicide used on row crops.
- (30) Atrazine (ppb) - Runoff from herbicide used on row crops.
- (31) Benzo(a)pyrene (PAH) (nanograms/l) -Leaching from linings of water storage tanks and distribution lines.
- (32) Carbofuran (ppb) - Leaching of soil fumigant used on rice and alfalfa.
- (33) Chlordane (ppb) - Residue of banned termiticide.
- (34) Dalapon (ppb) - Runoff from herbicide used on rights of way.
- (35) Di(2-ethylhexyl) adipate (ppb) - Discharge from chemical factories.
- (36) Di(2-ethylhexyl) phthalate (ppb) - Discharge from rubber and chemical factories.
- (37) Dibromochloropropane (ppt) - Runoff~~(f)~~ or leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.
- (38) Dinoseb (ppb) - Runoff from herbicide used on soybeans and vegetables.
- (39) Diquat (ppb) - Runoff from herbicide use.
- (40) Dioxin (2,3,7,8-TCDD) (ppq) - Emissions from waste incineration and other combustion; Discharge from chemical factories.
- (41) Endothall (ppb) - Runoff from herbicide use.
- (42) Endrin (ppb) - Residue of banned insecticide.
- (43) Epichlorohydrin - Discharge from industrial chemical factories; An impurity of some water treatment chemicals.
- (44) Ethylene dibromide (ppt) - Discharge from petroleum refineries.
- (45) Glyphosate (ppb) - Runoff from herbicide use.
- (46) Hazard Index PFAS (HFPO-DA, PFBS, PFHxS, and PFNA) - Discharge from manufacturing and industrial chemical facilities, use of certain consumer products, occupational exposures, and certain firefighting activities.
- (4~~(6)~~7) Heptachlor (ppt) - Residue of banned pesticide.

- (4[7]8) Heptachlor epoxide (ppt) - Breakdown of heptachlor.
- (4[8]9) Hexachlorobenzene (ppb) - Discharge from metal refineries and agricultural chemical factories.
- (149]50) Hexachlorocyclopentadiene (ppb) - Discharge from chemical factories.
- (51) HFPO-DA (hexafluoropropylene oxide dimer acid) (ng/l) - Discharge from manufacturing and industrial chemical facilities, use of certain consumer products, occupational exposures, and certain firefighting activities.
- (5[0]2) Lindane (ppt) - Runoff[7]_or leaching from insecticide used on cattle, lumber, gardens.
- (5[1]3) Methoxychlor (ppb) - Runoff[7]_or leaching from insecticide used on fruits, vegetables, alfalfa, livestock.
- (5[2]4) Oxamyl (Vydate)(ppb) - Runoff[7]_or leaching from insecticide used on apples, potatoes and tomatoes.
- (5[3]5) PCBs (Polychlorinated biphenyls) (ppt) - Runoff from landfills; Discharge of waste chemicals.
- (5[4]6) Pentachlorophenol (ppb) - Discharge from wood preserving factories.
- (57) PFHxS (perfluorohexane sulfonic acid) (ng/l) - Discharge from manufacturing and industrial chemical facilities, use of certain consumer products, occupational exposures, and certain firefighting activities.
- (58) PFNA (perfluorononanoic acid) (ng/l) - Discharge from manufacturing and industrial chemical facilities, use of certain consumer products, occupational exposures, and certain firefighting activities.
- (59) PFOA (perfluorooctanoic acid) (ng/l) - Discharge from manufacturing and industrial chemical facilities, use of certain consumer products, occupational exposures, and certain firefighting activities.
- (60) PFOS (perfluorooctane sulfonic acid) (ng/l) - Discharge from manufacturing and industrial chemical facilities, use of certain consumer products, occupational exposures, and certain firefighting activities.
- ([55]61) Picloram (ppb) - Herbicide runoff.
- ([56]62) Simazine (ppb) - Herbicide runoff.
- ([57]63) Toxaphene (ppb) - Runoff[7]_or leaching from insecticide used on cotton and cattle. Volatile Organic Contaminants
- ([58]64) Benzene (ppb) - Discharge from factories; Leaching from gas storage tanks and landfills.
- ([59]65) Bromate (ppb) - By-product of drinking water chlorination.
- ([60]66) Carbon tetrachloride (ppb) - Discharge from chemical plants and other industrial activities.
- ([61]67) Chloramines (ppm) - Water additive used to control microbes.
- ([62]68) Chlorine (ppm) - Water additive used to control microbes.
- ([63]69) Chlorite (ppm) - By-product of drinking water chlorination.
- ([64]70) Chlorine dioxide (ppb) - Water additive used to control microbes.
- ([65]71) Chlorobenzene (ppb) - Discharge from chemical and agricultural chemical factories.
- ([66]72) o-Dichlorobenzene (ppb) - Discharge from industrial chemical factories.
- ([67]73) p-Dichlorobenzene (ppb) - Discharge from industrial chemical factories.
- ([68]74) 1,2-Dichloroethane (ppb) - Discharge from industrial chemical factories.
- ([69]75) 1,1-Dichloroethylene (ppb) - Discharge from industrial chemical factories.
- ([70]76) cis-1,2-Dichloroethylene (ppb) - Discharge from industrial chemical factories.
- ([71]77) trans-1,2-Dichloroethylene (ppb) - Discharge from industrial chemical factories.
- ([72]78) Dichloromethane (ppb) - Discharge from pharmaceutical and chemical factories.
- ([73]79) 1,2-Dichloropropane (ppb) - Discharge from industrial chemical factories.
- ([74]80) Ethylbenzene (ppb) - Discharge from petroleum refineries.
- ([75]81) Haloacetic Acids (HAA) (ppb) - By-product of drinking water disinfection.
- ([76]82) Styrene (ppb)- Discharge from rubber and plastic factories; Leaching from landfills.
- ([77]83) Tetrachloroethylene (ppb) - Discharge from factories and dry cleaners.
- ([78]84) 1,2,4-Trichlorobenzene (ppb) - Discharge from textile-finishing factories.
- ([79]85) 1,1,1-Trichloroethane (ppb) - Discharge from metal degreasing sites and other factories.
- ([80]86) 1,1,2-Trichloroethane (ppb) - Discharge from industrial chemical factories.
- ([81]87) Trichloroethylene (ppb) - Discharge from metal degreasing sites and other factories.
- ([82]88) TTHMs (Total trihalomethanes)(ppb) - By-product of drinking water chlorination.
- ([83]89) Toluene (ppm) - Discharge from petroleum factories.
- ([84]90) Vinyl Chloride (ppb) - Leaching from PVC piping; Discharge from plastics factories.
- ([85]91) Xylenes (ppm) - Discharge from petroleum factories; Discharge from chemical factories.

KEY: drinking water, consumer confidence report, water quality

Date of Last Change: ~~2026~~~~January 15, 2019~~

Notice of Continuation: February 10, 2025

Authorizing, and Implemented or Interpreted Law: 19-4-104

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal and Reenact		
Rule or section number:	R309-400	Filing ID: 57963

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi Agency State Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Jennifer Yee	385-515-1501	jyee@utah.gov
Helen Lau	801-247-7416	hlau@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R309-400. Improvement Priority System and Public Water System Ratings
4. Purpose of the new rule or reason for the change:
These revisions align more closely with the EPA's Enforcement Targeting Tool and support consistent compliance determinations and effective enforcement prioritization.
5. Summary of the new rule or change:
This rule change revises the deficiency and violation tables to improve clarity, consistency, and administrative effectiveness.
The changes refine and standardize descriptions, update deficiencies and violations to reflect current regulatory requirements, and adjust classifications and point values. This will better align with EPA's enforcement.
Added the violation and deficiency tables into this rule, instead of incorporating by reference.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
Rule R309-400 does not create any new regulatory burdens or requirements for Utah water systems or the Utah Division of Drinking Water (Division). It creates a holistic rule to track and assess the risk to public health posed by violations of the other Title R309 rules and the state and federal Safe Drinking Water Acts, as well as other applicable statutes.
The addition of the table to this rule does not incur any additional costs or savings for the regulated community or the state budget because the table has been included by reference from 2020 through 2026.
However, the inclusion of the table in the rule itself enables more efficient communication and transparency between the state and its regulated community, which may result in non-quantitative savings for both parties.
B. Local governments:
Rule R309-400 does not create any new regulatory burdens or requirements for Utah water systems.
It creates a holistic rule to track and assess the risk to public health posed by violations of the other Title R309 rules and the state and federal Safe Drinking Water Acts, as well as other applicable statutes.
The addition of the table to this rule does not incur any additional costs or savings for the regulated community because the table has been included by reference from 2020 through 2026.

However, the inclusion of the table in the rule itself enables more efficient communication and transparency between the state and its regulated community, which may result in non-quantitative savings for both parties.

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

Rule R309-400 does not create any new regulatory burdens or requirements for Utah water systems.

It creates a holistic rule to track and assess the risk to public health posed by violations of the other Title R309 rules and the state and federal Safe Drinking Water Acts, as well as other applicable statutes.

The addition of the table to this rule does not incur any additional costs or savings for the regulated community because the table has been included by reference from 2020 through 2026.

However, the inclusion of the table in the rule itself enables more efficient communication and transparency between the state and its regulated community, which may result in non-quantitative savings for both parties.

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

Rule R309-400 does not create any new regulatory burdens or requirements for Utah water systems.

It creates a holistic rule to track and assess the risk to public health posed by violations of the other Title R309 rules and the state and federal Safe Drinking Water Acts, as well as other applicable statutes.

The addition of the table to this rule does not incur any additional costs or savings for the regulated community because the table has been included by reference from 2020 through 2026.

However, the inclusion of the table in the rule itself enables more efficient communication and transparency between the state and its regulated community, which may result in non-quantitative savings for both parties.

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*):

Rule R309-400 does not create any new regulatory burdens or requirements for Utah water systems.

It creates a holistic rule to track and assess the risk to public health posed by violations of the other Title R309 rules and the state and federal Safe Drinking Water Acts, as well as other applicable statutes.

The addition of the table to this rule does not incur any additional costs or savings for the regulated community because the table has been included by reference from 2020 through 2026.

However, the inclusion of the table in the rule itself enables more efficient communication and transparency between the state and its regulated community, which may result in non-quantitative savings for both parties.

F. Compliance costs for affected persons:

This rule is not expected to result in direct fiscal impacts to other persons, including individual consumers. Rule R309-400 does not create any new regulatory burdens or requirements for Utah water systems.

It creates a holistic rule to track and assess the risk to public health posed by violations of the other Title R309 rules and the state and federal Safe Drinking Water Acts, as well as other applicable statutes.

The addition of the table to this rule does not incur any additional costs or savings for the regulated community because the table has been included by reference from 2020 through 2026.

However, the inclusion of the table in the rule itself enables more efficient communication and transparency between the state and its regulated community, which may result in non-quantitative savings for both parties.

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 19-4-104		

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:	06/16/2026

10. This rule change MAY become effective on:	07/01/2026
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:	Russell Seeley, PE, Acting Director	Date:	04/29/2026
---	-------------------------------------	--------------	------------

R309. Environmental Quality, Drinking Water.

R309-400. Improvement Priority System and Public Water System Ratings.

~~**R309-400-1. Purpose.**~~

~~(1) The purpose of this rule is to establish the Improvement Priority System used by the division to assign compliance ratings to public water systems and to prioritize enforcement action based on points assessed for noncompliance with drinking water rules.~~

~~**R309-400-2. Authority.**~~

~~(1) This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104, of the Utah Code and in accordance with 63G, Chapter 3 of the same, known as the Administrative Rulemaking Act.~~

~~**R309-400-3. Definitions.**~~

~~(1) "Improvement Priority System (IPS)" is a point system used by the division to evaluate a public water system's performance and compliance with the drinking water rules in Title 309, Environmental Quality, Drinking Water.~~

~~(2) "Public Water System Rating" is assigned to a public water system by the director to characterize the water system's compliance with drinking water rules and overall operation and performance.~~

~~**R309-400-4. Improvement Priority System—Assessment of Points.**~~

- ~~(1) The division shall:~~
- ~~(a) maintain and make public an improvement priority system (IPS) program that includes:~~
 - ~~(i) a table specifying the number of points associated with each instance of noncompliance with a drinking water rule requirement and noncompliance with a directive or order issued by the director, and~~
 - ~~(ii) the point thresholds for assigning an Approved or Not Approved rating to each type of public water system; and~~
 - ~~(b) obtain approval from the Drinking Water Board for substantive revisions to the IPS program.~~
- ~~(2) The division incorporates by reference the IPS program dated August 27, 2019.~~
- ~~(3) Implementation of the IPS program approved by Drinking Water Board starts on January 1, 2020.~~
- ~~(4) The director may assess points to a public water system and take enforcement action in accordance with the implementation policy and the table of points based on:~~
- ~~(a) noncompliance with Title R309 of the Utah Administrative Code;~~
 - ~~(b) noncompliance with a directive or order issued by the director; or~~
 - ~~(c) operational practices or performance that may result in a threat to public health.~~

~~**R309-400-5. Public Water System Ratings.**~~

- ~~(1) The director may assign a rating to a public water system of:~~
- ~~(a) Approved based on the total number of points assessed for noncompliance;~~
 - ~~(b) Not Approved based on:~~
 - ~~(i) the total number of points assessed for noncompliance, or~~
 - ~~(ii) an immediate public health threat; or~~
 - ~~(c) Corrective Action based on a current, written agreement with the division to resolve underlying noncompliance according to a compliance schedule.~~
- ~~(2) A public water system shall maintain an Approved rating.~~
- ~~(3) A public water system with a Not Approved rating shall:~~
- ~~(a) take immediate action to resolve the noncompliance that resulted in the Not Approved rating; or~~
 - ~~(b) enter into a written agreement with the division to resolve the noncompliance that resulted in the Not Approved rating according to a compliance schedule.~~

~~**R309-400-6. Administrative Appeals.**~~

- ~~(1) The assessment of points does not constitute a permit order per R305-7-102(1)(l) and may not be appealed pursuant to R305-7-102(1)(g).~~
- ~~(2) The assignment of a rating to a public water system constitutes an initial order per R305-7-102(1)(g) and may be appealed by submitting, filing, and serving a written Request for Agency Action pursuant to R305-7-303 within 30 days of the date of the order issued by the director.]~~

~~**R309-400-1. Purpose.**~~

- ~~(1) The purpose of this rule is to establish the Improvement Priority System (IPS) used by the Division to assign compliance ratings to public water systems and to prioritize enforcement action based on points assessed for noncompliance with drinking water rules.~~
- ~~(2) IPS program is used by the Division to evaluate public water system compliance with Title R309 and to prioritize noncompliance for enforcement action. Under IPS, the Division assesses points for noncompliance or public health risk and assigns ratings to public water systems. This rule directly correlates with the EPA's Enforcement Targeting Tool (ETT), as outlined in the EPA Enforcement Response Policy (2009), and is used nationally to identify systems with the most serious or persistent violations. State primacy agencies are required to maintain an enforcement program consistent with federal guidance under the Safe Drinking Water Act, 42 U.S.C Sec 300g-2(a)(1), and implementing regulations at 40 CFR 142.10(b)(2) (January 11, 2006), which requires states to adopt and enforce regulations at least as stringent as federal requirements. Utah's rule is not more stringent than federal regulations, but it fulfills this primacy requirement by providing a state-level framework to ensure enforcement is consistent with the federal program. IPS is also used to track compliance across each Division rule, aligning Utah's enforcement priorities with EPA's national strategy to protect public health.~~

~~**R309-400-2. Authority.**~~

~~This rule is promulgated by the Board as authorized by Section 19-4-104 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

~~**R309-400-3. Definitions.**~~

- ~~(1) "Improvement Priority System (IPS)" is a point system used by the Division to evaluate a public water system's performance and compliance with the drinking water rules in Title R309.~~
- ~~(2) "Public Water System Rating" is assigned to a public water system by the director to characterize the water system's compliance with drinking water rules and overall operation and performance.~~

R309-400-4. Assessment of Points.

(1) The Division will assess points based on noncompliance with Title R309, noncompliance with a directive or order issued by the director, or operational practices or performance that may result in a threat to public health.

(2) Table 1 of this rule contains a table specifying the number of points associated with each instance of noncompliance with a drinking water rule requirement and noncompliance with a directive or order issued by the director.

(3) Table 2 of this rule contains a table specifying the number of points associated with each instance of noncompliance with a drinking water rule requirement when a violation is issued.

(4) The points assessed for each category of health threat are as follows:

(a) Recommendations, with little to no risk to public health - 0;

(b) Low health risk - 5 points;

(c) Minor potential to cause harm - 15 points;

(d) Moderate potential to cause harm - 25 points;

(e) Serious potential to cause harm - 50 points;

(f) Critical risk to public health - 100 points; and

(g) Imminent health threat - 200 Points.

(5) The Division may remove points when a water system submits written documentation of correction of a deficiency or violation with supporting evidence or when the noncompliance is resolved. In some cases, a site inspection by the Division staff may be required.

R309-400-5. Quality, Monitoring, and Public Notification Violations.

(1) Bacteriologic violations are points assessed to public water systems based on violations of the quality standards in Subsection R309-200-5(6), the monitoring requirements in Rule R309-211, and the associated public notification requirements in Rule R309-220.

(a) The bacteriological assessments shall be updated on a monthly basis.

(b) Points for bacteriologic violations will reflect the most recent 12-months of operation.

(2) Chemical violations are points assessed to public water systems based on violations of the quality standards in Section R309-200-5, the monitoring requirements in Rules R309-205, R309-210, and R309-215, and the associated public notification requirements in Rule R309-220.

(a) The chemical assessments shall be updated on a quarterly basis, with the total number of points reflecting the most recent compliance period unless otherwise specified.

(b) Points for any chemical MCL violation shall remain on record until the quality issue is resolved.

(c) Points for any monitoring violation shall be deleted as the required chemical samples are taken and the analytical results are reported to the director.

(3) Surface water treatment violations are points assessed to a public water system operating a surface water treatment plant or water type designation of surface water, purchased surface water, or groundwater under the influence of surface water based on violations of the quality standards and monitoring requirements in Rule R309-215 and the associated public notification requirements in Rule R309-220.

(a) The surface water treatment violations shall be updated on a monthly basis.

(b) Surface water treatment violations will remain on a system's IPS report until the director determines that the system's treatment operation no longer poses a critical risk to public health.

R309-400-6. Public Water System Ratings.

(1) The Division will rate a public water system based on the point thresholds shown in Subsection R309-400-6(3) or based on a written agreement with the director.

(2) Each system rating is based on the total IPS points relative to a system's allotted threshold identified in this section.

(3) The point thresholds for rating a public water system as Approved or Not Approved are different for each type of water system:

(a) Community Water System - 150 points;

(b) Non-transient Non-community Water System - 120 points; and

(c) Transient Non-community Water System - 100 points.

(4) The director may assign a rating to a public water system of:

(a) Approved if its total IPS points are below the allotted threshold;

(b) Not Approved if its total IPS points is equal to or exceeds its allotted threshold and does not enter into a formal agreement with the director to ensure a Corrective Action rating;

(i) a system may be rated Not Approved if the director determines the system's water poses a serious or immediate risk to public health; or

(c) Corrective Action if a current written agreement or other formal order between the Division and a public water system is executed to resolve noncompliance in accordance with a reasonable timeline that does not present an undue risk to public health.

(5) An Unrated water system is a new or newly regulated public water system that is under a new system order and has not met the criteria to be rated Approved or Not Approved. The director can consider an unrated system as equivalent to Approved if the unrated system is in compliance with an executed Initial Order for a New Public Water System.

R309-400-7. Administrative Appeals.

(1) The assessment of points does not constitute a permit order per Subsection R305-7-102(1)(l) and may not be appealed pursuant to Rule R305-7.

(2) The assignment of a rating to a public water system constitutes an initial order per Subsection R305-7-102(1)(g) and may be appealed by submitting, filing, and serving a written Request for Agency Action pursuant to Section R305-7-303 within 30 days of the date of the order issued by the director.

R309-400-8. Associated Deficiency and Violation Points Tables.

<u>TABLE 1</u> <u>Deficiencies</u>			
<u>Code</u>	<u>Description</u>	<u>Type</u>	<u>Points</u>
<u>A025</u>	<u>Administrative Issues</u>	<u>Minor</u>	<u>15</u>
<u>A050</u>	<u>Administrative Issues</u>	<u>Significant</u>	<u>25</u>
<u>A075</u>	<u>Administrative Issues</u>	<u>Significant</u>	<u>50</u>
<u>A100</u>	<u>Administrative Issues</u>	<u>Significant</u>	<u>100</u>
<u>A150</u>	<u>Administrative Issues</u>	<u>Significant</u>	<u>200</u>
<u>A225</u>	<u>System lacks a permanent operating permit. See notes for details</u>	<u>Significant</u>	<u>25</u>
<u>C001</u>	<u>System lacks Direct Responsible Charge operator certified at required distribution level</u>	<u>Significant</u>	<u>50</u>
<u>C002</u>	<u>Operator not available within 1 hour of travel time and no other on-site assistance or alternative support available</u>	<u>Minor</u>	<u>15</u>
<u>C011</u>	<u>System lacks a Direct Responsible Charge operator certified at required treatment level</u>	<u>Significant</u>	<u>50</u>
<u>C012</u>	<u>System lacks Direct Responsible Charge operator certified at required distribution and treatment levels</u>	<u>Significant</u>	<u>50</u>
<u>C013</u>	<u>System employs operators but lacks a designated Direct Responsible Charge operator</u>	<u>Significant</u>	<u>25</u>
<u>C014</u>	<u>System has Direct Responsible Charge operator that has met exam and application requirements but lacks required experience</u>	<u>Minor</u>	<u>15</u>
<u>C015</u>	<u>System employs operators short-term resulting in Direct Responsible Charge gaps</u>	<u>Significant</u>	<u>25</u>
<u>D001</u>	<u>Distribution piping, fittings, or material not ANSI/NSF 61 certified</u>	<u>Significant</u>	<u>25</u>
<u>D002</u>	<u>Water lines lack required minimum separation from sewer</u>	<u>Significant</u>	<u>25</u>
<u>D003</u>	<u>Distribution system unable to provide 20 pounds per square inch (PSI) minimum pressure for water lines constructed before January 1, 2007</u>	<u>Significant</u>	<u>50</u>
<u>D004</u>	<u>Air relief valve pipe lacks the No. 14 screen</u>	<u>Significant</u>	<u>25</u>
<u>D006</u>	<u>Air relief valve pipe not downturned</u>	<u>Significant</u>	<u>25</u>
<u>D007</u>	<u>Air relief valve or chamber subject to flooding</u>	<u>Significant</u>	<u>25</u>
<u>D009</u>	<u>Water mains are susceptible to nearby contamination sources</u>	<u>Significant</u>	<u>50</u>
<u>D010</u>	<u>Distribution system unable to provide 40 PSI during peak day and 20 PSI during fire flow for water lines installed after January 1, 2007</u>	<u>Significant</u>	<u>50</u>
<u>D011</u>	<u>Inadequate protection for distribution line crossing under a surface water body</u>	<u>Significant</u>	<u>25</u>
<u>D013</u>	<u>Distribution blowoffs, fire hydrant, air relief valve, pipeline, or chamber connected to storm drain or sanitary sewer</u>	<u>Significant</u>	<u>50</u>
<u>D014</u>	<u>Distributing piping and fittings installed after January 1, 2014, no lead free or not ANSI/NSF 372 or 61G certified</u>	<u>Minor</u>	<u>15</u>
<u>D016</u>	<u>Distribution water line connected to or subject to contamination</u>	<u>Significant</u>	<u>50</u>
<u>D018</u>	<u>Fail to follow AWWA C651 for water line disinfection</u>	<u>Significant</u>	<u>25</u>
<u>D019</u>	<u>Undersized water main serving fire hydrants</u>	<u>Minor</u>	<u>15</u>
<u>G001</u>	<u>Unapproved facility in service</u>	<u>Significant</u>	<u>50</u>
<u>G004</u>	<u>Insufficient system ownership information</u>	<u>Minor</u>	<u>15</u>
<u>G006</u>	<u>Using unapproved treatment process or chemical</u>	<u>Significant</u>	<u>50</u>
<u>G007</u>	<u>Construction without prior approval</u>	<u>Significant</u>	<u>50</u>
<u>L014</u>	<u>Spring collection box is not present</u>	<u>Minor</u>	<u>5</u>
<u>M003</u>	<u>Cross Connection Control (CCC) - Lacks local authority</u>	<u>Significant</u>	<u>25</u>
<u>M004</u>	<u>CCC - No annual public education or awareness</u>	<u>Minor</u>	<u>15</u>
<u>M005</u>	<u>CCC - TNC and NTNC system lacks required backflow 101 training certificate</u>	<u>Minor</u>	<u>15</u>
<u>M006</u>	<u>CCC - Lacks written records of CCC activities</u>	<u>Minor</u>	<u>15</u>
<u>M007</u>	<u>CCC - Lacks ongoing enforcement implementation</u>	<u>Minor</u>	<u>15</u>
<u>M008</u>	<u>System is not providing adequate distribution system pressure and is reliant on home booster pumps to meet pressure demands</u>	<u>Significant</u>	<u>50</u>

NOTICES OF PROPOSED RULES

M009	<u>Improper bacteriological sample collecting and handling</u>	<u>Minor</u>	<u>15</u>
M011	<u>Community system is using unapproved water hauling as a water source</u>	<u>Significant</u>	<u>200</u>
M013	<u>Failed to submit an Engineering Evaluation Report</u>	<u>Significant</u>	<u>50</u>
M014	<u>Confirmed pattern of unsatisfactory drinking water quality samples</u>	<u>Significant</u>	<u>25</u>
M015	<u>Confirmed water-borne illness as a result of public drinking water contamination</u>	<u>Significant</u>	<u>50</u>
M016	<u>History of verified customer complaints regarding drinking water quality or quantity</u>	<u>Significant</u>	<u>50</u>
M017	<u>Water stagnation, biofilm, or sediments contributes to drinking water contamination</u>	<u>Significant</u>	<u>50</u>
M018	<u>Interruption of treatment process contributes to drinking water contamination</u>	<u>Significant</u>	<u>50</u>
M019	<u>Failure to submit required water use data annually or verify data accuracy</u>	<u>Minor</u>	<u>15</u>
M020	<u>Cross connection exists in water system</u>	<u>Significant</u>	<u>50</u>
M021	<u>Individual home booster pumps connected to water main directly</u>	<u>Significant</u>	<u>50</u>
M022	<u>CCC - Community system lacks CCC Program Administrator</u>	<u>Minor</u>	<u>15</u>
M023	<u>CCC - Program Administrator required by director</u>	<u>Significant</u>	<u>25</u>
M024	<u>Community system's Emergency Response Plan (ERP) lacks cybersecurity measures</u>	<u>Significant</u>	<u>25</u>
M025	<u>Unapproved interconnection with another water system</u>	<u>Significant</u>	<u>50</u>
M026	<u>Lacks operational records</u>	<u>Significant</u>	<u>25</u>
M027	<u>System lacks a required emergency response plan</u>	<u>Significant</u>	<u>25</u>
M028	<u>Community system failed to certify their ERP annually</u>	<u>Minor</u>	<u>15</u>
M029	<u>Failure to be available for scheduled site visit without timely notice</u>	<u>Significant</u>	<u>100</u>
M030	<u>Missing Capacity Development Assessment</u>	<u>Minor</u>	<u>15</u>
M031	<u>Missing Asset Management Plan</u>	<u>Minor</u>	<u>15</u>
M032	<u>Shallow distribution lines causing impaired water quality</u>	<u>Significant</u>	<u>25</u>
M033	<u>Willfully non-compliant system</u>	<u>Significant</u>	<u>100</u>
M034	<u>Failure to report an emergency</u>	<u>Significant</u>	<u>50</u>
M035	<u>Failure to supply an updated Administrative Contact</u>	<u>Significant</u>	<u>50</u>
M036	<u>Missing New Public Water System Application</u>	<u>Minor</u>	<u>15</u>
M037	<u>Failure to update population or service connections</u>	<u>Significant</u>	<u>25</u>
M038	<u>Failure to follow approved water hauling practices</u>	<u>Significant</u>	<u>100</u>
M039	<u>Unapproved water hauling source in service</u>	<u>Significant</u>	<u>200</u>
M040	<u>Failure to follow an approved sample site plan</u>	<u>Significant</u>	<u>50</u>
M041	<u>Failure to conduct consistent bacteriological sampling requirement</u>	<u>Significant</u>	<u>100</u>
M042	<u>Hose threads lack required backflow prevention device</u>	<u>Minor</u>	<u>15</u>
M043	<u>Assessment monitoring required</u>	<u>Significant</u>	<u>25</u>
PS01	<u>Pump facility not protected from flooding or surface runoff</u>	<u>Minor</u>	<u>15</u>
PS03	<u>Pump facility lacks pressure gauge on discharge line</u>	<u>Minor</u>	<u>15</u>
PS05	<u>Pump facility lacks shutoff valves for operations and maintenance (O & M) and repair</u>	<u>Minor</u>	<u>15</u>
PS06	<u>Pump station building interior floor not drained or not sloped to drain</u>	<u>Minor</u>	<u>15</u>
PS07	<u>Pump electrical controls not protected against flooding</u>	<u>Significant</u>	<u>25</u>
PS10	<u>Pump station or hydropneumatics tank air inlet valve (A/V) relief piping lacks No. 14 screen</u>	<u>Significant</u>	<u>25</u>
PS11	<u>A/V valve relief piping of pump station or hydropneumatics tank not protected from contamination or not at least six inches above floor</u>	<u>Significant</u>	<u>25</u>
PS12	<u>Pump station or hydropneumatics tank A/V valve relief piping not downturned</u>	<u>Significant</u>	<u>25</u>
PS13	<u>Pump station building floor elevation not protected from flooding or less than six inches above finish grade</u>	<u>Minor</u>	<u>15</u>
PS14	<u>Pump station building not properly heated, lighted, or ventilated</u>	<u>Minor</u>	<u>5</u>
PS15	<u>Pump facility has cross connection or subject to contamination</u>	<u>Significant</u>	<u>50</u>
PS18	<u>Community system's in-line booster pump station lacks redundancy to meet peak demand with one pump out of service</u>	<u>Significant</u>	<u>25</u>
PS19	<u>Pump facility lacks capacity to meet demand</u>	<u>Significant</u>	<u>25</u>
PS31	<u>Improper lubrication oil used for drinking water pump facility</u>	<u>Significant</u>	<u>25</u>
PS33	<u>Pump facility not protected from vandalism or unauthorized entry</u>	<u>Minor</u>	<u>15</u>
PS34	<u>Community system relies on diaphragm or air pressure tanks for finished water storage or fire protection</u>	<u>Minor</u>	<u>15</u>
PT08	<u>Hydropneumatic tank lacks a pressure gauge</u>	<u>Minor</u>	<u>15</u>

PT13	Pump station or hydropneumatic tank and controls not protected against hazard	Significant	25
PT14	Hydropneumatic tank not protected from flooding	Minor	15
R003	Asbestos cement pipe in use	Recommendation	0
R006	Failure to make the lead service line inventory publicly accessible	Minor	15
R007	Lead service line (LSL) inventory deficiency	Minor	15
R008	Failure to provide the certificate of delivery for LSL public notice	Minor	15
S001	Unapproved source in service	Significant	200
S002	Well house not protected against vandalism	Significant	25
S003	Well casing terminates less than 12 inches above floor or less than 18 inches above ground surface	Significant	25
S005	Well with pitless adaptor not watertight or not protected against vandalism	Significant	50
S006	End of well casing vent lacks No. 14 screen	Significant	25
S007	Well casing vent not downturned	Significant	25
S008	Well casing vent lacks air gap against contamination	Significant	25
S009	Well pump-to-waste line lacks a clearance of at least 12 inches	Significant	25
S010	End of well pump-to-waste line lacks No. 4 screen	Significant	25
S011	Well pump-to-waste line not downturned	Significant	25
S013	Well lacks the required well seal	Significant	50
S015	Well lacks a means to measure water levels periodically	Recommendation	0
S020	Well head or well house not protected from flooding	Significant	25
S021	Cross connection exists in well house or at well head	Significant	50
S022	Well house lacks a means of providing drainage	Minor	5
S023	No smooth nosed sampling tap on well discharge piping	Minor	5
S024	No check valve on well discharge piping	Minor	5
S025	No pressure gauge on well discharge piping	Minor	5
S026	No flow meter on well discharge piping	Minor	5
S027	No shutoff valve on well discharge piping	Minor	5
S028	Air release vacuum relief valve piping not downturned	Significant	25
S029	End of air release vacuum relief valve piping lacks No. 14 screen	Significant	25
S030	End of air release vacuum relief valve piping lacks a clearance of at least six inches	Significant	25
S031	Pump lubricants not ANSI/NSF 60 certified mineral oil	Significant	25
S033	Community system without naturally flowing sources lacks backup power for at least one water source	Significant	25
S034	New source safe yield not yet met	Minor	15
S035	Source shows evidence of potential contamination	Minor	15
S036	Unsealed opening in the well head	Significant	50
S090	Transient system - Insufficient source capacity	Minor	15
S091	System lacks up to 20% of required source capacity	Minor	15
S094	Community or NTNC system lack more than 20% of required source capacity	Significant	50
S095	Unfinished well not capped securely	Significant	50
S150	GWUDI or surface water source lacks surface water treatment	Significant	200
S151	Suspected UDI source - Assessment needed	Minor	15
SL01	Well that pumps directly to distribution lacks a means to release trapped air	Minor	5
SP02	Preliminary Evaluation Report (PER) for active source not upgraded to full DWSP plan	Significant	25
SP03	DWSP plan not implemented according to management strategies in DWSP plan	Significant	25
SP04	Active source lacks approved updates to DWSP plan	Minor	5
SP05	Lacks land use agreement for part of required zones	Significant	25
SP06	New water source lacks approved PER	Significant	50
SP07	Active source lacks an approved DWSP plan	Significant	25
SP09	Redeveloped source lacks a revised DWSP plan	Minor	15
SP10	Pollution source lacks design standards within source protection zones	Significant	50
SS01	Lacks a permanent device for measuring spring flow	Minor	5
SS02	Spring collection area not fenced	Minor	15
SS03	Spring lacks a diversion channel or berm to divert runoff away from spring collection area	Minor	15
SS04	Spring box overflow lacks No. 4 screen	Significant	25

NOTICES OF PROPOSED RULES

SS06	<u>Ponding within spring collection area</u>	<u>Significant</u>	<u>25</u>
SS07	<u>Deep rooted vegetation in spring collection area</u>	<u>Significant</u>	<u>25</u>
SS08	<u>Roots in spring collection pipes</u>	<u>Significant</u>	<u>25</u>
SS09	<u>Spring box lid not shoebox style</u>	<u>Significant</u>	<u>25</u>
SS10	<u>Spring box lid lacks a gasket</u>	<u>Significant</u>	<u>25</u>
SS11	<u>Spring box lacks a means of venting</u>	<u>Minor</u>	<u>5</u>
SS12	<u>Spring box entry not elevated at least 18 inches above earthen cover</u>	<u>Minor</u>	<u>15</u>
SS13	<u>Spring box lid not locked</u>	<u>Significant</u>	<u>25</u>
SS14	<u>Spring box overflow or drain lacks a free fall of 12 to 24 inches</u>	<u>Significant</u>	<u>25</u>
SS15	<u>Height of spring box vent not sized to prevent blockage in winter</u>	<u>Significant</u>	<u>25</u>
SS16	<u>Spring box vent not downturned</u>	<u>Significant</u>	<u>25</u>
SS17	<u>Spring box vent lacks No. 14 screen</u>	<u>Significant</u>	<u>25</u>
SS18	<u>End of spring box vent is at least 24 inches above earthen cover</u>	<u>Significant</u>	<u>25</u>
SS19	<u>Spring impermeable liner inadequate or not intact</u>	<u>Significant</u>	<u>50</u>
SS20	<u>Unsealed openings in spring collection box</u>	<u>Significant</u>	<u>50</u>
SS22	<u>Spring impervious soil cover inadequate or not intact</u>	<u>Significant</u>	<u>50</u>
SS23	<u>Spring box lacks a means of providing overflow</u>	<u>Minor</u>	<u>15</u>
SS24	<u>Herbicide, pesticides, or algicides applied are not ANSI/NSF 60 certified and without approval</u>	<u>Significant</u>	<u>50</u>
T001	<u>Plan lacks provision for bypassing pre-sedimentation basins</u>	<u>Minor</u>	<u>15</u>
T002	<u>Primary coagulant not used properly</u>	<u>Significant</u>	<u>50</u>
T004	<u>Filtration basins lack safety handrails</u>	<u>Significant</u>	<u>25</u>
T005	<u>Multi-media filter not provided with continuous turbidity monitoring</u>	<u>Significant</u>	<u>100</u>
T006	<u>No sample tap or a means to sample raw water or finished water</u>	<u>Significant</u>	<u>50</u>
T007	<u>No means to monitor media filter head loss</u>	<u>Significant</u>	<u>25</u>
T008	<u>No means to monitor or record flow rate of each filter</u>	<u>Significant</u>	<u>50</u>
T009	<u>Slow sand process does not have at least three filter units</u>	<u>Minor</u>	<u>15</u>
T018	<u>Clear well lacks an overflow and vent</u>	<u>Significant</u>	<u>25</u>
T019	<u>Lacks sufficient laboratory equipment for proper O & M of the plant</u>	<u>Significant</u>	<u>25</u>
T021	<u>Instrumentation and controls in treatment plant not maintained, operable, or functioning properly</u>	<u>Significant</u>	<u>100</u>
T027	<u>In-plant water supply to laboratory and sanitary facilities not of finished water quality</u>	<u>Significant</u>	<u>100</u>
T028	<u>Incorrect compliance chlorine residual sampling location</u>	<u>Significant</u>	<u>100</u>
T029	<u>Chemical dosing not proportional to flow changes</u>	<u>Significant</u>	<u>25</u>
T032	<u>GW system operating filter above approved loading rate</u>	<u>Minor</u>	<u>15</u>
T033	<u>Media depths not meeting requirements</u>	<u>Significant</u>	<u>50</u>
T034	<u>SW system operating filter above approved loading rate</u>	<u>Significant</u>	<u>100</u>
T035	<u>Missing surface water treatment plant records</u>	<u>Significant</u>	<u>50</u>
T036	<u>Inconsistent process control testing</u>	<u>Significant</u>	<u>50</u>
T037	<u>Filter loading rate not verified</u>	<u>Significant</u>	<u>50</u>
T038	<u>Unapproved treatment plant in service</u>	<u>Significant</u>	<u>100</u>
T043	<u>Filter or media not cleaned, inspected, maintained, or otherwise does not meet required specifications</u>	<u>Significant</u>	<u>50</u>
T074	<u>No filter-to-waste provision for each filter</u>	<u>Significant</u>	<u>25</u>
T075	<u>Backwash water supply not of finished drinking water quality</u>	<u>Significant</u>	<u>50</u>
T076	<u>Inadequate water supply or flow rate to meet filter backwash needs</u>	<u>Significant</u>	<u>25</u>
T080	<u>Chemicals used for drinking water treatment not ANSI/NSF 60 certified</u>	<u>Significant</u>	<u>50</u>
T081	<u>Flash mix process functions improperly or chemical for flash mixing added improperly</u>	<u>Minor</u>	<u>15</u>
T082	<u>Flocculation process functions improperly</u>	<u>Minor</u>	<u>15</u>
T083	<u>No means to determine anticipated coagulant dose</u>	<u>Significant</u>	<u>25</u>
T084	<u>Required disinfectant not added to finished water</u>	<u>Significant</u>	<u>50</u>
T085	<u>Multi-media filter not equipped to initiate automatic shutdown or backwash</u>	<u>Significant</u>	<u>50</u>
T086	<u>Slow sand filters are not protected to prevent freezing</u>	<u>Minor</u>	<u>15</u>
T087	<u>Slow sand filters do not have at least 24 inches of sand that meets rule requirements</u>	<u>Significant</u>	<u>50</u>
T088	<u>Slow sand filters are not maintained or operated properly</u>	<u>Significant</u>	<u>50</u>
T089	<u>Slow sand filters do not have filter-to-waste provision</u>	<u>Significant</u>	<u>25</u>

T090	<u>Source water quality or turbidity unsuitable for slow sand treatment</u>	<u>Significant</u>	<u>100</u>
T091	<u>Inadequate direct integrity testing to monitor membrane integrity for each membrane unit</u>	<u>Significant</u>	<u>100</u>
T092	<u>Inadequate continuous indirect integrity testing to monitor membrane integrity for each unit</u>	<u>Significant</u>	<u>100</u>
T093	<u>Incorrect control limit of membrane direct integrity test sensitivity to show log removal</u>	<u>Significant</u>	<u>100</u>
T094	<u>Incorrect trigger for membrane continuous indirect integrity testing</u>	<u>Significant</u>	<u>50</u>
T095	<u>Insufficient backwash water supply to allow backwashing two membrane units consecutively</u>	<u>Minor</u>	<u>15</u>
T096	<u>Clear well inadequately designed to provide required disinfection CT</u>	<u>Significant</u>	<u>25</u>
T097	<u>Lacks monitoring or records of recycled water</u>	<u>Minor</u>	<u>15</u>
T098	<u>Fail to meet giardia, virus, or cryptosporidium treatment requirements</u>	<u>Significant</u>	<u>200</u>
T099	<u>Incorrect surface water treatment compliance water quality sampling location</u>	<u>Significant</u>	<u>50</u>
TC07	<u>Activated carbon application point not appropriate (before oxidant addition)</u>	<u>Minor</u>	<u>15</u>
TC10	<u>Activated carbon not stored separately or away from incompatible chemicals</u>	<u>Significant</u>	<u>25</u>
TC15	<u>Piping not color coded or labeled to show contained liquid and flow direction</u>	<u>Minor</u>	<u>5</u>
TC17	<u>Activated carbon storage and operation areas not clean, dry, or safe for operator safety</u>	<u>Significant</u>	<u>25</u>
TD01	<u>Continuous disinfection is required but chlorinator lacks automatic switchover</u>	<u>Significant</u>	<u>50</u>
TD02	<u>Lacks equipment to measure chlorine feed rate</u>	<u>Significant</u>	<u>50</u>
TD04	<u>150-pound cylinder facility lacks immediate access to Niosh respirator</u>	<u>Minor</u>	<u>15</u>
TD05	<u>1-ton cylinder facility lacks a leak repair kit approved by chlorine institute</u>	<u>Significant</u>	<u>25</u>
TD06	<u>1-ton cylinder facility lacks immediate access to Niosh self-contained breathing apparatus</u>	<u>Significant</u>	<u>25</u>
TD07	<u>Gas chlorine area in treatment plant not separate from other areas</u>	<u>Significant</u>	<u>25</u>
TD08	<u>Chlorinator building not heated, lighted, or ventilated</u>	<u>Minor</u>	<u>15</u>
TD09	<u>Chlorine room exhaust fan suction not located near floor</u>	<u>Minor</u>	<u>15</u>
TD10	<u>Chlorine room air inlet not located near ceiling through wall louvers</u>	<u>Minor</u>	<u>15</u>
TD12	<u>Lack separate switches for fan and lights near chlorine room entrance</u>	<u>Minor</u>	<u>15</u>
TD13	<u>Chlorine vent line not discharged outside above grade or lacks No. 14 screen</u>	<u>Significant</u>	<u>25</u>
TD14	<u>No ammonia hydroxide solution for chlorine leak detection</u>	<u>Minor</u>	<u>15</u>
TD15	<u>Chlorine cylinders not restrained</u>	<u>Significant</u>	<u>25</u>
TD16	<u>Inadequate disinfection for ground water source required to disinfect</u>	<u>Significant</u>	<u>200</u>
TD17	<u>Chlorine cylinders are exposed to direct sun or excessive heat</u>	<u>Significant</u>	<u>25</u>
TD18	<u>1-ton cylinder chlorine room ventilation not independent or separate from ventilation for the rest of the treatment plant</u>	<u>Significant</u>	<u>25</u>
TD19	<u>1-ton cylinder facility lacks continuous chlorine leak detection equipment</u>	<u>Significant</u>	<u>25</u>
TD21	<u>Cross connection exists in chlorine makeup water supply line</u>	<u>Significant</u>	<u>25</u>
TD22	<u>Lacks backup power supply for required disinfection</u>	<u>Significant</u>	<u>50</u>
TD23	<u>1-ton cylinder facility lacks alarms on continuous chlorine leak detector</u>	<u>Significant</u>	<u>25</u>
TD24	<u>Hypochlorite tank lacks a liquid level indicator</u>	<u>Significant</u>	<u>25</u>
TD25	<u>Disinfection is required but disinfection is intermittent or not continuous</u>	<u>Significant</u>	<u>100</u>
TD26	<u>Fail to achieve disinfection CT or report inaccurate CT for required treatment</u>	<u>Significant</u>	<u>100</u>
TD28	<u>Combustible or reactive materials stored in chlorine dioxide operating area</u>	<u>Significant</u>	<u>50</u>
TD29	<u>Hypochlorite facility does not have adequate spill containment</u>	<u>Minor</u>	<u>5</u>
TD30	<u>Personal protective equipment not available near and outside of chlorine dioxide operating area</u>	<u>Significant</u>	<u>25</u>
TD31	<u>Chlorine dioxide facility lacks emergency eyewash and safety shower</u>	<u>Significant</u>	<u>25</u>
TD32	<u>No emergency shutoff for chlorine dioxide generator</u>	<u>Significant</u>	<u>25</u>
TD33	<u>Chlorine dioxide operating area and solution tanks not properly vented</u>	<u>Minor</u>	<u>15</u>
TD34	<u>No ambient chlorine dioxide sensor or alarm or warning light</u>	<u>Significant</u>	<u>25</u>
TD35	<u>Chlorine dioxide operating area lacks wash down water</u>	<u>Minor</u>	<u>15</u>
TD36	<u>Chlorine dioxide operating area temperatures not maintained between 60 and 100 degrees Fahrenheit</u>	<u>Minor</u>	<u>15</u>
TD37	<u>Chlorine dioxide facility lacks safety and emergency manual, or operators lacks safety and emergency training</u>	<u>Significant</u>	<u>25</u>
TD39	<u>UV facility lacks standard operating procedures</u>	<u>Minor</u>	<u>15</u>
TD41	<u>Cleaning chemicals do not meet ANSI/NSF 60 standards</u>	<u>Significant</u>	<u>50</u>
TD42	<u>Unable to isolate UV reactor for maintenance</u>	<u>Minor</u>	<u>15</u>

NOTICES OF PROPOSED RULES

TD43	<u>Lacks backup power supply for required UV disinfection</u>	<u>Significant</u>	<u>50</u>
TD44	<u>Lacks redundant primary disinfection method if UV reactor is off specification</u>	<u>Significant</u>	<u>100</u>
TD46	<u>Ozone facility lacks adequate ozone residual analyzers for CT determination</u>	<u>Significant</u>	<u>100</u>
TD47	<u>Quenching chemicals do not meet ANSI/NSF 60 standards</u>	<u>Significant</u>	<u>50</u>
TD48	<u>Ozone off gas blowers not functioning</u>	<u>Significant</u>	<u>50</u>
TD49	<u>Ozone off gas destruction units not provided or not functioning</u>	<u>Significant</u>	<u>50</u>
TD56	<u>Gas chlorine room in treatment plant lacks shatter resistant inspection windows</u>	<u>Significant</u>	<u>25</u>
TD58	<u>Standby power not available for primary treatment process for surface water treatment</u>	<u>Significant</u>	<u>50</u>
TD59	<u>Backup equipment or spare parts not available for critical treatment items</u>	<u>Significant</u>	<u>50</u>
TD62	<u>No sample tap for each unit operation of treatment</u>	<u>Minor</u>	<u>15</u>
TD64	<u>Chemical solution not covered or tank access openings not covered</u>	<u>Minor</u>	<u>5</u>
TD66	<u>Hypochlorite facility lacks a means of emergency eyewash</u>	<u>Significant</u>	<u>25</u>
TD67	<u>Hypochlorite liquid not protected from excessive heat or direct sunlight</u>	<u>Minor</u>	<u>5</u>
TD68	<u>No records kept to minimize use of decayed hypochlorite solution</u>	<u>Minor</u>	<u>5</u>
TD69	<u>Incompatible chemicals stored in chlorine room</u>	<u>Significant</u>	<u>25</u>
TD70	<u>Chlorine solution makeup water not of drinking water quality</u>	<u>Significant</u>	<u>25</u>
TD71	<u>Hydrogen gas from on-site hypochlorite generation electrolytic cell not vented upward to outside</u>	<u>Significant</u>	<u>50</u>
TD72	<u>Hypochlorite tablets not stored in cool, dry, and vented area</u>	<u>Minor</u>	<u>5</u>
TD73	<u>Hypochlorite tablets stored with combustible materials or acids</u>	<u>Significant</u>	<u>25</u>
TD74	<u>Personal protective equipment, safety shower, or eyewash not provided</u>	<u>Significant</u>	<u>25</u>
TD75	<u>System required to disinfect lacks ability or equipment to properly maintain or repair treatment systems</u>	<u>Significant</u>	<u>25</u>
TD76	<u>Inadequate means to maintain disinfectant residual in the water entering the distribution system</u>	<u>Significant</u>	<u>100</u>
TD78	<u>Lacks equipment for chlorine residual testing</u>	<u>Significant</u>	<u>100</u>
TD79	<u>No means to measure flow rate of water treated</u>	<u>Significant</u>	<u>50</u>
TD81	<u>Instrumentation used to verify operation or rule compliance not calibrated monthly</u>	<u>Minor</u>	<u>15</u>
TD82	<u>Instrumentation used to verify operation or rule compliance not maintained per manufacturer requirements</u>	<u>Minor</u>	<u>15</u>
TD83	<u>System required to achieve CT (GWRD-Primary or SWT) has a missing or insufficient POE chlorine sampling location</u>	<u>Significant</u>	<u>50</u>
TD84	<u>Missing or insufficient designated POE chlorine sample location</u>	<u>Significant</u>	<u>25</u>
TD85	<u>Missing or nonfunctional chlorine analyzer</u>	<u>Significant</u>	<u>25</u>
TD86	<u>Distribution system lacks required disinfection</u>	<u>Significant</u>	<u>100</u>
TD87	<u>Source lacks required disinfection - primary</u>	<u>Significant</u>	<u>200</u>
TD88	<u>Source lacks required disinfection - secondary</u>	<u>Significant</u>	<u>100</u>
TD89	<u>System is batch-disinfection outside approved batch practices, such as operations and maintenance or seasonal start-up</u>	<u>Significant</u>	<u>50</u>
TD90	<u>Adding chemicals that do not meet ANSI/NSF 60 standards</u>	<u>Significant</u>	<u>50</u>
TD91	<u>Chlorinator lacks a means to measure flow of treated water</u>	<u>Significant</u>	<u>50</u>
TD92	<u>Gas chlorination equipment not secure or lacking proper housing</u>	<u>Significant</u>	<u>25</u>
TD93	<u>1-ton cylinder operating area lacks gas scrubber</u>	<u>Significant</u>	<u>25</u>
TD94	<u>Pre-sedimentation basins not equipped for sludge removal</u>	<u>Minor</u>	<u>15</u>
TD95	<u>Gas chlorine room in treatment plant lacks outward-opening exit door with panic bar</u>	<u>Significant</u>	<u>25</u>
TD96	<u>Gas chlorine room in treatment plant has floor drains that connect to other drains in the plant</u>	<u>Significant</u>	<u>25</u>
TD97	<u>Insufficient UV dose for required treatment</u>	<u>Significant</u>	<u>100</u>
TD98	<u>Lacks operational records for chemical dosing</u>	<u>Significant</u>	<u>25</u>
TD99	<u>No means to measure quantities of chemicals used</u>	<u>Significant</u>	<u>50</u>
TG03	<u>Solution tanks and chemical refill lines not labeled</u>	<u>Minor</u>	<u>15</u>
TG05	<u>Safety data sheet information including chemical name, purity, concentration, and supplier is not available for each chemical</u>	<u>Significant</u>	<u>25</u>
TG09	<u>No means to measure liquid level in solution tank</u>	<u>Significant</u>	<u>25</u>
TG10	<u>Solution tank lacks an inverted J vent or a means of venting</u>	<u>Minor</u>	<u>5</u>
TG13	<u>Acid solution not kept in closed acid-resistant containers</u>	<u>Minor</u>	<u>15</u>

TG17	<u>Dust control and ventilation not adequate for handling dry chemicals</u>	<u>Minor</u>	<u>15</u>
TG18	<u>Solution tank not protected against backflow or not provided with a valved drain</u>	<u>Significant</u>	<u>50</u>
TG19	<u>Incompatible chemicals are fed, stored, or handled together</u>	<u>Significant</u>	<u>25</u>
TG20	<u>Daily records do not reflect dosages accurately</u>	<u>Significant</u>	<u>25</u>
TG21	<u>Chemical feeder not accurate, calibrated, or functioning</u>	<u>Significant</u>	<u>25</u>
TG31	<u>No sample tap for testing finished water</u>	<u>Significant</u>	<u>25</u>
TG35	<u>Cross connection between untreated water and finished water</u>	<u>Significant</u>	<u>100</u>
TG53	<u>No backflow protection on in-plant water supply line</u>	<u>Significant</u>	<u>50</u>
TG55	<u>Community system serving 100 or more connections lacks redundant sources but has a plan to address emergency loss of source</u>	<u>Minor</u>	<u>15</u>
TG59	<u>Lacks containment provisions to handle solution tank spills or overflows</u>	<u>Minor</u>	<u>15</u>
TG60	<u>Acid tank not vented to outside</u>	<u>Minor</u>	<u>15</u>
TG62	<u>Discharging without a permit</u>	<u>Minor</u>	<u>15</u>
TG64	<u>In-plant water supply lacks cross connection control</u>	<u>Significant</u>	<u>50</u>
TGR2	<u>Trigger for backwash recycling review</u>	<u>Minor</u>	<u>15</u>
TGR3	<u>Trigger for undocumented facility or process</u>	<u>Minor</u>	<u>15</u>
TGR5	<u>Hazardous, flammable, or toxic chemicals storage presents risk to source water</u>	<u>Significant</u>	<u>25</u>
TGR7	<u>Community system serving 100 or more connections lacks redundant source</u>	<u>Significant</u>	<u>50</u>
TGR9	<u>Trigger for technical assistance follow-up to address concerns</u>	<u>Minor</u>	<u>15</u>
TI05	<u>Polyphosphate sequestration used for iron manganese control when iron or manganese or combination exceeds 1 mg/L</u>	<u>Significant</u>	<u>25</u>
TQ04	<u>Apply polyphosphate before iron manganese treatment or after aeration, oxidation, or disinfection</u>	<u>Significant</u>	<u>25</u>
TQ06	<u>Total phosphate applied exceeds 10 mg/L as PO4 for iron manganese control</u>	<u>Significant</u>	<u>25</u>
TQ08	<u>Lacks chlorine residual in distribution system when using polyphosphate sequestration for iron manganese control</u>	<u>Significant</u>	<u>25</u>
TT01	<u>Turbidimeter not calibrated or maintained for accurate continuous monitoring of treatment processes</u>	<u>Significant</u>	<u>100</u>
TX07	<u>No backflow protection on chemical makeup water supply line</u>	<u>Significant</u>	<u>50</u>
TX08	<u>Solution tank overflow pipe not downturned or lacking a clearance of six inches or more</u>	<u>Significant</u>	<u>50</u>
TX09	<u>Backup or standby chemical feeder not available</u>	<u>Minor</u>	<u>15</u>
V001	<u>Storage tank surrounding area not graded to prevent standing water within 50 feet of the tank</u>	<u>Significant</u>	<u>25</u>
V003	<u>Water ponding on storage tank roof or tank roof not sloped to drain</u>	<u>Minor</u>	<u>15</u>
V004	<u>Storage tank ladders more than 20 feet lack safety features such as safe gate, harness, or platform</u>	<u>Minor</u>	<u>15</u>
V005	<u>Storage facility vent not downturned at least two inches below any opening</u>	<u>Significant</u>	<u>25</u>
V006	<u>End of storage tank vent lacks a clearance of at least 24 inches from earthen cover</u>	<u>Minor</u>	<u>15</u>
V007	<u>Storage tank vent lacks No. 14 screen</u>	<u>Significant</u>	<u>25</u>
V008	<u>Tank access height less than four inches above tank roof or less than 18 inches above earthen cover</u>	<u>Minor</u>	<u>15</u>
V009	<u>Storage tank lid lacks a functioning gasket between the lid and frame</u>	<u>Significant</u>	<u>25</u>
V010	<u>Storage tank lid not shoebox style</u>	<u>Minor</u>	<u>15</u>
V011	<u>End of storage tank overflow lacks a clearance of between 12 and 24 inches from ground surface</u>	<u>Significant</u>	<u>25</u>
V012	<u>End of storage tank overflow pipe lacks No. 4 screen</u>	<u>Significant</u>	<u>25</u>
V013	<u>Storage tank overflow pipe is connected to or discharges to sanitary sewer</u>	<u>Significant</u>	<u>50</u>
V014	<u>Storage tank interior coatings lack ANSI/NSF 61 certification</u>	<u>Significant</u>	<u>25</u>
V016	<u>End of tank drain line lacks a clearance of at least 12 inches</u>	<u>Significant</u>	<u>25</u>
V017	<u>Storage tank subject to contamination due to unsealed openings on tank roof or sidewalls</u>	<u>Significant</u>	<u>100</u>
V019	<u>Storage facility interior peeling or cracked</u>	<u>Minor</u>	<u>15</u>
V021	<u>Storage tank roof or sidewalls show signs of mild or moderate deterioration</u>	<u>Minor</u>	<u>15</u>
V022	<u>Storage tank roof or sidewalls show signs of severe deterioration</u>	<u>Significant</u>	<u>50</u>
V025	<u>Storage tank within 50 feet of sewers or contamination sources</u>	<u>Significant</u>	<u>25</u>
V026	<u>No means to isolate storage tank for O & M</u>	<u>Significant</u>	<u>25</u>

NOTICES OF PROPOSED RULES

V027	<u>Drinking water storage tank separated from wastewater compartment by a single wall</u>	<u>Significant</u>	<u>50</u>
V028	<u>System runs out of water due to storage tank lacking level control mechanism</u>	<u>Significant</u>	<u>25</u>
V029	<u>Storage tank access opening lacks a lock</u>	<u>Significant</u>	<u>25</u>
V031	<u>System lacks up to 20% of required storage capacity (fire demand not included)</u>	<u>Minor</u>	<u>15</u>
V034	<u>Community or NTNC system lacks more than 20% of required storage capacity (fire demand not included)</u>	<u>Significant</u>	<u>50</u>
V035	<u>Storage tank vent larger than six inches in diameter lacks protective screen</u>	<u>Minor</u>	<u>5</u>
V036	<u>Tank drain is connected to or discharges to sanitary sewer</u>	<u>Significant</u>	<u>50</u>
V037	<u>Storage tank internal catwalks not designed with a solid floor and raised edges</u>	<u>Significant</u>	<u>25</u>
V038	<u>Storage tank overflow discharge is not directed away from tank to protect tank foundation</u>	<u>Significant</u>	<u>25</u>
V039	<u>Storage tank access is not watertight or not sealed to prevent contamination</u>	<u>Significant</u>	<u>50</u>
V040	<u>Storage tank vent not sized or located to prevent blockage during winter</u>	<u>Minor</u>	<u>15</u>
V041	<u>Elevated storage tank lacks railings or handholds</u>	<u>Significant</u>	<u>25</u>
V042	<u>No means to drain a storage tank for O & M</u>	<u>Significant</u>	<u>25</u>
V043	<u>TNC system lacks required storage capacity (fire demand not included)</u>	<u>Minor</u>	<u>15</u>
V044	<u>Storage tank lid does not adequately protect finished water from contamination</u>	<u>Significant</u>	<u>25</u>
VF34	<u>System lacks required storage capacity due to fire demand but has SOP for following fire incident</u>	<u>Minor</u>	<u>15</u>
VF35	<u>System lacks required storage capacity due to fire flow demand and lacks SOP for following fire incident</u>	<u>Significant</u>	<u>25</u>
VF36	<u>TNC system lacks required storage capacity due to fire flow demand and lacks SOP for flowing fire incident</u>	<u>Minor</u>	<u>15</u>
VL01	<u>Storage tank lacks an overflow</u>	<u>Significant</u>	<u>25</u>
VL02	<u>Storage tank lacks an air vent</u>	<u>Significant</u>	<u>25</u>
VL03	<u>Storage tank lacks an access opening located above the level of the overflow for tank O & M</u>	<u>Minor</u>	<u>15</u>
VL05	<u>Storage tank vent inadequately sized</u>	<u>Significant</u>	<u>25</u>

TABLE 2
Violations

<u>Code</u>	<u>Violation</u>	<u>Analyte</u>	<u>Type</u>	<u>Points</u>
<u>01</u>	<u>Nitrate or nitrite maximum contaminant level exceedance, based on a single sample</u>	<u>1038 Nitrate-Nitrite, 1040 Nitrate, or 1041 Nitrite</u>	<u>Acute</u>	<u>100</u>
<u>01</u>	<u>Maximum contaminant level exceedance based on a single sample</u>	<u>Any Other Analytes</u>	<u>Acute</u>	<u>50</u>
<u>02</u>	<u>Maximum contaminant level exceedance, based on a locational running annual average of sample results</u>	<u>2456 Total Haloacetic Acids or 2950 TTHM</u>	<u>Chronic</u>	<u>15</u>
<u>02</u>	<u>Maximum contaminant level exceedance, based on a running annual average of sample results</u>	<u>Any Analyte</u>	<u>Acute</u>	<u>50</u>
<u>03</u>	<u>Failure to collect any of the required samples in accordance with a nitrate and nitrite monitoring schedule</u>	<u>1038 Nitrate-Nitrite, 1040 Nitrate, or 1041 Nitrite</u>	<u>Monitoring</u>	<u>50</u>
<u>03</u>	<u>Failure to collect any of the required samples in accordance with a monitoring schedule</u>	<u>Any Other Analytes</u>	<u>Monitoring</u>	<u>25</u>
<u>03</u>	<u>Failure to collect the specified amount of required samples in accordance with a monitoring schedule</u>	<u>Any Analyte</u>	<u>Monitoring</u>	<u>15</u>
<u>05</u>	<u>Failure to submit 4-log virus treatment report within 30 days of total coliform-positive sample for PWS with triggered source sampling exemption</u>	<u>0700 Groundwater Rule</u>	<u>Reporting</u>	<u>15</u>
<u>10</u>	<u>Failure to submit a monthly operating report</u>	<u>0200 SWTR</u>	<u>Reporting</u>	<u>50</u>
<u>10</u>	<u>Failure to provide required monitoring information in a monthly operating report</u>	<u>0200 SWTR</u>	<u>Reporting</u>	<u>50</u>
<u>11</u>	<u>Acute violation for exceeding maximum residual disinfectant level for chlorine dioxide</u>	<u>1008 Chlorine Dioxide</u>	<u>Chronic</u>	<u>25</u>

<u>11</u>	<u>Non-acute violation for exceeding maximum residual disinfectant level for chlorine dioxide</u>	<u>1008 Chlorine Dioxide</u>	<u>Chronic</u>	<u>25</u>
<u>19</u>	<u>Failure to take any monthly routine source assessment sample</u>	<u>3014 E. coli</u>	<u>Monitoring</u>	<u>15</u>
<u>19</u>	<u>Failure to collect the specified amount of required source assessment samples</u>	<u>3014 E. coli</u>	<u>Monitoring</u>	<u>5</u>
<u>1A</u>	<u>E. coli maximum contaminant level exceedance</u>	<u>3014 E. coli</u>	<u>Acute</u>	<u>50</u>
<u>1A</u>	<u>E. coli maximum contaminant level exceedance</u>	<u>8000 RTCR</u>	<u>Acute</u>	<u>50</u>
<u>20</u>	<u>Failure to consult with DDW about significant deficiencies or E.coli positive samples</u>	<u>0700 Groundwater Rule</u>	<u>Reporting</u>	<u>15</u>
<u>20</u>	<u>Failure to consult about significant deficiencies after EPA survey</u>	<u>0800 EPA Survey</u>	<u>Reporting</u>	<u>15</u>
<u>27</u>	<u>Failure to collect any of the required chlorine residual readings</u>	<u>0999 Chlorine</u>	<u>Reporting</u>	<u>15</u>
<u>27</u>	<u>Failure to collect any of the required DBP samples in accordance with a DBP monitoring schedule</u>	<u>2456 Total Halocetic Acids (HAA5), 2950 TTHM</u>	<u>Monitoring</u>	<u>15</u>
<u>27</u>	<u>Failure to have a DBP monitoring plan</u>	<u>400 DBP State 1</u>	<u>Monitoring</u>	<u>5</u>
<u>27</u>	<u>Failure to report DBP sample results in a timely manner</u>	<u>DBP2, 2456 Total Halocetic Acids (HAA5), 2950 TTHM</u>	<u>Monitoring</u>	<u>5</u>
<u>28</u>	<u>Failure to permit DDW to conduct a sanitary survey</u>	<u>SS</u>	<u>Acute</u>	<u>50</u>
<u>29</u>	<u>Failure to conduct and submit a triggered filter assessment</u>	<u>0300 IESWTR/LT1</u>	<u>Monitoring</u>	<u>25</u>
<u>2A</u>	<u>Failure to conduct and submit a Level One Assessment</u>	<u>8000 RTCR</u>	<u>Chronic</u>	<u>50</u>
<u>2B</u>	<u>Failed to cooperate with the Division in completing the Level Two Assessment</u>	<u>8000 RTCR</u>	<u>Acute</u>	<u>100</u>
<u>2C</u>	<u>Failure to address significant deficiency identified during an assessment</u>	<u>8000 RTCR</u>	<u>Acute</u>	<u>50</u>
<u>2D</u>	<u>Failure to conduct and complete seasonal start-up procedures</u>	<u>8000 RTCR</u>	<u>Reporting</u>	<u>50</u>
<u>2E</u>	<u>Failure to complete initial LSLI</u>	<u>5200 LCRR</u>	<u>Reporting</u>	<u>50</u>
<u>2E</u>	<u>Failure to complete updated LSLI</u>	<u>5200 LCRR</u>	<u>Reporting</u>	<u>50</u>
<u>2E</u>	<u>Failure to complete baseline inventory</u>	<u>LCRI</u>	<u>Reporting</u>	<u>50</u>
<u>31</u>	<u>Late reporting of chlorine residuals for unfiltered GW source with 4-log treatment</u>	<u>0700 Groundwater Rule/0999</u>	<u>Monitoring</u>	<u>15</u>
<u>31</u>	<u>Failure of continuous chlorine monitoring for systems serving a population greater than 3300</u>	<u>0200 SWTR</u>	<u>Monitoring</u>	<u>50</u>
<u>31</u>	<u>Failure of continuous chlorine monitoring for systems doing 4-log treatment of unfiltered GW source</u>	<u>0700 Groundwater Rule/0999</u>	<u>Monitoring</u>	<u>50</u>
<u>32</u>	<u>Failure to submit a required LT2 monitoring plan</u>	<u>LT2ESWTR</u>	<u>Reporting</u>	<u>25</u>
<u>32</u>	<u>Failure to collect any of the required LT2 samples in accordance with a monitoring schedule</u>	<u>LT2ESWTR</u>	<u>Monitoring</u>	<u>25</u>
<u>34</u>	<u>Failure to take any required triggered source sample after total coliform-positive routine sample</u>	<u>0700 Groundwater Rule</u>	<u>Monitoring</u>	<u>25</u>
<u>34</u>	<u>Failure to take all required triggered source samples after total coliform-positive routine sample</u>	<u>0700 Groundwater Rule</u>	<u>Monitoring</u>	<u>15</u>
<u>35</u>	<u>Failure to submit an OEL report for DBPs (Haloacetic Acids)</u>	<u>2456 HAA5</u>	<u>Reporting</u>	<u>15</u>
<u>35</u>	<u>Failure to submit an OEL report for DBPs (Trihalomethanes)</u>	<u>2950 TTHM</u>	<u>Reporting</u>	<u>15</u>
<u>36</u>	<u>Failure to monitor chlorine residual measurements</u>	<u>0800 LT2ESWTR</u>	<u>Monitoring</u>	<u>50</u>
<u>37</u>	<u>Failure to consult the Division as required</u>	<u>TT</u>	<u>Reporting</u>	<u>50</u>
<u>3A</u>	<u>Failure to take any routine monthly total coliform sample</u>	<u>3014 RTCR</u>	<u>Monitoring</u>	<u>25</u>
<u>3A</u>	<u>Failure to take all routine monthly total coliform samples</u>	<u>3014 RTCR</u>	<u>Monitoring</u>	<u>15</u>
<u>3E</u>	<u>Failure to monitor for PFAS, initial monitoring</u>	<u>PFAS</u>	<u>Monitoring</u>	<u>25</u>
<u>3F</u>	<u>Failure to monitor for PFAS, compliance monitoring</u>	<u>PFAS</u>	<u>Monitoring</u>	<u>25</u>
<u>40</u>	<u>Failure to practice proper recycling</u>	<u>0500 Filter Backwash Rule</u>	<u>Acute</u>	<u>50</u>

NOTICES OF PROPOSED RULES

41	<u>Exceedance of 95th percentile turbidity limit at the combined filter effluent</u>	<u>0100 Turbidity</u>	<u>Acute</u>	<u>100</u>
41	<u>Failure to meet required disinfectant residual to achieve treatment</u>	<u>0999 Chlorine</u>	<u>Acute</u>	<u>100</u>
41	<u>Exceedance of the not-to-exceed single turbidity limit at the combined filter effluent</u>	<u>0200 SWTR</u>	<u>Acute</u>	<u>100</u>
41	<u>Failure to achieve the required log removal credits for complete treatment</u>	<u>0800 LT2ESWTR</u>	<u>Acute</u>	<u>100</u>
42	<u>Failure to filter a surface water source that requires filtration</u>	<u>0200 SWTR</u>	<u>Chronic</u>	<u>100</u>
42	<u>Failure to provide required treatment for a groundwater source</u>	<u>0700 Groundwater Rule</u>	<u>Chronic</u>	<u>100</u>
42	<u>Failure to provide required additional cryptosporidium removal as established in the bin determination</u>	<u>0800 LT2ESWTR</u>	<u>Chronic</u>	<u>100</u>
45	<u>GW system failure to address significant deficiency</u>	<u>0700 Groundwater Rule</u>	<u>Chronic</u>	<u>50</u>
45	<u>SW system failure to address significant deficiency</u>	<u>0300 IESWTR</u>	<u>Chronic</u>	<u>50</u>
45	<u>Failure to address significant deficiency from EPA survey</u>	<u>0800 EPA Survey</u>	<u>Chronic</u>	<u>50</u>
46	<u>Failure to adequately remove DBP precursors</u>	<u>2920 DBP Stage 1</u>	<u>Chronic</u>	<u>15</u>
4A	<u>Submitted Level One Assessment late</u>	<u>8000 RTCR</u>	<u>Reporting</u>	<u>15</u>
4B	<u>Submitted monthly total coliform samples late</u>	<u>8000 RTCR</u>	<u>Reporting</u>	<u>5</u>
4C	<u>Submitted seasonal start-up form late</u>	<u>8000 RTCR</u>	<u>Reporting</u>	<u>15</u>
4D	<u>Failure to report E. coli positive sample within 24 hours</u>	<u>8000 RTCR</u>	<u>Reporting</u>	<u>25</u>
4G	<u>Failure to submit a complete LSLI</u>	<u>5200 LCRR</u>	<u>Reporting</u>	<u>15</u>
4G	<u>Failure to submit updated SLI</u>	<u>5200 LCRR</u>	<u>Reporting</u>	<u>15</u>
4G	<u>Failure to submit baseline inventory</u>	<u>5200 LCRR</u>	<u>Reporting</u>	<u>15</u>
4H	<u>Failure to submit certificate of delivery for PN</u>	<u>5200 LCRR</u>	<u>Reporting</u>	<u>15</u>
4J	<u>Failure to submit initial monitoring for PFAS data</u>	<u>PFAS</u>	<u>Reporting</u>	<u>15</u>
4K	<u>Failure to notify the state following a MCL violation for PFAS or failure to submit compliance monitoring data</u>	<u>PFAS</u>	<u>Reporting</u>	<u>25</u>
51	<u>Failure to conduct initial monitoring for lead and copper</u>	<u>5000 Lead & Copper Rule</u>	<u>Monitoring</u>	<u>25</u>
52	<u>Failure to conduct routine lead and copper monitoring</u>	<u>5000 Lead & Copper Rule</u>	<u>Monitoring</u>	<u>25</u>
52	<u>Failure to collect the specified amount of required lead and copper samples</u>	<u>5000 Lead & Copper Rule</u>	<u>Monitoring</u>	<u>15</u>
53	<u>Failure to monitor for water quality parameters</u>	<u>5000 Lead & Copper Rule</u>	<u>Monitoring</u>	<u>25</u>
57	<u>Failure to provide optimal corrosion control treatment recommendation</u>	<u>5000 Lead & Copper Rule</u>	<u>Chronic</u>	<u>50</u>
58	<u>Failure to install optimal corrosion control treatment</u>	<u>5000 Lead & Copper Rule</u>	<u>Chronic</u>	<u>50</u>
59	<u>Water quality parameter excursion</u>	<u>5000 Lead & Copper Rule</u>	<u>Chronic</u>	<u>50</u>
5A	<u>Failure to submit RTCR Sample Site Plan</u>	<u>8000 RTCR</u>	<u>Reporting</u>	<u>15</u>
64	<u>Failure to submit replacement form</u>	<u>5000 Lead & Copper Rule</u>	<u>Chronic</u>	<u>50</u>
65	<u>Failure to provide public education for lead and copper</u>	<u>5000 Lead & Copper Rule</u>	<u>Chronic</u>	<u>50</u>
66	<u>Failure to provide consumer notice for lead and copper samples</u>	<u>5000 Lead & Copper Rule</u>	<u>Reporting</u>	<u>5</u>
71	<u>Failure to submit CCR Report</u>	<u>7000 Consumer Confidence Rule</u>	<u>Reporting</u>	<u>15</u>
72	<u>Failure to submit a timely or adequate CCR distribution certification</u>	<u>7000 Consumer Confidence Rule</u>	<u>Reporting</u>	<u>15</u>
73	<u>Failure to notify wholesale system of total coliform-positive sample</u>	<u>0700 Groundwater Rule</u>	<u>Reporting</u>	<u>15</u>
75	<u>Failure to provide tier three public notice</u>	<u>Any Analyte Tier 3</u>	<u>Reporting</u>	<u>15</u>
75	<u>Failure to provide tier two public notice</u>	<u>Any Analyte Tier 2</u>	<u>Reporting</u>	<u>25</u>
75	<u>Failure to provide tier one public notice</u>	<u>Any Analyte Tier 1</u>	<u>Reporting</u>	<u>100</u>

<u>76</u>	<u>Incomplete public notice</u>	<u>7500 Public Notice</u>	<u>Reporting</u>	<u>15</u>
<u>77</u>	<u>Failure to provide tier one public notice following a lead action level exceedance</u>	<u>7500 Public Notice</u>	<u>Reporting</u>	<u>100</u>
<u>FA</u>	<u>Failure to take required repeat samples within 24 hours</u>	<u>Any Analyte</u>	<u>Reporting</u>	<u>5</u>
<u>MR</u>	<u>Failure to collect any of the required samples in accordance with a monitoring schedule. Applied for analytes that do not have primary MCLs in Rule R309-200</u>	<u>Any Analyte</u>	<u>Reporting</u>	<u>15</u>
<u>MR</u>	<u>Failure to collect the specified amount of required samples in accordance with a monitoring schedule. Applied for analytes that do not have primary MCLs in Rule R309-200</u>	<u>Any Analyte</u>	<u>Reporting</u>	<u>5</u>
<u>PN</u>	<u>Failure to provide public notice for enforcement orders</u>	<u>7600 Public Notice for IPS</u>	<u>Reporting</u>	<u>5</u>

KEY: drinking water, environmental protection, water system rating, penalties

Date of Last Change: 2026[November 8, 2019]

Notice of Continuation: February 10, 2025

Authorizing, and Implemented or Interpreted Law: 19-4-104

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R309-540

Filing ID: 57879

Agency Information

1. Title catchline:	Environmental Quality, Drinking Water	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144830	
City, state and zip:	Salt Lake City, UT 84114-4830	
Contact persons:		
Name:	Phone:	Email:
Michael Newberry	385-515-1464	mnewberry@utah.gov
Russell Seeley	435-650-8519	rseeley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R309-540. Facility Design and Operation: Pump and Hydropneumatic Pressure Facilities
4. Purpose of the new rule or reason for the change:
The Division of Drinking Water (Division) is reducing the regulatory requirements on non-community water systems such that they are not required to have redundant pumps installed to maintain water pressure. Also, the Division wants to remove state regulation in regards to home booster pumps.
5. Summary of the new rule or change:
The Division is clarifying when a redundant pump is required and removing the requirement for non-community systems to have redundant pumps installed. The Division is also removing a restriction on home booster pumps, allowing that decision to be made at the local level.

Fiscal Information

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

A. State budget:

The proposed rule change regarding redundant pumps will have no change to the state budget.

There may be a small financial savings, but the amount cannot be estimated because it is so minimal. The efficiency gain from removing this step is primarily qualitative.

B. Local governments:

The proposed rule change regarding redundant pumps will have no change on local governments as they are community systems.

There may be a small financial savings, but the amount cannot be estimated because it is so minimal. The efficiency gain from removing this step is primarily qualitative.

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

The proposed rule will not have an impact on small businesses.

There may be a small financial savings, but the amount cannot be estimated because it is so minimal. The efficiency gain from removing this step is primarily qualitative.

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

The proposed rule will not have an impact on non-small businesses.

There may be a small financial savings, but the amount cannot be estimated because it is so minimal. The efficiency gain from removing this step is primarily qualitative.

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

The proposed rule may see a savings on a homeowner that would need to install a booster pump. There is no way for us to know how many homeowners would have a need to install booster pumps, so we are unable to estimate any savings.

F. Compliance costs for affected persons:

The proposed rule may see a savings on a homeowner that would need to install a booster pump.

There is no way for the Division to know how many homeowners would have a need to install booster pumps, so are unable to estimate any savings.

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

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

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 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 19-4-105

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: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026
 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:	02/24/2026
---	-------------------------------	--------------	------------

R309. Environmental Quality, Drinking Water.

R309-540. Facility Design and Operation: Pump and Hydropneumatic Pressure Facilities.

R309-540-6. Pumps.

- (1) ~~[Capacity and Minimum Distribution System Pressure.]~~ A pump used to provide minimum distribution system pressure shall:
 - (a) have the capacity to meet the maximum demand of the specific portion of the distribution system served; and
 - (b) be capable of providing the minimum pressure ~~[s required by]~~ requirements of Section R309-105-9.
- ~~(2) Number of Pumps.~~
 - (2)(a) ~~[A water supplier shall have at least two pumps installed and in operation at a booster pump facility that provides the only means available to meet the minimum distribution system pressure requirements of Section R309-105-9 for the water distribution pipeline served by the facility.]~~ If a pump station is the only means available for a community PWS to meet the minimum distribution system pressure requirements of Section R309-105-9, the pump station shall have at least two pumps in operation.
 - (a) Transient and non-transient non-community PWSs shall have at least one pump in operation to maintain the minimum distribution system pressure requirements of Section R309-105-9. If the director finds that unplanned closures could cause harm to public health, the director may require a transient or non-transient non-community PWSs to install at least two pumps to maintain minimum distribution pressure.
 - (b) Transient and non-transient non-community PWSs that have only one pump in operation shall have a backup pump available that is ready to install if necessary.
 - (3)(b) ~~[A booster] [In a pump station [facility] that requires at least two pumps, if the largest pump is out of service, the second pump shall have the capacity to meet the maximum demand of the water distribution pipeline served by the pump station. [facility with the largest pump out of service.]~~
 - (4)(3) Each [B] booster [P] pump [s]:
 - (a) ~~[A booster pump] shall [be equipped with] have~~ an automatic shutoff or low-pressure controller as recommended by the pump manufacturer; ~~[]~~
 - (b) ~~[A booster pump] that~~ withdraws ~~[ing]~~ water from a distribution line shall maintain an intake pressure of at least 20 psi when the pump is in normal operation; ~~[]~~
 - (c) ~~[A booster pump] that~~ withdraws ~~[ing]~~ water directly from a water storage tank shall ~~[be provided with] have~~ net positive suction head.
 - (5)(4) ~~[Pump Motor.]~~ A pump motor shall:
 - (a) ~~[be sized] have the capacity~~ to meet operating conditions without overloading; and
 - (b) provide the maximum horsepower necessary to run ~~[required by]~~ the pump without the use of a service factor.
 - ~~(5) Certification of Drinking Water Treatment Chemicals and System Components.~~

NOTICES OF PROPOSED RULES

- ~~(a) Chemicals added to drinking water at pump facilities shall be certified to meet NSF/ANSI 60.~~
- ~~(6)(b) [Products, components, and]Any material[s used] that may come in contact with drinking water in a pump facility [facilities that may impart chemical contaminants or impurities to drinking water.]shall be certified to meet NSF/ANSI 61.~~
- ~~(7)(6) [Suction Lift-]Any pump with suction lift shall:[When a pump provides suction lift:]~~
- ~~(a) [the maximum lift shall]be within the pump manufacturer's recommended limits; and~~
- ~~(b) [tanks]have priming [shall be provided-]for the pump.~~
- ~~(7) Priming.~~
- ~~(8)(a) When a pump requires priming, the priming system shall:~~
- ~~(a)(i) use water of at least the same quality that the pump is pumping; [as the water being pumped;]and~~
- ~~(b)(ii) include a means to prevent back siphoning.~~
- ~~(9)(b) For vacuum priming that uses an [When an-]air-operated ejector, the ejector [is used for vacuum priming, it-]shall draw clean air through a screened intake that is:~~
- ~~(a)(i) at least ten feet above the ground; and~~
- ~~(b)(ii) at least ten feet away from a point of contamination.~~
- ~~(8) Water Seal.~~
- ~~(10)(a) A pump that uses water for a seal [Water used as a seal for a pump-]shall have water [be-]of at least the same quality that the pump is pumping[of the water being pumped].~~
- ~~(b-) A water line supplying drinking water [used as-]for a seal for a pump that pumps non-potable water shall have backflow protection.[be protected from backflow.]~~
- ~~(9) Individual Home Booster Pumps. Individual home booster pumps shall not be allowed for any individual service from the public water supply main. Exceptions may be granted by the Director if it can be shown that the granting of an exception will not jeopardize public health.~~
- ~~(11) A booster pump within the premise plumbing of a building or on the service lateral connection, including a home booster pump, is acceptable if:~~
- ~~(a) the pump is not necessary to resolve deficiencies related to the necessary minimum pressures at the point of connection for the service lateral per Section R309-105-9;~~
- ~~(b) the PWS approves the pump installation; and~~
- ~~(c) the pump installation and operation meet the applicable requirements in the International Plumbing Code and any amendments that the Department of Commerce has adopted.~~

R309-540-8. Hydropneumatic Facilities[~~for Maintaining Distribution System Pressure~~].

- ~~(1) Applicability.~~
- ~~(a) Section R309-540-8 applies to a hydropneumatic facility that maintains distribution system pressure for a public water system.~~
- ~~(b) Sections R309-540-5 through R309-540-7 apply to a pump, other than a well pump, that supplies water under pressure to a hydropneumatic pressure tank.]~~
- ~~(1)(e) Section R309-540-8 applies to air-over-water, diaphragm, and bladder hydropneumatic pressure tanks.~~
- ~~(2)(d) Section R309-540-8 does not apply to:~~
- ~~(a)(i) a surge protection tank;~~
- ~~(b)(ii) pressure relief equipment; or~~
- ~~(c)(iii) a pressure tank dedicated solely to fire suppression.~~
- ~~(3)(2) [Number of Pumps. A public water system using a hydropneumatic facility to meet the minimum distribution system pressure requirements of Section R309-105-9 shall have at least two pumps installed and in operation at the hydropneumatic facility, unless the hydropneumatic facility is supplied solely by a well pump.]Where a hydropneumatic facility is the only means available for a PWS to meet the minimum distribution system pressure requirements of Section R309-105-9, the number of pumps shall meet the requirements in Subsection R309-540-6(2).~~
- ~~(4)(3) [Pressure Tank Certification-]A hydropneumatic pressure tank shall have:~~
- ~~(a) NSF/ANSI 61 certification; and~~
- ~~(b) ASME Boiler and Pressure Vessel Code certification.~~
- ~~(5)(4) [Use of Pressure Tank Volume for Water Storage Sizing-]A community water system may not use the volume of a hydropneumatic pressure tank to meet the water storage sizing requirements in Section R309-510-8.~~
- ~~(5) Pressure Tank Located Below Ground.]~~
- ~~(6)(a) A below-ground location for a hydropneumatic pressure tank and appurtenances shall meet the requirements of:~~
- ~~(a)(i) Subsection R309-540-5(2) for flood protection and site drainage;~~
- ~~(b)(ii) Subsection R309-540-5(4)(3) for pump station drainage and flooding prohibition;~~
- ~~(c)(iii) Subsection R309-540-5(5)(4)(b) for access; and~~
- ~~(d)(iv) Subsection R309-540-5(9)(8) for ventilation.~~
- ~~(7)(b) Electrical controls for a hydropneumatic pressure tank located below ground shall be:~~
- ~~(a)(i) located above grade; and~~
- ~~(b)(ii) protected from flooding.~~
- ~~(8)(6) [Operating Pressure Measurement. A-]Hydropneumatic facilities shall have means to measure the operating pressures[~~of a hydropneumatic facility shall be provided~~].~~

(9[7]) [~~Bypass Piping~~] Each hydropneumatic tank shall have bypass piping and isolation valves to allow draining and maintenance of the tank [~~to be removed from service~~] without disruption of water distribution.

(10[8]) [~~Pressure Tank Sizing~~] The [~~minimum~~] volume of a hydropneumatic tank shall be large enough [~~sized~~] to avoid continuous pump cycling as recommended by the manufacturer.

[~~(9) Air Over Water Pressure Tanks~~]

(11[~~a~~]) An air-over-water pressure tank shall have:

- (a[~~i~~]) an access opening;
- (b[~~ii~~]) a drain;
- (c[~~iii~~]) a means to measure pressure;
- (d[~~iv~~]) a means to measure the water level in the tank;
- (e[~~v~~]) an automatic or manual air blow-off;
- (f[~~vi~~]) a means for adding air; and
- (g[~~vii~~]) pressure operated start-stop controls for a pump.

(12[~~b~~]) Air delivered by a compressor to an air-over-water pressure tank shall be:

- (a[~~i~~]) drawn from a point above ground;
- (b[~~ii~~]) free of contamination;
- (c[~~iii~~]) filtered; and
- (d[~~iv~~]) oil free.

(13[~~e~~]) The volume of water remaining in an air-over-water pressure tank at the lowest pressure setting shall provide a water seal at the water outlet to prevent the leakage of air.

KEY: drinking water, pumps, hydropneumatic systems, individual home booster pumps

Date of Last Change: 2026[June 26, 2024]

Notice of Continuation: February 10, 2025

Authorizing, and Implemented or Interpreted Law: 19-4-104

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R317-1-7

Filing ID: 57927

Agency Information

1. Title catchline:	Environmental Quality, Water Quality	
Building:	Multi Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144870	
City, state and zip:	Salt Lake City, UT 84114-4870	
Contact persons:		
Name:	Phone:	Email:
Jodi Gardberg	385-242-6039	jgardberg@utah.gov
Samuel Taylor	385-499-1707	sgtaylor@utah.gov
Sandy Wingert	385-256-3438	swingert@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R317-1-7. TMDLs
4. Purpose of the new rule or reason for the change:
The purpose of this amendment is to incorporate by reference into Subsection R317-1-7(7.70) 2026 Addendum: Jordan River Watershed E. coli Total Maximum Daily Loads (TMDLs) as approved by the Water Quality Board.

5. Summary of the new rule or change:

This amendment incorporates by reference the 2026 Addendum: Jordan River Watershed E. coli TMDLs into Subsection R317-1-7(7.70).

Fiscal Information

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

A. State budget:

The proposed rule is not expected to have any impact on state government revenues or expenditures.
TMDL implementation will be addressed with existing state resources.

B. Local governments:

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

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

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

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

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

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

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

F. Compliance costs for affected persons:

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

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

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

Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

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

Citation Information

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

Title 19, Chapter 5		
---------------------	--	--

Incorporation by Reference Information

8. Incorporation by Reference:

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

Official Title of Materials Incorporated (from title page)	JORDAN RIVER WATERSHED E. COLI TMDL: 2026 Addendum and Appendices
Publisher	Utah Division of Water Quality
Issue Date	4/22/2026
Issue or Version	First

Public Notice Information

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

A. Comments will be accepted until:	06/16/2026
--	------------

10. This rule change MAY become effective on:	06/24/2026
--	------------

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:	Candice A. Hasenyager, PE	Date:	04/27/2026
---	---------------------------	--------------	------------

R317. Environmental Quality, Water Quality.

R317-1. Definitions and General Requirements.

R317-1-7. TMDLs.

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

- 7.1 Middle Bear River -- February 23, 2010;
- 7.2 Chalk Creek -- December 23, 1997;
- 7.3 Otter Creek -- December 23, 1997;
- 7.4 Little Bear River -- May 23, 2000;
- 7.5 Mantua Reservoir -- May 23, 2000;
- 7.6 East Canyon Creek -- September 14, 2010;
- 7.7 East Canyon Reservoir -- September 14, 2010;
- 7.8 Kents Lake -- September 1, 2000;
- 7.9 LaBaron Reservoir -- September 1, 2000;
- 7.10 Minersville Reservoir -- September 1, 2000;
- 7.11 Puffer Lake -- September 1, 2000;
- 7.12 Scofield Reservoir -- September 1, 2000;
- 7.13 Onion Creek (near Moab) -- July 25, 2002;
- 7.14 Cottonwood Wash -- September 9, 2002;
- 7.15 Deer Creek Reservoir -- September 9, 2002;

NOTICES OF PROPOSED RULES

- 7.16 Hyrum Reservoir -- September 9, 2002;
- 7.17 Little Cottonwood Creek -- September 9, 2002;
- 7.18 Lower Bear River -- September 9, 2002;
- 7.19 Malad River -- September 9, 2002;
- 7.20 Mill Creek (near Moab) -- September 9, 2002;
- 7.21 Spring Creek -- September 9, 2002;
- 7.22 Forsyth Reservoir -- September 27, 2002;
- 7.23 Johnson Valley Reservoir -- September 27, 2002;
- 7.24 Lower Fremont River -- September 27, 2002;
- 7.25 Mill Meadow Reservoir -- September 27, 2002;
- 7.26 UM Creek -- September 27, 2002;
- 7.27 Upper Fremont River -- September 27, 2002;
- 7.28 Deep Creek -- October 9, 2002;
- 7.29 Uinta River -- October 9, 2002;
- 7.30 Pineview Reservoir -- December 9, 2002;
- 7.31 Browne Lake -- February 19, 2003;
- 7.32 San Pitch River -- November 18, 2003;
- 7.33 Newton Creek -- June 24, 2004;
- 7.34 Panguitch Lake -- June 24, 2004;
- 7.35 West Colorado -- August 4, 2004;
- 7.36 Silver Creek -- August 4, 2004;
- 7.37 Upper Sevier River -- August 4, 2004;
- 7.38 Lower and Middle Sevier River -- August 17, 2004;
- 7.39 Lower Colorado River -- September 20, 2004;
- 7.40 Upper Bear River -- August 4, 2006;
- 7.41 Echo Creek -- August 4, 2006;
- 7.42 Soldier Creek -- August 4, 2006;
- 7.43 East Fork Sevier River -- August 4, 2006;
- 7.44 Koosharem Reservoir -- August 4, 2006;
- 7.45 Lower Box Creek Reservoir -- August 4, 2006;
- 7.46 Otter Creek Reservoir -- August 4, 2006;
- 7.47 Thistle Creek -- July 9, 2007;
- 7.48 Strawberry Reservoir -- July 9, 2007;
- 7.49 Matt Warner Reservoir -- July 9, 2007;
- 7.50 Calder Reservoir -- July 9, 2007;
- 7.51 Lower Duchesne River -- July 9, 2007;
- 7.52 Lake Fork River -- July 9, 2007;
- 7.53 Brough Reservoir -- August 22, 2008;
- 7.54 Steinaker Reservoir -- August 22, 2008;
- 7.55 Red Fleet Reservoir -- August 22, 2008;
- 7.56 Newcastle Reservoir -- August 22, 2008;
- 7.57 Cutler Reservoir -- February 23, 2010;
- 7.58 Pariette Draw -- September 28, 2010;
- 7.59 Emigration Creek -- September 1, 2011;
- 7.60 Jordan River -- June 27, 2012;
- 7.61 Colorado River -- December 5, 2013;
- 7.62 Echo Reservoir -- March 26, 2014;
- 7.63 Rockport Reservoir -- March 26, 2014;
- 7.64 Nine Mile Creek -- October 27, 2016;
- 7.65 North Fork Virgin River -- May 23, 2018;
- 7.66 Fremont River -- October 28, 2020;
- 7.67 Spring Creek (Heber) -- December 15, 2021;
- 7.68 Jordan River Watershed -- October 26, 2022;[~~and~~]
- 7.69 Castle, Mill, and Pack Creeks -- August 27, 2025[-]; and
- 7.70 Jordan River Watershed: 2026 Addendum -- June 24, 2026.

KEY: TMDL, water pollution

Date of Last Change: 2026[~~August 27, 2025~~]

Notice of Continuation: August 15, 2022

Authorizing, and Implemented or Interpreted Law: 19-5

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R380-50****Filing ID:** 57906**Agency Information**

1. Title catchline:	Health and Human Services, Administration	
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:
Ryan Roberts	385-408-2785	ryaneroberts@utah.gov
Jerry Edwards	801-557-8260	jedwards@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R380-50. Local Health Department Funding Allocation Formula
4. Purpose of the new rule or reason for the change:
As a result of recommendations from the Governance Committee and review of this rule by the Department of Health and Human Services (department), the department determined this amendment is appropriate to align this rule with current practice, update statutory citations, update and add appropriate definitions, and clarify language.
5. Summary of the new rule or change:
This amendment updates formatting and statutory citations referenced for two definitions that have been renumbered in statute. It updates existing definitions for clarity and adds definitions appropriate for this rule. This amendment also clarifies who is responsible for voting to allocate funding to programs and approving a deviation from the funding allocation formula. It allows local health officers, by a three-fourths vote, to exempt funding from the formula described in this rule. Additionally, this amendment makes style and formatting changes to more closely align with the cited statute, comply with the Rulewriting Manual for Utah, align with other rules under the department, and removes redundant language.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This amendment is not anticipated to result in a cost or savings to the state budget, as this amendment does not change the responsibilities of the department or the Governance Committee described in this rule and aligns this rule with current practice. At a recent meeting, the Governance Committee recommended updating this rule to clarify that the voting body responsible for allocating funding to programs includes all local health officers and is not contingent upon a local health officer's membership of the Utah Association of Local Health Officers. There are currently 13 local health officers in the state, one for each local health department. However, the clarification of who may vote does not add to or modify the existing process.

Additionally, the Governance Committee recommended updating this rule to allow the voting body of local health officers the option to exempt funding from the funding allocation formula. The funding allocation formula is still in place and used in accordance with statute. Therefore, this amendment is not anticipated to result in a fiscal impact.

Further changes clarify rule language, comply with the Rulewriting Manual for Utah, and align this rule's style and formatting with other rules under the department.

B. Local governments:

This amendment is not anticipated to result in a cost or savings to local health departments and local health officers, as this amendment aligns this rule with current practice.

At a recent meeting, the Governance Committee recommended updating this rule to clarify that the voting body responsible for allocating funding to programs includes all local health officers and is not contingent upon a local health officer's membership of the Utah Association of Local Health Officers. There are currently 13 local health officers in the state, one for each local health department. However, the clarification of who may vote does not add to or modify the existing process.

Additionally, the Governance Committee recommended updating this rule to allow the voting body of local health officers the option to exempt funding from the funding allocation formula. The funding allocation formula is still in place and used in accordance with statute. Therefore, this amendment is not anticipated to result in a fiscal impact.

Further changes clarify rule language, comply with the Rulewriting Manual for Utah, and align this rule's style and formatting with other rules under the department.

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

This amendment is not anticipated to result in a cost or savings for small businesses, as this rule does not apply to that group.

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

This amendment is not anticipated to result in a cost or savings for non-small businesses, as this rule does not apply to that group.

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

This amendment is not anticipated to result in a cost or savings for other persons, as this rule does not apply to that group.

F. Compliance costs for affected persons:

This amendment is not anticipated to result in a compliance cost for affected persons, including the department, the Governance Committee, local health departments, and local health officers, as this amendment aligns this rule with current practice.

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

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

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner 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 26A-1-116		
-------------------	--	--

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:	06/16/2026
--	------------

10. This rule change MAY become effective on:	06/23/2026
--	------------

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, Commissioner	Date:	04/19/2026
---	-------------------------------	--------------	------------

R380. Health and Human Services, Administration.

R380-50. Local Health Department Funding Allocation Formula.

R380-50-1. Authority and Purpose.

- (1) Section 26A-1-116 authorizes this rule.
- (2) This rule specifies the formula for allocating state-appropriated funds to local health departments by contract.

R380-50-2. Definitions.

- (1) "Department" means the ~~Utah~~ Department of Health and Human Services.
- (2) "Formula" means the funding allocation formula described in this rule.
- (3)(a) "Funds" means ~~the State General Block Funds Maternal and Child Health Block grant funds, Preventive Block grant funds, immunization funds, bioterrorism and emergency preparedness and response funds, and tobacco~~ state funds~~[-]~~ allocated ~~appropriated~~ by the Legislature to the department for distribution to ~~all~~ each participating local health department~~[s]~~ by contract.
- (b) Funds may include a federal grant, as determined by contract between the department and a local health department.
- (~~3~~)4 "Local ~~H~~health ~~D~~department" means ~~a local health department established under~~ the same as defined in Subsection 26A-1-102(~~5~~)6.
- (~~4~~)5 "Local health officer" means the same as described in Section 26A-1-110.
- (6) "Multi~~-~~county ~~F~~factor" means funds allocated to local health departments to encourage them to form and maintain multi~~-~~county local health departments.
- (~~5~~)7 "Multi~~-~~county local ~~H~~health ~~D~~department" means ~~a local health department that is comprised of two or more contiguous counties~~ the same as defined in Subsection 26A-1-102(~~7~~)8.
- (~~6~~)8 "Participating local health department" means a local health department that accepts funds by contract from the department.
- (~~7~~)9 "Total ~~S~~state ~~P~~population" means the population figures by county as provided by the ~~State~~ Governor's Office of Planning and Budget.

R380-50-3. Allocation Procedures.

- (1) The amount of funds the department allocates to ~~the~~ each local health department~~[s]~~ shall be determined by the Governance Committee as described in Section 26B-1-207.
- (2)(a) By a three-fourths vote of ~~its members, the Utah Association of Local Health Officers~~ the local health officers, the local health officers may, in cooperation with and subject to the approval of the department, allocate a portion of the funds as necessary to support public health programs within ~~every~~ each participating local health department and ~~are~~ to be available to ~~all~~ eligible residents of the state.

NOTICES OF PROPOSED RULES

- ~~_____~~ (b) ~~[The department finds that p]~~Population is not the sole relevant factor in determining need.
- (3) The department adopts the following formula pursuant to Section 26A-1-116 for reallocating to local health departments any increases or decreases in funds~~[as follows]~~:
- (a) a minimum share, which is 32% of the funds divided into equal shares for each participating local health department;
 - (b) ~~[fifty percent]~~50% of the funds are divided among the local health departments based on the percentage of the total state population living within the geographical boundaries of the local health department according to the most current estimate from the Governor's Office of Planning and Budget. At a minimum, this factor will be evaluated after the official Census of the Population is released and four years after the official census is released; and
 - (c) ~~[eighteen percent]~~18% of the funds are divided among multi[-]county local health departments using a multi[-]county factor made up of two equal parts, as follows:
 - (i) half of the multi[-]county dollar amount~~[s]~~ is divided by the total multi number of counties that make up ~~[aH]~~the multi[-]county local health departments, ~~[the number is]~~multiplied by the number of counties in each multi[-]county local health department; and
 - (ii) each multi[-]county local health department's population, based upon population figures provided by the Governor's Office of Planning and Budget, is divided by the total population of ~~[aH]~~the counties that make up ~~[aH]~~the multi[-]county health departments, ~~[the number is]~~multiplied by half of the multi[-]county dollar amount.
- (4)~~(a)~~ ~~[The department may, after consulting with the Governance Committee, alter the formula to address documented need established by valid and accepted data in one or more local health department jurisdictions.]~~Funds shall go through the formula, unless made exempt by a three-fourths vote of the local health officers.
- ~~_____~~ (b) A~~[t no time can a]~~ local health department may not receive more than ten times the per capita amount calculated under this formula ~~[than]~~compared to any other local health department.
- (5) ~~[The Governance Committee may include future funds in the funding formula in cases where the total program funding exceeds \$500,000.]~~The department may, after consulting with the Governance Committee, alter the formula to address documented need established by valid and accepted data in one or more local health department jurisdictions.

R380-50-4. Exceptions.

- (1)(a) If one or more counties of a multi[-]county local health department withdraws from the multi[-]county local health department pursuant to Subsection 26A-1-122(2), the department shall reallocate ~~[the]any~~ funds allocated to the original multi[-]county local health department, under the formula specified in Section 26A-1-116, among the counties that made up that original multi[-]county local health department.
- (b) The department may not consider the funds allocated to another local health department~~[s]~~ for reallocation unless the entire formula is reconsidered.
- (2) ~~[The department shall assist in this effort to assure an appropriate reallocation of funds.]~~
- ~~_____~~ (3) ~~[The department shall reconsider the [funding-]formula at an appropriate time that assures the integrity of the statewide public health system with no additional interruption to statewide public health efforts.]~~

KEY: health, funding formula, local governments
Date of Last Change: ~~[February 7, 2024]~~2026
Notice of Continuation: October 31, 2022
Authorizing, and Implemented or Interpreted Law: 26A-1-116; 26A-1-122(2)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R381-100	Filing ID: 57955
Agency Information		
1. Title catchline:	Health and Human Services, Child Care Center Licensing	
Building:	Multi-Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
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:

R381-100. Child Care Centers

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

The Office of Licensing (OL), within the Division of Licensing and Background Checks, acts as the lead regulatory authority, in partnership with the Utah Office of Child Care (OCC), to ensure oversight of health and safety requirements for any child care provider receiving a license, certification, or license-exempt status through OL.

In October 2024, the Utah OCC received conditional approval from the federal OCC for the federal fiscal year (FFY) 2025-2027 Child Care and Development Fund (CCDF) state plan. This conditional approval requires the lead regulatory partner (OL) to update the existing immunization standard to be age-appropriate for school-age children attending any child care program receiving a license, certification, or license-exempt status through OL, including in this rule.

Therefore, OL determined it is necessary to update this rule to comply with the CCDF requirement, as part of the Utah OCC state plan, for an immunization standard for school-age children attending any child care program regulated by OL.

Additionally, based on public comment received by OL, this filing adds a new section to this rule to describe the requirements for a provider that uses a video surveillance camera system at the facility to provide clarity to child care center providers, families of children in OL-regulated child care, and the public.

5. Summary of the new rule or change:

This filing updates the immunization record language in Subsections R381-100-6(13) through R381-100-6(14) to comply with the CCDF requirement.

This filing adds Section R381-100-25 to describe the requirements for any regulated provider that operates a video surveillance camera system at a regulated child care center, including required signage and the development of a policy about the system, which includes notification to the parent or legal guardian of any child in care of the provider.

This filing also removes individual definitions for terms already defined in Rule R380-600 and updates an outdated citation.

Additionally, the filing makes style and formatting changes to align with the Rulewriting Manual for Utah and other rules under the Department of Health and Human Services (department).

Fiscal Information

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

There is no anticipated savings to the state budget as a result of the immunization record update as the provisions in this rule are part of OL's existing process of issuing a license, certification, or license-exempt status to child care providers.

The filing clarifies language in this rule regarding documentation for immunization records for any child in the care of a provider to be in compliance with federal child care funding requirements for immunization record standards.

This change does not add to or remove any existing licensing processes.

The department may see a potential inestimable cost as a result of the additional section regarding video surveillance camera system requirements for child care center providers. This change will require OL licensing staff to receive training regarding the change, complete minor updates to licensing checklists and processes, and provide technical assistance as needed for providers to implement requirements if using a video surveillance camera system at any regulated center.

This potential cost amount is inestimable, as staff pay rates differ and OL does not know the number of child care center providers that use video surveillance camera systems, as it is not a licensing requirement for regulated child care centers to use a video surveillance camera system.

The department does not anticipate any fiscal impact on the state budget as a result of the style and formatting changes included in this rule amendment.

B. Local governments:

There is no anticipated fiscal impact to local governments as a result of the immunization record update, as this update will not add to, modify, or remove requirements for local business licensing or any other process with which local government is involved.

Currently, there are four licensed child care center programs operated by a local government. The providers affected by this rule are regulated by the department for basic health and safety requirements. The immunization record update does not add to or remove any existing licensing processes for local government compliance, including for providers operated by a local government.

The local governments that operate child care centers and have a video surveillance camera system may see a potential inestimable cost as a result of the additional section regarding requirements for use of this type of system.

This additional rule section will require centers using a video camera surveillance system to develop, implement, and comply with an internal policy regarding the use of this type of system at a regulated child care center. The cost amount is inestimable as the internal resources required to develop, implement, and comply with the policy will vary significantly across providers, as staff pay rates differ and OL does not know the number of child care center providers that use video surveillance camera systems, as it is not a licensing requirement for regulated child care centers to use a video surveillance camera system.

The department does not anticipate any fiscal impact on local governments as a result of the style and formatting changes included in this rule amendment.

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

There is no anticipated cost or savings to small businesses as a result of the immunization record update as child care providers have already been complying with this rule's requirements as part of OL's existing process.

This update clarifies language in this rule regarding documentation for immunization records for any child in the care of a provider to be in compliance with federal child care funding requirements for immunization record standards. This update does not add to or remove any existing licensing processes for small business compliance.

There may be a potential, inestimable cost to small businesses that operate child care centers and have a video camera surveillance system as a result of the additional section outlining the requirements for use of this type of system in a regulated child care center.

This additional rule section will require centers using a video camera surveillance system to develop, implement, and comply with an internal policy regarding the use of this type of system at a regulated child care center.

The cost amount is inestimable as the internal resources required to develop, implement, and comply with the policy will vary significantly across providers, as staff pay rates differ and OL does not know the number of child care center providers that use video surveillance camera systems, as it is not a licensing requirement for regulated child care centers to use a video surveillance camera system.

The department does not anticipate any fiscal impact on small businesses as a result of the style and formatting changes included in this rule amendment.

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

There is no anticipated cost or savings to non-small businesses as a result of the immunization record update, as child care providers have already been complying with this rule's requirements as part of OL's existing process.

This update clarifies language in this rule regarding documentation for immunization records for any child in the care of a provider to be in compliance with federal child care funding requirements for immunization record standards. This update does not add to or remove any existing licensing processes for non-small business compliance.

There may be a potential, inestimable cost to non-small businesses that operate child care centers and have a video camera surveillance system as a result of the additional section outlining the requirements for use of this type of system in a regulated child care center.

This additional rule section will require centers using a video camera surveillance system to develop, implement, and comply with an internal policy regarding the use of this type of system at a regulated child care center.

The cost amount is inestimable as the internal resources required to develop, implement, and comply with the policy will vary significantly across providers, as staff pay rates differ and OL does not know the number of child care center providers that use video surveillance camera systems, as it is not a licensing requirement for regulated child care centers to use a video surveillance camera system.

The department does not anticipate any fiscal impact on non-small businesses as a result of the style and formatting changes included in this rule amendment.

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

There is no anticipated cost or savings to other persons as a result of the immunization record update, as child care providers have already been complying with this rule's requirements as part of OL's existing process.

The update clarifies language in this rule regarding documentation for immunization records for any child in the care of a provider to be in compliance with federal child care funding requirements for immunization record standards. This update does not add to or remove any existing licensing processes for compliance for other persons.

There may be a potential, inestimable cost to persons other than small businesses, non-small businesses, state, or local government entities that operate child care centers and have a video camera surveillance system as a result of the additional section outlining the requirements for use of this type of system in a regulated child care center.

This additional rule section will require centers using a video camera surveillance system to develop, implement, and comply with an internal policy regarding the use of this type of system at a regulated child care center.

The cost amount is inestimable as the internal resources required to develop, implement, and comply with the policy will vary significantly across providers, as staff pay rates differ and OL does not know the number of child care center providers that use video surveillance camera systems, as it is not a licensing requirement for regulated child care centers to use a video surveillance camera system.

The department does not anticipate any fiscal impact to persons other than small businesses, state, or local government small businesses as a result of the style and formatting changes included in this rule amendment.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons, identified as child care center providers and the department, as a result of the immunization record update, as child care providers have already been complying with this rule's requirements as part of OL's existing process.

This update does not add to or remove any existing licensing processes for compliance for child care providers and the department. The update clarifies language in this rule regarding documentation for immunization records for any child in the care of a provider to be in compliance with federal child care funding requirements for immunization record standards.

There may be some inestimable, anticipated compliance costs for affected persons, identified as child care center providers and the department, as a result of the additional section regarding video surveillance camera system requirements. This change will require OL licensing staff to receive training regarding the change, complete minor updates to licensing checklists and processes, and provide technical assistance as needed for providers to implement requirements if using a video surveillance camera system at any regulated center.

This compliance cost is inestimable, as staff pay rates differ and OL does not know the number of child care center providers that use video surveillance camera systems, as it is not a licensing requirement for regulated child care centers to use video surveillance systems.

Additionally, child care center providers using a video surveillance camera system will have to develop, implement, and comply with a policy regarding this type of system. This compliance cost is inestimable due to variance in the internal resources required to develop, implement, and comply with the policy at the provider level.

The department does not anticipate any compliance cost on affected persons as a result of the style and formatting changes included in this rule amendment.

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 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-2-402

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: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026
 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, Commissioner **Date:** 05/01/2026

R381. Health and Human Services, Child Care Center Licensing.

R381-100. Child Care Centers.

R381-100-1. Authority and Purpose.

(1) Section 26B-2-402 authorizes this rule.

(2) This rule establishes the foundational standards necessary to protect the health and safety of children in child care centers and defines the general procedures and requirements to get and maintain a license to provide child care.

R381-100-2. Definitions.

~~(1)~~ Terms used in this rule are defined in Rule R380-600. Additionally:

~~(2)~~1 "Background finding" means information in a background check that Office of Background Processing (OBP) uses to determine if a covered individual is or is not eligible to be involved with child care.

~~(3)~~2 "Barrier" means an enclosing structure including a fence, wall, bars, railing, or solid panel to prevent accidental or deliberate movement through or access to something.

(14) "Body fluid" means blood, urine, feces, vomit, mucus, or saliva.

(15) "Business day" means a day of the week the facility is open for business.

(16) "Business hours" means the hours the facility is open for business.

(17) "CCL" means Child Care Licensing in the Office of Licensing (OL), within the Division of Licensing and Background Checks (division), under the Department of Health and Human Services (department), [that] and is delegated with the responsibility to enforce [the rules under] Titles R381 and R430 and Rule R380-600.

(18) "Capacity" means the maximum number of children the provider is allowed to care for at any given time.

(19) "Caregiver" means a covered individual who protects the health and safety of children. A covered individual is a caregiver when they:

(a) count in the caregiver-to-child ratio;

(b) meet the physical or emotional needs of the children, including diapering, toileting, feeding, or protecting them from harm; or

(c) supervise children.

(20) "Caregiver-to-child ratio" means the number of caregivers responsible for a specific number of children.

(21) "Child care" means continuous care and supervision of at least one qualifying child that:

(a) is in place of care ordinarily provided by a parent in the parent's home;

(b) occurs for less than 24 hours a day; and

(c) is provided for direct or indirect compensation.

(22) "Child care program" means a person or business that offers child care.

(23) "Choking hazard" means an object or a removable part on an object with a diameter of less than 1-1/4 inches and a length of less than 2-1/4 inches that could be caught in a child's throat blocking the airway and making it difficult or impossible to breathe.

~~(14) "Covered individual" means the same as defined in Rule R380-600.~~

(24) "Crib" means an infant's bed with sides to protect them from falling including a bassinet, porta-crib, or play pen.

~~(16) "Department" means the Utah Department of Health and Human Services.~~

(25) "Designated play surface" means any:

(a) accessible elevated surface for standing, walking, crawling, sitting or climbing; or

(b) accessible flat surface that is at least two by two inches in size and has an angle less than 30 degrees from horizontal.

(26) "Director" means an individual who meets the director qualifications in this rule, and who assumes the child care program's day-to-day responsibilities for compliance with CCL rules.

~~(19) "Eligible" means the same as defined in Rule R380-600.~~

(27) "Entrapment hazard" means an opening greater than 3-1/2 by 6-1/4 inches and less than nine inches in diameter where a child's body could fit through but the child's head could not fit through, potentially causing entrapment and strangulation.

(28) "Experiencing homelessness" means anyone who is lacking a fixed, regular, and adequate nighttime residence.

(29) "Facility" means a program or premises approved by OL to be used for child care.

(30) "Group" means the children who the provider assigns to one or more caregivers for their care and supervision.

(31) "Group size" means the total number of children in a group per room or area.

(32) "Guest" means an individual who is not a covered individual and is at the child care facility for a short time with the provider's permission.

(33) "Health care provider" means a licensed health professional, including a physician, dentist, nurse practitioner, or physician's assistant.

(34) "Inaccessible" means out of reach for children by being:

(a) behind a properly secured child safety gate;

(b) if in a bathroom, at least 36 inches above any surface from where a child could stand or climb;

(c) located at least 36 inches above the floor;

(d) locked, including in a locked room, cupboard, or drawer; or

(e) secured with a child safety device, including a child safety cupboard lock or doorknob device.

(35) "Infant" means a child who is younger than 12 months old.

(36) "Infectious disease" means an illness that is capable of being spread from one individual to another.

(37) "Involved with child care" means to do any of the following at or for a child care program:

(a) care for or supervise children;

(b) count in the caregiver-to-child ratio;

(c) have unsupervised contact with a child in care;

(d) own, operate, direct;

(e) reside; or

(f) volunteer.

(38) "License" means a license issued by OL to provide child care services.

(39) "Licensee" means the legally responsible person or business that holds a valid license from OL.

(40) "LIS supported finding" means a supported finding of child abuse or neglect in the Licensing Information System (LIS) database for child abuse and neglect, maintained by the department.

~~(34) "OBP" means the same as defined in Rule R380-600.~~

~~(35) "OL" means the same as defined in Rule R380-600.~~

(41) "Older toddler" means a child [age] who is 18 months through 23 months old.

NOTICES OF PROPOSED RULES

(3[7]1) "Over-the-counter medication" means medication that an individual can purchase without a written prescription, including any herbal remedy, vitamin, and mineral supplement.

(3[8]2) "Parent" means the parent or legal guardian of a child in care.

[~~(39)~~ "Person" means the same as defined in Rule R380-600.

] (~~40~~33) "Play equipment platform" means a flat surface on a piece of stationary play equipment intended for more than one child to stand on and upon which a child can move freely.

(~~41~~34) "Preschooler" means a child age two through four years old.

(~~42~~35) "Protective barrier" means a structure including bars, lattice, or a panel around an elevated platform intended to prevent accidental or deliberate movement through or access to something.

(~~43~~36) "Protective cushioning" means a shock-absorbing surface under and around play equipment that reduces the severity of an injury from a fall.

(~~44~~37) "Qualifying child" means a child:

(a) child who is younger than 13 years old and is the child of an individual other than the child care provider or caregiver;

(b) child who is younger than four years old and is the child of the provider or a caregiver; or

(c) child with a disability who is younger than 18 years old and is the child of an individual other than the provider or caregiver.

(~~45~~38) "Related child" means a child for whom a provider is the parent, stepparent, grandparent, step-grandparent, great-grandparent, sibling, step-sibling, aunt, step-aunt, great-aunt, uncle, step-uncle, or great-uncle.

(~~46~~39) "Room" means a designated area or a physical space enclosed by solid barriers or partitions as follows:

(a) if a large room is divided into smaller rooms or areas with barriers including furniture or with half walls, the room or area is considered:

(i) one room, if the room is divided by a solid barrier that is less than 24 inches, whether the barrier is movable or immovable;

(ii) one room, if the room is divided by a solid barrier that is between 24 and 40 inches in height and there is an opening in the barrier through which caregivers and children can move freely;

(iii) two rooms, if the room is divided by a solid barrier that is between 24 and 40 inches in height and there is no opening in the barrier through which caregivers and children can move freely, or there is an opening between the two sides but the opening is blocked including with a child safety gate, including a diaper changing station that is located behind a closed gate;

(iv) two rooms, if the room is divided by a solid barrier that is over 40 inches in height and there is no opening in the barrier through which caregivers and children can move freely, or there is an opening between the two sides but the opening is blocked including with a child safety gate; or

(v) if there is an opening through which caregivers and children can move freely and the opening is not blocked, refer to the instructions for a large opening, archway, or doorway;

(b) if two rooms or areas are connected by a large opening, archway, or doorway, the rooms or areas are considered:

(i) one room, if the width of the opening or archway is equal to or greater than the combined width of the walls on each side of the opening or archway, in the larger of the two rooms or areas, and there is no furniture or other dividers blocking the opening or archway, otherwise OL shall consider this to be two rooms; or

(ii) two rooms, if the width of the opening or archway is smaller than the combined width of the walls on each side of the opening or archway, in the larger of the two rooms or areas;

(c) if in outdoor areas separated by interior fences, OL considers it:

(i) one area, if the interior fence is 24 inches in height, or lower, whether or not the fence has an opening;

(ii) one area, if the interior fence is 40 inches or lower in height with an opening through which caregivers and children can move freely;

(iii) two areas if the interior fence is higher than 24 inches and there is no opening; or

(iv) two areas, if the interior fence is higher than 40 inches whether or not the fence has an opening.

(4[7]0) "Sanitize" means to use a product or process to reduce contaminants and bacteria to a safe level.

(4[8]1) "School-age child" means a child age five through 12 years old.

(4[9]2) "Sexually explicit material" means any depiction of actual or simulated sexual conduct.

(~~50~~43) "Sleeping equipment" means a cot, mat, crib, bassinet, porta-crib, playpen, or bed.

(~~51~~44) "Stationary play equipment" means equipment, including a climber, slide, swing, merry-go-round, or spring rocker, that is meant to stay in one location when a child uses it. Stationary play equipment does not include a:

(a) playhouse that sits on the ground or floor and does not have an attached slide, swing, or climber;

(b) sandbox;

(c) sensory table; or

(d) stationary circular tricycle.

(~~52~~45) "Strangulation hazard" means something on which a child's clothes or drawstrings could become caught or something in which a child could become entangled, including:

(a) a protruding bolt end that extends more than two threads beyond the face of the nut;

(b) a rope, cord, or chain that is attached to a structure and is long enough to encircle a child's neck; or

(c) hardware that forms a hook or leaves a gap or space between components including a protruding open S-hook.

(~~53~~46) "Unsupervised contact" means being with, caring for, communicating with, or touching a child in the absence of a caregiver or other employee who is at least 18 years old and is considered eligible by CCL.

(~~54~~47) "Use zone" means the area beneath and surrounding a play structure or piece of equipment that is designated for unrestricted movement around the equipment and onto which a child falling from or exiting the equipment could be expected to land.

(48) "Video surveillance camera system" means the use of any security camera to monitor or record activity in a specific room, area, or location of a center for any security, safety, or monitoring purpose.

~~(55)~~(49) "Working day" means any day of the week the department is open for business.

(5)(6)(0) "Younger toddler" means a child ~~age~~who is 12 months through 17 months old.

R381-100-3. License Required.

(1) A person shall obtain a license for a child care center from OL if the person provides care:

- (a) for direct or indirect compensation;
- (b) for each child for less than 24 hours a day;
- (c) for five or more unrelated children;
- (d) in a place other than the provider's home or the child's home;
- (e) in the absence of a child's parent; and
- (f) on an ongoing basis for four or more weeks in a year.

(2) OL will not issue a license if care is only for related children or on a sporadic basis.

(3) OL may license a provider to provide child care in a facility that is also licensed by OL if the part of the facility requesting a CCL license is physically separate from the other facility services.

(4) A child care center licensee shall comply with Rule R380-600.

R381-100-4. Fire and Other Health Inspections.

(1) If the local fire authority states in writing that an applicant for a new license or a renewal does not require a fire inspection, OL shall verify the applicant's compliance by ensuring:

- (a) address numbers and letters are readable from the street;
- (b) boiler, mechanical, and electrical panel rooms are not used for storage;
- (c) exit doors are unlocked from the inside during business hours;
- (d) exit doors operate properly and are well maintained;
- (e) exits are clearly identified;
- (f) there are no obstructions in exits, aisles, corridors, and stairways;
- (g) there are working smoke detectors that are properly installed on each level of the building; and
- (h) there is at least one unobstructed fire extinguisher on each level of the building that is charged and serviced and mounted not more than five feet above the floor.

(2) If an applicant for a new license or a renewal serves food and the local health department states in writing that a kitchen inspection is not required, OL shall verify the applicant's compliance by ensuring:

- (a) any chemical is stored away from food and food service items;
- (b) any cook has a current food handler's permit that is available on-site for review;
- (c) any cook uses hair restraints and wears clean clothing;
- (d) any reusable food holder, utensil, and food preparation surface is washed, rinsed, and sanitized before each use;
- (e) food is properly stored, kept to the proper temperature, and in good condition;
- (f) only necessary staff are present in the kitchen;
- (g) the refrigerator is clean, in good repair, and working at or below 41 degrees Fahrenheit;
- (h) there is a working handwashing sink in the kitchen, and handwashing instructions posted by the sink;
- (i) there is a working stem thermometer available to check cooking and hot-hold temperatures; and
- (j) there is a working thermometer in the refrigerator.

R381-100-5. Immediate Closure.

(1) In accordance with Rule R380-600, OL may order the immediate closure of a facility if conditions at the facility create a clear and present danger to any child in care.

(2) Upon receipt of an immediate closure notice, the provider shall give OL the names and mailing addresses of each enrolled child's parent so OL may notify the parents of the immediate closure.

(3) If there is a severe injury or death of a child in care, OL may order a child care provider to suspend services and prohibit new enrollments, pending a review by the Utah Child Fatality Review Committee or a determination of the probable cause of the injury or death by a medical professional.

R381-100-6. Administration and Children's Records.

(1) The provider shall:

- (a) be at least 21 years old;
- (b) be considered eligible by an OBP background check before becoming involved with child care; and
- (c) complete the new provider training offered by OL.

(2) If the owner is not a sole proprietor, the business entity shall submit to OL the name and contact information of each individual who shall legally represent the business entity and who shall comply with Subsection R381-100-6(1).

(3) The provider shall protect children from conduct that endangers any child in care or is contrary to the health, welfare, and safety of the public.

NOTICES OF PROPOSED RULES

(4) The provider shall know and comply with applicable federal, state, and local law, ordinance, and rule, and shall be responsible for the operation and management of a child care program.

(5) The provider shall comply with licensing rules any time a child in care is present.

(6) The provider shall post their unaltered child care license on the facility premises in a place readily visible and accessible to the public.

(7) The provider shall post a current copy of OL's Parent Guide at the facility for parent review during business hours, or give a current copy to each parent.

(8) The provider shall inform each parent and OL of any changes to the program's telephone number and other contact information within 48 hours of the change.

(9) The provider shall:

(a) have liability insurance; or

(b) inform parents in writing that the provider does not have liability insurance.

(10) The provider shall ensure that a parent completes an admission and health assessment form for their child before the child is admitted into the child care program.

(11) The provider shall ensure that each child's admission and health assessment form includes:

(a) the child's name;

(b) the child's date of birth;

(c) each parent's name, address, and phone number, including a daytime phone number;

(d) the names of individuals authorized by the parent to sign the child out from the facility;

(e) the name, address, and phone number of an individual to be contacted if an emergency happens and the provider cannot contact the parent;

(f) if available, the name, address, and phone number of an out-of-area emergency contact individual for the child;

(g) the parent's permission for emergency transportation and emergency medical treatment;

(h) any known allergy of the child;

(i) any known food sensitivity of the child;

(j) any chronic medical condition that the child may have;

(k) any instructions for special or nonroutine daily health care of the child;

(l) any current ongoing medication that the child may be taking; and

(m) any other special health instructions for the caregiver.

(12) The provider shall ensure that the admission and health assessment form is:

(a) reviewed, updated, and signed or initialed by the parent at least annually; and

(b) kept on-site for review by OL.

(13) Before admitting any child [~~younger than five years old~~] into the program, including the provider's or an employee's own child, the provider shall obtain the following documentation from the child's parent or guardian:

(a) a record of current immunizations;

(b) a medical schedule to receive required immunizations;

(c) a legal exemption to current immunization requirements; or

(d) a 90-day exemption for any foster child or child who is experiencing homelessness.

(14) For each child in the program [~~younger than five years old~~], including the provider's or employee's own child, the provider shall keep the child's current immunization records on-site for review by OL.

(15) The provider shall submit the annual immunization report to the Utah Statewide Immunization Information System by the date specified by the department.

(16) The provider shall ensure that each child's information is confidential and not released without written parental permission except to OL.

R381-100-7. Personnel and Training Requirements.

(1) The provider shall ensure that each employee and volunteer is supervised, qualified, and trained to:

(a) meet the needs of each child; and

(b) comply with this rule.

(2) The provider shall ensure that the center has a qualified director.

(3) The provider shall ensure that the director:

(a) completes at least 20 hours of child care training each year based on the facility's license date, or at least 45 minutes of child care training each month they work if hired partway through the facility's licensing year;

(b) completes the new director training offered by OL within 60 working days of assuming director duties;

(c) if hired after January 1, 2023, has completed the 2-1/2 hour preservice training offered by OL;

(d) is at least 21 years old;

(e) is considered eligible by an OBP background check before becoming involved with child care; and

(f) knows and follows any applicable law and this rule.

(4) The provider shall ensure that each new director has at least one of the following educational credentials:

(a) a currently valid national certification, including:

(i) a Certified Childcare Professional issued by the National Child Care Association;

(ii) a Child Development Associate issued by the Council for Early Childhood Professional Recognition; or

- (iii) other equivalent credential as approved by OL;
- (b) a National Administrator Credential with at least 60 hours of equivalent training as approved by OL;
- (c) any bachelor's or higher education degree with at least 60 hours of coursework in child development, social and emotional development and the child care environment, or 60 hours of equivalent training as approved by OL;
- (d) at least 12 college credit hours of child development courses; or
- (e) at least an associate degree in early childhood development or related field.
- (5) The provider shall ensure that the director is on duty at the facility for at least 20 hours a week during operating hours and has sufficient freedom from other responsibilities to manage the center and respond to emergencies.
- (6) The provider shall ensure that there is a director designee with authority to act on behalf of the director in the director's absence.
- (7) The provider shall ensure that the director designee:
 - (a) completes at least 20 hours of child care training each year based on the facility's license date, or at least 1-1/2 hours of child care training each month they work if hired partway through the facility's licensing year;
 - (b) completes the director designee training offered by OL;
 - (c) has current first aid and cardio pulmonary resuscitation (CPR) certification in accordance with Subsections R381-100-7(20) and (21);
 - (d) if hired after January 1, 2023, has completed the 2-1/2 hour preservice training offered by OL before becoming involved with child care;
 - (e) is at least 18 years old;
 - (f) is considered eligible by an OBP background check before becoming involved with child care; and
 - (g) knows and follows any applicable law and this rule.
- (8) The provider shall ensure that the director or the director designee is present at the facility during business hours.
- (9) The provider shall ensure that each caregiver:
 - (a) completes at least 20 hours of child care training each year, based on the facility's license date, or at least 1-1/2 hours of child care training each month they work if hired partway through the facility's licensing year;
 - (b) completes the 2-1/2 hour preservice training offered by OL before becoming involved with child care;
 - (c) is at least 16 years old;
 - (d) is considered eligible by an OBP background check before becoming involved with child care;
 - (e) is introduced to other program staff and to the staff member's assigned group;
 - (f) knows and follows any applicable law and this rule; and
 - (g) reviews the information in each child's health assessment in the staff member's assigned group, including allergies, food sensitivities, and other individual needs.
- (10) The provider shall ensure that any other staff, including any driver, cook, and clerk:
 - (a) completes the 2-1/2 hour preservice training offered by OL before becoming involved with child care;
 - (b) knows and follows any applicable law and this rule; and
 - (c) is considered eligible by an OBP background check before becoming involved with child care.
- (11) The provider shall ensure that each volunteer is considered eligible by an OBP background check before becoming involved with child care.
- (12) The provider shall ensure that each guest or student intern who is registered and participating in a high school or college child care course wears a guest nametag.
- (13) The provider shall ensure that each household member who is:
 - (a) 12 to 17 years old is considered eligible by an OBP background check; and
 - (b) 18 years old or older is considered eligible by an OBP background check that includes fingerprints.
- (14) The provider shall ensure that an individual who provides an Individualized Educational Plan or Individualized Family Service plan services including any physical, occupational, or speech therapist:
 - (a) provides identification before having access to the facility or to a child at the facility; and
 - (b) has received the child's parent's permission for services to take place at the facility.
- (15) The provider shall ensure that any individual from law enforcement, Child Protective Services, the department, and any similar entity provides identification before having access to the facility or to a child at the facility.
- (16) The provider shall ensure that each covered individual required to complete preservice training receives the 2-1/2 hour preservice training offered by OL that includes at least the following topics:
 - (a) administration of medication;
 - (b) applicable laws and requirements under this rule;
 - (c) building and physical premises safety;
 - (d) child and brain development, including the social, emotional, physical, cognitive, and language principles of child growth;
 - (e) children whose special needs may include a disability;
 - (f) emergency preparedness, response, and recovery plan;
 - (g) pediatric first aid and CPR;
 - (h) precautions in transporting children;
 - (i) prevention and control of infectious diseases including immunizations;
 - (j) prevention of and response to emergencies due to food and allergy reactions;
 - (k) prevention of shaken baby syndrome, abusive head trauma, child maltreatment, and coping with crying babies;
 - (l) prevention of sudden infant death syndrome and the use of safe sleeping practices;

NOTICES OF PROPOSED RULES

- (m) prevention, signs, and symptoms of child abuse and neglect, including child sexual abuse, and legal reporting requirements;
 - (n) recognizing the signs of an individual experiencing homelessness and available assistance; and
 - (o) safe handling and disposal of hazardous materials and bio contaminants.
- (17) The provider shall ensure that annual child care training includes at least each topic listed in:
- (a) Sections R381-100-7 through R381-100-24; and
 - (b) Subsections R381-100-7(16)(a) through (o).
- (18) The provider shall ensure that documentation of each individual's annual child care training is on-site for review by OL and

includes the:

- (a) date of the training;
- (b) name of the individual or organization that presented the training;
- (c) total hours or minutes of the training; and
- (d) training topic.

(19) The provider shall ensure that at least one staff member with a current Red Cross, American Heart Association, or equivalent pediatric first aid and CPR certification is present when a child is in care:

- (a) at each offsite activity;
- (b) at the facility; and
- (c) in each vehicle transporting a child.

(20) The provider shall ensure that CPR certification includes hands-on testing.

(21) The provider shall ensure that the following records for each covered individual are on-site for review by OL:

- (a) the date of initial employment or association with the program;
- (b) a current pediatric first aid and CPR certification, if required in this rule; and
- (c) a six-week record of the times worked each day.

R381-100-8. Background Checks.

(1) Before a new covered individual becomes involved with child care, the provider shall use the licensing provider portal search to verify that the individual is eligible and:

- (a) associate that individual with the provider's facility; or
- (b) not associate the individual if the individual is associated with another CCL facility and the new individual will be at the facility for no more than one business day.

(2) Before a new covered individual who does not appear in the licensing provider portal search becomes involved with child care in the program, the provider must require the individual to submit an online background check application and fingerprints for any individual age 16 years old and older, except for individuals 12-17 years old who are only listed as household members, and:

- (a) authorize the individual's background check through the licensing provider portal;
- (b) pay any required fees; and
- (c) only allow the individual to be involved with child care if they have an eligible OBP background check determination.

(3) To keep a covered individual's background check eligibility current, the provider shall require a covered individual to submit a new background check application, fingerprints, and fees if the covered individual has:

- (a) not been associated with an active, CCL approved child care facility within the past 180 days;
- (b) resided outside of Utah since their last background check was completed; or
- (c) turned 18 years old and has not previously submitted fingerprints for an OBP background check, except when the 18-year-old has previously submitted fingerprints for an OBP background check, then only a new background check application will be required.

(4) Within ten working days from when a child who resides in the facility turns 12 years old, the provider shall ensure that an online background check application is submitted, and:

- (a) authorize the child's background check through the licensing provider portal; and
- (b) pay any required fee.

(5) The provider shall ensure that fingerprints are prepared by a local law enforcement agency or an agency approved by local law enforcement.

(6) If a covered individual submits fingerprints electronically through live scan, the provider shall ensure that the agency taking the fingerprints is one that follows OBP's fingerprinting requirements.

(7) OBP may consider a covered individual not eligible for any of the following reasons:

- (a) a pending charge for a felony offense;
- (b) any felony conviction;
- (c) any of the reasons listed under Subsection (8);
- (d) LIS supported findings that occurred no more than 15 years from the date the application was submitted;
- (e) the covered individual knowingly making a false statement related to their background check;
- (f) the covered individual refusing to consent to the criminal background check; or
- (g) the covered individual's name appearing on the Utah or national sex offender registry.

(8) OBP may also consider a covered individual not eligible if the individual has been convicted, has pled no contest, or is currently subject to a plea and abeyance or diversion agreement for any of the following pending charges or convictions, regardless of severity:

- (a) child pornography;
- (b) driving under the influence while a child is present in the vehicle;
- (c) lewdness involving a child;

- (d) pornographic material or performance;
- (e) providing dangerous weapons or firearms to a minor;
- (f) sexual battery;
- (g) sexual enticing of a minor;
- (h) sexual exploitation;
- (i) voyeurism; or
- (j) any crime against an individual.

(9) OBP shall consider a covered individual eligible if the only background finding is a conviction or plea of no contest to a nonviolent drug offense that occurred ten or more years before OBP conducted the background check.

(10) If the provider is not eligible by OBP, OL may suspend or deny their license until the reason for the background check finding is resolved.

(11) If a covered individual is considered not eligible by OBP, including if the individual has been convicted, has pleaded no contest, or is currently subject to a plea in abeyance or diversion agreement for a felony or misdemeanor, the provider shall prohibit that individual from being employed by the child care program or residing at the facility until the reason for the background check finding is resolved.

(12) If OBP denies a covered individual a license or employment by the provider based upon the criminal background check and the covered individual disagrees with the information provided by the Department of Public Safety (DPS), the covered individual may appeal the information to DPS.

(13) The provider and the covered individual shall notify OBP within 48 hours of becoming aware of a covered individual's arrest warrant, felony or misdemeanor arrest, charge, conviction, or LIS supported finding. Failure to notify OBP within 48 hours may result in disciplinary action, including license revocation.

(14) The OBP director or designee may consider any additional relevant background information in making the decision to grant, deny, or continue an eligible determination on a background check, including:

- (a) intervening circumstances regarding an offense or finding;
- (b) steps taken to correct or improve since any offense or finding;
- (c) surrounding circumstances of an offense or finding;
- (d) the length of time since an offense or finding; and
- (e) the type and number of offenses or findings.

(15)(a) OBP shall rely on relevant information from Subsections (7) and (8) as conclusive evidence and may deny a covered individual based on that information.

(b) When a covered individual is no longer associated with the program, the provider shall separate that employee from the program's roster in the online system within five days of the covered individual's separation from the program.

(c) A covered individual may resubmit a denied application to OBP no sooner than two years from the date of separation or upon substantial change to the covered individual's circumstances.

(16) If OBP determines evidence exists that a covered individual has been arrested or charged with an offense that may be denied under Subsections (7) and (8), the ~~D~~division ~~of Licensing and Background Checks~~ may act to protect the health and safety of a child.

(17) The provider may only allow a covered individual with a pending arrest or criminal charge to access a child when:

- (a) OBP has authorized conditional access; and
- (b) the provider can demonstrate to OBP that the work arrangement does not pose a threat to the health or safety of any child.

(18) A covered individual may request a hearing, in accordance with Section R497-100-5, within 15 calendar days of being informed in writing of any OBP decision.

R381-100-9. Facility.

(1) The provider shall ensure that there is at least 35 square feet of indoor space for each child in care, including the provider's or employee's own child.

(2) The provider may include floor space used for furniture, fixtures, or equipment as indoor space per child if the furniture, fixture, or equipment is used:

- (a) by children;
- (b) for the care of children; or
- (c) to store materials for children.

(3) When measuring indoor space for children's use, the provider may not include any:

- (a) bathroom;
- (b) closet and staff locker;
- (c) hallway;
- (d) kitchen;
- (e) lobby and entryway; and
- (f) staff office.

(4) The provider shall ensure that the number of children in care at any given time does not exceed the capacity identified on the license.

(5)(a) The provider shall ensure that any building or play structure on the premises constructed before 1978 that has peeling, flaking, chalking, or failing paint undergoes a test for lead.

(b) If there is lead-based paint at the facility, the provider shall contact their local health department within five working days and follow required procedures for remediation of the lead hazard.

NOTICES OF PROPOSED RULES

- (6) The provider shall ensure that each room and indoor area that children use is ventilated by mechanical ventilation or by windows that open and have screens.
- (7) The provider shall ensure that windows and glass doors within 36 inches from the floor or ground are made of safety or tempered glass or have a protective guard.
- (8) The provider shall ensure that rooms and areas have adequate light intensity for the safety of the children and the type of activity the provider is conducting.
- (9) The provider shall maintain the indoor temperature between 65 and 82 degrees Fahrenheit.
- (10) The provider shall ensure that there is a working telephone:
 - (a) at the facility;
 - (b) during any offsite activity; and
 - (c) in each vehicle while transporting a child.
- (11) The provider shall ensure that there is at least one working handwashing sink in each classroom or next to each classroom in any building constructed after July 1, 1997.
- (12) The provider shall ensure that in any room where an infant or toddler is cared for has:
 - (a) one sink that is used exclusively for the preparation of food, bottles, and handwashing before food preparation, and another sink that is used only for handwashing after diapering and nonfood activities; or
 - (b) one working sink that is used only for handwashing in the room, and bottle and food preparation is done in the kitchen and brought to the infant and toddler area by a non-diapering staff member.
- (13) The provider shall ensure that there is at least one working toilet and one working sink for each group of one to 25 children in the center who are two years old and older.
- (14) The provider shall ensure that there is a bathroom that provides privacy available for use by any school-age child.
- (15) The provider shall ensure that any child outdoors is in an enclosed area, except during offsite activities.
- (16) The provider shall ensure that the outdoor area:
 - (a) has a fence, wall or solid natural barrier that is at least four feet high encloses the outdoor area;
 - (b) has at least 40 square feet of space for each child using the area at one time;
 - (c) has no gaps five by five inches or greater in or under any fence or barrier;
 - (d) has shade available to protect any child from excessive sun and heat when in the outdoor area;
 - (e) is safely accessible to any child; and
 - (f) the total square footage of the outdoor area accommodates at least one-third of the approved capacity at one time, or is at least 1,600 square feet.
- (17) If there is a swimming pool on the premises that the provider does not empty after each use, the provider shall:
 - (a) maintain the pool in a safe manner;
 - (b) meet applicable state and local laws and ordinances related to the operation of a swimming pool; and
 - (c) when not in use:
 - (i) cover the pool with a commercially made safety enclosure that is installed according to the manufacturer's instructions or
 - (ii) enclose the pool within at least a four-foot-high fence or solid barrier that is kept locked and that separates the pool from any other areas on the premises.
- (18) The provider shall maintain any building and outdoor area in good repair and safe condition, including any:
 - (a) ceiling, wall, and floor covering;
 - (b) drape, blind, and other window covering;
 - (c) entrance, exit, step, and walkway, including keeping them free of ice, snow, and other hazards;
 - (d) furniture, toy, and material accessible to a child;
 - (e) indoor and outdoor equipment; and
 - (f) lighting, bathroom, and other fixture.
- (19) The provider shall ensure that a protective barrier of at least three feet or higher exists for:
 - (a) any accessible raised deck or balcony that is five feet or higher; and
 - (b) any open stairwell that is five feet or deeper.
- (20) If the facility is subdivided, any part of the building is rented out, or any area of the facility is shared including the outdoor area, OL may inspect the entire facility and the provider shall ensure that covered individuals in the facility comply with this rule, except when:
 - (a) there is a separate entrance for the child care program;
 - (b) there are no connecting interior doorways that can be used by unauthorized individuals; and
 - (c) there is no shared access to the outdoor area used for child care.

R381-100-10. Ratios and Group Size.

- (1) As listed in Table 1 for a single-age group of children, the provider shall:
 - (a) maintain at least the number of required caregivers;
 - (b) not exceed the maximum group sizes; and
 - (c) not exceed the number of children in the caregiver-to-child ratio.

TABLE 1		
Age Group	Caregiver-to-Child Ratio	Maximum Group Size
0-11 months - infant	1:4	8

12-17 months - younger toddler	1:4	8
18-23 months - older toddler	1:5	10
2 years - twos	1:8	16
3 years - threes	1:12	24
4 years - fours	1:15	30
5 years and older - school-age	1:20	40

- (2) For a mixed-age group of children, the provider shall:
- maintain at least the number of required caregivers;
 - not exceed the number of children in the caregiver-to-child ratio;
 - not exceed the maximum group sizes; and
 - separate any single-age group that reaches their maximum group size.
- (3) For a mixed-age group of children including any infant and toddler, the provider shall ensure that:
- an infant is only mixed with a toddler if:
 - the group has eight or fewer children;
 - there are no more than three children younger than two years old in the group with one caregiver; and
 - there are at least two caregivers with the group if more than two children who are younger than 18 months old are present and the group has more than four children;
 - if an older toddler and a two-year-old child are mixed, the provider shall ensure:
 - there is at least one caregiver for up to seven children; and
 - there are at least two caregivers for eight and up to 14 children in the group; and
 - an older toddler and an older child may only be mixed, except when only mixed with a two-year-old child, when:
 - the group has eight or fewer children;
 - there are no more than three older toddlers in the group; and
 - there are at least two caregivers with the group if more than three younger toddlers are present and the group has more than five children.
- (4) For a mixed-age group of children, not including any infant and toddler, the provider shall ensure that:
- the caregiver-to-child ratio is determined by the age of the oldest child present in the group minus one child of that age group; and
 - the maximum group size is determined by the age of the oldest child present in the group, minus two children of that same age group.
- (5) During nap time, the provider shall ensure that the caregiver-to-child ratio is doubled only if:
- each child in the group is at least 18 months old;
 - each child in the group is in a restful and nonactive state; and
 - the caregiver supervising the napping children can contact another on-site caregiver without leaving the children unattended.
- (6) The provider shall ensure that there are at least two caregivers present when there is only one group of children on the premises and that group has more than eight children, or more than two infants or toddlers.
- (7) The provider shall include the provider's and employee's own child age four years old or older in care:
- in the group size when the parent of the child is working at the facility; and
 - in the group size and the caregiver-to-child ratio when the parent of the child is not working at the facility.
- (8) The provider may include in the caregiver-to-child ratio any:
- caregiver;
 - student intern who is registered in a high school or college child care course; and
 - volunteer who is 16 years old or older.
- (9) The provider shall ensure that any guest does not count in caregiver-to-child ratios.
- (10) OL may exempt a center from maximum group sizes if:
- the center has been constructed, licensed, and continuously operated since January 1, 2004;
 - the caregiver-to-child ratio is maintained; and
 - the required square footage for each group of children is maintained.

R381-100-11. Child Supervision and Security.

- The provider shall ensure that each caregiver provides and maintains active supervision of each child, including:
 - for children younger than five years old, remaining physically present in the room or area with the children; and
 - for school-age children, a caregiver can hear the children and is close enough to intervene;
 - focusing attention on the children and not on caregiver's personal interests;
 - interacting in-person with the children at least every 15 minutes;
 - knowing the number of children in their care at any time;
 - positioning themselves so each child in their assigned group is actively supervised; and
 - remaining aware of the entire group of children even when interacting with a smaller group or an individual child.
- The provider shall ensure a 16 or 17 year old staff or household member may only have unsupervised contact with a child in care, including during offsite activities and transportation, if:
 - the director or the director designee is physically present and available as needed;

NOTICES OF PROPOSED RULES

- (b) the staff or household member is left unsupervised for no more than two consecutive hours per group; and
- (c) the staff or household member is not a volunteer.
- (3) The provider may not assign a staff member, volunteer, or household member who is younger than 16 years old to care for or supervise any child in care.
- (4) The provider shall ensure that any guest or student intern who is registered and participating in a high school or college child care course does not have unsupervised contact with any child in care, including during any offsite activity.
- (5) The provider shall ensure that any parent of a child in care does not have unsupervised contact with any child in care, except with their own child.
- (6) The provider shall ensure that when video cameras or mirrors are used to supervise napping children:
 - (a) the napping room is adjacent to a non-napping room;
 - (b) the staff member moves children who wake up to the non-napping room;
 - (c) there is a camera or mirror positioned so the staff member can see and hear the child;
 - (d) there is a staff member in the non-napping room; and
 - (e) there is an open door without a barrier, including a gate, between the napping room and the non-napping room.
- (7) The provider shall ensure that a blanket or other item is not placed over sleeping equipment in a way that prevents the caregiver from seeing the sleeping child.
- (8) The provider shall ensure that a parent has access to their child and the areas used to care for their child when their child is in care.
- (9) To maintain security and supervision of children, the provider shall ensure that:
 - (a) any individual signing a child in and out uses an identifier, including a signature, initials, or electronic code;
 - (b) each child is signed in and out in accordance with this section;
 - (c) only a child's parent or an individual with written authorization from the parent may sign-out a child;
 - (d) photo identification is required if the individual signing the child out is unknown to the provider;
 - (e) the sign-in and sign-out records include the date and time each child arrives and leaves; and
 - (f) there is written permission from the child's parent if children sign themselves in or out.
- (10) In an emergency, the provider shall accept the parent's verbal authorization to release a child if the provider can confirm the identity of:
 - (a) the person giving verbal authorization; and
 - (b) the person picking up the child.
- (11) The provider shall ensure that a six-week record of each child's daily attendance, including sign-in and sign-out records, is kept on-site for review by OL.

R381-100-12. Child Guidance and Interaction.

- (1) The provider shall ensure that no child is subjected to physical, emotional, or sexual abuse while in care.
- (2) The provider shall inform each child, each parent, and anyone who interacts with any child in care of the center's behavioral expectations and how any misbehavior will be handled.
- (3) The provider shall ensure that any individual who interacts with a child guides the child's behavior by using positive reinforcement, redirection, and by setting clear limits that promote the child's ability to become self-disciplined.
- (4) The provider shall ensure that each caregiver uses gentle, passive restraint with a child only when it is needed to protect a child from injuring themselves or others, or to stop a child from destroying property.
- (5) The provider shall ensure that each interaction with a child does not include:
 - (a) any action that produces physical pain or discomfort, including hitting, spanking, shaking, biting, or pinching;
 - (b) any form of corporal punishment;
 - (c) any form of emotional mistreatment;
 - (d) confining a child in a closet, locked room, or other enclosure including a box, cupboard, or cage;
 - (e) forcing or withholding food, rest, or toileting;
 - (f) restraining a child's movement by binding, tying, or any other form of restraint that exceeds gentle, passive restraint; or
 - (g) shouting at children.
- (6) Any individual who witnesses or suspects that a child has been subjected to abuse, neglect, or exploitation shall immediately notify Child Protective Services or law enforcement as required in Section 80-2-602.

R381-100-13. Child Safety and Injury Prevention.

- (1) The provider shall ensure that any child and staff use each building, outdoor area, toy, and any equipment safely and as intended by the manufacturer to prevent injury to children.
- (2) The provider shall ensure that any poisonous or harmful plant is inaccessible to children.
- (3) The provider shall ensure that any sharp object, edge, corner, or point that could cut or puncture skin is inaccessible to children.
- (4) The provider shall ensure that any choking hazard is inaccessible to any child younger than three years old.
- (5) The provider shall ensure that any strangulation hazard, including any rope, cord, chain, and wire attached to a structure and long enough to encircle a child's neck is inaccessible to children.
- (6) The provider shall ensure that any tripping hazard including unsecured flooring, any rug with a curled edge, or cord in a walkway is inaccessible to children.

(7) The provider shall ensure that any empty plastic bag large enough for a child's head to fit inside, any latex glove, or balloon is inaccessible to any child younger than five years old.

(8) The provider shall ensure that standing water that measures two inches or deeper and five by five inches or greater in diameter is inaccessible to children.

(9) The provider shall ensure that any toxic or hazardous chemical, including any cleaner, insecticide, lawn product, and flammable, corrosive, and reactive material is:

- (a) disposed of properly;
- (b) inaccessible to any child;
- (c) stored in a container labeled with the contents of the container; and
- (d) used according to manufacturer instructions.

(10) The provider shall ensure that the following items are inaccessible to children:

- (a) cigarette lighters;
- (b) hot wax or other hot substances;
- (c) matches;
- (d) open flames; and
- (e) when in use, portable space heaters, wood burning stoves, and fireplaces.

(11) The provider shall ensure that the following items are inaccessible to a child:

(a) any live electrical wire; and
 (b) for a child younger than five years old, any electrical outlet and surge protector without a protective cap or safety device when not in use.

(12) Unless used and stored as allowed by any state or federal law, the provider shall ensure that any firearm, including a gun, muzzleloader, rifle, shotgun, handgun, pistol, and automatic gun, is:

- (a) locked in a cabinet or area using a key, combination lock, or fingerprint lock; and
- (b) stored unloaded and separate from ammunition.

(13) The provider shall ensure that any weapon, including a paintball gun, BB gun, airsoft gun, sling shot, arrow, and mace, is inaccessible to children.

(14) The provider shall ensure that any alcohol, illegal substance, or sexually explicit material is inaccessible and not used on the premises, during any offsite activity, or in any center vehicle any time a child is in care.

(15) The provider shall ensure that an outdoor source of drinking water, including individually labeled water bottles, a pitcher of water and individual cups, or a working water fountain is available to each child when the outside temperature is 75 degrees Fahrenheit or higher.

(16) The provider shall ensure that each area accessible to a child is free of any heavy or unstable object that a child could pull down on themselves, including any furniture, unsecured television, and standing ladder.

(17) The provider shall ensure that hot water accessible to a child does not exceed 120 degrees Fahrenheit.

(18) The provider shall ensure that highchairs that are used by children have T-shaped safety straps or safety devices that are used when a child is in the chair.

(19) The provider shall ensure that infant walkers with wheels are inaccessible to children.

(20) The provider shall ensure that any tobacco, e-cigarette, e-juice, e-liquid, or similar product is inaccessible and, in compliance with ~~the [Title 26, Chapter 38,]~~ Utah Indoor Clean Air Act described in Section 26B-7-503 and Rule R392-510, is not used:

- (a) in a facility or any other building when a child is in care;
- (b) in any vehicle that is being used to transport a child in care;
- (d) in any outdoor area or within 25 feet of any outdoor area occupied by a child in care;
- (c) within 25 feet of any entrance to a facility or other building occupied by a child in care.

R381-100-14. Emergency Preparedness, Response, and Recovery.

(1) The provider shall develop and follow a written emergency preparedness, response, and recovery plan that:

- (a) includes a procedure for:
 - (i) accommodating a child with a disability;
 - (ii) accommodating a child with a chronic medical condition;
 - (iii) accommodating any infant and toddler;
 - (iv) communication with and reunification of families;
 - (v) continuity of operations;
 - (vi) evacuation;
 - (vii) lockdown;
 - (viii) relocation; and
 - (ix) shelter in place.

(b) includes instructions to follow if there is an allergy, serious reaction to food, or any other trigger that may affect a child's health;

(c) is available for review by any parent, staff member, and OL during business hours; and

(d) is followed if an emergency happens, unless otherwise instructed by emergency personnel.

(2) The provider shall post the center's street address and any emergency numbers, including at least fire, police, and poison control, near each telephone in the center or in an area clearly visible to anyone needing the information.

(3) The provider shall keep first aid supplies in the center, including at least antiseptic, bandages, and tweezers.

NOTICES OF PROPOSED RULES

- (4) The provider shall conduct a fire evacuation drill at least quarterly and ensure each drill includes a complete exit of each child, staff member, and volunteer from the building.
- (5) The provider shall document each fire drill, including:
 - (a) any problems encountered and remediation;
 - (b) the date and time of the drill;
 - (c) the name of the individual supervising the drill;
 - (d) the number of children participating; and
 - (e) the total time to complete the evacuation.
- (6) The provider shall conduct a drill for disasters, other than fires, at least once every six months.
- (7) The provider shall document each disaster drill, including:
 - (a) any problems encountered and remediation;
 - (b) the date and time of the drill;
 - (c) the name of the individual supervising the drill;
 - (d) the number of children participating; and
 - (e) the type of disaster, including earthquake, flood, prolonged power or water outage, or tornado;
- (8) The provider shall vary the days and times when fire and other disaster drills are held.
- (9) The provider shall keep documentation of the previous 12 months of fire and disaster drills on-site for review by OL.
- (10) The provider shall:
 - (a) give each parent a written report on the day of occurrence of each incident, accident, or injury involving their child;
 - (b) ensure the report has the signatures of the caregivers involved, the center director or director designee, and the individual picking up the child; and
 - (c) if a school-age child signs themselves out of the center, send a copy of the report to the parent on the day following the occurrence.
- (11) If a child is injured and the injury appears serious but not life-threatening, the provider shall submit a critical incident report to OL within one business day and contact the child's parent immediately.
- (12) If a life-threatening injury to a child, or an injury that poses a threat of the loss of vision, hearing, or a limb happens, the provider shall submit a critical incident report to OL within one business day and:
 - (a) call emergency personnel immediately;
 - (b) contact the parent after emergency personnel are called; and
 - (c) if the parent cannot be reached, try to contact the child's emergency contact individual.
- (13) If a child is injured while in care and receives medical attention, or for a child fatality, the provider shall submit a critical incident report to OL within one business day.
- (14) The provider shall keep a six-week record of each incident, accident, and injury report on-site for review by OL.
- (15) The provider shall ensure compliance with critical incident reporting in accordance with Subsection R380-600-7(16).

R381-100-15. Health and Infection Control.

- (1) The provider shall maintain the building, furnishings, equipment, and outdoor area including keeping:
 - (a) any frequently touched surface, including each doorknob and light switch, clean and sanitized;
 - (b) each area and any equipment used for the storage, preparation, and service of food clean and sanitized;
 - (c) each surface free of rotting food or a build-up of food;
 - (d) each wall and floor clean and free of spills, dirt, and grime;
 - (e) the building and grounds free of a build-up of litter and garbage; and
 - (f) the building and grounds free of animal feces.
- (2) The provider shall take safe and effective measures to prevent and eliminate the presence of insects, rodents, and other pests.
- (3) The provider shall clean and sanitize any toy and material used by a child:
 - (a) at least once a week or more often if needed;
 - (b) after being put in a child's mouth and before another child plays with the toy; and
 - (c) after being contaminated by a body fluid.
- (4) The provider shall ensure that any fabric toy and item including any stuffed animal, cloth doll, pillow cover, and dress-up clothing is machine washable and if used, washed at least each week or as needed.
- (5) The provider shall clean and sanitize each highchair tray before each use.
- (6) The provider shall clean and sanitize each water play table or tub daily, if used by a child.
- (7) The provider shall clean and sanitize each bathroom surface including each toilet, sink, faucet, toilet and sink handle, and counter each business day.
- (8) The provider shall clean and sanitize each potty chair after each use.
- (9) The provider shall ensure that toilet paper is accessible and kept in a dispenser that is accessible to each child.
- (10) The provider shall post handwashing procedures that are readily visible from each handwashing sink and shall ensure that each staff follow the procedures.
- (11) The provider shall ensure that each staff member and volunteer washes their hands thoroughly with liquid soap and running water:
 - (a) after cleaning up or taking out garbage;
 - (b) after contact with a body fluid;
 - (c) after using the toilet or helping a child use the toilet;

- (d) before and after eating meals and snacks or feeding a child;
- (e) before handling or preparing food or bottles;
- (f) upon arrival; and
- (g) when coming in from outdoors.

(12) The provider shall ensure that each caregiver teaches each child how to wash the child's hands thoroughly and that the caregiver oversees handwashing when possible.

(13) The provider shall ensure that each child washes their hands thoroughly with liquid soap and running water:

- (a) after contact with a body fluid;
- (b) after using the toilet;
- (c) before and after eating meals and snacks;
- (d) before using a water play table or tub;
- (e) upon arrival; and
- (f) when coming in from outdoors.

(14) The provider shall ensure that only single-use towels from a covered dispenser or an electric hand dryer is used to dry hands.

(15) The provider shall ensure that any personal hygiene items, including a toothbrush, comb, and hair accessory, are not shared and are stored so they do not touch each other or they are sanitized between each use.

(16) The provider shall ensure that any pacifier, bottle, and nondisposable drinking cup is:

- (a) labeled with each child's name or individually identified; and
- (b) not shared, or washed and sanitized before being used by another child.

(17) The provider shall ensure the prompt change of a child's clothing if the child has a toileting accident.

(18) The provider shall ensure that a child's clothing that is wet or soiled from a body fluid is:

- (a) not rinsed or washed at the center;
- (b) placed in a leakproof container that is labeled with the child's name; and
- (c) returned to the parent or thrown away with parental consent.

(19) The provider shall ensure that staff take precautions when cleaning any floor, furniture, or other surface contaminated by blood, urine, feces, or vomit, and ensure that, except for diaper changes and toileting accidents, staff cleaning these bodily fluids shall:

- (a) clean the surface using a detergent solution;
- (b) rinse the surface with clean water;
- (c) sanitize the surface;
- (d) throw away, in a leakproof plastic bag, any disposable material, including paper towels, that were used to clean up the body fluid;
- (e) wash and sanitize any non-disposable material used to clean up the body fluid, including any cleaning cloth, mop, or reusable rubber glove, before reusing it;
- (f) wear waterproof gloves; and
- (g) wash their hands after cleaning up the body fluid.

(20) The provider may not care for a child who is ill with an infectious disease at the center except when the child shows signs of illness after arriving at the center.

(21) If a child becomes ill while in care:

(a) the provider shall contact the child's parent or, if the parent cannot be reached, an individual listed as the emergency contact to immediately pick up the child; and

(b) if the child is ill with an infectious disease, the provider shall make the child comfortable in a safe, supervised area that is separated from any other child until the parent arrives.

(22) If any child or employee has an infectious disease, an unusual or serious illness, or a sudden onset of an illness, the provider shall notify the local health department on the day the provider discovers the illness.

(23) If any staff member or child has an infectious disease or parasite, the provider shall post a notice at the center that:

- (a) does not disclose any personal identifiable information;
- (b) is posted and dated on the same day that the disease or parasite is discovered;
- (c) is posted in a conspicuous place where it can be seen by parents; and
- (d) remains posted for at least five business days.

(24) To prevent contamination of food, the spread of foodborne illnesses, and other diseases, the provider shall ensure that:

(a) an individual who cares for any diapered child only prepares food for the children in their care, and they do not:

- (i) prepare food outside of the room used by any diapered child; or
 - (ii) prepare food for any other child and adult in the facility;
- (b) an individual who prepares food in the kitchen does not help in toileting any child; and

(c) an individual with an infectious disease, or showing symptoms including diarrhea, fever, coughing, or vomiting, does not prepare or serve foods.

R381-100-16. Food and Nutrition.

(1) The provider shall ensure that each child two years old and older is offered a meal or snack at least once every three hours when services are provided for three or more hours.

(2) If the provider supplies food for children's meals or snacks, the provider shall ensure that:

- (a) the meal service meets local health department food service rules;

NOTICES OF PROPOSED RULES

- (b) the foods that are served meet the nutritional requirements of the USDA Child and Adult Care Food Program (CACFP) whether or not the provider participates in the CACFP;
 - (c) the provider uses the CACFP meal pattern requirements, the standard OL-approved menus, or menus approved by a registered dietitian, and that dietitian approval is noted and dated on the menus, and current within the past five years;
 - (d) the current week's menu is posted for review by parents and OL; and
 - (e) if not participating or in good standing with the CACFP, keep a six-week record of foods served at each meal and snack.
- (3) The provider shall ensure that the individual who serves food to a child:
- (a) is aware of each child in their assigned group who has any food allergy or sensitivity; and
 - (b) ensures that a child is not served the food that the child is allergic or sensitive to.
- (4) The provider may not place a child's food on a bare table, and shall serve a child's food on a dish, napkin, or sanitary highchair tray, except an individual finger food, including a cracker, that may be placed directly in a child's hand.
- (5) If a parent brings food and drink for their child's use, the provider shall ensure that the food and drink is:
- (a) consumed only by that child;
 - (b) labeled with the child's name; and
 - (c) refrigerated if needed.

R381-100-17. Medications.

- (1) The provider shall lock any nonrefrigerated medication or store it at least 48 inches above the floor.
- (2) The provider shall lock any refrigerated medication or store it at least 36 inches above the floor and, if liquid, store it in a separate leakproof container.
- (3) If a parent supplies any over-the-counter or prescription medication, the provider shall ensure that medication:
- (a) is labeled with the child's full name;
 - (b) is stored in the original or pharmacy container; and
 - (c) has the original label.
- (4) The provider shall obtain a written medication permission form completed and signed by the parent before administering any medication supplied by the parent for their child.
- (5) The provider shall ensure that the medication permission form includes at least:
- (a) a parent signature and the date signed;
 - (b) any written instructions for administration;
 - (c) the name of the child; and
 - (d) the name of the medication.
- (6) The provider shall ensure that instructions for administering the medication include at least:
- (a) how the medication will be given;
 - (b) the disease or condition being treated;
 - (c) the dosage; and
 - (d) the times and dates to administer the medication.
- (7) If the provider supplies an over-the-counter medication for a child's use, the provider shall ensure that no staff administer the medication to any child without previous parental consent for each instance it is given. The provider shall ensure that the consent is:
- (a) written; or
 - (b) verbal, if the date and time of the consent is documented and signed by the parent upon picking up their child.
- (8) The provider shall ensure that the staff administering the medication:
- (a) checks the medication label to confirm the child's name if the parent supplied the medication;
 - (b) checks the medication label or the package to ensure that a child is not given a dosage larger than that recommended by the health care professional or manufacturer;
 - (c) washes their hands; and
 - (d) administers the medication.
- (9) The provider shall ensure that immediately after administering a medication, the staff giving the medication records:
- (a) any error in administering the medication or adverse reactions;
 - (b) the date, time, and dosage of the medication given; and
 - (c) their signature or initials.
- (10) The provider shall report to the parent a child's adverse reaction to a medication or error in administration of the medication immediately upon recognizing the reaction or error, or after notifying emergency personnel if the reaction is life-threatening.
- (11) The provider shall notify the parent before the scheduled medication dosage to a child if the provider chooses not to administer medication as instructed by the parent.
- (12) The provider shall keep a six-week record of medication permission and administration forms on-site for review by OL.

R381-100-18. Activities.

- (1) The provider shall offer daily activities that support each child's healthy physical, social, emotional, cognitive, and language development.
- (2) The provider shall ensure that daily activities include outdoor play as weather and air quality allow.
- (3) The provider shall ensure that physical development activities include light, moderate, and vigorous physical activity for a daily total of at least 15 minutes for every two hours that children spend in the program.

- (4) For each preschool and school-age group, the provider shall post a daily schedule that includes:
- (a) activities that support a child's healthy development; and
 - (b) the times activities occur including at least meal, snack, nap or rest, and outdoor play times.
- (5) The provider shall ensure that any toy, material, and equipment needed to support a child's healthy development is available to each child.
- (6) Except for occasional special events, the provider shall ensure that each child's primary screen time activity on media, including any television, cell phone, tablet, and computer, is:
- (a) not allowed for a child zero to 17 months old;
 - (b) limited for a child 18 months to four years old to one hour a day, or five hours a week with a maximum screen time of two hours per activity; and
 - (c) planned to address the needs of a child five to 12 years old.
- (7) If the provider offers swimming activities, or if a wading pool is used, the provider shall ensure that:
- (a) a caregiver stays at the pool supervising when a child is in the pool or has access to the pool, and when an accessible pool has water in it;
 - (b) any diapered child wears a swim diaper when the child is in the pool;
 - (c) each lifeguard and pool personnel does not count toward the caregiver-to-child ratio;
 - (d) each wading pool is emptied and sanitized after use by each group of children;
 - (e) if the pool is deeper than four feet, there is a lifeguard on duty who is certified by the Red Cross or another approved certification program any time a child has access to the pool; and
 - (f) the parent gives permission before their child uses the pool.
- (8) If the provider offers offsite activities, the provider shall ensure that:
- (a) a child's name is not used on a nametag, t-shirt, or in any other visible way;
 - (b) each child wears or carries with them the name and phone number of the center;
 - (c) first aid supplies, including at least antiseptic, bandages, and tweezers are available;
 - (d) the child's parent gives written consent before each activity;
 - (e) the required staff-to-child ratio and supervision are maintained during the entire activity; and
 - (f) there is a way for each child and caregiver to wash their hands with soap and water, or, if there is no source of running water, with a wet wipe or hand sanitizer.
- (9) The provider shall ensure that a caregiver with the children takes the written emergency information and releases for each child in the group on each offsite activity, and that the information includes at least:
- (a) the child's name;
 - (b) the parent's name and phone number;
 - (c) the name and phone number of a person to notify if there is an emergency and the parent cannot be contacted;
 - (d) the name of any person authorized by the parent to pick up the child; and
 - (e) current emergency medical treatment and emergency medical transportation releases.

R381-100-19. Play Equipment.

- (1) The provider shall ensure that each child using play equipment use it safely and as intended by the manufacturer.
- (2) The provider shall ensure that the highest designated play surface on any stationary play equipment used by infants or toddlers does not exceed three feet in height.
- (3) The provider shall ensure that any swings used by an infants or toddler has an enclosed seat.
- (4) The provider shall ensure that any stationary play equipment has a surrounding use zone that extends from the outermost edge of the equipment and that, with the exception of a swing, stationary play equipment that is:
- (a) used by an infant or toddler has at least a three-foot use zone if any designated play surface is higher than 18 inches;
 - (b) used by a preschooler has at least a six-foot use zone if any designated play surface is higher than 20 inches; and
 - (c) used by a school-age child has at least a six-foot use zone if any designated play surface is higher than 30 inches.
- (5) The provider shall ensure that the use zone in the front and rear of a single-axis, enclosed swing extends at least twice the distance of the swing pivot point to the swing seat.
- (6) The provider shall ensure that the use zone in the front and rear of a single-axis swing extends at least twice the distance of the swing pivot point to the ground.
- (7) The provider shall ensure that the use zone for a multi-axis swing, including a tire swing, extends:
- (a) at least the measurement of the suspending rope or chain plus three feet, if the swing is used by infants or toddlers; or
 - (b) at least the measurement of the suspending rope or chain plus six feet, if the swing is used by preschoolers or school-age children.
- (8) The provider shall ensure that the use zone for a merry-go-round extends at least six feet in any direction from its outermost edge.
- (9) The provider shall ensure that the use zone for a spring rocker extends:
- (a) at least three feet from the outermost edge of the rocker when at rest; or
 - (b) at least six feet from the outermost edge of the rocker when at rest if the seat is higher than 20 inches, and the rocker is used by preschoolers or school-age children.
- (10) The provider shall ensure that each use zone does not overlap with the use zone of any other piece of play equipment when the use zone is:
- (a) in front of a slide;
 - (b) in the front and rear of any single-axis swing, including a single-axis enclosed swing;

NOTICES OF PROPOSED RULES

- (c) that of a multi-axis swing; and
- (d) that of a merry-go-round, if the platform diameter measures 20 inches or more.

(11) Unless prohibited in Subsection R381-100-19(10), the provider shall ensure that the use zones of play equipment only overlap when:

- (a) the equipment is used by an infant or toddler, and there is at least three feet between each piece of equipment; or
- (b) the equipment is used by a preschooler or school-age child and there is at least six feet between each piece of equipment if the designated play surface is 30 inches or lower, or there is at least nine feet between each piece of equipment if the designated play surface is higher than 30 inches.

(12) The provider shall ensure that, when in use, stationary play equipment is not placed on a hard surface including concrete, asphalt, dirt, and the bare floor.

(13) The provider shall ensure that protective cushioning covers the entire surface of each required use zone and that its depth or thickness is determined by the highest designated play surface of the equipment.

(14) If the provider uses sand, gravel, or shredded tires as protective cushioning, the provider shall ensure that:

- (a) the depth of the material meets the guidelines in Table 2.
- (b) the cushioning is periodically checked for compaction and if compacted, loosened to the depth listed in Table 2; and
- (c) if the material cannot be loosened to the depth listed in Table 2 due to extreme weather conditions, a child may not play on the equipment until the material can be loosened to the required depth.

Highest Designated Play Surface, Climbing Bar, or Swing Pivot Point	Fine Sand	Coarse Sand	Fine Gravel	Medium Gravel	Shredded Tires and Rubber Products
Up to 5' high	6"	6"	6"	6"	6"
Over 5' up to 6'	6"	9"	6"	9"	6"
Over 6' up to 9'	9"	Not allowed	9"	Not allowed	6"
Over 9' up to 10'	Not allowed	Not allowed	9"	Not allowed	6"
Over 10' up to 12'	Not allowed	Not allowed	Not allowed	Not allowed	6"

(15) If the provider uses shredded wood products as protective cushioning, the provider shall:

- (a) ensure the depth of the shredded wood meets the guidelines in Table 3;
- (b) ensure there is adequate drainage under the material; and
- (c) keep on-site for review by OL documentation from the manufacturer that the wood product is protective cushioning.

Highest Designated Play Surface, Climbing Bar, or Swing Pivot Point	Engineered Wood Fibers	Wood Chips	Double Shredded Bark Mulch
Up to 6' high	6"	6"	6"
Over 6' up to 7'	9"	6"	9"
Over 7' up to 11'	9"	9"	9"
Over 11'	9"	Not allowed	Not allowed

(16) If the provider uses a unitary cushioning, the provider shall keep on-site for review by OL documentation from the manufacturer specifying that the material is playground cushioning.

(17) If the provider uses a unitary cushioning, the provider shall ensure that the cushioning material is securely installed, so that it cannot be:

- (a) displaced when a child jumps, runs, walks, lands, or moves on it; or
- (b) moved or picked up by a child.

(18) The provider shall ensure that a play equipment platform that is more than:

- (a) 18 inches above the floor or ground and used by an infant or toddler has a protective barrier that is at least 24 inches high;
- (b) 30 inches above the floor or ground and used by a preschooler has a protective barrier that is at least 29 inches high; and
- (c) 48 inches above the floor or ground and used by a school-age child has a protective barrier that is at least 38 inches high.

(19) The provider shall ensure that there is no gap greater than 3-1/2 inches in or under a required protective barrier on a play equipment platform.

(20) The provider shall ensure that stationary play equipment is stable or securely anchored.

(21) The provider shall ensure that there is no trampoline on the premises that is accessible to any child in care.

(22) The provider shall ensure that there is no entrapment hazard on or within the use zone of any piece of stationary play equipment.

(23) The provider shall ensure that there is no strangulation hazard on or within the use zone of any piece of stationary play equipment.

(24) The provider shall ensure that there is no crush, shearing, or sharp edge hazard on or within the use zone of any piece of stationary play equipment.

(25) The provider shall ensure that there is no tripping hazard including any concrete footing, tree stump, tree root, or rock within the use zone of any piece of stationary play equipment.

R381-100-20. Transportation.

- (1) For each child that the provider transports, the provider shall obtain a transportation permission form that is:
 - (a) signed by a parent; and
 - (b) on-site for review by OL.
- (2) The provider shall ensure that each vehicle used for transporting children:
 - (a) is enclosed with a roof or top;
 - (b) is equipped with safety restraints;
 - (c) has a current vehicle registration;
 - (d) is maintained in a safe and clean condition; and
 - (e) contains first aid supplies, including at least antiseptic, bandages, and tweezers.
- (3) The provider shall ensure that the safety restraints in each vehicle that transports children are:
 - (a) appropriate for the age and size of each child who is transported, as required by law;
 - (b) properly installed; and
 - (c) in safe condition and working order.
- (4) The provider shall ensure that the driver of each vehicle who is transporting children:
 - (a) is at least 18 years old;
 - (b) has and carries with them a current, valid driver's license for the type of vehicle being driven;
 - (c) has with them the emergency contact information outlined in Subsection R381-100-18(9) for each child being transported;
 - (d) ensures that each child being transported is in an individual safety restraint as required by law;
 - (e) ensures that the inside vehicle temperature is between 60 and 85 degrees Fahrenheit;
 - (f) ensures that each child stay seated while the vehicle is moving;
 - (g) ensures that the vehicle is locked during transport;
 - (h) never leaves a child in the vehicle unattended by an adult; and
 - (i) never leaves the keys in the ignition when not in the driver's seat.
- (5) If the provider walks or uses public transportation to transport a child to or from a facility, the provider shall ensure that:
 - (a) each child being transported has a completed transportation permission form signed by their parent;
 - (b) a caregiver goes with and actively supervises each child;
 - (c) a caregiver transporting a child has emergency contact information outlined in Subsection R381-100-18(9) and a release for each child being transported; and
 - (d) the caregiver-to-child ratio is maintained.
- (6) The provider shall:
 - (a) have transport liability insurance; or
 - (b) inform parents in writing that the provider does not have transport liability insurance.

R381-100-21. Animals.

- (1) The provider shall inform each parent of the kinds of animals allowed at the facility.
- (2) The provider shall ensure that there is no animal on the premises that:
 - (a) has a history of biting even one individual;
 - (b) has a history of dangerous, attacking, or aggressive behavior; or
 - (c) is naturally aggressive.
- (3) The provider shall ensure that any animal at the facility is clean and free of any obvious disease or health problem that could adversely affect a child.
- (4) The provider shall ensure that there is no animal or animal equipment in food preparation or eating areas.
- (5) The provider shall ensure that no child younger than five years old assists with the cleaning of any animal or animal cage, pen, or equipment.
- (6) If a school-age child helps in the cleaning of animals or animal equipment, the provider shall ensure that the child washes their hands immediately after cleaning the animal or equipment.
- (7) The provider shall ensure that each child and staff wash their hands immediately after playing with or touching any reptile or amphibian.
- (8) The provider shall ensure that any dog, cat, or ferret that the facility houses have current rabies vaccinations.
- (9) The provider shall keep current animal vaccination records on-site for review by OL.

R381-100-22. Rest and Sleep.

- (1) The provider shall offer a child in care a daily opportunity for rest or sleep in an environment with:
 - (a) a low noise level;
 - (b) freedom from distractions; and
 - (c) subdued lighting.
- (2) The provider may not schedule a nap or rest time for more than two hours a day.
- (3) The provider shall use a separate crib, cot, mat, or other sleeping equipment for each child during nap times.

NOTICES OF PROPOSED RULES

- (4) The provider shall keep sleeping equipment in good repair, and ensure that any mat and mattress has smooth, waterproof surfaces.
- (5) The provider shall ensure that each crib:
 - (a) does not have strings, cords, ropes, or other entanglement hazards on the crib or within reach of the child;
 - (b) has a tight-fitting mattress;
 - (c) has at least 20 inches from the top of the mattress to the top of the crib rail, or at least 12 inches from the top of the mattress to the top of the crib rail if the child using the crib cannot sit up without assistance;
 - (d) has documentation from the manufacturer or retailer stating that the crib was built after June 28, 2011, or that the crib is certified if the crib was manufactured before that date; and
 - (e) has slats spaced no more than 2-3/8 inches apart.
- (6) The provider shall place sleeping equipment, including a crib, cot, and mat at least two feet apart when they are in use.
- (7) The provider shall ensure that sleeping equipment does not block any exit.
- (8) The provider shall make a sheet and blanket, or acceptable alternative, available to each child 12 months or older during nap time, and ensure that each item is:
 - (a) clearly assigned to one child;
 - (b) laundered as needed, but at least once a week, and before use by another child; and
 - (c) stored separately from other children's bedding.
- (9) The provider shall clean and sanitize sleeping equipment, that is not clearly assigned to and used by an individual child, before each use.
 - (10) The provider shall:
 - (a) clean and sanitize sleeping equipment before each use; or
 - (b) store sleeping equipment in a way the surfaces children sleep on do not touch each other.

R381-100-23. Diapering.

- (1) This section applies only to a provider that accepts children who wear diapers.
- (2) The provider shall post diapering procedures at each diapering station and ensure that each staff member follows the procedures.
- (3) The provider shall ensure that each child's diaper is:
 - (a) checked as soon as a sleeping child awakens;
 - (b) checked at least once every two hours; and
 - (c) promptly changed when wet or soiled.
- (4) The provider shall ensure that a caregiver changes each child's diaper at a diapering station and not on a surface used for any other purpose.
 - (5) The provider shall ensure that the diapering surface is smooth, waterproof, and in good repair.
 - (6) The provider shall ensure that each diapering station is equipped with railings to prevent a child from falling when being diapered.
 - (7) The provider shall ensure that a caregiver does not leave any child unattended on the diapering surface.
 - (8) The provider shall ensure that a caregiver cleans and sanitizes the diapering surface after each diaper change or uses a disposable, waterproof diapering surface that is thrown away after each diaper change.
 - (9) The provider shall ensure that a caregiver washes their hands after each diaper change.
 - (10) The provider shall ensure that a caregiver places any wet and soiled disposable diaper:
 - (a) in a container that has a disposable plastic lining and a tight-fitting lid;
 - (b) directly in an outdoor garbage container that has a tight-fitting lid; or
 - (c) in a container that is inaccessible to children.
 - (11) The provider shall ensure that each indoor container where any wet and soiled diaper is placed is cleaned and sanitized each day.
 - (12) If cloth diapers are used, the provider shall:
 - (a) not rinse cloth diapers at the facility; and
 - (b)(i) place cloth diapers directly into a leakproof container that is inaccessible to any child and labeled with the child's name; or
 - (ii) place the cloth diapers in a leakproof diapering service container.

R381-100-24. Infant and Toddler Care.

- (1) This section only applies to a provider that accepts an infant or toddler.
- (2) The provider shall ensure that each awake infant and toddler receives positive physical and verbal interaction with a caregiver at least once every 15 minutes.
- (3) To stimulate their healthy development, the provider shall ensure that infants receive daily interactions with adults, including on the ground interaction and closely supervised time spent in the prone position for infants less than six months old.
- (4) The provider shall ensure that any infant and toddler area is not used to pass through or access any other indoor or outdoor area.
- (5) The provider shall ensure that an infant and toddler plays in the same enclosed outdoor space with an older child only when there are eight or fewer children in the group.
- (6) The provider shall ensure that a caregiver responds promptly to an infant and toddler who is in emotional distress due to any conditions including:
 - (a) a wet or soiled diaper;
 - (b) fatigue;
 - (c) fear;

- (d) hunger;
- (e) illness; or
- (f) teething.
- (7) To stimulate healthy development, the provider shall make safe toys available and accessible for each infant and toddler to engage in play.
- (8) The provider shall ensure that any mobile infant and toddler has freedom of movement in a safe area.
- (9) The provider may not confine an awake infant or toddler in any piece of equipment, including a swing, high chair, crib, playpen, or other similar piece of equipment for more than 30 minutes.
- (10) The provider shall ensure that only one infant or toddler occupies any one piece of equipment at a time, unless the equipment has individual seats for more than one child.
- (11) The provider shall make any object made of styrofoam inaccessible to any infant and toddler.
- (12) The provider shall allow each infant and toddler to eat and sleep on their own schedule.
- (13) The provider shall ensure that baby food, formula, or breast milk that is brought from home for an individual child's use is:
 - (a) labeled with the child's name;
 - (b) labeled with the date and time of preparation or opening of the container, including a jar of baby food;
 - (c) kept refrigerated if needed; and
 - (d) discarded within 24 hours of preparation or opening, except for unprepared powdered formula or dry food.
- (14) If an infant cannot sit upright and hold their own bottle, the provider shall ensure that a caregiver is within arm's reach of each infant during bottle feeding and that a bottle is not propped.
- (15) The provider shall ensure that the caregiver swirls and tests warm bottles for temperature before feeding to a child.
- (16) The provider shall discard formula and milk, including breast milk, after feeding or within two hours of starting a feeding.
- (17) The provider shall ensure that a caregiver cuts solid food for:
 - (a) an infant into pieces no larger than 1/4 inch in diameter; and
 - (b) a toddler into pieces no larger than 1/2 inch in diameter.
- (18) The provider shall ensure that each infant sleeps in equipment designed for sleep including a crib, bassinet, porta-crib or playpen, and that an infant is not placed to sleep on a mat, cot, pillow, bouncer, swing, car seat, or other similar piece of equipment.
- (19) The provider shall place an infant on their back for sleeping unless there is documentation from a health care provider requiring a different sleep position.
- (20) The provider may not place any soft toy, loose blanket, or other object in sleep equipment while in use by a sleeping infant.
- (21) The provider shall document each infant's eating and sleeping patterns each day the infant is at the facility, and shall ensure the record:
 - (a) is completed within an hour of each feeding or nap; and
 - (b) includes the infant's name, the food and beverages eaten, and the times the infant slept.
- (22) Within an hour of each infant or toddler's diaper change, the provider shall record:
 - (a) the infant or toddler's name;
 - (b) the time of the diaper change; and
 - (c) whether the diaper was dry, wet, soiled, or both.
- (23) The provider shall maintain on-site for review by OL a six-week record of:
 - (a) the eating and sleeping patterns for each infant; and
 - (b) the diaper changes for each infant and toddler.

R381-100-25. Video Surveillance Camera System Requirements.

- (1) If a provider has any functioning video surveillance camera system at the facility where child care is provided, the provider shall:
 - (a) provide written notification to the parent or legal guardian of any enrolled child of the presence of any video surveillance camera system and the provider's video surveillance camera system policy;
 - (b) include the written notification described in Subsection (1)(a) in any initial registration document, annual registration document, or signed waiver form; and
 - (c) post clear and visible signage at the facility in an area accessible to the public notifying any parent, legal guardian, or visitor that the premises are under video surveillance.
- (2) The provider shall develop, implement, and comply with written policy regarding the video surveillance camera system that includes:
 - (a) a statement as to whether the video surveillance camera system retains any video footage and, if the video surveillance camera system does retain video footage, the amount of time the provider retains that video footage;
 - (b) the deletion process for any video footage from the video surveillance camera system;
 - (c) how the provider will handle any request for video footage from the video surveillance camera system; and
 - (d) how the provider will provide written notification to any parent or legal guardian of an enrolled child regarding any change of:
 - (i) the video surveillance camera system at the facility; and
 - (ii) the provider policy for the video surveillance camera system.

R381-100-2[5]6. Compliance.

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: child care facilities, child care, child care centers
Date of Last Change: ~~May 21, 2025~~2026
Notice of Continuation: April 14, 2020
Authorizing, and Implemented or Interpreted Law: 26B-2-402

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R386-703	Filing ID: 57910

Agency Information

1. Title catchline:	Health and Human Services, Population Health, Environmental Epidemiology	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142104	
City, state and zip:	Salt Lake City, UT 84114-2104	
Contact persons:		
Name:	Phone:	Email:
Mark E. Jones	801-538-6191	markejones@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R386-703. Injury Reporting Rule
4. Purpose of the new rule or reason for the change:
On October 28, 2021, the Center for Disease Control and Prevention (CDC) revised the elevated blood lead (Blood Lead Reference Value) from 5.0 mcg/dL to 3.5 mcg/dL to identify more children with lead in their blood, where there is no safe level of lead in a person's blood. This amendment will align Utah with CDC's guidelines to provide assistance and educate parents of children having a blood lead level lower than Utah's current guidelines. The amendment will help to alleviate any disparities between Utah's state/local health departments and health care providers when assessing a child's exposure to lead in relation to this rule and CDC's guidelines.
5. Summary of the new rule or change:
This filing redefines an "elevated blood lead" from 5.0 mcg/dL to 3.5 mcg/dL, to be consistent with CDC's guidance. In addition, style and formatting changes are also made in accordance with the Rulewriting Manual for Utah and to align this rule with other rules under the Department of Health and Human Services (department).

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated cost or savings to the state budget as a result of this filing because these changes fall within the current scope of work for the Environmental Epidemiology Program (program) and are not anticipated to produce a cost or savings for additional duties or work related to expanding the definition of elevated blood lead. To implement this amendment, the program anticipates it will need to perform administrative tasks, but as these are already part of the state's process and are completed using the program's existing budget, they are not anticipated to introduce a cost.

The Utah State Hospital may have cases related to elevated blood lead levels, but there is no way of knowing how many additional cases could be attributed to this rule change.

B. Local governments:

There is an anticipated cost to local governments as a result of this filing.

The updated definition to lower the standard for identifying a case is anticipated to increase the number of cases identified by local governments and managed by the 13 local health districts in Utah by approximately 25%, based on 2023-2024 blood lead data.

Based on data from these years, there were approximately 107 cases of elevated blood lead, under the previous definition, and the average cost for managing a patient with elevated blood lead was about \$500.

Therefore, under the updated definition, the department anticipates there would be about 134 cases of elevated blood lead annually, which is estimated to cost these local health districts a total of \$67,000.

However, as a result of applying the updated definition of a case of elevated blood lead, there is an anticipated fiscal benefit, through contracts from an existing Childhood Lead Poisoning Prevention grant award from the CDC, that is anticipated to cover this annual cost of \$67,000, though that amount may vary from year to year based on CDC funding for the grant.

The amount allocated and distributed to each local health district is calculated based on each local health district's percentage of the total number of individuals at or above the updated definition of elevated blood lead levels in the previous year.

Since the complete anticipated cost is anticipated to be covered by the grant award, these numbers are reflected in the regulatory impact summary table with a total net cost of \$0.

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

This rule amendment may result in an inestimable indirect cost or savings to small businesses, depending on how many people need to be tested for blood lead and whether those people need to receive additional blood lead tests through a physician or clinic considered to be a small business.

While it is unknown exactly how many people will need to be tested, in past years, there have been an average of 280 people annually initially identified as having an unconfirmed or confirmed blood lead level of at least 3.5 mcg/dL.

It is also unknown how many tests each person will need, which physicians or clinics will issue these tests, and whether or not each person's test will conclude that the person has an elevated blood lead level, necessitating management by the physician and applicable local health district.

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

This rule amendment may result in an inestimable indirect cost or savings to non-small businesses, depending on how many people need to be tested for blood lead and whether those people need to receive additional blood lead tests through a physician or clinic considered to be a non-small business.

While it is unknown exactly how many people will need to be tested, in past years, there have been an average of 280 people annually initially identified as having an unconfirmed or confirmed blood lead level of at least 3.5 mcg/dL.

It is also unknown how many tests each person will need, which physicians or clinics will issue these tests, and whether or not each person's test will conclude that the person has an elevated blood lead level, necessitating management by the physician and applicable local health district.

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

This rule amendment may result in an inestimable indirect cost or savings to individuals who are tested and treated for elevated blood lead as a result of this filing.

While it is unknown exactly how many people will need to be tested, in past years, there have been an average of 280 people annually initially identified as having an unconfirmed or confirmed blood lead level of at least 3.5 mcg/dL.

Although this filing does not change the process for treatment, the filing changes what levels of blood lead are considered elevated blood lead, and a person who has elevated blood lead is required to receive follow-up blood tests until two consecutive blood tests are below 3.5 mcg/dL and annually thereafter.

While it is likely more cases of elevated blood lead and follow-up testing will occur, it is impossible to know the financial circumstances of each individual and how ongoing testing may result in a cost or savings.

F. Compliance costs for affected persons:

While any compliance costs for small businesses, non-small businesses, and other persons are inestimable because it is impossible to know which individuals with a case of elevated blood lead will patronize which businesses for testing, it is anticipated that the compliance cost for an individual local health authority, of which there are 13 total in the state, would fall within an approximate range of \$3,000 to \$8,600 for increased testing and case management, depending on the size and scale of that local health authority.

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	\$67,000	\$67,000	\$67,000	\$67,000	\$67,000
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	\$67,000	\$67,000	\$67,000	\$67,000	\$67,000
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$67,000	\$67,000	\$67,000	\$67,000	\$67,000
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	\$67,000	\$67,000	\$67,000	\$67,000	\$67,000
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 Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 26B-7-113	Section 26B-7-202	
-------------------	-------------------	--

Public Notice Information

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

A. Comments will be accepted until:	06/16/2026
--	------------

10. This rule change MAY become effective on:	06/23/2026
--	------------

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, Commissioner	Date:	04/19/2026
------------------------------------	-------------------------------	-------	------------

R386. Health and Human Services, Population Health, Environmental Epidemiology.**R386-703. Injury Reporting Rule.****R386-703-1. Authority and Purpose[Statement].**

- (1) ~~The Injury Reporting Rule is adopted under authority of]~~ Sections 26B-7-113 and 26B-7-202 authorize this rule.
- (2) This ~~[e Injury Reporting R]~~ rule establishes an injury surveillance and reporting system for specified injuries with the intent of identifying the risk factors that contribute to the causes of injury that can be ameliorated, thereby reducing morbidity and mortality.

R386-703-2. Definitions.

- (1)(a) "Acute ~~[T]traumatic [B]brain [H]injury~~" means a head injury of sufficient severity to cause death or to require admission to a health care facility.
- _____ (b) Acute traumatic brain injuries may be associated with transient or persistent neurological dysfunction and may be diagnosed as brain concussions, brain contusions, or traumatic intracranial hemorrhages.
- (2) "Acute ~~[S]spinal [C]cord [H]injury~~" means a traumatic injury to the contents of the spinal canal, spinal cord, or cauda equina, which result in death or ~~[which result in]~~ transient or persistent neurological dysfunction of sufficient severity to require health care facility admission.
- (3) "Agency" means the health care facility or laboratory at which a reportable injury is treated or evaluated.
- (4) "Asphyxiation" means an injury which arises from atmospheric oxygen deprivation or from traumatic respiratory obstruction which results in death or is of sufficient severity to require admission to a health care facility.
- (5) "Authorized ~~[H]health [P]personnel~~" means a person representing the ~~[D]department~~ or a local health department who ~~[is authorized to]~~ may inspect medical records for injury investigations.
- (6) "Blunt ~~[F]force [H]injury~~" means ~~[a blunt force]~~ an injury caused by a non-penetrating impact which results in death or is of sufficient severity to require admission to a health care facility.
- [
-] (7) "Burn[s]" means an injury resulting from acute thermal exposure or exposure to fire which results in death or is of sufficient severity to require admission to a health care facility.
- (8) "Chemical ~~[P]poisoning~~" means any case where a person has an acute exposure to toxic chemical substances which result in death or require admission to a health care facility or emergency department evaluation.
- (9) "Department" means the ~~[Utah]~~ Department of Health and Human Services.
- (10) "Drowning" ~~[and "Near Drowning"]~~ means a water immersion injury resulting in death ~~[and any water immersion injury of sufficient severity to require admission to a health care facility].~~
- (11) "Electrocution" means an injury arising from exposure to electricity which results in death or is of sufficient severity to require admission to a health care facility.
- (12) "Elevated ~~[B]blood [L]lead~~" means any case where a person has a blood lead concentration equal to or greater than 3.5 micrograms per deciliter.
- (13) "Health ~~[C]care [F]facility~~" means the same as defined in [Title 26B, Part 2, Health Care Facility Licensing and Inspection]Section 26B-2-201.
- (14) "Individual" means the medical examiner, head start coordinator, or licensed medical personnel of a private office who treated or evaluated a reportable injury.
- (15) "Injury" means bodily damage resulting from exposure to physical agents including mechanical energy, thermal energy, ionizing radiation, or chemicals, or resulting from the deprivation of basic environmental requirements including oxygen or heat.
- (16) "Injury ~~[R]related to [S]substance [A]abuse~~" means any case of injury resulting in death or hospitalization and associated with an event involving alcohol or drug intoxication of any person ~~[involved in the injury occurrence].~~
- (17) "Intentional ~~[H]injury[ies]~~" means any case of:
- _____ (a) suicide or attempted suicide resulting in admission to a health care facility; or
- _____ (b) ~~[any case of]~~ homicide, attempted homicide, or battery resulting in hospitalization.
- (18) "Laboratory" ~~[is defined as]~~ means any clinical laboratory, physician office, health care facility, health clinic, reference laboratory, or ~~[any]~~ facility that performs blood lead analysis.
- (19) "Local health department" ~~[has the same meaning]~~ means the same as defined in Section 26A-1-102.
- (20) "Local health officer" means the executive director, or a designated representative, of the ~~[jurisdictional]~~ local health department responsible for the geographic area where an injury occurs ~~[or a designated representative].~~
- (21) ~~["Mechanical Energy Injuries" means acceleration and deceleration injuries, blunt trauma, and penetrating wound injuries.]~~ "Near drowning" means any water immersion injury of sufficient severity to require admission to a health care facility.
- (22) "Office of Communicable Diseases" means the Office of Communicable Diseases in the Division of Population Health in the department [Utah Department of Health and Human Services].
- (23) ~~["Office of Emergency Medical Services and Preparedness" means the Office of Emergency Medical Services and Preparedness in the Division of Population Health in the Utah Department of Health and Human Services.~~
- _____ (24) ~~]~~ "Office of Vital Records and Statistics" means the Office of Vital Records and Statistics in the Division of Data, Systems and Evaluation in the department [Utah Department of Health and Human Services].

NOTICES OF PROPOSED RULES

(~~25~~24) "Traumatic [~~A~~]amputation[~~s~~]" means an unintended [~~traumatic~~]amputation of a limb or part of a limb which results in death or [~~which~~]requires admission to a health care facility or emergency department treatment.

R386-703-3. Reportable Injuries.

(1) As outlined in Section R386-703-4, an individual or agency shall report [~~the following~~]to the appropriate entity, as described in Section R386-703-6, [~~Department as outlined in Section R386-703-4~~] each:

~~_____~~ (a) ~~chemical poisoning, except unintentional adverse health effects resulting from the use of pharmacological agents as prescribed by a physician do not require reporting under this rule;~~

~~_____~~ (b) ~~acute traumatic brain injury;~~

~~_____~~ (c) ~~acute spinal cord injury;~~

~~_____~~ (d) ~~blunt force injury;~~

~~_____~~ (e) ~~drowning and near drowning;~~

~~_____~~ (f) ~~asphyxiation;~~

~~_____~~ (g) ~~burns;~~

~~_____~~ (h) ~~electrocution;~~

~~_____~~ (i) ~~intentional injuries;~~

~~_____~~ (j) ~~injuries related to substance abuse;~~

~~_____~~ (k) ~~traumatic amputation; and~~

~~_____~~ (l) ~~each blood lead test result.~~

~~_____~~ (a) acute spinal cord injury;

~~_____~~ (b) acute traumatic brain injury;

~~_____~~ (c) asphyxiation;

~~_____~~ (d) blood lead test result;

~~_____~~ (e) blunt force injury;

~~_____~~ (f) burn;

~~_____~~ (g) chemical poisoning, unless the chemical poisoning is an unintentional adverse health effect from the use of a prescribed pharmacological agent;

~~_____~~ (h) drowning and near drowning;

~~_____~~ (i) electrocution;

~~_____~~ (j) injury related to substance abuse;

~~_____~~ (k) intentional injury; and

~~_____~~ (l) traumatic amputation.

(2) In the case of an elevated blood lead test result, if the initial test result was from a capillary blood sample, the attending individual or agency shall confirm each case of elevated blood lead by [~~either~~]a venous or another capillary blood sample.

R386-703-4. Report Requirements[~~±~~] for Blood Lead Testing Results.

(1) When reporting a [~~non-elevated~~]blood lead result that is not elevated, the individual or agency [~~taking~~]that collected the sample shall provide in each report [~~the following information for the person being tested~~]:

~~_____~~ (a) the name of the reporting individual or agency; and

~~_____~~ (b) for the person who was tested, that person's:

~~_____~~ (a) i) name;

~~_____~~ (b) ii) date of birth, or age if the date of birth is unknown;

~~_____~~ (c) iii) sex; and

~~_____~~ (d) iv) zip code[~~and~~];

~~_____~~ (e) the individual or agency submitting the report.

(2) When reporting a case of elevated blood lead, the individual or agency [~~taking~~]that collected the sample shall provide in each report [~~the following information with each injury report pertaining to the injured person~~]:

~~_____~~ (a) the name of the reporting individual or agency; and

~~_____~~ (b) for the person who was tested, that injured person's:

~~_____~~ (a) i) name;

~~_____~~ (b) ii) date of birth, or age if the date of birth is unknown;

~~_____~~ (c) iii) sex;

~~_____~~ (d) iv) address of residence; and

~~_____~~ (v) disposition;

~~_____~~ (c) for any injury to the person who was tested, that injury's:

~~_____~~ (e) i) date of occurrence[~~injury~~];

~~_____~~ (f) ii) type[~~of injury~~];

~~_____~~ (g) iii) external cause[~~of injury~~];

~~_____~~ (h) iv) locale on the person's body[~~of injury~~]; and

~~_____~~ (v) relation to the person's occupation; and

~~_____~~ (i) d) whether any injury to the person who was tested is an intentional injury[~~intentionality~~];

~~_____~~ (j) relation of injury to occupation;

~~_____ (k) disposition of the injured person; and~~

~~_____ (l) the name of the individual or agency submitting the report].~~

(3) The ~~[D]~~department shall adopt a standard report format which ~~[may]~~shall be supplied to an individual or agency~~[reporting sources]~~ upon request.

R386-703-5. ~~[Report Requirements: Agencies or Individuals Required to Report Injuries.~~

~~_____ Each individual or agency treating or evaluating a reportable injury shall report the injury as required in Sections R386-703-3 through R386-703-7.~~

R386-702-6. ~~Report Requirements:~~ Time Requirements for Reports.

(1) ~~An~~ individual or agency required to report a reportable injury listed in Section R386-703-3 shall submit the report within 60 days of the ~~[time]~~date of diagnosis or recognition of injury.

(2) In the event of an unusual or excessive occurrence of a reportable injury~~[injuries]~~, ~~[an]~~the individual or agency required to report shall immediately report by telephone to the local health officer or ~~[to]~~the ~~[D]~~department.

R386-703-~~[7]~~6. [Report Requirements:] Report Destination Requirements.

(1) ~~[Except in (a), (b), and (c), a]~~An individual or agency shall report any reportable injury listed in Section R386-703-3 to the Office of Communicable Diseases or to the local health department responsible for the geographic area where the injury occurred, except as described in Subsections (1)(a), (1)(b), and (1)(c).

(a) When a case of a reportable injury results in death, ~~[an]~~the ~~reporting~~ individual or agency ~~[reporting a reportable injury]~~ may submit a completed death certificate to the Office of Vital Records and Statistics in lieu of reporting to the Office of Communicable Diseases.

(b) ~~[In the case where an injury is evaluated in an emergency department of a health care facility, the health care facility may, in lieu of reporting to the Office of Communicable Diseases, submit a complete emergency department log to the Office of Emergency Medical Services and Preparedness if the records are submitted through an electronic medium and format acceptable to the Office of Emergency Medical Services and Preparedness.~~

~~_____ (e)~~ In ~~[the]~~a case where a reportable injury ~~[listed in Section R386-703-3]~~ is reported under the requirements of Title 26B, Chapter 8, Part 5, Utah Health Data Authority, the individual or agency may:

(i) grant permission to the ~~[D]~~department in writing that information relating to a case ~~[with]~~of a reportable injury may be supplied to the Office of Communicable Diseases before the identifying information is removed from the report; or

(ii) report the injury both in accordance with Title 26B, Chapter 8, Part 5, Utah Health Data Authority, and to the Office of Communicable Diseases.

(2)(a) ~~[The]~~A local health officer shall forward each original report to the Office of Communicable Diseases.

~~_____ (b)~~ The local health department may maintain a copy~~[ies]~~ of ~~[these]~~the original report~~[s]~~.

R386-703-~~[8]~~7. Special Investigations of Injury.

(1) The ~~[D]~~department and local health officer may conduct an epidemiologic investigation~~[s]~~ of any reportable injury, including the collection of additional information pertaining to risk factors, medical condition, and circumstances of an injury.

(2) A individual or agency required to submit a report~~[s]~~ in Section R386-703~~[(5)]-3~~ shall, upon request by the ~~[D]~~department ~~[and]~~or the local health officer, provide authorized health personnel ~~[the authority]~~access to inspect medical records ~~[of]~~related to a reportable injury~~[ies]~~.

(3) The Utah Labor Commission, Department of Public Safety, Department of Transportation, ~~[Utah Industrial Commission, Utah Department of Public Safety,]~~ and any local public safety agency~~[ies]~~ shall make information on any reportable injury available to authorized health personnel~~[information on reportable injuries]~~.

R386-703-~~[9]~~8. Confidentiality of Reports.

(1) Each report required in Section R386-703-3 is confidential and is not open to public inspection.

~~_____ (2)~~ The ~~[D]~~department shall maintain the confidentiality of ~~[personal]~~ information obtained under this rule ~~[according to]~~in accordance with Sections 26B-7-217 through 26B-7-220.

~~_____ (3)~~ Nothing in this rule precludes the discussion of case information with the attending individual, agency, or authorized health personnel.

R386-703-~~[10]~~9. Penalties.

Enforcement provisions and penalties for the violation ~~[or for the enforcement]~~ of public health rules, including ~~[Rule R386-703]~~this rule, are prescribed under Sections 26B-1-222 through 26B-1-224.

KEY: report, injury, blood lead

Date of Last Change: ~~[November 5, 2023]~~2026

Notice of Continuation: July 1, 2025

Authorizing, and Implemented or Interpreted Law: 26B-7-113; 26B-7-202

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R392-101	Filing ID: 57905

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 or section catchline:	
R392-101. Food Safety Manager Certification	
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 172 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
<p>This proposed amendment to Rule R392-101 is necessary to align this rule with statutory changes enacted by the Legislature through HB 172 (2026 General Session), which amended Sections 26B-7-411 and 26B-7-412. The statutory amendments extend the certification renewal period for certified food safety managers from three years to five years and modify exemptions from food service establishment requirements.</p> <p>Existing provisions in Rule R392-101 conflict with amended statute. Without this filing, this rule would continue to state that food safety manager certifications are valid for three years, which is inconsistent with the statutory requirement for a five-year renewal cycle.</p> <p>Additionally, this rule's list of exempt food establishment categories does not reflect newly enacted statutory exemptions for nonprofit fundraising events.</p> <p>This filing is necessary to ensure this rule is consistent with governing law and to provide clarity for regulated entities and local health departments.</p>	
5. Summary of the new rule or change:	
<p>This filing amends Rule R392-101 to extend the validity period for food safety manager certification from three years to five years.</p> <p>It also adds an exemption for certain nonprofit fundraising events where donated food is served and a certified food safety manager is present.</p>	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Department of Health and Human Services (department) does not anticipate any cost or savings to the state budget as a result of this filing.

Extending the certification period is expected to reduce administrative workload related to certification tracking and processing, but this is not handled at the state level.

B. Local governments:

Local health departments are not expected to incur additional costs.

Local governments may experience administrative savings due to fewer certification renewals processed over time.

This fiscal benefit is inestimable because local health departments do not separately track staff time or costs attributable to processing food safety manager certifications, and savings will vary by jurisdiction, staffing structure, and certification volume.

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

Small businesses operating food establishments are expected to experience a savings because certified food safety managers will be required to renew certification less frequently.

This fiscal benefit is inestimable because renewal costs vary by certification provider, training modality, and business practices, and the department does not collect data on individual small business training expenditures.

There is no anticipated cost associated with changing the renewal period for certification.

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

Non-small businesses operating food establishments are expected to experience a savings because certified food safety managers will be required to renew certification less frequently.

This fiscal benefit is inestimable because renewal costs vary by certification provider, training modality, and business practices, and the department does not collect data on individual non-small business training expenditures.

There is no anticipated cost associated with changing the renewal period for certification.

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**):

Nonprofit organizations and individuals seeking certification are expected to experience a savings because certified food safety managers will be required to renew certification less frequently.

This fiscal benefit is inestimable because renewal costs vary by certification provider, training modality, and business practices, and the department does not collect data on individual training expenditures.

There is no anticipated cost associated with changing the renewal period for certification.

Nonprofit organizations may experience a savings as a result of the new exemption for fundraising events, as described in Section 26B-7-411, amended by HB 172 passed in the 2026 General Session.

However, any savings attributed to this change is a result of the bill, not this rule filing, and is captured in the fiscal note that can be viewed at <https://pf.utleg.gov/public-web/sessions/2026GS/fiscal-notes/HB0172S01.fn.pdf>.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons, identified as small businesses, non-small businesses, or other persons who are certified food safety managers and food establishments.

Affected persons also include the department and local health departments who process renewals for certification.

The changes in this filing are anticipated to decrease the frequency required for certification renewal and, therefore, decrease associated costs.

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

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

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

The Commissioner of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 26B-1-202	Section 26B-7-410	Section 26B-7-412
-------------------	-------------------	-------------------

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: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026

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, Commissioner	Date:	04/19/2026
---	-------------------------------	--------------	------------

R392. Health and Human Services, Population Health, Environmental Health.

R392-101. Food Safety Manager Certification.

R392-101-1. Authority and Purpose of Rule.

- (1) Section 26B-7-410 and Subsections 26B-1-202(2)(a) and 26B-1-202(2)(z) authorize this rule.
- (2) This rule establishes statewide uniform standards for certified food safety managers and implements Section 26B-7-412.

R392-101-2. Definitions.

- (1) "Agritourism food establishment" means the same as defined in Section 26B-7-401.
- (2) "Certified food safety manager" means the same as defined in Section 26B-7-401.
- (3) "Charitable organization" means a group of any size who desire to feed disadvantaged groups under the requirements of Rule R392-104, Feeding Disadvantaged Groups.
- (4) Commercially prepackaged means any food packaged in a regulated food processing plant that does not require temperature control and is stored and used in accordance with the manufacturer's label.

- (5) Continental breakfast means a breakfast meal restricted to:
 - (a) beverages such as coffee, tea, and fruit juices;
 - (b) pasteurized Grade A milk;
 - (c) fresh fruits;
 - (d) frozen and commercially processed and prepackaged fruits;
 - (e) commercially prepackaged baked goods, such as pastries, rolls, breads and muffins that are non-potentially hazardous foods;
 - (f) cereals;
 - (g) commercially prepackaged jams, jellies, honey, and syrup;
 - (h) pasteurized Grade A creams and butters, non-dairy creamers, or similar products;
 - (i) commercially prepackaged hard cheeses, cream cheese and yogurt in unopened packages; and
 - (j) foods served with single-use articles.
- (6) "Department" means the Department of Health and Human Services.
- (7) "Disadvantaged group" means a homeless or temporarily displaced group.
- (8)(a) "Food service establishment" or "food establishment" means the same as defined in Section 26B-7-401.
- (9) "Heat and serve" means food that is precooked by the manufacturer and does not require cooking to critical temperatures as required by Rule R392-100, Food Service Sanitation, but only requires heating to meet the customer's satisfaction.
- (10) "Local health department" means the same as defined in Subsection 26A-1-102(6).
- (11) "Local health officer" means the health officer, or a designated representative, of the local health department having jurisdiction.
- (12) "Microenterprise home kitchen" means the same as defined in Section 26B-7-401.
- (13) "Potentially hazardous food" means the same as a time and temperature controlled food.
- (14) "Single-use article" means a utensil designed and constructed to be used once and discarded.
- (15) "Time and temperature controlled food" means the same as defined in ~~S[ub]s~~ection 26B-7-401.

R392-101-3. Certification and Recertification Exam Content.

A certification and recertification exam shall require the examinee to demonstrate knowledge in food protection management in:

- (1) identifying foodborne illness, including:
 - (a) defining terms associated with foodborne illness, including:
 - (i) foodborne illness;
 - (ii) foodborne outbreak;
 - (iii) foodborne infection;
 - (iv) foodborne intoxication; and
 - (v) foodborne pathogens;
 - (b) recognizing the major organisms and toxins that can contaminate food and those major organisms and toxins' associated risks to human health for:
 - (i) bacteria;
 - (ii) viruses;
 - (iii) parasites; and
 - (iv) fungi;
 - (c) defining and recognizing potentially hazardous foods;
 - (d) defining and recognizing chemical and physical contamination along with the associated injuries and illnesses;
 - (e) defining and recognizing the major contributing factors for foodborne illness; and
 - (f) recognizing how microorganisms cause foodborne disease;
- (2) identifying time and temperature relationship with foodborne illness, including:
 - (a) recognizing the relationship time and temperature has with microorganism survival, growth, and toxin production during:
 - (i) receiving;
 - (ii) storing;
 - (iii) thawing;
 - (iv) cooking;
 - (v) hot holding;
 - (vi) serving;
 - (vii) cooling;
 - (viii) cold holding;
 - (ix) reheating; and
 - (x) transporting;
 - (b) describing the use of thermometers in monitoring food temperatures, including:
 - (i) types of thermometers;
 - (ii) monitoring techniques and frequency; and
 - (iii) thermometer calibration and frequency;
 - (3) describing the relationship between personal hygiene and food safety, including:
 - (a) recognizing the association between hand contact and foodborne illness, including:
 - (i) correct hand washing technique and frequency;
 - (ii) proper use of gloves, including replacement frequency; and

NOTICES OF PROPOSED RULES

- (iii) no bare hand contact with ready-to-eat food;
- (b) identifying correct hygienic practices for:
 - (i) smoking;
 - (ii) eating and drinking; and
 - (iii) proper clothing and hair restraints;
- (c) recognizing the association between infected food handlers and foodborne illness and knowing:
 - (i) symptoms of food-transmissible disease; and
 - (ii) reportable foodborne illness diagnoses and exposure history;
- (d) recognizing how policies, procedures, and managerial controls contribute to improved hygiene practices;
- (4) describing methods for preventing food contamination, including:
 - (a) defining terms associated with contamination, including:
 - (i) cross contamination;
 - (ii) adulteration;
 - (iii) package and container integrity; and
 - (iv) approved source;
 - (b) identifying potential hazards and methods to minimize or eliminate hazards in the food establishment, including:
 - (i) personal hygiene and hand washing;
 - (ii) cross contamination from food to food;
 - (iii) cross contamination between equipment and utensils;
 - (iv) contamination from chemicals;
 - (v) contamination from unapproved additives;
 - (vi) physical contamination;
 - (vii) contamination during service and display;
 - (viii) contamination from customers; and
 - (ix) storage;
 - (5) explaining the difference between cleaning and sanitizing, and describing the correct procedures for cleaning and sanitizing equipment and utensils, including:
 - (a) identifying the commonly used chemicals approved for sanitizing food-contact surfaces;
 - (b) identifying appropriate cleaning and sanitizing procedures when using the following methods:
 - (i) manual dishwashing;
 - (ii) mechanical dishwashing; and
 - (iii) clean-in-place; and
 - (c) identifying frequency of cleaning and sanitizing;
 - (6) recognizing problems and potential solutions associated with facility, equipment, and layout, including:
 - (a) identifying facility requirements, including design and construction suitable for food establishments to include:
 - (i) refrigeration;
 - (ii) heating and hot holding;
 - (iii) floors, walls and ceilings;
 - (iv) pest control;
 - (v) lighting;
 - (vi) plumbing;
 - (vii) ventilation;
 - (viii) water supply;
 - (ix) wastewater disposal; and
 - (x) waste disposal; and
 - (b) identifying equipment and utensil design and location; and
 - (7) recognizing problems and potential solutions associated with temperature control, preventing cross contamination, housekeeping, and maintenance by:
 - (a) self-inspection program;
 - (b) pest control program;
 - (c) cleaning schedules and procedures; and
 - (d) equipment and facility maintenance program.

R392-101-4. Food Safety Manager Certification Courses.

- (1) A course approved by the department shall be designed for a specific approved exam as described in Subsection R392-101-5(1).
- (2) The course developer shall certify the instructor.
- (3) The department shall approve the course for three years.

R392-101-5. Exam Approval.

- (1) A person or business seeking approval of an exam shall:
 - (a) provide to the department evidence of food safety manager training program accreditation from the American National Standards Institute (ANSI); or

(b) be listed on the ANSI-CFP Accreditation Program directory.

(2) A person may not represent an exam as department-approved, or other similar language, if the exam is not accredited by ANSI or listed on the ANSI-CFP Accreditation Program directory.

R392-101-6. Exam Administration.

(1) An exam administrator shall:

- (a) provide proctors and security at the locations where the exam is administered;
- (b) maintain a tracking system for each exam to protect against theft;
- (c) provide locations and dates of exams administered by the testing organization upon request of the department;
- (d) provide necessary staff to administer, proctor, and grade exams;
- (e) maintain records of each candidate's name, home address, date of birth, pass or fail status, and date of exam for at least three

years; and

(f) provide accommodation for examinees who do not speak English.

(2) An exam administrator shall assure there is at least one proctor for every 40 individuals taking the exam.

(3)(a) The proctor shall confirm the identity of an individual who wishes to take the exam by photographic identification, including a driver's license or student identification card.

(b) A legal document bearing the individual's signature may be presented to the proctor to satisfy this requirement if the individual does not have a photographic identification card.

(4) An exam administrator shall provide the following exam security measures to protect the exam from compromise:

(a) exam materials are stored and administered under secure conditions, where access to the exam is limited to the proctor and exam administrator;

(b) exam materials are inventoried before and immediately following each administration of the exam; and

(c) exam materials are available to the candidate only during exam administration.

(5) An exam administrator may not:

- (a) certify an individual determined to have cheated on the exam; or
- (b) administer an exam that has been compromised.

R392-101-7. Certification and Recertification Requirements.

(1) Except as in Subsection (2), a candidate shall answer at least 70% of the questions correctly on a department-approved exam to pass the exam for certification or recertification.

(2) An exam developer may set the passing score for an exam if:

(a) the exam was developed in accordance with the Standards for Educational and Psychological Testing published by the American Psychological Association; and

(b) the exam developer submits documentation that is validated by the department.

(3)(a) To be certified as a food safety manager, a person who successfully passes an exam, as described in Section R392-101-5, shall provide documentation of a passing grade to the local health officer within 60 days of receipt of the documentation.

(b) If a certified food safety manager commences work in a different local health jurisdiction, the certified food safety manager shall notify the local health officer in that jurisdiction.

(4) A local health department:

(a) may not charge a fee to accept or process the documentation described in Subsection (3);

(b) shall accept photocopies or electronic copies of the documentation described in Subsection (3); and

(c) shall allow an individual to submit the documentation described in Subsection (3) by mail, email, or in person.

(5) A person who completes the requirement in Subsection (3) shall be certified as a food safety manager statewide.

(6) Food safety manager certifications are effective for ~~three~~ five years from the date the applicant receives documentation of a passing score from the exam administrator.

(7)(a) Except as specified in Section R392-101-8, each food establishment shall maintain a copy of the current food safety manager's certificate on file at the establishment.

(b) The person in charge shall provide this documentation to the local health officer upon request.

(8) To recertify, a certified food safety manager shall submit documentation described in Subsection (3) to the appropriate local health department indicating a passing score within the previous six months before the expiration of the five-year certification period.

(9) A person certified as a food safety manager is exempt from the requirements of Rule R392-103, Food Handler Training and Certificate.

R392-101-8. Exempt Establishments.

The following food establishment types are not subject to the requirements of this rule:

(1) a special event sponsored by a municipal or nonprofit civic organization, including a food booth at a school sporting event, a little league athletic event, or a church function;

(2) a temporary food service event approved by a local health department;

(3) a vendor or other food establishment that serves only commercially prepackaged foods and beverages;

(4) a private home not used as a commercial food service establishment, except for a microenterprise home kitchen;

(5) a health care facility licensed under Title 26B, Chapter 2, Part [26B-2-]2, Health Care Facility Licensing and Inspection;

(6) a bed and breakfast establishment at which the only meal served is a continental breakfast;

NOTICES OF PROPOSED RULES

- (7) a residential child care provider;
- (8) a child care provider and program licensed under Title 26B, Chapter 2, Part 4, Child Care Licensing;
- (9) a residential care facility as defined in this rule;
- (10) a back country outfitter food establishment;
- (11) a free event sponsored by a charitable organization; and
- (12) a fundraising event hosted or sponsored by a nonprofit organization, as defined in Section 16-6a-102, if:

- (a) a food service establishment donates the food for the fundraising event; and
- (b) a certified food safety manager of the donating food service establishment remains on site during the event; and

~~[(12)]~~ (13) a lowest risk permitted food establishment category, as determined by the local health officer, according to the following risk assessment evaluation:

- (a) the food establishment does not serve a time and temperature controlled food or use a time and temperature controlled food as an ingredient in a food that is served; or
- (b) the food establishment may serve a time and temperature controlled food or use a time and temperature controlled food as an ingredient in a food that is served, but there is no cook step in any food preparations.

R392-101-9. Penalties.

Any person who violates this rule may be assessed a civil penalty as provided in Subsection 26B-1-224(2).

KEY: public health, food service, food manager, food safety

Date of Last Change: ~~November 9, 2025~~ **2026**

Notice of Continuation: February 7, 2024

Authorizing, and Implemented or Interpreted Law: 26B-1-202(2)(a); 26B-1-202(2)(z); 26B-7-410

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number: R392-304 **Filing ID:** 57953

Agency Information

1. Title catchline:	Health and Human Services, Population Health, Environmental Health	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142102	
City, state and zip:	Salt Lake City, UT 84114-2102	
Contact persons:		
Name:	Phone:	Email:
Karl Hartman	801-538-6191	khartman@utah.gov
Sarah Cheshire	801-538-6191	scheshire@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R392-304. Artificial Swimming Lagoons	
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 384 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
Since this rule was made effective, the Department of Health and Human Services (department) has collected substantial operational information from the currently operating artificial swimming lagoon (ASL) in Utah, including data gathered during a site visit conducted in May 2025. That review demonstrated that certain source water standards derived from drinking water maximum contaminant levels (MCLs) impose significant operational and financial burden without corresponding recreational health benefits.	

Additionally, the department's APPLETREE Environmental Epidemiology Program conducted a health-based toxicity analysis for nitrates in recreational water in August 2025. That analysis determined a recreational guideline value of 696 mg/L nitrate based on conservative child ingestion assumptions.

This analysis confirms that the current drinking water-based nitrate standard is not appropriate for recreational lagoon systems.

Based on this information, the department determined it is appropriate to update source water quality standards in this rule for ASLs to align regulatory requirements with recreational exposure science, real-world operational data, and risk-based toxicological analysis.

These changes maintain protection of public health while eliminating unnecessary treatment requirements and aligning this rule with recreational risk science.

Also, HB 384 of the 2026 General Session changed the title of "executive director" to "commissioner," so the department is updating that term through this filing.

Additionally, the department determined it is appropriate to update this rule's references to the recently updated Rule R392-302.

5. Summary of the new rule or change:

This amendment removes nitrite and free cyanide source water standards, revises the nitrate standard from 10 mg/L to 50 mg/L as nitrogen, and adjusts limits for certain non-toxic metals, including barium, chromium, copper, and fluoride.

This amendment also establishes a requirement to measure startup baseline total dissolved solids (TDS) and limits TDS accumulation to no more than 1,500 mg/L above startup baseline.

Additionally, this amendment updates references and definitions to match recent updates to Rule R392-302 and align with HB 384's the title change of "executive director" to "commissioner."

Other changes align this rule's style and formatting with other rules within the department and the Rulewriting Manual for Utah.

Fiscal Information

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

A. State budget:

There is no anticipated fiscal impact to the state budget as a result of this amendment because the department will not incur any additional inspection, enforcement, staffing, training, or administrative responsibilities with implementation of this amendment.

While this amendment simplifies review by eliminating unnecessary nitrate and nitrite treatment evaluation, it is not anticipated that this will change the review process enough to result in a savings.

B. Local governments:

There is no anticipated fiscal impact to local government as a result of this amendment because local health departments do not permit, regulate, or inspect artificial swimming lagoons under Rule R392-304.

Local health departments do not incur inspection, enforcement, staffing, training, or administrative responsibilities related to artificial swimming lagoons (ASLs).

This amendment does not expand jurisdiction, create new duties, or shift regulatory authority to local government.

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

There is no anticipated fiscal impact to small businesses as a result of this amendment because, as of the drafting of this filing, no small businesses operate an ASL.

Future small business operators of ASLs may benefit from reduced capital and operational costs associated with nitrate and nitrite treatment, but the department cannot estimate which or how many small businesses may be affected in the future.

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

This amendment is anticipated to produce a measurable fiscal benefit to the only artificial swimming lagoon in Utah operating at the time of this filing's drafting, which is a non-small business.

Under the previous version of this rule, compliance with nitrate and nitrite standards requires advanced nitrate removal treatment, multiple-pass looping of source water, continuous oversight by a full-time water quality engineer, and chlorine gas injection during batch discharge to oxidize nitrites.

The existing facility incurs estimated annual costs of approximately \$200,000 to \$250,000 to comply with nitrate and nitrite source water standards, including engineering labor, energy consumption, chemical inputs, chlorine gas procurement and safety compliance, and treatment system maintenance.

This amendment eliminates these unnecessary treatment requirements while maintaining recreational health protection and is expected to provide a fiscal benefit of approximately \$200,000 to \$250,000 annually to the affected business.

Future non-small business operators of ASLs may similarly benefit from reduced capital and operational costs associated with nitrate and nitrite treatment, but the department cannot estimate which or how many non-small businesses may be affected in the future.

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 because the amendment does not impose costs on individual persons, nonprofit organizations, or regulated entities other than artificial swimming lagoon operators.

This amendment modifies source water standards applicable only to ASL operators. It does not create fees, reporting requirements, permitting obligations, or compliance costs for members of the public or other entities.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons, identified as the department and businesses that operate ASLs.

This amendment eliminates unnecessary treatment requirements, which is not anticipated to introduce any cost.

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

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000
Net Fiscal Benefits	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000

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

The Commissioner of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

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

Section 26B-1-202

Section 26B-7-402

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:**

06/16/2026

10. This rule change MAY become effective on:

06/23/2026

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, Commissioner

Date:

05/01/2026

R392. Health and Human Services, Population Health, Environmental Health.**R392-304. Artificial Swimming Lagoons.****R392-304-1. Authority and Purpose.**

(1) ~~[This rule is authorized by]~~ Sections 26B-1-202 and 26B-7-402 authorize this rule.

(2) This rule establishes minimum standards for the sanitation, design, construction, operation, and maintenance of an artificial swimming lagoon, as defined by this rule, and provides for the prevention and control of hazards associated with artificial swimming lagoons that are likely to adversely affect public health and wellness, including risk factors contributing to injury, sickness, death, disability, and the spread of disease.

R392-304-2. [Applicability.

~~(1) Unless exempted in Subsection R392-304-2(2), this rule applies to any person or entity who owns or operates an artificial swimming lagoon.~~

~~(2) This rule does not apply to:~~

~~(a) natural water bodies, including public ponds, lakes, reservoirs, streams, rivers, or canals;~~

~~(b) privately owned waters that do not fit the definition of an artificial swimming lagoon, such as:~~

~~(i) privately owned water ski parks;~~

~~(ii) surf lagoons; or~~

~~(ii) privately owned ponds, lakes, reservoirs, streams, canals, rivers, or other similar bodies of water; or~~

~~(c) a body of water whose primary intent is already regulated by another rule promulgated under Title R392, Health and Human Services, Population Health, Environmental Health.~~

R392-304-3.]Definitions.

(1) "Artificial swimming lagoon" or "ASL" means an artificial body of water used for recreational purposes, including swimming, with more than 30,000 square feet of surface area that:

(a) is a man-made water impoundment often designed to visually mimic a natural body of water, such as a large pond or small lake;

(b) includes at least one or more designated swimming areas;

(c) incorporates a water containment system constructed of an impervious material such as a liner, concrete shell, or another impervious material;

(d) provides an artificial water treatment system to control water quality, including pathogenic microorganisms, that includes a disinfection system and a method or combination of methods for:

(i) circulation;

(ii) filtration;

(iii) skimming; or

(iv) turbidity control; and

(e) prevents the growth or habitat of aquatic animal life and aquatic vegetation.

(2) "Bather" means a person at an artificial swimming lagoon who has contact with water of a designated swimming area through spray or partial or total immersion. ~~[The term] A bather~~~~[as defined, also]~~ includes;

NOTICES OF PROPOSED RULES

- ~~_____ (a) a staff member;[s and refers to those]~~
~~_____ (b) a user[s] who can be exposed to contaminated water; and~~
~~_____ (c) a user[those] who can potentially contaminate the water.~~
(3) "Bather load" means the number of persons allowed by the operator to use the designated swimming area of an artificial swimming lagoon at any one time or specified period.
(4)(a) "Closed-loop system" means a water recirculation system in which water is introduced into the lagoon and is treated and recirculated for continuous use in the lagoon.
~~_____ (b) A closed-loop system is not a flow-through system.~~
(5) "Commissioner" means the Department of Health and Human Services commissioner or a designated representative.
~~_____ (6)(a) "Deck" means an area immediately adjacent to or attached to the lagoon that is specifically constructed or installed for sitting, standing, or walking.~~
~~_____ (b) [The term]A deck does not include a sandy beach area adjacent to a sloped entry.~~
(6)(7) "Department" means the [Utah]Department of Health and Human Services.
(7)(8) "Designated swimming area" or "DSA" means a pool located within an artificial swimming lagoon that is visually separated from other areas of the lagoon by a rope, float line, or another method except when the entire artificial swimming lagoon is identified as a designated swimming area.
(8)(9) "Diving area" means the area of a DSA that is designated and designed for diving.
(9)(10) "Executive committee" means the applicable Governance executive committee.
~~_____ (10) "Executive director" means the Utah Department of Health and Human Services executive director or a designated representative.]~~
(11) "Facility" means any premises, building, equipment, and accessory object related to the operation of an artificial swimming lagoon.
(12) "Free available chlorine" or "free chlorine residual" means the portion of the total available chlorine that is not combined with other molecules and is present as hypochlorous acid (HOCl) and hypochlorite ion (OCI).
(13) "Governance" means the committee described in Subsection 26B-1-207(3).
(14) "Local health officer" means ~~the health officer of the local health department having jurisdiction or a designated representative]~~the director of a local health department as appointed under Section 26A-1-110 or the local health officer's designated representative.
(15) "Local health department" has the meaning defined in Subsection 26A-1-102(5).
(16) "mg/L" means milligrams per liter and is an equivalent measure to parts per million (ppm).
(17) "Operator" means a person or entity who owns, manages, or controls an artificial swimming lagoon or a designated representative.
(18) "Oxidation" means the process of changing the chemical structure of water contaminants to allow the contaminant to be more readily removed from the water or made more soluble in the water.
(19) "Oxidation Reduction Potential" or "ORP" means a measure of the tendency for a solution to either gain or lose electrons; higher, or more positive, oxidation-reduction potential indicates more potential for oxidation. This technology is commonly used in automatic disinfectant feed controllers.
(20) "Plumbing Code" means International Plumbing Code as incorporated and amended in Title 15A, State Construction and Fire Codes Act.
(21) "Plumbing fixture" means a receptacle or device connected to the potable water supply system of the facility, including drinking fountains, handwashing stations, and showers.
(22) "Pool" means an artificially constructed structure designed for total or partial bather immersion in or contact with water designated for recreational swimming, wading, or bathing.
(23) "Requester" means a person who requests a variance on behalf of a regulated individual, business, or entity.
(24) "Restroom facility" means a room or space that contains no[~~£~~] less than one toilet and one handwashing station.
(25)(a) "Shower" means a device that sprays non-recirculated, potable water on the body to remove biological, physical, or chemical contaminants from bathers.
(b) "Cleansing [S]shower" means a shower within a hygiene facility [using warm water and soap. The purpose of this type of shower is to remove contaminants, including perianal fecal material, sweat, skin cells, personal care products, and dirt before bathers enter an artificial swimming lagoon.
(c) "Rinse [S]shower" means a shower typically located on the pool deck area with ambient temperature water. The primary purpose is to remove dirt, sand, or organic material before entering the designated swimming area of an artificial swimming lagoon to reduce the introduction of contaminants and the formation of disinfection by[-]products.
(26) "Sun shelf" means a horizontal non-sloping floor connected to the edge of the designated swimming area of an artificial swimming lagoon that is between four and 24 inches below the deck surface, which creates a shallow area for bathers to lounge and play.
(26)(27) "Surf lagoon" means a large aquatic venue dedicated to surfing on a surfboard or similar surfing or wave-riding device with equipment that generates traveling and surfable waves and is used only by surfers and not bathers.
(27)(28) "Surfer" means a person at a surf lagoon who has contact with water either through spray or partial or total immersion, surfs on a surfboard or other similar surfing or wave-riding device[-] and can be exposed to contaminated water or can potentially contaminate the water.
(29) "Underwater rest ledge" means a continuous step in the designated swimming area wall that allows a bather to rest by standing without treading water.

~~[(28) "Underwater shelf" means a horizontal non-sloping floor connected to the edge of the designated swimming area of an artificial swimming lagoon that is between four and 24 inches below the deck surface, which creates a shallow area for bathers to lounge and play.~~

~~(29)](30) "Variance" means a written document issued by the department in response to a request meeting the requirements of Section R392-304-23 that authorizes a modification or waiver of one or more requirements of a rule promulgated under Title R392, Health and Human Services, Population Health, Environmental Health.~~

R392-304-3. Applicability.

- ~~(1) Unless exempt in Subsection (2), this rule applies to any person or entity who owns or operates an artificial swimming lagoon.~~
- ~~(2) This rule does not apply to:~~
- ~~(a) a natural water body, including a public pond, lake, reservoir, stream, river, or canal;~~
 - ~~(b) privately owned waters that do not fit the definition of an artificial swimming lagoon, such as:

 - ~~(i) a privately owned water ski park;~~
 - ~~(ii) a surf lagoon; or~~
 - ~~(iii) a privately owned pond, lake, reservoir, stream, canal, river, or another similar body of water; or~~~~
 - ~~(c) a body of water with a primary intent already regulated by another rule promulgated under Title R392, Health and Human Services, Population Health, Environmental Health.~~

R392-304-4. General Requirements.

- (1) Any artificial swimming lagoon regulated under Section R392-304-2 shall meet the requirements of this rule.
- (2) If the ~~[executive director]~~commissioner or local health officer determines that any facility is dangerous, unsafe, unsanitary, a nuisance, or a menace to life, health, or property, the ~~[executive director]~~commissioner or local health officer may order construction or operational changes consistent with the requirements of this rule to existing facilities.

R392-304-5. Design Requirements and Plan Approval.

The operator shall ensure that:

- (1) construction plans are certified and stamped by a designing engineer or architect who is licensed by the Utah Division of Professional Licensing (DOPL) and contains the following verifications:
 - (a) the structure is stable;
 - (b) the shape of a DSA and location of appurtenances are designed such that the following are not impaired:
 - (i) DSA water circulation;
 - (ii) DSA water quality; and
 - (iii) bather safety;
 - (c) each DSA is designed with a circulation system, meeting the requirements of Section R392-304-16, that incorporates ~~[treatment and]~~filtration equipment ~~and treatment~~, as required in Sections R39[4]2-304-17 and R392-304-18;
 - (d) in climates where a facility is subject to freezing temperatures, any part[s] of the facility subject to freezing damage is designed to provide protection from damage due to freezing; and
 - (e) the facility has fencing or barriers to prevent unauthorized access to designated swimming areas; and
 - (f) the facility has showers, hand sinks, toilets, and dressing areas designed, constructed and maintained as required in Section R392-304-20; and
- (2) the DSA is constructed in accordance with the certified and stamped plans required in Subsection R392-304-5(1).

R392-304-6. Plumbing.

The operator shall ensure that:

- (1) each plumbing fixture is:
 - (a) supplied with potable water adequate for human consumption and other domestic uses; and
 - (b) designed, installed, and operated according to the requirements set forth by:
 - (i) ~~[the]~~Plumbing Code;
 - (ii) ~~[the Utah Department of Environmental Quality, Division of Drinking Water under]~~Title R309, Drinking Water; and
 - (iii) local health department regulations; and
- (2) the drinking water system is protected against backflow contamination.

R392-304-7. Artificial Swimming Lagoon Source Water Quality.

- (1) If the source water for the DSA of an artificial swimming lagoon is not from a public drinking water system as described in Rule R309-100~~[Administration: Drinking Water Program]~~, the operator shall:
 - (a) collect a sample of the source water before initial operation and at least once every five years thereafter;
 - (b) submit the collected sample for analysis to a laboratory that is certified under Rule R444-14~~[, Certification of Environmental Laboratories]~~; and
 - (c) ~~[have laboratory analysis performed initially and for each five-year period thereafter to determine the levels of]~~ensure that the source water complies with the contaminant[s] limits specified~~[listed]~~ in Table 1.
- (2) If the source water analysis report described in Subsection ~~[R392-304-7]~~(1) indicates that a contaminant level ~~[is greater than or equal to]~~exceeds any ~~[of the]~~standard[s] in Table 1, the operator shall:
 - (a) discontinue the use of the source water; or

NOTICES OF PROPOSED RULES

(b) implement treatment to achieve compliance [an ongoing treatment process to provide source water that complies] with Table 1 before introducing the water into a designated swimming area.

TABLE 1 Source Water Contaminants and MCLs	
Contaminant[-]	Maximum Contaminant Level (MCL)
Antimony	0.006 mg/L
Arsenic	0.010 mg/L
Barium[-]	[2 mg/L] 5 mg/L
Beryllium[-]	0.004 mg/L
Cadmium[-]	0.005 mg/L[-]
Chromium[-]	[0.1 mg/L] 0.5 mg/L
Copper[-]	[1.3 mg/L] 2.0 mg/L
[Cyanide, as free cyanide]	[0.2 mg/L]
Fluoride[-]	[4.0 mg/L] 8.0 mg/L
Lead	0.015 mg/L[-]
Mercury[-]	0.002 mg/L[-]
Nitrate[-]	[10 mg/L] 50 mg/L
[Nitrite]	[1 mg/L]
Selenium[-]	0.05 mg/L[-]
Thallium[-]	0.002 mg/L[-]

(3) The operator shall maintain a closed-loop system for water recirculation.

(4) If the water source for the DSA of an artificial swimming lagoon is connected to a public or private potable water source, the operator shall ensure that:

(a) the water source system is protected from a backflow or back-siphonage event with a backflow preventer, such as an air gap, a mechanical backflow prevention device, or another means or method in accordance with Plumbing Code; and

(b) the backflow preventer does not connect to the discharge side of a recirculation pump of an artificial swimming lagoon.

(5) The operator shall:

(a) measure and record the total dissolved solids (TDS) concentration of the filled lagoon water before the initial operation of the DSA to establish the startup baseline TDS concentration;

(b) monitor TDS in each DSA at least annually thereafter; and

(c) ensure that TDS does not increase by more than 1,500 mg/L above the established startup baseline, unless the operator demonstrates to the local health officer that the increased concentration does not impair:

(i) disinfection effectiveness;

(ii) circulation or filtration performance;

(iii) equipment integrity; or

(iv) bather safety.

R392-304-8. Wastewater.

The operator shall ensure that an artificial swimming lagoon facility complies with Section R392-302-7.

R392-304-9. Solid Waste.

The operator shall ensure that an artificial swimming lagoon facility complies with Section R392-302-8.

R392-304-10. Construction Materials.

(1) The operator shall ensure that each DSA of an artificial swimming lagoon and the appurtenances necessary for its proper function and operation are constructed of materials that are:

(a) inert;

(b) non-toxic to humans;

(c) impervious;

(d) durable; and

(e) resistant to the effects of wear and deterioration from chemical, physical, radiological, and mechanical actions, including freezing.

(2) The operator shall ensure that the interior surface of an artificial swimming lagoon is:

(a) able to withstand the stresses associated with normal use and regular maintenance, including complete emptying without shoring or additional support; and

(b) a color that, from the deck or side of the artificial swimming lagoon, a bather is visible at the deepest point and the following items can be identified:

(i) algae growth, debris, or dirt;

(ii) cracks in the surface finish; and

(iii) depth markings.

- (3) If a logo or other decorative color is placed on the floor or wall of the DSA of an artificial swimming lagoon, the operator shall ensure that the color or design does not hinder the detection of a bather in distress, algae growth, sediment, or other objects.
- (4) The operator shall ensure that each interior surface of a DSA, area of egress, or safety shelf area is:
- designed and constructed in a manner that provides a smooth, easily cleanable, non-abrasive, and slip-resistant surface; and
 - free of cracks or open joints, except for structural expansion joints.
- (5) When using an artificial liner for a containment system in an artificial swimming lagoon, the operator shall ensure that the liner meets the NSF/ANSI Standard 61-2016, Drinking Water System Components - Health Effects, as incorporated by reference in this rule, or an equivalent standard.
- (6) The operator shall ensure that the design and construction of electrical systems installed in an artificial swimming lagoon meet the requirements of the NFPA 70, National Electrical Code 2017, Article 680, as incorporated by reference in this rule.

R392-304-11. Floor Slopes.

The operator shall ensure that the floor slope of each DSA of an artificial swimming lagoon complies with Section R392-302-10.

R392-304-12. Walls.

The operator shall ensure that the walls of each DSA of an artificial swimming lagoon comply with Section R392-302-11.

R392-304-13. Sun Shelves, Underwater Rest Ledges, Seats or Benches, and Lounge Chairs~~[Seating and Underwater Shelves]~~.

- (1) The operator shall ensure that:
- ~~each sun shelf located in a DSA:~~
 - ~~does not constitute a safety hazard; and~~
 - ~~complies with Subsection R392-302-11(6);~~
 - ~~each underwater rest ledge located in a DSA complies with Subsection R392-302-11(7); and~~
 - ~~each underwater seat or bench located in a DSA complies with Subsection [R392-302-11(6)]R392-302-11(8).~~
- (2) The operator shall ensure that each underwater lounge chair is:
- specifically designed and constructed for immersion in water;
 - constructed with slip-resistant materials;
 - installed in such a manner that:
 - the chair back is above the designed water level; and
 - the underwater lounge chair does not constitute a safety hazard for bathers; and
 - visually set apart to be visible to persons on the ground above the lounge chair.
- ~~(3) The operator shall ensure that each underwater shelf:~~
- ~~has a line that marks the extent of the shelf within two inches of its leading edge on both the horizontal and vertical surface, except in the case of a horizontal shelf that terminates with a sloping floor surface, and the line is:~~
 - ~~two inches in width; and~~
 - ~~a contrasting dark color for maximum visual distinction;~~
 - ~~has a maximum depth of 24 inches; and~~
 - ~~does not constitute a safety hazard.~~
- ~~(4) If the underwater shelf terminates with a sloping floor surface, the operator shall ensure that the floor surface complies with Section R392-304-11.]~~

R392-304-14. Designated Swimming Area Entry and Exits.

- (1) The operator shall ensure that, except for a DSA with a sloped entry, each DSA with a perimeter greater than 75 feet:
- has no fewer than two means of entry and exit, such as a wheelchair ramp, a set of stairs with a handrail, recessed steps with grab rails, or a ladder;
 - has entry and exit points that are not more than 75 feet apart from each other; and
 - has entry and exit points that comply with Section R392-302-13.
- (2) The operator shall ensure that each sloped entry and exit point complies with Subsection R392-302-13(7).
- (3) A DSA may have fewer than two means of entry and exit if the perimeter of a DSA is less than 75 feet.

R392-304-15. Decks and Walkways.

The operator shall ensure that:

- a deck or walkway is provided at each entry or exit into the DSA, except for a sloped entry, zero entry, or beach entry; and
- where a deck is provided, each deck shall:
 - be at least four feet wide;
 - slope away from the artificial swimming lagoon to a deck drain at a grade of 1/4 inch to 3/8 inch per linear foot;
 - be constructed of material that is:
 - rated to withstand frequent and heavy exposure to water;
 - rated for outdoor use; and
 - slip-resistant; and
 - be free of open joints or gaps larger than 1/4 inch or vertical elevations exceeding 1/4 inch, except for expansion joints, which shall be filled with appropriate materials to allow for expansion.

R392-304-16. Circulation.

(1) The operator shall ensure that when a circulation system is used to meet water quality standards required in Section R392-304-18, the circulation system is:

- (a) in continuous operation to provide skimming, filtration, or water circulation, except for periods of maintenance; and
- (b) designed and constructed according to the manufacturer's instructions~~[to comply with Subsections R392-302-19(1)(h) through R392-302-19(1)(l)].~~

(2) The operator shall ensure that:

- (a) the piping in an artificial swimming lagoon complies with Subsection R392-302-19(3); and
- (b) any suction outlet fitting assembly used in the DSA of an artificial swimming lagoon circulation system complies with the ANSI/APSP/ICC-16 2017, American National Standard for Suction Outlet Fitting Assemblies (SOFA) for Use in Pools, Spas, and Hot Tubs along with the provisional amendment approved on March 19, 2021, incorporated by reference in this rule.

R392-304-17. Filtration.

The manager shall ensure that when a filtration system serving a DSA is used in an artificial swimming lagoon to meet water quality standards required in Section R392-304-18, the filtration system complies with Section R392-302-23, except for requirements for design rate of flow, and that:

- (1) each filter is designed to be easily cleaned according to the manufacturer's instructions; and
- (2) the operator has easy access to the filtration surfaces for inspection and maintenance.

R392-304-18. Designated Swimming Area Water Quality and Disinfection.

(1) The operator shall ensure that the DSA of an artificial swimming lagoon has sufficient clarity to easily see the deepest part of the DSA when the water is static. This may be measured by a Secchi disk or a four-inch by four-inch marker tile.

(2) The operator shall ensure that the DSA of an artificial swimming lagoon is treated by a disinfectant that complies with Subsections R392-302-25(1)(a), ~~[through R392-302-25(1)(f), except that:~~

]

(a) ~~[the m]~~Minimum concentrations for the DSA treatment chemicals are found in Table 2 ~~[in]~~of this rule ~~[rather than Table 3 in Rule R392-302; and]~~.

(b) ~~[the]~~The maximum concentration for cyanuric acid ~~[described in Subsection R392-302-25(1)(f)(ii)(B)]~~ is ~~[reduced to]~~50 ~~[milligrams per liter]~~mg/L.

(3) The operator shall install automated, manual, or remotely managed chemical feed controllers that comply with Subsections R392-302-24(1)(a), R392-302-24(3)~~[(e)]~~, and R392-302-24(4)~~[(b)]~~.

(4) The operator shall install an ORP controller that complies with Subsection R392-302-24(2) to monitor the oxidizing potential of the water if an oxidizer is used for disinfection.

(5) The operator shall provide a portable poolside water quality test kit that is:

- (a) compatible with the disinfectant in use;
- (b) maintained in and stored according to the manufacturer's instructions; and
- (c) protected from extreme heat and cold, exposure to water, chemicals, or any other element or environment that could adversely affect the efficacy of the test kit.

(6) The operator may use a remote water quality testing system, but may not substitute the remote testing system results for onsite operation and maintenance.

(7)(a) The operator shall perform testing at a frequency that verifies the DSA is meeting the water quality conditions required in Table 2.

(b) At a minimum, tests for disinfectant levels and pH in each DSA shall be performed before the area is open for bather use and at least every 24 hours of operation.

(8) The operator shall:

- (a) collect a water sample from each DSA at least once per month;
- (b) submit the sample to a laboratory approved under Rule R444-14~~[, Certification of Environmental Laboratories,]~~ to perform total coliform and heterotrophic plate count testing; and
- (c) ensure that the collected sample is analyzed in a laboratory for total coliform and heterotrophic plate count using methods allowed under Section R444-14-4.

(9) The operator shall review the sample results to determine if the sample has failed the bacteriological quality standard as determined by the following sample failure criteria:

- (a) the sample contains more than 200 colony forming units (CFUs) per milliliter, as determined by the heterotrophic plate count; or
- (b) the sample indicates the presence of coliform bacteria or contains more than one CFU of coliform bacteria per 100 milliliters.

(10)(a) For any test that does not meet the chemical, bacteriological, or physical parameters described in this section, the operator shall repeat the test within 24 hours of receiving the initial test results.

(b) If the repeat testing shows that the water continues to be outside of the parameters described in this section, the ~~[manager]~~operator shall close any DSA to swimming and contact recreation until additional testing results show that the water quality parameters are within the required range.

TABLE 2 Chemical parameters in each DSA of an ASL		
Parameter[-]	Minimum Value[-]	Maximum Value[-]
Free chlorine[-]	0.5 ppm[-]	10.0 ppm[-]
Bromine[-]	2.5 ppm[-]	8.0 ppm[-]
Combined chlorine[-]	None[-]	0.5 ppm[-]
pH[-]	7.0[-]	7.8
Cyanuric acid[-]	None[-]	50 ppm[-]

R392-304-19. Bather Load.

- (1) The operator shall ensure that 15 square feet of surface area per bather is provided if the depth of the DSA is four feet or less.
- (2) The operator shall ensure that 25 square feet of surface area per bather is provided if the depth of the DSA is greater than four feet.
- (3) The operator shall post a sign, as required in Subsection R392-304-22(1), stating the maximum bather load for each DSA.

R392-304-20. Facility Operations.

- (1) The operator shall ensure that:
 - (a) each bather has access to a toilet and handwashing station in a restroom facility that:
 - (i) is located with convenient access for bathers;
 - (ii) is located no further than 200 feet walking distance and in clear view of each DSA; and
 - (iii) is clearly identified; and
 - (b) the minimum number of toilets, handwash sinks, and drinking fountains provided:
 - (i) complies with Plumbing Code as described in Table 3; and
 - (ii) is calculated based on the designed peak bather load described in Section R392-304-19.
- (2) The operator shall ensure that:
 - (a) each restroom facility is supplied with:
 - (i) soap and toilet tissue in suitable dispensers;
 - (ii) individual disposable towels or other hand drying fixture, such as an air dryer; and
 - (iii) a solid, durable, covered, and easily cleanable waste receptacle; and
 - (b) each plumbing fixture is:
 - (i) designed to be easily cleanable, and withstand frequent cleaning and disinfecting; and
 - (ii) maintained in an operable, clean, and sanitary condition.
- (3) The operator shall ensure that:
 - (a) each restroom is constructed of materials that have smooth, non-slip surfaces, and are impervious to moisture;
 - (b) the floor of a restroom and shower facility slopes to a drain and is constructed to prevent accumulation of water;
 - (c) carpeting is not installed on restroom or shower floors; and
 - (d) junctions between walls and floors are coved.
- (4) The operator shall ensure that a minimum of one rinse shower is provided for each DSA of an artificial swimming lagoon that:
 - (a) is located near an entry point to the DSA; and
 - (b) the floor is sloped to drain wastewater away from the DSA into a sanitary sewer or storm sewer, according to applicable plumbing codes.
- (5) If the operator provides a cleansing shower, the cleansing shower facility shall comply with Subsection R392-302-28(4).
- (6) If the operator provides dressing rooms, the dressing room facility shall comply with Section R392-302-27.
- (7) The operator shall ensure that when a DSA is open for bather use, the following auxiliary facilities are available:
 - (a) restroom facilities;
 - (b) rinse showers;
 - (c) dressing rooms, if applicable; and
 - (d) cleansing showers, if applicable.
- (8) The operator shall ensure that a DSA open during nighttime hours, as described in Subsection R392-304-20(9), has the following areas illuminated for visibility:
 - (a) depth markers;
 - (b) safety signs;
 - (c) facility entrances;
 - (d) restroom facilities;
 - (e) safety equipment; and

NOTICES OF PROPOSED RULES

- (f) deck areas and walkways.
- (9) If a DSA is open to bathers during nighttime hours, which are 30 minutes before sunset to 30 minutes after sunrise, the operator shall ensure that:
 - (a) 15 horizontal foot candles (161 lux) are provided at the water surface of the designated swimming area; and
 - (b) each auxiliary facility described in Subsection R392-304-20(6) is illuminated.
- (10) The operator shall ensure that an artificial swimming lagoon is managed by a qualified technician who has been certified or recertified by a training and testing program approved by the department.
- (11) The operator shall develop an operation, maintenance, and sanitation plan that includes:
 - (a) the following staffing roles and responsibilities:
 - (i) individuals assigned to perform and record testing;
 - (ii) location within the DSA where the testing parameters are collected;
 - (iii) testing frequency; and
 - (iv) record keeping of testing results; and
 - (b) an emergency action plan with:
 - (i) procedures for daily bather supervision;
 - (ii) injury prevention and response;
 - (iii) emergency actions; and
 - (iv) response to an accidental fecal release.
- (12) The operator shall ensure that records pertaining to the daily operation of the artificial swimming lagoon are retained and accessible for inspection according to Subsection ~~R392-302-33(2)~~, as applicable ~~[R392-302-34(2)]~~.
- (13) The operator shall ensure that glass, ceramic, or breakable containers are not allowed within the interior of the artificial swimming lagoon fencing or barrier described in Subsection R392-304-21(11)(a).

TABLE 3 Minimum number of toilets, handwash sinks, and drinking fountains	
Minimum number of toilets	
Male	Female
1 toilet per 75 bathers for the first 1,500 bathers; and 1 toilet per 120 bathers for the remainder exceeding 1,500 bathers	1 toilet per 40 bathers for the first 1,520 bathers; and 1 toilet per 60 bathers for the remainder exceeding 1,520 bathers
If providing unisex facilities, the ratio shall be 1 toilet per 40 bathers for the first 1,520 bathers; and 1 toilet per 60 bathers for the remainder exceeding 1,520 bathers.	
Minimum number of handwash sinks	
Male[-]	Female[-]
1 handwash sink per 200 bathers	1 handwash sink per 150 bathers
If providing unisex facilities, the ratio shall be 1 handwash sink per 150 bathers.	
Minimum number of drinking fountains	
1 drinking fountain per 1,000 bathers	

R392-304-21. Safety Standards.

- (1) The operator shall ensure that each chemical used for water treatment, including disinfection and pH control, is labeled, stored, and handled according to the manufacturer's chemical Safety Data Sheet (SDS).
- (2) The operator shall ensure that chemicals are stored in an area that is:
 - (a) closed to unauthorized access; and
 - (b) protected from:
 - (i) exposure to moisture;
 - (ii) extreme temperatures;
 - (iii) accidental spills; and

- (iv) exposure to incompatible materials.
- (3) The operator shall ensure that trained individuals handling water quality chemicals are provided with personal protective equipment.
- (4) The operator shall ensure that trained lifeguard service personnel are provided for a DSA of an artificial swimming lagoon during periods of use that:
 - (a) the DSA is open to the general public;
 - (b) the DSA is used for recreation of youth groups, such as youth camps, childcare, or school groups;
 - (c) bathers enter the water from any height above the deck or wall, including diving boards, drop slides, zip lines, or climbing walls;
 - (d) the DSA allows unsupervised children under the age of 14 years; or
 - (e) alcohol is sold or served within the artificial swimming lagoon fencing or barrier described in Subsection R392-304-21(11)(a).
- (5) If lifeguard service is not required as described in Subsection R392-304-21(4), the operator shall post a sign, as required in Subsection R392-304-22(3), near each entrance of a DSA indicating that there is no lifeguard on duty.
- (6) If lifeguard service is required as outlined in Subsection R392-304-21(4), the operator shall have a lifeguard action plan that:
 - (a) defines the number of lifeguards necessary for proper surveillance of each DSA;
 - (b) establishes lifeguard certifications and qualifications; and
 - (c) describes the zones of surveillance, rotation procedures, and alteration of lifeguard tasks.
- (7) The operator shall ensure that lifesaving equipment described in Subsection R392-304-21(7)(c):
 - (a) is placed in a conspicuous location near each DSA;
 - (b) complies with Subsections ~~R392-302-30(2) and R392-302-30(3)~~R392-302-29(2) and R392-302-29(3); and
 - (c) includes the following equipment:
 - (i) a Coast Guard-approved ring buoy with an attached rope at least 50 feet in length;
 - (ii) a life pole or shepherd's crook-type pole with blunted ends that is a minimum length of 12 feet; and
 - (iii) a first aid kit that:
 - (A) is accessible to bathers;
 - (B) is stored in a manner that prevents contamination;
 - (C) is restocked as needed; and
 - (D) includes a minimum of the following unexpired items:
 - (I) adhesive bandages of various sizes and applications;
 - (II) compression bandages;
 - (III) sterile gauze pads;
 - (IV) medical tape;
 - (V) scissors;
 - (VI) instant cold packs;
 - (VII) antiseptic wipes;
 - (VIII) sting relief wipes;
 - (IX) eyewash solution;
 - (X) single-use gloves; and
 - (XI) tweezers.
- (8) The operator shall ensure that emergency phone numbers, including 911, are posted to comply with Subsection R392-304-22(3).
- (9) The operator shall ensure that:
 - (a) the DSA maximum water depth is plainly marked; and
 - (b) depth markings are placed in a manner that notifies bathers of water depths before entering the DSA of an artificial swimming lagoon.
- (10) If diving areas are included in the design of a DSA, the operator shall ensure that each diving area and appurtenance complies with Subsection R392-302-12(1).
- (11) The operator shall ensure that fencing or barriers:
 - (a) are installed to prevent unauthorized entry into the artificial swimming lagoon from the perimeter of the facility; and
 - (b) comply with the applicable local regulations and ordinances.

R392-304-22. Signs.

- (1) The operator shall ensure that:
 - (a) signs required in this rule are placed in a conspicuous area, as described in Subsection R392-304-22(1)(c), to alert and inform bathers of expected and prohibited behaviors and other applicable information;
 - (b) signs are written in a lettering style, stroke width, spacing, and contrast with the background such that the sign is clearly visible; and
 - (c) a sign that states the location of restroom facilities, emergency exits, and safety rules is placed:
 - (i) at the entrance of the artificial swimming lagoon facility; and
 - (ii) at access points of each DSA;
- (2) The operator shall ensure that each ~~rules~~rule of conduct sign complies with Subsection R392-304-22(1) and includes the following language:
 - (a) "Animals are prohibited inside the artificial swimming lagoon facility";
 - (b) "Glass or ceramic containers are prohibited inside the artificial swimming lagoon facility";

NOTICES OF PROPOSED RULES

- (c) "Bathers must shower before entering the water";
 - (d) "Entering the water if ill with diarrhea is prohibited"; and
 - (e) "Diapering shall only be done in designated restroom facilities".
- (3) The operator shall ensure that each safety sign complies with Subsection R392-304-22(1) and includes~~[the following]~~:
- (a) ~~the~~ maximum bather load;
 - (b) emergency phone numbers, including 911;
 - (c) "No lifeguard on duty", if applicable;
 - (d) hours of operation;
 - (e) ~~the~~ maximum depth of the artificial swimming lagoon; and
 - (f) any other additional restrictions such as:
 - (i) watercraft rules;
 - (ii) personal floatation device recommendations; or
 - (iii) floating platform rules.

R392-304-23. Variances.

(1) A person may request a variance when a technology, process, procedure, or other variation otherwise not allowed by this rule would provide alternative design, construction, or operational conditions that maintain protection of the health and safety of the public and the environment in a manner that is at least equivalent to the current requirements.

(2) Any request for a variance shall follow the process outlined in this section.

(3) The requester shall provide data showing that any alternative technology, process, or procedure will be at least as protective of the health and safety of the public and the environment as the current requirements. Each variance request shall be submitted to the department and shall include at least~~[the following]~~:

- (a) ~~the~~ name of the business for which the variance is being requested;
- (b) ~~the~~ designated point of contact and contact information of the business for which the variance is being requested;
- (c) ~~the~~ location of the facility or establishment for which the variance is being requested;
- (d) ~~the~~ citation of each rule section or subsection to which the variance is being requested;
- (e) a statement as to why the applicant cannot comply with the rule section or subsection to which the variance is being requested;
- (f) the nature and duration of the variance being requested;
- (g) a statement of how the intent of the rule will be met and the reasons why the health and safety of the public and the environment would not be endangered or jeopardized if the variance was granted;

(h) technical justification or a detailed explanation of the variance conditions that provide the protection of the health and safety of the public and the environment for each applicable rule section or subsection;

(i) a full description of any policies, procedures, or equipment that the applicant proposes to use to rectify any potential increase in risks to the health and safety of the public and the environment created by granting the variance; and

(j) operation and maintenance requirements of the variance condition.

(4) Upon receiving a variance request that meets the requirements of Subsections R392-304-23(1) through (3), the department shall:

- (a) notify the local health officer having jurisdiction that a variance request was received; and
- (b) present the variance request to the local health officer having jurisdiction and the executive committee.

(5) The executive committee may:

- (a) make an immediate determination based on the information contained in the variance request; or
- (b) form an ad hoc committee to:
 - (i) evaluate the variance request; and
 - (ii) produce a written report to be presented to the executive committee for consideration.

(6) After deliberation of the variance request information or ad hoc committee report, the executive committee shall provide a recommendation to Governance to:

- (a) reject the variance request with a written justification; or
- (b) approve the variance request with or without additional provisions.

(7) Governance may recommend to the ~~[executive director]~~commissioner to:

- (a) reject the variance request without further consideration with a written justification; or
- (b) approve the variance request with provisions as recommended by the executive committee.

(8) The ~~[executive director]~~commissioner may consider a variance after Governance makes a recommendation and when it reasonably appears that:

- (a) the health and safety of the public and the environment will not be endangered by granting of such a variance;
- (b) adequate alternative provisions have been made to protect the health and safety of the public and the environment;
- (c) the variance will result in protection of the health and safety of the public and the environment consistent with the design, construction, or operational standards and intent of current requirements; and
- (d) the variance does not adversely affect statewide regulation.

(9) If the ~~[executive director]~~commissioner approves the variance request:

(a) the department shall provide the requester and each local health officer having jurisdiction with a variance approval letter signed by the ~~[executive director]~~commissioner that includes a description of any conditions, restrictions, or requirements pertaining to the variance; and

- (b) the ~~[executive director]~~commissioner or local health officer shall include the variance as a condition to operate; and

(c) the department shall conduct a review of the associated rule to determine whether it should be amended to reflect the conditions of the approved variance.

(10) If the ~~executive director~~ commissioner denies the variance request, the department shall provide the requester and each local health officer having jurisdiction with a denial letter that includes the reason for the denial.

(11) If the conditions upon which a variance was granted change, the operator who obtained the variance shall notify the department and:

(a) apply for a new variance; or

(b) discontinue operating under the previously approved variance and come into full compliance with the current requirements of this rule.

R392-304-24. Enforcement and Penalties.

An operator who violates this rule may be subject to criminal and civil penalties as provided in Section 26B-1-224.

KEY: artificial swimming lagoon, pool, swimming, water

Date of Last Change: ~~September 8, 2024~~ 2026

Authorizing and Implemented or Interpreted Law: 26B-1-202; ~~26B-1-224~~; 26B-7-402[; ~~26B-1-224~~]

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R392-701	Filing ID: 57954

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 or section catchline:	
R392-701. Body Art Facility Sanitation	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 531 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
This filing updates this rule to incorporate new statutory requirements enacted in HB 531 of the 2026 General Session, which requires a body art facility that offers scarification to comply with certain statewide sanitation standards for those procedures.	
HB 531 enacts Section 26B-7-417, which requires the Department of Health and Human Services (department) to establish rules related to scarification in a body art facility. This filing establishes dedicated room requirements, enhanced consent provisions, operator responsibilities, and equipment standards necessary to prevent injury, infection, or disease transmission associated with higher-risk body art procedures.	
This amendment also adds clarifications to ensure this rule aligns with HB 531's prohibition on scarification of minors.	
These changes improve public health protections while maintaining flexibility for local health departments and the regulated body art industry.	

The department has determined that additional updates are appropriate to clarify definitions, strengthen sanitation and sterilization requirements, and modernize terminology to align with industry practice and public health best practices.

5. Summary of the new rule or change:

This filing adds Subsection 26B-7-417(2) as an authorizing statute for this rule and updates the sanitation and operational requirements for body art facilities by adding requirements for facilities that elect to perform scarification, including dedicated procedure rooms, consent language, and recordkeeping.

Additionally, this filing aligns rule language with current statutory citations and reorganizes provisions for clarity and ease of use.

This filing also establishes a criminal offense for unlawful scarification of a minor, in accordance with Section 76-9-2004.

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.

This filing does not create any new state program, staffing requirement, or inspection schedule.

B. Local governments:

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

Local health departments already possess authority under Title 26A to investigate and address public health hazards.

This rule clarifies minimum sanitation standards but does not mandate routine inspections or additional enforcement activity.

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

An inestimable cost is anticipated for small businesses that elect to provide scarification services. Scarification requires a dedicated enclosed room and updated client consent forms, as mandated by HB 531 (2026) and the new Sections R392-701-8 and R392-701-15.

Construction and renovation needs will vary greatly among facilities depending on the existing layout, tenant-improvement allowances, and local building requirements. As a result, the department cannot reasonably estimate this cost.

This cost applies only to small businesses that choose to begin or continue offering scarification and is not imposed on body art facilities that limit services to tattooing, piercing, permanent cosmetics, microblading, or branding.

To reduce the burden on affected small businesses, this filing provides an 18-month compliance period from this rule's effective date.

There is no anticipated savings for small businesses as a result of this filing.

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 filing.

At the time of this filing's drafting, the department is not aware of any body art facilities in Utah that employ 50 or more people.

If such a business elects to provide scarification, a similar inestimable, facility-specific cost may occur as is anticipated for small businesses; however, due to the lack of known non-small businesses in this industry, no statewide aggregate impact can be calculated.

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 direct fiscal impact to other persons, which include clients.

While clients may experience varying service prices depending on each business's choices, this rule imposes no direct cost on those individuals.

F. Compliance costs for affected persons:

For body art facilities that choose to perform scarification, compliance costs may include construction or modification of a dedicated scarification room, updating written policies and procedures, and updating client disclosures and consent documentation.

However, as facility configurations and build-out requirements vary significantly, the department cannot reasonably quantify a dollar amount for these compliance costs.

This rule provides an 18-month timeframe for existing facilities to meet the dedicated room requirement, reducing financial impact, and allowing operators to incorporate changes into routine renovation cycles.

Facilities that do not offer scarification are not anticipated to incur any compliance costs as a result of this filing.

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

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

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

The Commissioner of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 26B-1-202(1)	Subsection 26B-1-202(26)	Subsection 26B-7-402(19)
Subsection 26B-7-417(2)		

Public Notice Information

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

A. Comments will be accepted until:	06/16/2026
--	------------

10. This rule change MAY become effective on:	06/23/2026
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, Commissioner	Date:	05/01/2026
---	-------------------------------	--------------	------------

R392. Health and Human Services, Population Health, Environmental Health.

R392-701. Body Art Facility Sanitation.

R392-701-1. Authority and Purpose.

(1) Subsections 26B-1-202(2)(a), 26B-1-202(2)(z), ~~and~~ 26B-7-402(19), and 2B-7-417(2) authorize this rule.

(2) This rule establishes minimum standards for the sanitation, operation, and maintenance of a body art facility and a temporary body art facility, as defined by this rule, and provides for the prevention and control of hazards associated with body art industries that are likely to adversely affect public health and wellness, including risk factors contributing to injury, sickness, death, disability, and the spread of disease.

R392-701-2. Definitions.

(1) "Aftercare instruction" means verbal and written instructions given to the client, specific to the provided body art procedure regarding the proper care of impacted human tissue.

(2)(a) "Antiseptic" means a product that is a skin disinfectant, labeled as useful in preventing diseases caused by microorganisms present on the skin or on mucosal surfaces of humans, and intended for use in the mitigation, treatment, or prevention of disease.

(b) This includes products meant to kill germs, or products labeled as:

- (i) antibacterial;
- (ii) antimicrobial;
- (iii) antiseptic;
- (iv) germicide; or
- (v) microbicide.

(3) "Aseptic technique" means a set of specific practices and procedures performed under controlled conditions with the goal of minimizing contamination by pathogens.

(4) "Autoclave" means a device intended to sterilize products using steam and heat at high pressure that is identified by the manufacturer as either type B, N, or S in accordance with standard ISO 17665.

(5) "Automated instrument washer" means a mechanical washer that cleans and decontaminates instruments before packaging and sterilization.

(6) "Biocompatible" means the ability of an object to perform its intended function, with the desired degree of incorporation in the host, without eliciting any undesirable local or systemic effects in that host.

(7)(a) "Bloodborne pathogen" means pathogenic microorganisms that are present in human blood and can cause disease in humans.

(b) These pathogens include:

- (i) hepatitis B virus (HBV);
- (ii) hepatitis C virus (HBC); and
- (iii) human immunodeficiency virus (HIV).

(8)(a) "Body art" means a permissible practice of physical body adornment defined as:

- (i) body piercing;
- (ii) tattooing;
- (iii) permanent cosmetics;
- (iv) microblading;
- (v) branding; and
- (vi) scarification.

(b) Body art does not include ear piercing, as defined in Subsection (22).

(9) "Body art facility" means the same as defined in Subsection 26B-7-401(6).

(10) "Body art procedure" means the act of performing body art.

(11) "Body artist" means any person performing a body art procedure.

(12) "Body piercing" means the same as defined in Subsection 26B-7-401(7) but does not include ear piercing, as defined in Subsection (22).

(13) "Branding" means the same as defined in Subsection 26B-7-401(8).

(14) "Chemical disinfectant" or "disinfectant" means a solution labeled as an EPA-registered bactericidal, fungicidal, and virucidal disinfectant used according to manufacturer's directions to reduce or eliminate the presence of disease-causing microorganisms for use on work surfaces but which does not necessarily eliminate all microbial forms.

(15) "Clean" means the condition of an object being visibly free from dirt, soil, stain, or other materials not intended to be a part of the object.

(16) "Client" means an individual who undergoes a body art procedure from a body artist or who enters a body art facility or a temporary body art facility intending to receive a body art procedure.

(17) "Contamination" means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

(18) "Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where it is no longer capable of transmitting infectious particles and the surface or item is made safe for handling, use, or disposal.

(19) "Disinfection" means the use of physical means or chemical disinfectant, where sterilization techniques are not feasible, to destroy pathogens on implements and other nonliving surfaces or to reduce pathogens to a level which prevents their rapid reproduction, thereby making the item or surface safe for handling, use, and disposal.

(20) "Distilled water" means water with a neutral pH of 7.0 that has been boiled and condensed to remove impurities and contaminants.

(21) "Dwelling" means a building or structure that is intended or designed to be used, rented, leased, let, or hired out for human habitation.

(22) "Ear piercing" means the puncturing of the fleshy, non-cartilaginous earlobe that is located at the lower end of the external ear with piercing equipment to insert stud-and-clasp jewelry according to the directions provided by the piercing equipment's manufacturer.

(23) "Ear-piercing facility" means a business establishment or kiosk where ear piercing is performed, but body piercing and other body art procedures are not performed.

(24) "Enzymatic cleaning solution" means a cleaner that relies on biological enzyme catalysts to remove proteins or biofilms from a surface or item.

(25) "Equipment" means machinery, containers, vessels, tools, devices, implements, storage areas, and sinks used in conjunction with the storage or application of body art by a body artist to a client or used in sterilization, decontamination, or disinfection processes.

(26) "FDA" means United States Food and Drug Administration.

(27) "Furnishing" means any fixture, furniture, and other object within a body art facility that is not integral to the structure of the physical facility and is not used in the storage of body art equipment, application of body art, or sterilization, decontamination, or disinfection processes.

(28) "Gloves" means medical grade or exam grade, non-powdered, disposable, single-use full-hand covering gloves worn for protection against disease transmission.

(29)(a) "Guardian" means a person who has qualified as a guardian of a minor pursuant to testamentary or court appointment and according to Section 75-5-202 or by written instrument as provided in Section 75-5-202.5.

(b) Guardian does not include a guardian ad litem.

(30) "Hot water" means water heated to a temperature of at least 100 degrees Fahrenheit at the outlet via a mixing valve or combination faucet.

(31) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is sufficient evidence to show that a product, practice, circumstance, or event creates a situation that can cause infection, disease transmission, pest infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.

(32) "Integrator" means a strip or device used in an autoclave chamber that confirms sterilization. An integrator changes color when it has been exposed to a combination of steam, pressure, heat, and time.

(33) "Jewelry" means any biocompatible object that is worn in a body piercing.

(34) "Local health department" means the same as defined in Subsection 26A-1-102(6).

(35) "Local health officer" means the director of a local health department as appointed under Section 26A-1-110 or the local health officer's designated representative.

(36) "Microblading" means the same as defined in Subsection 26B-7-401(14).

(37) "Microblading implement" means a handheld device typically consisting of a handpiece and a thin, flat blade-like piece that is composed of multiple fine needles used to deposit pigment into the skin to mimic the appearance of natural hair follicles.

(38) "Minor" means the same as defined in Section 76-10-2201.

(39) "Mucosal surface" means the moisture-secreting membrane lining of body cavities or passages that communicates with the exterior, including the nose, mouth, vulva, and urethra.

(40) "Operator" means:

(a) any person who, whether permitted or not, controls, operates, owns, or manages a body art facility or temporary body art facility, whether or not the person performs body art procedures; or

(b) any individual who has been designated by the person described in Subsection (a) as the person in charge.

(41) "Permanent cosmetics" means the same as defined in Subsection 26B-7-401(17).

(42) "Person" means an individual, any form of business or social organization, or any other non-governmental legal entity, including a corporation, partnership, limited-liability company, association, trust, or unincorporated organization.

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

(44) "Plumbing fixture" means a receptacle or device that:

(a) discharges wastewater, liquid-borne waste materials, or sewage to the drainage system of the premises; or

(b) is connected to the water supply system of the premises.

(45) "Potentially infectious material" means:

(a) any unfixed human tissue or organ, other than intact skin, whether living or dead;

(b) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and

(c) the following human body fluids:

NOTICES OF PROPOSED RULES

- (i) amniotic fluid
 - (ii) body fluid that is visibly contaminated with blood;
 - (iii) body fluids in situations where it is difficult or impossible to differentiate between body fluids;
 - (iv) cerebrospinal fluid;
 - (v) pericardial fluid;
 - (vi) peritoneal fluid;
 - (vii) pleural fluid;
 - (viii) saliva in dental procedures;
 - (ix) semen;
 - (x) synovial fluid; and
 - (xi) vaginal secretions.
- (46) "Premises" means any lot, parcel, or plot of land, including any building or structure.
- (47)(a) "Pre-sterilized instruments" means tools used in body art procedures that have undergone a sterilization process by the manufacturer before being packaged for sale.
- (b) Pre-sterilized instruments, including needles, jewelry, and disposable ink cartridges, are typically disposable, single-use items that have been packaged to ensure that they are sterile when opened by the body artist for the first time.
- (48) "Procedure area" means a room, portion of a room, or any surface of an inanimate object that is designated only to be used to perform body art procedures or esthetician work incorporating permanent cosmetics.
- (49) "Procedure site" means the area or location on the human body selected for the placement of body art.
- (50) "Processing area" means a room or area in a body art facility or temporary body art facility used only for cleaning, decontamination, sterilization, and related tasks.
- (51) "Regulated [W]aste" means any:
- (a) contaminated item that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed;
 - (b) contaminated sharp;
 - (c) item that is caked with dried blood or other potentially infectious materials and is capable of releasing these materials during handling;
 - (d) liquid or semi-liquid blood or other potentially infectious material; and
 - (e) pathological and microbiological waste containing blood or other potentially infectious materials as defined.
- (52) "Sanitary" means the condition of being free from:
- (a) infective, physically hurtful, diseased, poisonous, unwholesome, or otherwise unhealthful substances;
 - (b) any pest, vermin, or vector;
 - (c) harborage for any pest, vermin, or vector; and
 - (d) any trace of a pest or vermin.
- (53) "Scarification" means the same as defined in Subsection 26B-7-401(19).
- (54) "Service animal" means the same as defined in 28 CFR 35.104 (2024).
- (55) "Sharp" means any object that may purposefully or accidentally cut or penetrate the skin or mucosa, including a body piercing needle, scalpel blade, tattoo needle, permanent cosmetic needle, and razor blade.
- (56) "Sharps container" means a closable, puncture-resistant container that is:
- (a) closable for handling, storage, transportation, and disposal;
 - (b) labeled with the international biohazard symbol;
 - (c) leak-proof on the sides and bottom; and
 - (d) manufactured specifically to contain sharps.
- (57) "Single-use" means a product or item that is intended for one-time, one-person use and is disposed of after a single use, including:
- (a) cotton swabs or balls;
 - (b) gauze and sanitary coverings;
 - (c) gloves;
 - (d) ink cups;
 - (e) microblades;
 - (f) needles;
 - (g) paper or plastic cups;
 - (h) razors;
 - (i) scalpel blades;
 - (j) stencils; and
 - (k) tissues or paper products.
- (58) "Sterile water" means purified water that is free of preservatives and microorganisms and is stored in a single-use container.
- (59) "Sterilization" means a validated process by the use of physical or chemical agents to make an object or instrument free from living microorganisms.
- (60)(a) "Tattooing" means any method of placing ink or other pigment into or under the skin or mucosa using a needle or any other instrument used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa.
- (b) This includes any form of permanent cosmetics, as defined in this rule.
- (61) "Temporary body art facility" means any body art facility operating at a fixed location where a body artist performs body art procedures for no more than 14 consecutive days in conjunction with a single event or celebration.

(62) "Ultrasonic cleaner" means a device that removes debris by a process called cavitation in which waves of acoustic energy are propagated in aqueous solutions to disrupt the bonds that hold particulate matter to surfaces.

(63) "Universal precautions" means a method of infection control that requires the personnel to assume that all human blood and specified human body fluids are infectious for HBV, HBC, HIV, and other blood pathogens.

(64) "Vermin" means any bedbug, cockroach, fly, mouse, rat or other pest or vector as determined by the local health officer to be harmful to the life, health, or welfare of the public.

(65) "Wastewater" means sewage, industrial waste, or any other liquid or waterborne substance causing or capable of causing pollution of waters of the state.

(66)(a) "Workstation" means the area within a procedure area where a body artist performs body art.

(b) The workstation includes the body artist's chair, client chair or table, counter, instrument tray, mayo stand, and storage drawer.

R392-701-3. Applicability.

(1) This rule applies to:

- (a) a body art facility;
- (b) a temporary body art facility; and
- (c) a body art school or body art training program.

(2) This rule does not apply to:

- (a) physicians, surgeons, nurses, other licensed medical personnel, or persons performing funeral services, if licensed to practice their profession in Utah and when performing their professional duties; or
- (b) an ear-piercing facility.

R392-701-4. General Requirements.

(1) Body art procedures shall be performed only in a body art facility or temporary body art facility operating with a valid permit.

(2) The operator shall:

(a) be responsible for the conduct of body artists and other persons working at the body art facility to ensure compliance with this rule;

(b) be present or designate a person in charge when any body art procedure is being performed at the body art facility; and

(c) ensure that a body art procedure performed on a minor is carried out:

- (i) as required in Section 76-10-2201; and
- (ii) in the presence of a parent or legal guardian who accompanies the minor in the procedure area for the entire procedure;

(d) ensure that a body artist does not perform branding or scarification on a minor regardless of parental consent as prohibited in

Section 76-9-2004; and

(e) not knowingly do any of the following:

- (i) conceal, withhold, or falsify records or evidence;
- (ii) interfere with the performance of the duties of the local health officer; or
- (iii) make a false statement, representation, certification, record, or report or otherwise falsify information required to be maintained or retained pursuant to this rule.

(3) A body art facility shall have:

(a) an adequate supply of chemical disinfectant for use as required in Subsection R392-701-8(8)(c); and

(b) the following first aid supplies in a readily accessible location:

- (i) adhesive bandages of various sizes and applications;
- (ii) antiseptic wipes;
- (iii) compression bandages;
- (iv) medical tape; and
- (v) sterile gauze pads.

(4) Except for a service animal assisting a person with a disability, no animal, including a pet, emotional support animal, comfort animal, or therapy animal, is permitted in a body art facility.

(5) Nothing in this rule shall be construed to require the operator to perform a body art procedure upon any person.

(6)(a) This rule does not require a construction change in any portion of a body art facility if the facility was operating in compliance with applicable laws and ordinances in effect before this rule was made effective, except that the local health officer may require construction changes if it is determined the body art facility or a portion of the body art facility is creating an imminent health hazard.

(b) A body art facility that is newly established more than 90 days after the effective date of this rule shall comply with this rule.

R392-701-5. Water Supply System.

The operator shall ensure that:

(1) the potable water supply system for use in a body art facility or temporary body art facility is designed, installed, and operated according to the requirements set forth by:

- (a) local health department regulations;
 - (b) Plumbing Code; and
 - (c) Title R309, Drinking Water;
- (2) the body art facility and each toilet room is provided with potable water; and

NOTICES OF PROPOSED RULES

(3) in the event of a potable water service disruption lasting more than 10 minutes, body art procedures are not performed or are discontinued until potable water service is restored.

R392-701-6. Wastewater Disposal System.

The operator shall ensure that:

- (1) sewer services are made available to the body art facility or temporary body art facility;
- (2) the sewer system serving a body art facility or temporary body art facility is designed, installed, and operated according to the requirements set forth by:
 - (a) local health department and municipal regulations;
 - (b) Plumbing Code; and
 - (c) Title R317, Water Quality; and
 - (d) the local sewer district with jurisdiction; and
- (3)(a) wastewater from a body art facility or temporary body art facility is discharged to a public sanitary sewer system when available and practical for use; or
- (b) where connection to a public sanitary sewer is not practical at a body art facility or temporary body art facility, wastewater is discharged to an approved onsite wastewater disposal system.

R392-701-7. Construction Requirements for a Permanent Body Art Facility.

(1) Except when an operator ensures that each body artist uses only pre-sterilized disposable body art instruments, pre-sterilized single-use body art materials, and pre-sterilized single-use supplies, the operator shall ensure that the body art facility is equipped with:

- (a) a processing area that is:
 - (i) inaccessible to the public; and
 - (ii) used only for cleaning, decontamination, sterilization of body art instruments and equipment, and other closely related tasks;
- (b) a sink for cleaning contaminated body art instruments according to the procedure described in Subsection R392-701-10(1)(e)

that is:

- (i) not used for hand washing;
- (ii) not located in a procedure area or a toilet room; and
- (iii) separated by a permanent plexiglass, stainless steel, or other smooth and non-porous physical barrier between the sink and the autoclave to prevent recontamination of sterilized body art instruments;
- (c) an autoclave for sterilization as described in Subsection R392-701-10(1)(f) that is:
 - (i) large enough to sterilize the largest body art instrument requiring sterilization;
 - (ii) appropriate for use in a body art facility to sterilize body art instruments or jewelry; and
 - (iii) located away from any body art procedure area, or any area frequented by the public, except that an autoclave used only to process clean jewelry immediately before the procedure may be located in the body art procedure area; and
- (d) an ultrasonic cleaner or an automated instrument washer intended for the cleaning of reusable body art instruments that:
 - (i) has a solid tight-fitting lid that is left on the ultrasonic cleaner for at least five minutes after any cycle unless directed otherwise by the manufacturer;
 - (ii) is separated by a permanent plexiglass, stainless steel, or other smooth and non-porous physical barrier between the ultrasonic cleaner and autoclave to prevent recontamination of sterilized body art instruments; and
 - (iii) is located away from any body art procedure area, or any areas frequented by the public, except that an ultrasonic cleaner used only to process clean jewelry immediately before the procedure may be located in the body art procedure area.

(2) The operator shall ensure that:

- (a) each body art facility has a toilet room that is accessible to body artists and clients and is equipped with:
 - (i) a handwashing sink:
 - (A) with running hot water and cold water under pressure;
 - (B) located in or immediately adjacent to the toilet room; and
 - (C) used solely for hand washing;
 - (ii) a solid, durable, and easily cleanable waste receptacle;
 - (iii) a toilet;
 - (iv) individual disposable towels or other approved hand drying facilities; and
 - (v) soap and toilet tissue in suitable dispensers;
- (b) each body art facility has a handwashing sink in addition to the handwashing sink required in Subsection (2)(a)(i) that is accessible and conveniently located to body artists and clients, except that the local health officer may provide an exemption from this requirement when the handwashing sink described in Subsection (2)(a)(i) is located outside of, but adjacent to, the toilet enclosure;
- (c) each body art procedure area:
 - (i) is separated from waiting clients or observers; and
 - (ii) has a container for regulated waste that is:
 - (A) constructed of heavy-grade plastic or metal;
 - (B) covered; and
 - (C) operated with a foot-pedal or sensor;
 - (d) each body art facility has at least one procedure area that may be screened from public view for clients requesting privacy; and
 - (e) each body art facility is:

- (i) well ventilated;
- (ii) provided with a light source that, when measured three feet off the floor, is equivalent to:
 - (A) at least 20 foot candles in areas of general use;
 - (B) at least 100 foot candles in the body art procedure area; and
 - (C) at least 100 foot candles in the processing area; and
- (iii) completely separated during a body art procedure from any location or practice that may cause contamination of procedure area surfaces or equipment.

(3) The operator of a body art facility that intends to practice or instruct scarification shall submit to the local health department a floor plan demonstrating compliance with Section R392-701-8 before initiating scarification services.

R392-701-8. Scarification Procedure Area Requirements.

(1) As required in Section 26B-7-417, a body art facility that practices or instructs scarification that involves demonstration on human skin shall conduct any scarification procedure in a dedicated enclosed room that is not used for any other purpose.

(2) The dedicated enclosed room shall:

(a) be physically separated from other areas of the body art facility by:

(i) permanent or semi-permanent smooth and easily cleanable floor-to-ceiling walls or partitions;

(ii) a closable door; and

(iii) entry controlled by the operator or staff;

(b) be used only for scarification procedures, instrument preparation related to scarification, and associated aftercare consultation; and

(c) comply with the sanitation, lighting, ventilation, and surface requirements in this rule.

(3) Each body art facility permitted to practice body art on this rule's effective date has 18 months from this rule's effective date to comply with this section.

R392-701-[8]9. Maintenance Requirements for a Permanent Body Art Facility.

The operator shall ensure that:

(1) any interior wall, floor, and surface of a procedure area is smooth, free of open holes or cracks, washable, and in good repair;

(2) any procedure surface, table, counter, equipment, chair, and other surface in the body art facility is constructed of smooth, easily cleanable materials;

(3) body art instruments and supplies are stored in clean, dry, and covered containers and not stored or located in a toilet room or garbage room, or under sewer lines that are not shielded to intercept potential drips;

(4) during the body art facility's hours of operation, a body artist has access to a sufficient supply of:

(a) any cleaning supplies necessary to maintain a sanitary work environment;

(b) chemical disinfectant;

(c) clean equipment; and

(d) sterile body art instruments;

(5) each plumbing fixture in the body art facility:

(a) complies with Plumbing Code, including backflow prevention requirements;

(b) is free from cracks and similar disrepair which may prevent proper cleaning; and

(c) can be used simultaneously without expending all available hot water;

(6) effective measures are in place to:

(a) prevent the presence of vermin in the body art facility; and

(b) ensure that exterior openings, windows, skylights, and outer doors are protected against the entrance of flies and other flying insects by self-closing doors, closed windows, 16-mesh or finer screening, controlled air currents, or other means approved by the local health officer;

(7) equipment is operated and maintained according to the manufacturer's instructions; and

(8) the local health officer is provided with a copy of the manufacturer's recommended procedures for equipment operation and maintenance upon request.

R392-701-[9]10. Specific Health and Sanitation Requirements for a Temporary Body Art Facility.

(1) A temporary body art facility is exempt from[~~the following provisions~~]:

(a) Subsection R392-701-7(1)(b)(iii);

(b) Subsection R392-701-7(2)(a);

(c) Subsection R392-701-7(2)(b);

(d) Subsection R392-701-[8]9(1); and

(e) Subsection R392-701-[8]9(5).

(2) Except for Subsection (1), the operator of a temporary body art facility and any body artist working in a temporary body art facility shall comply with this rule.

(3) The operator shall ensure that:

(a) body art procedures are only performed inside a building or portion therein that meets the requirements of this rule;

(b) any floor and wall or partition of the temporary body art facility is cleanable or disposable;

NOTICES OF PROPOSED RULES

(c) a temporary body art facility has a toilet room that is accessible to body artists and clients, conveniently located to the temporary body art facility, and equipped with:

- (i) a handwashing sink:
 - (A) with running hot water and cold water under pressure;
 - (B) located in or immediately adjacent to the toilet room; and
 - (C) used solely for hand washing;
- (ii) a solid, durable, and easily cleanable waste receptacle;
- (iii) a toilet;
- (iv) individual disposable towels or other approved hand drying facilities; and
- (v) soap and toilet tissue in suitable dispensers.

(d) a temporary body art facility has a temporary handwash station in addition to the handwashing sink required in Subsection (3)(c)(i) that is:

- (i) clean and sanitary, and in good repair;
- (ii) equipped with:
 - (A) a solid, durable, and easily cleanable waste receptacle;
 - (B) a wastewater catch basin;
 - (C) an enclosed and filled water container with a spigot or faucet that allows for continuous water flow without the need for constant hand contact;

(D) disposable paper towels; and

(E) liquid hand soap;

(iii) located within or adjacent to the temporary body art facility;

(iv) readily accessible to body artists; and

(v) used solely for hand washing.

(4) The local health officer may allow for the sharing of a conveniently located handwash station, as described in Subsection (3)(d), for:

- (a) up to 12 temporary body artists;
- (b) up to four booths or facilities; or
- (c) another alternative condition as approved by the local health officer.

R392-701-~~10~~11. Disinfection and Sterilization Requirements.

(1) The operator shall ensure that:

(a) any item or instrument used for body art that is contaminated during the procedure is immediately replaced with a sterilized instrument or item before the procedure resumes;

(b) any reusable item or instrument that may have been exposed to bloodborne pathogen contamination during a body art procedure is sterilized before use;

(c) at the conclusion of each client service, multi-use implements, such as a tattoo machine, and other tools which cannot be sterilized in an autoclave or immersed in liquid without being damaged are cleaned and disinfected in the following sequential manner:

- (i) remove visible debris;
- (ii) disinfect with a chemical disinfectant spray or wipe according to the manufacturer's directions; and
- (iii) store covered in a clean, dry location;
- (d) disinfection is carried out using a chemical disinfectant in accordance with the manufacturer's directions;
- (e) each instrument used for a body art procedure remains stored:
 - (i) in a sterile package until just before a body art procedure; or
 - (ii) cleanly in a container, ready for sterilization immediately before the procedure;

(f) except as specified in Subsection (1)(c), reusable body art instruments are packed individually in sterilization packaging and subsequently sterilized in the autoclave described in Subsections R392-701-7(1)(c)(i) through (iii) after being cleaned as specified in Subsection (1)(g);

(g) except as specified in Subsection (1)(c), reusable body art instruments are processed after each use in the processing area according to the following sequential order:

- (i) soak in an enzymatic cleaning solution;
- (ii) scrub to remove visible debris;
- (iii) rinse and inspect for visible debris;
- (iv) process through an ultrasonic cycle or automated instrument washer;
- (v) rinse;
- (vi) air dry; and
- (vii) inspect for any remaining residue or debris;
- (h) floors, walls, ceilings, tables, counters, shelves, furniture, furnishings, and plumbing fixtures are kept clean and in good repair;
- (i) packages, sterile equipment, and body art materials are not used without first being reprocessed and sterilizing again if the package, equipment, or material:

- (i) has been visibly compromised; or
- (ii) has not been stored as required in Subsection (1)(e);
- (j) reusable body art instruments are transported from the procedure area to the processing area in a container with a secured lid;

- (k) reusable body art instruments remain stored in sterile packages or other containers designed for sterilizing instruments that are marked with the sterilization date until just before they are used for a body art procedure;
 - (l) sterilization packaging contains either an internal temperature sterilization indicator or Class 5 steam sterilization integrator;
 - (m) tables, counters, chairs, floors, and other work surfaces are cleaned and disinfected after each use regardless of whether contamination is visible;
 - (n) the date of sterilization and cycle number is noted on the sterilization packaging; and
 - (o) when utilizing on-demand sterilization in which an instrument or material is placed into an autoclave to be sterilized immediately before the body art procedure, the sterilization cassette contains an internal temperature sterilization indicator or steam sterilization integrator.
- (2) Single-use items may be packed in peel-packs with a clean, reusable instrument before being sterilized provided they are arranged in a manner that will allow each item to be properly sterilized.
- (3)(a) The operator shall conduct spore testing, according to the manufacturer's directions, at least monthly to ensure that the sterilization equipment is capable of attaining sterilization.
- (b) These tests shall be verified through an independent laboratory.

R392-701-~~14~~12. Body Artist Requirements and Professional Standards.

- (1) Before performing any body art procedure, a body artist shall have:
- (a) proof of current certificate from a bloodborne pathogen training program that covers each element of OSHA's Bloodborne Pathogens Standard as described in 29 CFR 1910.1030 (2024), incorporated by reference in this rule; and
 - (b) proof of current certificate from a training program such as AHA Heartsaver First Aid that teaches:
 - (i) first aid basics for the most common first aid emergencies;
 - (ii) how to call for help;
 - (iii) how to prevent illness and injury; and
 - (iv) how to recognize medical emergencies.
- (2) A body artist shall be a minimum of 18 years of age.
- (3) Except as allowed in Subsections (3)(a) and (3)(b), no person shall drink, eat, smoke, or vape within the procedure area, processing area, workstation, or any other location where instruments or supplies may be stored, cleaned, or sterilized.
- (a) A body artist performing a procedure may drink from a closed beverage container if:
 - (i) the container is handled to prevent contamination of the beverage container, the body artist's hands, equipment, and the procedure area; and
 - (ii) hands are washed, and gloves are changed according to Subsection (5).
 - (b) The body artist may allow a client to:
 - (i) eat when symptoms of hypoglycemia or shock are observed or likely to occur based on visual observation, the information provided by the client verbally, or the client consent and disclosure form described in Section R392-701-14; and
 - (ii) drink from a closed beverage container if the container is handled to prevent contamination of the procedure area and equipment.
- (4) A body artist shall:
- (a) maintain clothes, hair, nails, and skin free of visible particulate matter and debris;
 - (b) use good personal hygiene habits while providing body art services; and
 - (c) utilize clean and sterile equipment, implements, supplies, and tools as required by this rule.
- (5) Before and after performing a body art procedure or at any other time contamination may have occurred, body artists shall wash their hands at a designated hand sink in the following sequential order:
- (a) remove rings, watches, and bracelets from hands and wrists;
 - (b) wet hands with warm water and apply soap;
 - (c) rub hands together for a minimum of 20 seconds, making a soapy lather;
 - (d) include each finger, between fingers, thumbs, nails, cuticles, wrists, palms, and the top of hands;
 - (e) rinse soap from hands;
 - (f) pat hands dry with a clean disposable towel; and
 - (g) use a new, clean, disposable towel to touch the handles of the sink to turn it off.
- (6) At a minimum, a body artist shall wear a new pair of single-use gloves:
- (a) during set up and cleaning;
 - (b) during a disinfection and sterilization procedure;
 - (c) when processing contaminated instruments;
 - (d) when transporting contaminated instruments to the processing area;
 - (e) when transporting sterilized instruments from the autoclave to designated storage space;
 - (f) during any contact with a client at the workstation or procedure area;
 - (g) during post-procedure take down; and
 - (h) any other time contamination may have occurred.
- (7)(a) Before a body art procedure is performed, the body artist shall prepare the immediate skin area and the areas of skin surrounding the procedure site by applying an antiseptic solution in accordance with the manufacturer's directions.
- (b) If shaving is necessary, the body artist shall shave the procedure site with a single-use disposable razor before skin preparation, as described in Subsection (7)(a). The body artist shall discard used razors into the sharps container immediately after use on each client.
- (8)(a) If a local anesthetic, numbing agent, is used, the body artist shall apply it before skin preparation, as described in Subsection (7)(a).

NOTICES OF PROPOSED RULES

(b) A local anesthetic shall only be in the form of an FDA-approved over-the-counter local or topical anesthetic or spray and may not be administered by injection.

(9) A body artist shall perform a body art procedure only on a client who is free of suspected rash or suspected visible infection of skin or the mucosa surface of an intended procedure site.

(10)(a) A body artist shall be free of any communicable infection or any other visible disease condition that may be transmitted to the client as a result of carrying out the body art procedure. As authorized in Section 26A-1-114, a local health officer may require medical testing or examinations if a contagious or communicable disease is suspected.

(b) A body artist shall cover any open wound and may not perform a body art procedure if the body artist has an open wound that cannot be covered during the body art procedure.

(11) The operator shall ensure that, in the event of client bleeding during or immediately after a body art procedure, any product used to stop the flow of blood or to absorb blood is a sanitary, single-use item that is disposed of in an appropriate container immediately after use.

(12)(a) In performing body art procedures, the body artist shall wear gloves and use aseptic technique to ensure that the instruments and gloves are not contaminated.

(b) Gloves shall be discarded and changed, at a minimum:

(i) before initial skin preparation and marking;

(ii) before the body art procedure;

(iii) after the completion of a body art procedure, before post-procedure cleanup; and

(iv) when gloves are torn or punctured or contaminated by contact with unclean objects, unclean surfaces, or a third person.

(c) If, while performing a body art procedure, a glove is pierced, torn, or otherwise compromised, the compromised gloves shall be immediately discarded, and hands shall be washed as directed in Subsection (5).

(d) A single pair of gloves may not be used on more than one client.

(e) Used gloves may not be rinsed, washed, disinfected, or sterilized for reuse.

(f) A body artist shall use gloves when handling sterile equipment.

(13) The operator shall ensure that:

(a) any reusable item or instrument used for body art that becomes contaminated during a body art procedure is immediately removed from the area and replaced before the procedure resumes;

(b) each single-use item is used only on one client and is discarded immediately after use into the waste container required in Subsection R392-701-7(2)(c)(ii);

(c) single-use needles, razors, microblades, and other sharps are discarded in a sharps container immediately after use; and

(d) in the event of bleeding, any product used to check the flow of blood or to absorb blood is single-use and is disposed of immediately after use in the waste container required in Subsection R392-701-7(2)(c)(ii).

(14)(a) Upon completion of a body art procedure, the operator or body artist shall provide each client with aftercare instructions, containing the name, address, and phone number of the body art facility and the local health department.

(b) Aftercare instructions shall advise the client to consult the body artist and a licensed health care professional if the body art procedure site shows signs of infection.

(c) Aftercare instructions shall contain the following information at a minimum and shall be made available to the local health officer upon request:

(i) proper wound care instructions following a body art procedure;

(ii) potential side effects;

(iii) activity restrictions;

(iv) signs and symptoms of infection; and

(v) instructions to call the body art facility and a physician if infection occurs.

(d) Within three days of being made aware, the body artist shall report to the local health department any known infection, complication, or disease resulting from a body art procedure.

(15) Before performing any branding procedure, the procedure area shall:

(a) have walls that extend from floor to ceiling and a tight-fitting closable door;

(b) be equipped with an ultraviolet air purifier appropriately sized to the room based on the square footage and the manufacturer's recommendations; and

(c) meet requirements of Section R392-701-7.

(16) When performing a branding procedure, the body artist shall use either a strike branding process or a thermal cautery unit.

(a) Only nongalvanized metal may be used for strike branding.

(b) Only propylene gas should be used to heat the metal for strike branding.

~~(17) Before performing any scarification procedure, the procedure area shall:~~

~~(a) have walls that extend from floor to ceiling and a tight fitting closable door;~~

~~(b) be equipped with an ultraviolet air purifier appropriately sized to the room based on the square footage and the manufacturer's recommendations; and~~

~~(c) meet requirements of Section R392-701-7.~~

~~(18) A body artist shall:~~

~~(a) only perform body art procedures in a procedure area, as defined in this rule;~~

~~(b) review and keep a copy of a valid driver's license or other government-issued picture identification of the parent or legal guardian before the body artist performs a body art procedure on a minor; and~~

~~(c) consult and follow the guidance of any published FDA safety alerts regarding recalled tattoo inks and body art products.~~

R392-701-~~[42]~~13. Specific Health and Sanitation Requirements for Tattooing and Permanent Cosmetics.

The operator shall ensure that:

- (1) each body artist cleans and disinfects the body art procedure area as specified in Subsections R392-701-~~[40]~~11(1)(d), (h), and (m) before ~~[his]~~ use for each client;
- (2) equipment, multi-use implements, tools, and materials are:
 - (a) covered with single-use protective barriers that:
 - (i) may include a bottle bag, clip cord sleeve, and machine bag; and
 - (ii) are changed between clients; and
 - (b) properly cleaned and disinfected after servicing each client in accordance with Section R392-701-~~[40]~~11;
 - (3) absorbent products used for drying the skin after disinfecting or scrubbing the skin before tattooing or during application of dyes or inks are:
 - (a) sanitary single-use products; and
 - (b) discarded immediately after use into the waste container required in Subsection R392-701-7(2)(c)(ii);
 - (4) each bench, chair, or table is made of or covered in a non-porous material that can be disinfected;
 - (5) any ink, dye, and pigment is:
 - (a) specifically manufactured for performing body art procedures;
 - (b) used according to the manufacturer's instructions;
 - (c) only mixed or diluted with distilled or sterile water or other thinner recommended by the manufacturer;
 - (d) not diluted with potable water;
 - (e) diluted for single use on a single client; and
 - (f) transferred, immediately before a tattoo is applied, from the bottle or container and placed into a single-use plastic cap or cup, which is:
 - (i) not used on more than one client; and
 - (ii) discarded with its contents upon completion of the tattoo or permanent cosmetic procedure;
 - (6) any product used in the application of a stencil is dispensed and applied on the procedure site in a manner to prevent contamination of the original container and its contents;
 - (7) any product applied to the skin after the skin has been broken, including a body art stencil, is single-use and disposable;
 - (8) each tattoo is applied using sterile equipment or sterilized single-use equipment;
 - (9) each body artist works from a disinfected non-porous tray set up that may be lined with a single-use disposable tray liner during a body art procedure;
 - (10) the body artist removes excess dye or ink from the skin with a single-use item that is immediately discarded into the waste container required in Subsection R392-701-7(2)(c)(ii);
 - (11) the body artist washes the tattooed area with an antiseptic solution after completing a body art procedure;
 - (12) the body artist provides the client with a small amount of antiseptic mouthwash in a disposable cup before any oral tattoo and advises the client to rinse thoroughly for at least 30 seconds.
 - (13) a tattooed or permanent cosmetic procedure site is allowed to dry and is covered using petroleum jelly or antibacterial ointment;
 - (14) each single-use microblading implement is:
 - (a) pre-sterilized;
 - (b) disposable;
 - (c) operated in such a manner that once the needle grouping, or "blade," is affixed to the handle, it is not removed during or after use; and
 - (d) the entire microblading implement, including both the handpiece and the blade, is discarded into a sharps container as required in Subsection R392-701-~~[44]~~12(13)(c); and
 - (15) a microblading implement needle grouping, or "blade," is not used on more than one client; and
 - (16) any reusable handpiece part of a microblading implement is cleaned and sterilized as required in Section R392-701-~~[40]~~11 after use on each client.

R392-701-~~[43]~~14. Specific Health and Sanitation Requirements for Body Piercing.

The operator shall ensure that:

- (1) body piercing needles are:
 - (a) sterile, single-use, and manufactured for either medical or body piercing purposes;
 - (b) disposed of in a sharps container immediately after use; and
 - (c) not thinner than 20 gauge or thicker than six gauge;
- (2) after use on each client, any equipment, material, multi-use implement, and tool is properly cleaned and sterilized;
- (3) jewelry to be used for a new body piercing is:
 - (a) inspected by the body artist before use to ensure it is free of any nick, scratch, and other imperfection;
 - (b) sterilized before use;
 - (c) only made from the following materials:
 - (i) 00G to 14G gauge glass, fused quartz, borosilicate, and soda-lime that is lead free;
 - (ii) ASTM B-392 compliant niobium, except matte finish black;
 - (iii) ASTM F-67, ASTM F-136, ASTM F-1295, or ASTM F-1295 compliant titanium and titanium alloy;
 - (iv) ASTM F-138 compliant stainless steel;

NOTICES OF PROPOSED RULES

- (v) ASTM F-754 compliant PTFE;
- (vi) platinum;
- (vii) solid 14K or 18K white, yellow, or rose gold that is nickel free and cadmium free; or
- (viii) Tygon; and
- (d) not made from any of the following materials:
 - (i) aluminum;
 - (ii) any type of organic material, including horn, bone, coconut wood, bamboo, or ivory;
 - (iii) glass with gauge size higher than 14G;
 - (iv) gold filled, plated, rolled, or vermeil jewelry;
 - (v) high-density, low-porosity nontoxic plastics such as acrylic;
 - (vi) silver;
 - (vii) stainless steel that is not ASTM F-138 compliant;
 - (viii) stone;
 - (ix) tempered glass; or
 - (x) wood of any type; and

(4) each body artist provides the client with a small amount of antiseptic mouthwash in a disposable cup before any oral piercing and advises the client to rinse thoroughly for at least 30 seconds.

R392-701-15. Scarification Policies and Procedures.

(1) As required in Section 26B-7-417, a body art facility that practices or instructs scarification shall maintain written policies and procedures to ensure client safety during scarification procedures.

(2) The policies and procedures required under Subsection (1) shall, at a minimum, address clothing, personal protective equipment, single-use instruments, sanitization and disposal of tools, and cleaning and bandaging skin, as described in Subsections (2)(a) through (2)(e).

(a) Each body artist performing scarification shall wear clean clothing that:

- (i) minimizes contamination of the procedure area and procedure site;
- (ii) is changed when visibly soiled; and
- (iii) is maintained in a manner that prevents contact with non-sanitary surfaces.

(b)(i) Each body artist shall use appropriate personal protective equipment, including gloves and other barriers, during any scarification procedure to prevent exposure to bloodborne pathogens.

(ii) Personal protective equipment shall be single-use or properly disinfected or sterilized in accordance with this rule.

(c)(i) Each body artist shall only use a sterile, single-use instrument to cut or penetrate the skin during scarification.

(ii) Immediately after use, the body artist shall discard any single-use sharp in a sharps container, in accordance with Subsection R392-701-12(13)(c).

(d)(i) The operator shall ensure each reusable tool used in a scarification procedure is cleaned, disinfected, and sterilized in accordance with Section R392-701-11.

(ii) Any regulated waste generated during a scarification procedure shall be disposed of in accordance with Section R392-701-17.

(e)(i) Each procedure site shall be cleaned and prepared using an antiseptic solution before scarification.

(ii) Upon completion of a scarification procedure, a body artist shall clean and cover the procedure site with appropriate sterile bandaging.

(iii) A body artist shall provide aftercare instructions in accordance with Subsection R392-701-12(14).

(3) The policies and procedures required by this section shall be maintained on the premises and made available to the local health officer upon request.

(4) The operator shall obtain proof of client age before performing a scarification procedure, as required in Subsection R392-701-16(2).

R392-701-[44]16. Records and Recordkeeping Requirements.

(1)(a) Before engaging in any body art procedure, the operator shall require a client or potential client to complete a client consent and disclosure form in a printed or digital format.

(b) The health questions described in Subsection (2)(b)(ii) are intended solely to allow the client to voluntarily disclose conditions that may increase the risk of complications from a body art procedure. These questions do not require the operator or body artist to diagnose, treat, or make a medical determination regarding a client's health condition.

(2) The client consent and disclosure form shall include:

(a) a risk notification section that provides information detailing the risks and possible consequences of a body art procedure, including that:

- (i) a body art procedure can cause:
 - (A) an allergic reaction;
 - (B) bleeding, bruising, discomfort, pain, and swelling; and
 - (C) irreversible modifications to the client's body;
- (ii) a body art procedure increases the client's risk of infection; and
- (iii) a potential client with a heart condition may have an increased risk of contracting bacterial endocarditis and should contact the

potential client's physician before receiving any body art procedure;

(b) a client evaluation section that:

(i) includes the statement, "If you have health or medical concerns, please consult a physician before engaging in a body art procedure."; and

(ii) asks at a minimum the following questions to evaluate the client's condition for receiving body art without violating the client's medical privacy:

(A) "Are you 18 years of age or older?";

(B) "Have you eaten within the past four hours?";

(C) "Are you under the influence of drugs or alcohol?";

(D) "Have you ingested anticoagulants, anti-platelet drugs, or NSAIDs (aspirin, ibuprofen, naproxen, etc.) in the last 24 hours?";

(E) "Have you ingested any medication that may inhibit the ability to heal a skin wound?";

(F) "Do you have any allergies or adverse reactions to dyes, pigments, latex, iodine, or other such products?";

(G) "Do you have hemophilia, epilepsy, a history of seizure, fainting or narcolepsy, or other conditions that may interfere with the body art procedure?";

(H) "Do you have a history of skin diseases, skin lesions, or other skin sensitivities to soaps or disinfectants that might inhibit the healing of the body art procedure?";

(I) "Do you have any communicable diseases (Hep A, Hep B, HIV, or any other disease that can be transmitted through broken skin or mucous membranes during the procedure)?";

(J) "Do you have diabetes, high blood pressure, heart condition, heart disease, or any other conditions that may interfere with the body art procedure?"; and

(K) "Are you or have you been pregnant within the last 3 months?";

(c) a client information section asking for:

(i) the client's full name and date of birth as verified from a valid government-issued photo identification or, if the client is a minor, identification from a parent or legal guardian;

(ii) the client's signature or, if the client is a minor, signature of a parent or legal guardian;

(iii) client's physical address; and

(iv) client's phone number or, if the client is a minor, a parent or legal guardian's phone number; and

(d) an informed consent statement that shall confirm at least that:

(i) the client is voluntarily obtaining services of the client's own free will and volition;

(ii) the client has had the opportunity to read and understand the consent and disclosure form;

(iii) the client has the ability to ask questions about the body art procedure before, during, and after the procedure; and

(iv) the client has received and understands written and verbal aftercare instructions.

(3) A body art facility that elects to perform scarification procedures shall include in the client consent and disclosure form:

(a) a risk notification section stating that scarification procedures involve deliberate cutting of the skin and may result in:

(i) severe bleeding;

(ii) scarring that may be permanent, unpredictable, or aesthetically different from the intended design;

(iii) delayed wound healing;

(iv) nerve damage, loss of sensation, or altered sensation at the procedure site;

(v) bacterial, viral, or fungal infection;

(vi) bloodborne disease transmission if instruments or procedures are not properly controlled; and

(vii) the need for medical treatment, including surgical or antibiotic intervention;

(b) the statement: "Individuals with diabetes, a compromised immune system, clotting disorders, or skin conditions should consult a licensed health care provider before undergoing scarification";

(c) a statement that by signing the form, the client understands the additional risks specific to scarification procedures, including permanent scarring, unpredictable outcomes, and potential medical complications; and

(d) information about how to report an injury during or resulting from scarification to the local health department.

~~(3)4~~ The client shall sign the client's consent and disclosure form acknowledging that the information in the form is understood and correct.

~~(5)4~~ The operator or body artist shall provide a copy of the completed consent and disclosure form in a printed or digital format upon a client's request.

~~(6)5~~ A body artist shall make a written or digital record of each administered body art procedure, including:

(a) a brief description of the procedure performed, including type and location;

(b) the body artist's name; and

(c) the date of procedure.

~~(7)6~~ Within three business days of becoming aware, the operator or body artist shall report to the local health department:

(a) any adverse event[s] related~~[ing]~~ to or suspected of being related to materials used during a body art procedure, including the name of the body artist, client information, description of adverse events, and a list of materials used in the procedure along with lot or batch codes;

(b) any adverse event related to scarification, including excessive bleeding, hospitalization, or surgical intervention; and

~~(b)c~~ any injury, complaint of injury, infection that required treatment by a licensed medical practitioner, or any communicable disease resulting from the body art procedure.

~~(8)7~~ The operator shall:

(a) keep client records confidential;

(b) keep client records for a minimum of three years after the date of procedure; and

NOTICES OF PROPOSED RULES

(c) make client records available to the local health officer upon request.

(9[8])(a) The operator shall maintain records sufficient to provide a list of each pre-sterilized instrument used in body art procedures at the body art facility upon the request of the local health officer for three years after the date of procedure. Invoices or orders may satisfy this requirement.

(b) The operator shall keep records of spore testing, as required in Subsection R392-701-[40]11(3), for at least three years after the date of receipt. These records shall be:

- (i) retained at the body art facility; and
- (ii) provided to the local health officer upon request.

(10[9]) Information for each body artist shall be kept on file on the premises of a body art facility for inspection by the local health officer, including:

- (a) a full name;
- (b) a job description;
- (c) dates of employment;
- (d) a phone number;
- (e) an email address;
- (f) a copy of a government-issued photo ID; and
- (g) a copy of the certificate for the training required in Subsection R392-701-[44]12(1).

R392-701-[45]17. Solid Waste.

The operator shall ensure that solid waste generated at a body art facility, including regulated waste, is:

- (1) contained, labeled, stored, transported, and disposed in accordance with local health department regulations;
- (2) stored in a leak-proof, non-absorbent container that is kept covered with a tight-fitting lid; and
- (3) disposed with sufficient frequency and in such a manner as to prevent vermin harborage or an imminent health hazard.

R392-701-[46]18. Prohibited Practices.

A body artist may not:

- (1) perform body art while under the influence of alcohol or drugs;
- (2) perform scarification upon a minor, as prohibited under Section 76-9-2004;

([2]3) perform body art on a person who, in the opinion of the operator, is inebriated or appears to be under the influence of alcohol or drugs;

- ([3]4) use on a client any product that has been recalled by the FDA; or
- ([4]5) perform a body art procedure in an unpermitted facility.

R392-701-[47]19. Permit Requirements.

(1) A body art facility may not operate in Utah unless the operator has first obtained a permit to operate from the local health department having jurisdiction.

(2) To obtain a permit from the local health department, the operator shall complete an application provided by that local health department and pay any associated fee.

(3) Before the body art facility or temporary body art facility is eligible for a permit, the operator shall demonstrate to the local health officer that the facility:

- (a) can meet the requirements specified in Sections R392-701-4 through R392-701-[44]12; and
- (b) has the systems in place to meet the consent, disclosure, and record keeping requirements in Section R392-701-[44]16.

(4) The operator shall be able to demonstrate to the local health officer initially, and upon subsequent inspections, sufficient knowledge of aseptic technique, universal precautions, and sanitary procedural operations, as required in Section R392-701-[40]11.

(5) The operator shall submit to the local health officer properly prepared plans and specifications for review before:

- (a) the construction of a body art facility;
- (b) the conversion of an existing structure for use as a body art facility; or
- (c) the remodeling of a body art facility, if the local health officer determines plans and specifications are necessary to ensure compliance with this rule.

(6) A body art facility permit or temporary body art facility permit may not be transferred from one facility, owner, or operator to another. A change in ownership or change of body art facility or temporary body art facility location invalidates the existing permit.

(7) Temporary body art facilities may be permitted to operate in conjunction with a single event or celebration, for which a permit shall only be valid for 14 consecutive days or less.

(8) A current body art facility permit shall be posted in a prominent and conspicuous area in the body art facility or temporary body art facility where it may be readily observed by clients and the local health officer.

R392-701-[48]20. Inspections and Investigations.

(1) The operator shall permit the local health officer, upon presenting proper identification, to enter upon the premises of a body art facility or temporary body art facility to perform any inspection and investigation relating to any matter affecting public health and as necessary to ensure compliance with this rule.

(2) A local health officer may inspect the dedicated enclosed room for scarification to verify compliance with this rule and applicable statute.

R392-701-[19]21. Closing or Restricting Use of a Body Art Facility or Temporary Body Art Facility.

(1) If the condition or operation of a body art facility or temporary body art facility creates an imminent health hazard to the public, the local health officer may:

- (a) suspend or revoke the body art facility or temporary body art facility permit;
- (b) close the affected portion of the body art facility or temporary body art facility; and
- (c) restrict the use of all or part of the body art facility or temporary body art facility or its equipment or instruments;

(2) The operator shall restrict public access to each area of a body art facility or temporary body art facility closed or restricted to use by a local health officer within a reasonable time as ordered by the local health officer.

(3) An operator may not allow the public to utilize any body art facility or temporary body art facility or portion thereof that has been deemed unfit for use until the local health officer gives written approval.

KEY: body art, tattoo, piercing, permanent cosmetics, scars, scarification

Date of Last Change: ~~November 9, 2025~~ 2026

Authorizing, and Implemented or Interpreted Law: 26B-1-202(2)(a); 26B-1-202(2)(z); 26B-7-402(19); 26B-7-417(2)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal and Reenact		
Rule or section number:	R406-100	Filing ID: 57911

Agency Information

1. Title catchline:	Health and Human Services, Family Health, WIC Services	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 141013	
City, state and zip:	Salt Lake City, UT 84114-1013	
Contact persons:		
Name:	Phone:	Email:
Rick Wardle	801-580-7932	rwardle@utah.gov
Alexis Weight	801-273-2956	abweight@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R406-100. Special Supplemental Nutrition Program for Women, Infants and Children
4. Purpose of the new rule or reason for the change:
<p>Upon internal review of this rule, the Department of Health and Human Services (department) determined this filing is necessary to update incorporations by reference and align the process for grocery vendors to submit daily claim files with the current processing system for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).</p> <p>Due to the amount of markups that would be necessary for an amendment, the department determined it was most appropriate to format this filing as a repeal and reenact to make the proposed new rule text easier to follow.</p>
5. Summary of the new rule or change:
<p>This repeal and reenact updates incorporations by reference.</p> <p>It also updates language to align with technology currently used for the department's electronic benefit processing.</p> <p>Additionally, it adds a definitions section, removes informational language that was determined to be unnecessary, and aligns terminology throughout this rule.</p>

This filing also makes style and formatting changes to comply with the Rulewriting Manual for Utah and align with other rules under the department.

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 as a result of this filing because the changes align this rule's wording with the process for electronic benefit transfer that is currently in practice.</p> <p>This filing does not add to, modify, or remove any part of this process or the responsibilities of the state to operate the Utah WIC Program.</p>
<p>B. Local governments:</p> <p>There is no anticipated cost or savings to local governments, including local health departments acting as local agencies, as a result of this filing because the changes align this rule's wording with the process for electronic benefit transfer that is currently in practice, which is a process independent of local agencies.</p> <p>This filing does not add to, modify, or remove any part of this process or the responsibilities of local agencies to operate the Utah WIC Program.</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 that are grocery retailers acting as authorized vendors for WIC as a result of this filing because the changes align this rule's wording with the process for electronic benefit transfer that is currently in practice.</p> <p>This filing does not add to, modify, or remove any part of this process or the responsibilities of the authorized vendors to participate in the Utah WIC Program.</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 that are grocery retailers acting as authorized vendors for WIC as a result of this filing because the changes align this rule's wording with the process for electronic benefit transfer that is currently in practice.</p> <p>This filing does not add to, modify, or remove any part of this process or the responsibilities of the authorized vendors to participate in the Utah WIC Program.</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 <i>agency</i>):</p> <p>There is no anticipated cost or savings to other persons who are members of the public participating in WIC because the electronic benefit transfer is a process independent from individual participants.</p>
<p>F. Compliance costs for affected persons:</p> <p>There are no anticipated compliance costs as a result of this filing because these changes align this rule's wording with the process for electronic benefit transfer that is currently in practice.</p> <p>This filing does not add to, modify, or remove any part of this process or the responsibilities of the state, local governments, or small and non-small businesses participating in the WIC program.</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>

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 Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.					

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 26B-1-202	Section 26B-1-208	

Incorporation by Reference Information

8. Incorporation by Reference:	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	7 CFR Part 246 - Special Supplemental Nutrition Program for Women, Infants and Children
Publisher	Office of the Federal Register
Issue Date	2026
B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	FY 2026 Utah WIC State Plan
Publisher	Utah Department of Health and Human Services
Issue Date	Fiscal Year 2026
Issue or Version	2026

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:	06/16/2026
--	------------

10. This rule change MAY become effective on:	06/23/2026
--	------------

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, Commissioner	Date:	04/19/2026
---	-------------------------------	--------------	------------

**R406. Health and Human Services, Family Health, WIC Services.
R406-100. Special Supplemental Nutrition Program for Women, Infants and Children.**

~~**R406-100-1. Purpose and Authority.**~~

~~(1) The purpose of this rule is to establish requirements for participation in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). This rule describes program objectives and the authority under which the program operates. This rule also determines the materials that are incorporated by reference.~~

~~(2)(a) The Department of Health and Human Services establishes this rule in accordance with the WIC program under the Child Nutrition Act of 1966, 42 USC Sec. 1786.~~

~~(b) Acceptance and approval of the Utah WIC State Plan along with an executed Federal State agreement between the USDA FNS and the Utah Department of Health and Human Services authorizes and provides funding for the WIC program to the state.~~

~~(3) Section 26B-1-202 authorizes the Department to adopt rules.~~

~~(4) The Utah Department of Health and Human Services is authorized under Section 26B-1-208, which allows the executive director to accept federal funding to operate the WIC program in Utah.~~

~~**R406-100-2. Program Objectives.**~~

~~(1) WIC is a supplemental foods and nutrition education program funded by the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) and is administered by the Utah Department of Health and Human Services, Division of Family Health, through clinics operated by local health departments. The purpose of the WIC program is to provide nutritious supplemental foods and nutrition education to eligible persons. The program serves as an adjunct to good healthcare, during critical times of growth and development, to prevent the occurrence of health problems and improve the health status of program participants.~~

~~(2) WIC serves pregnant, postpartum and breastfeeding women; and infants and children up to five years of age. WIC participants belong to families that are found to have inadequate income and are determined by competent health professionals to be at nutritional risk.~~

~~(3) A primary concern of the program is to deliver preventive healthcare through screening for anemia, completion of anthropometric measurements, immunization screening, dietary counseling, nutrition education and providing breastfeeding support. In addition, participants needing other health or social services are identified at the time of certification and referred to the appropriate agency.~~

~~**R406-100-3. Incorporations by Reference.**~~

~~(1) The Utah WIC Program adopts the standards of the Special Supplemental Nutrition Program for Women, Infants and Children provided in 7 CFR 246, 01/01/2022 edition, which is incorporated by reference.~~

~~(2)(a) The Utah WIC Program incorporates by reference the Fiscal Year 2024 Utah WIC State Plan of Program Operations and Administration.~~

~~(b) The Utah WIC State Plan of Program Operation and Administration contains program policies and procedures including those mandated by USDA federal regulations and details specific to Utah's program. Eligibility and participation requirements for program applicants and participants are included as well as instructions and guidelines for clinic operations and retail vendor participation in the program.~~

~~(c) The Utah WIC State Plan is available on the Utah WIC website at: <https://wic.utah.gov/about/wic-policies/proposed-state-plan/>. Proposed revisions to the Utah WIC State Plan are posted annually to the Utah WIC website for public comment. The State Plan is submitted annually to the USDA FNS, for approval.~~

~~**R406-100-4. Requirements.**~~

~~(1) Applicants shall meet the following criteria to be eligible to participate in the program and receive supplemental foods:~~

~~(a) category and age, those eligible include;~~

~~(i) pregnant women during their pregnancy and up to six weeks postpartum;~~

~~(ii) breastfeeding women up to 12 months past delivery;~~

~~(iii) postpartum women up to six months past delivery; and~~

~~(iv) infants and children up to five years of age;~~

~~(b) residence, applicants must be residents of areas or members of populations served by the local agency and within the jurisdiction of the state;~~

~~(c) income, applicants must be a member of a family or household which has a gross income at or below 185% of the federal poverty guideline, or, is determined to be adjunctively eligible through participation in the Medicaid Program, Supplemental Nutrition Assistance Program, or Temporary Assistance for Needy Families; and~~

~~(d) nutritional risk, applicants must be certified to have a nutritional need through a medical or nutritional assessment by a competent professional authority on staff at the WIC clinic.~~

~~(2) Participants shall be certified annually to determine their eligibility for the program. Pregnant women shall be certified for the length of their pregnancy. The length of certification periods for participants is determined by USDA regulations as listed in 7 CFR 246.7(g).~~

~~(3) Upon certification onto the program, participant families shall be issued an electronic benefit card to use for obtaining prescribed supplemental foods at authorized grocery retailers.~~

~~(4)(a) The Utah WIC Program shall authorize only local public health departments within the state as WIC local agencies.~~

~~(b) Should a local health department no longer be able, willing or authorized by the Utah Department of Health and Human Services to operate the WIC program within their jurisdiction, bordering local health departments shall be given first priority to serve WIC participants in that area.~~

~~(c) Should any area within the state not be served by an authorized local health department, the Utah WIC Program, in collaboration with the executive director of the Utah Department of Health and Human Services, shall consider other public or private health agencies for authorization as a WIC local agency.~~

~~(3)(a) Grocery retailers who wish to become authorized as a WIC vendor shall complete a vendor application and submit required documentation.~~

~~(b) Program staff shall review the application and consider the limiting and selection criteria as described in the Utah WIC State Plan to determine if the applicant vendor is needed and qualified to become an authorized vendor.~~

~~(c) Upon approval of the application and successful completion of a site visit and initial authorization training by WIC staff, vendors shall enter into an agreement with the State WIC Office to be authorized to accept WIC transactions.~~

~~(d) Authorized vendors must agree to and remain in compliance with the WIC vendor agreement.~~

~~(e) WIC purchases and subsequent payments to the vendor shall be processed using electronic benefits transfer (EBT). The retailer shall submit a daily claim file to the State WIC Office's contracted EBT host processor bank. Any claim files not submitted within 60 days of the purchase date are ineligible to receive payment.~~

R406-100-1. Authority and Purpose.

~~(1)(a) Section 26B-1-202 authorizes the Department of Health and Human Services (department) to adopt rules necessary or desirable for providing health and social services to the people of this state.~~

~~(b) Section 26B-1-208 authorizes the department's executive director to accept federal funding to, for the purposes of this rule, operate the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).~~

~~(c)(i) The department establishes this rule in accordance with WIC under the Child Nutrition Act of 1966, 42 USC 1786.~~

~~(ii) Acceptance and approval of the Utah WIC State Plan and an executed federal-state agreement between the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) and the department authorizes and provides funding for WIC to the state.~~

~~(2) This rule establishes requirements for participation in WIC and incorporates materials by reference.~~

R406-100-2. Definitions.

~~(1) "Local agency" means the same as defined in 7 CFR 246.2 (2026).~~

~~(2)(a) "Utah WIC Program" means the department-operated program for WIC.~~

~~(b) The Utah WIC Program includes any WIC clinic operated by a local agency.~~

R406-100-3. Incorporations by Reference.

~~The department incorporates by reference in this rule:~~

~~(1) 7 CFR 246 (2026); and~~

~~(2) the FY 2026 Utah WIC State Plan.~~

R406-100-4. Requirements.

~~(1) To be eligible to participate in the program and receive supplemental food, each applicant must meet criteria regarding:~~

~~(a) category and age, including being:~~

~~(i) a pregnant woman or a woman up to six weeks postpartum;~~

~~(ii) a breastfeeding woman up to 12 months post-delivery;~~

~~(iii) a postpartum woman up to six months post-delivery; or~~

~~(iv) an infant or child up to five years of age;~~

~~(b) residence, including that an applicant must be a resident of an area or member of a population served by the local agency and within the jurisdiction of the state;~~

~~(c) income, including that an applicant must be a member of a family or household which:~~

~~(i) has a gross income at or below 185% of the federal poverty guideline; or~~

~~(ii) is determined to be adjunctively eligible through participation in the Medicaid Program, Supplemental Nutrition Assistance Program, or Temporary Assistance for Needy Families; and~~

~~(d) nutritional risk, including that an applicant must be certified to have a nutritional need through a medical or nutritional assessment by a competent professional authority on staff at a WIC clinic.~~

~~(2) Each participant shall be certified annually to determine eligibility for the program.~~

~~(a) A pregnant woman shall be certified for the length of the woman's pregnancy.~~

~~(b) The length of each certification period for a participant is listed in 7 CFR 246.7(g).~~

NOTICES OF PROPOSED RULES

(3) The Utah WIC Program shall issue an electronic benefit card to each participant family upon acceptance into the program to obtain prescribed supplemental foods at an authorized grocery retailer.

(4)(a) The department may only authorize a local public health department within the state as a WIC local agency.

(b) If a local health department is no longer able, willing, or authorized by the department to operate WIC within that local health department's jurisdiction, the department shall give any bordering local health department first priority to serve WIC participants in that area.

(c) If any area within the state is not served by a department-authorized local health department, the Utah WIC Program, in collaboration with the department's executive director, shall consider another public or private health agency for authorization as a WIC local agency.

(5)(a) To become an authorized WIC vendor, a grocery retailer must apply by completing a vendor application and submitting required documentation to the department.

(b) Utah WIC Program staff shall review each application and consider the limiting and selection criteria, as described in the FY 2026 Utah WIC State Plan, to determine if the grocery retailer applicant is needed and qualified to become an authorized vendor.

(c) Upon approval of the application and successful completion of a site visit and initial authorization training by Utah WIC Program staff, the grocery retailer applicant may enter into an agreement with the department's Utah WIC Program to be an authorized vendor and accept WIC transactions.

(d) An authorized vendor shall accept and consistently adhere to the WIC vendor agreement described in Subsection (5)(c).

(e) Any WIC purchase and subsequent payment to the authorized vendor shall be processed using electronic benefits transfer (EBT).

(i) The authorized vendor shall submit any claim for payment daily to the Utah WIC Program's EBT host processor through the vendor's WIC-certified third-party processor.

(ii) Any claim file not submitted within 60 days of the purchase date is ineligible to receive payment.

KEY: nutrition, women, children, infants

Date of Last Change: ~~December 22, 2023~~2026

Notice of Continuation: January 24, 2022

Authorizing, and Implemented or Interpreted Law: 26B-1-202; 26B-1-208

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R414-15

Filing ID: 57907

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 143102	
City, state and zip:	Salt Lake City, UT 84114-3102	
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:
R414-15. Residents Personal Needs Fund
4. Purpose of the new rule or reason for the change:
This rule outlines requirements for long-term care facilities regarding resident personal needs funds, but upon review of this rule, the state Medicaid agency has determined that most of the requirements in this rule already exist within federal regulations, primarily in 42 CFR 483, and any remaining provisions in this rule which are not already within federal regulations are unnecessary to include in rules promulgated by the Division of Integrated Health, including requirements previously in Subsections R414-15-3(2), R414-15-3(3), R414-15-3(4), R414-15-3(5), R414-15-3(6)(a), R414-15-3(6)(c), R414-15-3(7), and R414-15-3(10).

The Department of Health and Human Services (department) further reviewed those remaining provisions in coordination with the Office of Licensing and determined it is not necessary to continue to include those provisions in rule. Therefore, it is appropriate to repeal this rule.

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:

Repealing this rule is not anticipated to have a fiscal impact on the state budget because even though this repeal will decrease the regulatory burden on long-term care facilities, the state is not required by the Centers for Medicare and Medicaid to audit long-term care facilities for these specific requirements and, on this basis, no longer includes these requirements as part of a state audit of long-term care facilities.

Further, this rule duplicated existing provisions that will remain in place through federal regulations once this rule is repealed.

There is no anticipated change to current or future appropriations as a result of this repeal.

B. Local governments:

There is no impact on local governments as they do not administer personal member funds nor provide services under the Medicaid program.

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

While there is no anticipated fiscal impact to small businesses that are long-term care facilities as a result of the repeal of requirements from this rule that already exist in federal regulations, the repeal of requirements that are not in federal regulations may result in a small fiscal benefit to small businesses as they will no longer be subject to these state requirements.

However, it is impossible to estimate what that benefit will be because the internal practices and number of residents served in each long-term care facility vary, and some facilities may choose to continue to align internal practices with the repealed provisions.

Additionally, there is no anticipated cost as a result of this repeal because no additional requirements will be imposed.

As the anticipated benefit is inestimable, no benefit is recorded in the regulatory impact summary table.

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

While there is no anticipated fiscal impact to non-small businesses that are long-term care facilities as a result of the repeal of requirements from this rule that already exist in federal regulations, the repeal of requirements that are not in federal regulations may result in a small fiscal benefit to non-small businesses as they will no longer be subject to these state requirements.

However, it is impossible to estimate what that benefit will be because the internal practices and number of residents served in each long-term care facility vary, and some facilities may choose to continue to align internal practices with the repealed provisions.

Additionally, there is no anticipated cost as a result of this repeal because no additional requirements will be imposed.

As the anticipated benefit is inestimable, no benefit is recorded in the regulatory impact summary table.

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**):

While there is no anticipated fiscal impact to other persons or entities, including residents in long-term care facilities, as a result of the repeal of requirements from this rule that already exist in federal regulations, the repeal of requirements that are not in federal regulations may result in an inestimable cost or savings to residents as the long-term care facilities will no longer be subject to the requirements removed in this rule.

It is impossible to estimate what that cost or benefit may be because the internal practices and number of residents served in each long-term care facility vary, and some facilities may choose to continue to align internal practices with the repealed provisions. There is no anticipated change to current or future appropriations as a result of this repeal.

As any anticipated cost or savings is inestimable, no cost or savings is recorded in the regulatory impact summary table.

F. Compliance costs for affected persons:

Any compliance costs for affected persons, including residents of long-term care facilities, are inestimable because the internal practices and number of residents served in each long-term care facility vary, and some facilities may choose to continue to align internal practices with the repealed provisions.

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 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

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: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026

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, Commissioner	Date:	04/19/2026
---	-------------------------------	--------------	------------

R414. Health and Human Services, Integrated Healthcare.**~~R414-15. Residents Personal Needs Fund.~~****~~R414-15-1. Introduction and Authority.~~**

~~(1) This policy ensures proper administration of the personal funds of a Medicaid client who is a resident in a long term care facility. The administrative payee is responsible for using the beneficiary's benefits in his best interest. Flat rate reimbursement shall not be charged to personal funds. The flat rate shall cover the services specified in Attachment 4.19-D, Section 400 of the State Plan.~~

~~(2) This rule is authorized by Section 26B-1-213 and 42 CFR 442 and 447.~~

~~R414-15-2. Definitions.~~

~~The definitions in R414-1 apply to this rule.~~

~~R414-15-3. Facility Responsibilities.~~

~~(1) For residents who are Medicaid clients, the administration and management of a long term care facility (the facility) must provide the resident, next of kin, or legal guardian:~~

~~(a) a written statement at the time of admission explaining:~~

~~(i) the resident's rights regarding personal funds; and~~

~~(ii) a list of services included in the basic per diem rate;~~

~~(b) access to a written record of all financial transactions involving the individual resident funds;~~

~~(c) a written itemized statement quarterly of all financial transactions involving the individual resident funds upon written request; and~~

~~(d) all funds that were given to the facility for safekeeping, including interest, within 30 days of the resident's discharge.~~

~~(2) The facility must notify the Social Security Administration office to have a representative payee appointed for residents who do not have a legal guardian, representative payee, or other authorized individual to manage their personal needs funds.~~

~~(3) The facility must serve as a temporary representative payee for the resident until the representative payee is appointed.~~

~~(4) The facility must allow the resident to access his funds for at least one hour during business hours.~~

~~(5) Upon request, the facility must return funds to the resident from an outside interest bearing account within one business day.~~

~~(6) The facility shall deposit all funds in excess of \$50.00:~~

~~(a) within 15 calendar days of receipt of the money;~~

~~(b) in an interest bearing account that clearly indicates that the facility's interest is only fiduciary; and~~

~~(c) in a federally insured savings institution.~~

~~(7) The facility may deposit the resident's Social Security check into the facility's bank account if the personal need portion of the resident's check is transferred to the resident's account on the same day.~~

~~(8) The facility must distribute monthly the interest from the resident's interest bearing accounts by either:~~

~~(a) maintaining separate savings accounts for each resident; or~~

~~(b) prorating the amount individually if funds are combined in one account for all residents.~~

~~(9) The facility may keep up to \$50.00 of the resident's money in a non-interest-bearing account that is readily accessible to the resident.~~

~~(10) The facility must give any benefits to the resident either personally or through the resident's personal need fund unless there is a written authorization from the resident or legal guardian to do otherwise. This includes resident entitlements from Social Security Supplemental Income, government and private pensions, Veterans Administration, and other similar entitlement programs.~~

~~(11) The facility must provide the estate executor or administrator of a deceased resident with a written accounting of the resident's personal funds within 30 days of the resident's death. If the resident has not had an executor or administrator appointed, the facility must provide the accounting to:~~

~~(a) the resident's next of kin, legal guardian, representative payee, or other person the resident designated to manage his personal financial affairs while he was living; and~~

~~(b) the District Court in the county where the resident died.~~

~~(12) If the facility sells or leases the business, it must:~~

~~(a) provide the buyer or lessee with a written statement of all of the residents' monies and properties being transferred;~~

~~(b) obtain a signed receipt from the new owner or lessee before the sale or lease is final; and~~

~~(c) provide each resident's legal guardian, representative payee, or other person the resident authorized to manage his personal funds, a written accounting of all funds held by the facility before any transfer of ownership. The new owner or lessee shall assume full liability for all residents' personal needs accounts.~~

~~(13) For medical or supplemental security income recipients, the facility must provide written notification to the resident and the Department ten days before the resident's funds are about to exceed the amount that would jeopardize his Medicaid eligibility.~~

~~(14) The facility must maintain the resident's personal funds for safekeeping if requested according to R414-15-4.~~

~~R414-15-4. Resident Personal Funds for Safekeeping.~~

~~The resident shall not be required to give his personal funds to the facility for safekeeping. If the resident (or legal guardian) requests this service of the facility, the request must be a written authorization.~~

KEY: ~~medicaid~~

Date of Last Change: ~~June 19, 2025~~

Notice of Continuation: June 21, 2022
 Authorizing, and Implemented or Interpreted Law: 26B-1-213]

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number: R414-49 **Filing ID:** 57952

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	801-915-4493	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:
 R414-49. Dental, Oral, and Maxillofacial Surgeons and Orthodontia

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 2 (2025 General Session)

4. Purpose of the new rule or reason for the change:
 The purpose of this change is to implement SB 2 of the 2025 General Session and Utah's Medicaid Reform 1115 Demonstration Waiver, which expands dental services to individuals eligible under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Program and to pregnant and postpartum women.

5. Summary of the new rule or change:
 This amendment expands dental services to individuals eligible under EPSDT and to pregnant and postpartum women.
 It also updates eligibility requirements for individuals who qualify for dental services under the Emergency Services Program for Non-Citizens and updates reimbursement methodology for payments to dental providers under the Medicaid program.

Fiscal Information

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

A. State budget:
 The Department of Health and Human Services (department) does not expect additional funding to provide dental services to individuals eligible under EPSDT and to pregnant and postpartum women, other than what the Legislature previously appropriated through SB 2 during the 2025 General Session.
 The University of Utah School of Dentistry (UUSOD) will seed money for the department to pay the state share of payments to dental providers for their services. SB 2 (2025) estimates \$19,900,800 in general funds savings. As SB 2 (2025) accounts for this amount, no additional cost or savings is reflected in the regulatory impact summary table for this filing.

B. Local governments:

There is no anticipated impact on local governments as they neither fund nor provide dental services under the Medicaid program.

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

Small businesses are expected to see an increase in revenue due to the expansion of services, but this increase cannot be measured with current data available on the quantity or types of services that individuals eligible under EPSDT and pregnant and postpartum women may require.

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

Non-small businesses are expected to see an increase in revenue due to the expansion of services, but this increase cannot be measured with current data available on the quantity or types of services that individuals eligible under EPSDT and pregnant and postpartum women may require.

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

Other persons are expected to see an increase in revenue and out-of-pocket savings due to the expansion of services, but this increase cannot be measured with current data available on the quantity or types of services that individuals eligible under EPSDT and pregnant and postpartum women may require.

F. Compliance costs for affected persons:

The department does not expect compliance costs for UUSOD because it is only seeding the money, accounted for in SB 2 (2025), and not treating additional patients. There is a network of dentists or providers throughout the state to provide necessary dental care.

Further, the department does not expect additional compliance costs to other entities because there is only a change in funding the program from general funds to seed money provided by UUSOD.

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 Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 26B-1-213	Section 26B-3-108	Section 26B-3-208

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	06/16/2026
10. This rule change MAY become effective on:	07/01/2026
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:	Tracy S. Gruber, Commissioner	Date:	05/01/2026
---	-------------------------------	--------------	------------

R414. Health and Human Services, Integrated Healthcare.

R414-49. Dental, Oral, and Maxillofacial Surgeons and Orthodontia.

R414-49-1. Authority and Purpose.

(1)(a) Sections 26B-1-213, ~~26B-3-108~~, and 26B-3-~~108~~208 authorize this rule.

(b) A service provided under this rule is authorized by a federal Section 1115 waiver of Medicaid requirements approved by the Centers for Medicare and Medicaid Services.

(2) This rule ~~provides a~~ defines the scope of dental, oral, and maxillofacial surgery and orthodontia services for Medicaid members in accordance with Section 26B-3-208.

R414-49-2. Definitions.

Terms used in this rule are defined in Rule R414-1. Additionally:

(1) "Acute" means referring to a disease or illness of sudden onset and brief course, not chronic.

~~(1)~~(2) "Anterior tooth" means tooth numbers:

- (a) 6 through 11;
- (b) 22 through 27;
- (c) C through H; and
- (d) M through R.

(3) "Chronic" means a persistent condition in relation to a disease or illness.

~~(2)~~(4)(a) "Dental service[s]" ~~[whether furnished in a hospital, an office, a skilled nursing facility, or anywhere else,]~~ means a covered service[s] performed within the scope of a Medicaid-enrolled dental provider's license as defined in Title 58, Occupations and Professions.

(b) A dental service may occur whether furnished in a hospital, an office, a skilled nursing facility, or elsewhere.

(5) "Diagnosis" means the identification of a disease or condition.

~~(3)~~(6) "Posterior tooth" means tooth numbers:

- (a) 1 through 5;
- (b) 12 through 21;
- (c) 28 through 32;
- (d) A through B;
- (e) I through L; and
- (f) S through T.

(7) "PRISM" means Provider Reimbursement Information System for Medicaid.

R414-49-3. Client Eligibility Requirements.

(1) Comprehensive, preventive, and medically necessary diagnostic and treatment services are available to members eligible under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) program.

(2) Comprehensive dental benefits are available to adult members 21 years of age and older.

(3) For individuals enrolled in the Emergency Services Program for Non-Citizens, coverage is limited to the treatment of a qualifying emergency dental condition as outlined in Subsection R414-49-5(5).

R414-49-~~3~~4. ~~Early and Periodic Screening, Diagnostic, and Treatment (EPSDT)~~ Program Access Requirements.

(1) A Medicaid-enrolled provider who is also affiliated with the University of Utah School of Dentistry Medicaid Associated Provider Program shall perform each dental service.

(2) A provider shall verify a member's eligibility for dental services through the Medicaid eligibility system on each date of service before the rendering of a dental or surgical procedure.

~~(3) A provider shall determine the coverage, limitations, quantity limits, and prior authorization (PA) requirements for each service before delivery.~~

~~(4) Any service requiring PA must obtain approval before the service is provided. Medicaid does not cover services provided without an approved PA.~~

~~(5) A provider may verify the coverage of a particular service based on a member's enrollment eligibility status by using the PRISM Coverage and Reimbursement Code Look-up Tool found on the Utah Medicaid website.~~

~~(6) Further details, clinical criteria, and guidance for the coverage of dental services are outlined in the Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual.~~

~~(7) To ensure member access, a provider must maintain accurate directory information in the PRISM portal, including specialty and linguistic capabilities.~~

~~(8) Any dental service, including a medical necessity exception, is provided through a fee-for-service delivery system. [This section defines the scope of dental services available to a member who is eligible under the EPSDT program and includes comprehensive and preventive health care services.~~

~~(1) Dental services shall only be available through a Medicaid-enrolled dental provider that complies with relevant laws and policy.~~

~~(2) Dental services shall only be provided within the parameters of generally accepted standards of dental practice and may be subject to any limitation or exclusion established by Medicaid.~~

~~(3) Dental services may be subject to any limitation or exclusion of medical necessity and utilization control considerations or conditions.~~

~~(4) Medicaid shall reimburse up to one evaluation for each member each day, even if more than one provider is involved from the same office or clinic. Medicaid may not cover multiple exams for the same date of service.~~

~~(5) Medicaid includes in the global payment, and may not reimburse separately, any denture adjustment performed by the original provider within six months of a member receiving a denture.~~

~~(6) Medicaid may cover third molar extractions when at least one of the third molars has documented pathology that requires extraction. By discretion, a provider may remove any remaining third molar during the same procedure.~~

~~(7) Medicaid shall cover the treatment of a temporomandibular joint fracture but may not cover other temporomandibular joint treatments.~~

~~(8) A laboratory or pathologist must submit a claim directly to Medicaid for payment of laboratory services.~~

~~(9) Medicaid may not cover the following dental services:~~

~~(a) cast crowns, porcelain fused to metal, on posterior permanent teeth or on primary teeth;~~

~~(b) consultation or second opinions not requested by Medicaid;~~

~~(c) dental implants;~~

~~(d) extraction of primary teeth at or near the time of exfoliation, as evidenced by mobility or loosening of the teeth;~~

~~(e) fixed bridges or pontics;~~

~~(f) general anesthesia for removal of an erupted tooth;~~

~~(g) house calls;~~

~~(h) limited orthodontic treatment, including removable appliance therapies;~~

~~(i) nitrous oxide analgesia;~~

~~(j) occlusal appliances, habit control appliances, or interceptive orthodontic treatment;~~

~~(k) oral sedation for behavior management;~~

~~(l) osteotomies;~~

~~(m) procedures such as arthroscopy, meniscectomy, or condylectomy;~~

~~(n) pulpotomies or pulpectomies on permanent teeth, except in the case of an open apex;~~

~~(o) removable appliances in conjunction with fixed banded treatment;~~

~~(p) ridge augmentation;~~

~~(q) temporary dentures or temporary stayplate partial dentures;~~

~~(r) tooth transplantation;~~

~~(s) treatment for temporomandibular joint syndrome, sequela, subluxation, or other therapies; and~~

~~(t) services provided without prior authorization.~~

~~(10) A Medicaid member may choose to upgrade a covered service to a non-covered service if the member assumes responsibility for the difference in fees for covered anterior stainless steel crowns that are deciduous to non-covered anterior stainless steel crowns with composite facings added or commercial or lab prepared facings.]~~

R414-49-415. ~~[Pregnant Members]~~ Service Coverage.

~~(1) A dental provider shall provide each dental service within generally accepted standards of dental practice and subject to limitations of medical necessity and utilization control.~~

~~(2) The following limitations apply to coverage of dental services.~~

~~(a) Medicaid covers up to one evaluation for one member each day.~~

~~(b) A denture adjustment by the original furnishing provider within six months of delivery is included in the global payment.~~

~~(c) Third-molar extractions are covered when at least one third molar has documented pathology requiring extraction.~~

~~(d) Coverage of a dental service to the temporomandibular joint (TMJ) is limited to the treatment of TMJ fractures.~~

~~(e) Medicaid covers alveoloplasty and vestibuloplasty procedures for eligible adult populations effective January 1, 2025.~~

NOTICES OF PROPOSED RULES

~~(3) Medicaid may cover an otherwise excluded dental service for an EPSDT eligible member if the department determines the service is medically necessary to correct or ameliorate a condition discovered as part of a screening.~~

~~(4) Unless authorized under Subsection (3), Medicaid does not cover a dental implant, fixed bridge, ridge augmentation, tooth transplantation, nitrous oxide, or oral sedation for behavior management.~~

~~(5) Emergency dental coverage is restricted to treating a sudden and acute onset of a condition where delay would jeopardize health, specifically:~~

~~(a) tooth eruption; or~~

~~(b) drainage of an abscess.~~

~~(6) A member may upgrade a covered service to a non-covered service, such as anterior stainless-steel crowns with facings, by assuming financial responsibility for the fee difference. The fee difference is determined by subtracting the provider's usual and customary charges of the base version from the usual and customary charges of the upgraded version. [— This section defines the scope of dental services available to a pregnant member who is eligible for Traditional Medicaid.~~

~~(1) Dental services shall extend up to the end of the 12th month after pregnancy ends.~~

~~(2) Dental services shall only be available through an enrolled dental provider that complies with relevant laws and policy.~~

~~(3) Dental services shall only be provided within the parameters of generally accepted standards of dental practice and may be subject to any limitation or exclusion established by Medicaid.~~

~~(4) Dental services may be subject to any limitation or exclusion of medical necessity and utilization control considerations or conditions.~~

~~(5) Medicaid shall reimburse up to one evaluation for each member each day, even if more than one provider is involved from the same office or clinic. Medicaid may not cover multiple exams for the same date of service.~~

~~(6) Medicaid includes in the global payment, and may not reimburse separately, any denture adjustment performed by the original provider within six months of a member receiving a denture.~~

~~(7) Medicaid may cover third molar extractions when at least one of the third molars has documented pathology that requires extraction. By discretion, a provider may remove any remaining third molar during the same procedure.~~

~~(8) Medicaid shall cover the treatment of a temporomandibular joint fracture but may not cover other temporomandibular joint treatments.~~

~~(9) A laboratory or pathologist must submit a claim directly to Medicaid for payment of laboratory services.~~

~~(10) Medicaid may not cover the following dental services:~~

~~(a) cast crowns, porcelain fused to metal, on posterior permanent teeth or on primary teeth;~~

~~(b) consultation or second opinions not requested by Medicaid;~~

~~(c) dental implants;~~

~~(d) extraction of primary teeth at or near the time of exfoliation, as evidenced by mobility or loosening of the teeth;~~

~~(e) fixed bridges or pontics;~~

~~(f) general anesthesia for removal of an erupted tooth;~~

~~(g) house calls;~~

~~(h) limited orthodontic treatment, including removable appliance therapies;~~

~~(i) nitrous oxide analgesia;~~

~~(j) occlusal appliances, habit control appliances, or interceptive orthodontic treatment;~~

~~(k) oral sedation for behavior management;~~

~~(l) osteotomies;~~

~~(m) procedures such as arthroscopy, meniscectomy, or condylectomy;~~

~~(n) pulpotomies or pulpectomies on permanent teeth, except in the case of an open apex;~~

~~(o) removable appliances in conjunction with fixed banded treatment;~~

~~(p) ridge augmentation;~~

~~(q) temporary dentures or temporary stayplate partial dentures;~~

~~(r) tooth transplantation;~~

~~(s) treatment for temporomandibular joint syndrome, sequela, subluxation, or other therapies; and~~

~~(t) services provided without prior authorization.~~

~~(11) A Medicaid member may choose to upgrade a covered service to a non-covered service if the member assumes responsibility for the difference in fees for covered anterior stainless-steel crowns that are deciduous to non-covered anterior stainless-steel crowns with composite facings added or commercial or lab prepared facings.]~~

R414-49-[5]6. [Adult Members 21 Years of Age and Older and Not Eligible on the Basis of Pregnancy]Reimbursement Methodology.

The department reimburses dental services as outlined in attachment 4.19-B of the Utah Medicaid State Plan, incorporated by reference in Rule R414-1. [— This section defines the scope of dental services available to an adult member who is 21 years of age or older and not eligible on the basis of pregnancy.

(1) Services are authorized by a federal waiver of Medicaid requirements approved by the Centers for Medicare and Medicaid Services and allowed under Section 1115 of the Social Security Act.

(2)(a) Dental services shall only be available through an enrolled dental provider that complies with relevant laws and policy.

(b) Dental services shall only be available through the University of Utah School of Dentistry and its associated in-state provider network.

- ~~_____ (3) Dental services shall only be provided within the parameters of generally accepted standards of dental practice and may be subject to any limitation or exclusion established by Medicaid.~~
- ~~_____ (4) Dental services may be subject to any limitation or exclusion of medical necessity and utilization control considerations or conditions.~~
- ~~_____ (5) Medicaid shall reimburse up to one evaluation for each member each day, even if more than one provider is involved from the same office or clinic. Medicaid may not cover multiple exams for the same date of service.~~
- ~~_____ (6) Medicaid includes in the global payment, and may not reimburse separately, any denture adjustment performed by the original provider within six months of a member receiving a denture.~~
- ~~_____ (7) Medicaid may cover third molar extractions when at least one of the third molars has documented pathology that requires extraction. By discretion, a provider may remove any remaining third molar during the same procedure;~~
- ~~_____ (8) Medicaid shall cover the treatment of a temporomandibular joint fracture but may not cover other temporomandibular joint treatments.~~
- ~~_____ (9) A laboratory or pathologist must submit a claim directly to Medicaid for payment of laboratory services.~~
- ~~_____ (10) Medicaid may not cover the following dental services:~~
 - ~~_____ (a) consultation or second opinions not requested by Medicaid;~~
 - ~~_____ (b) dental implants;~~
 - ~~_____ (c) extraction of primary teeth at or near the time of exfoliation, as evidenced by mobility or loosening of the teeth;~~
 - ~~_____ (d) fixed bridges or pontics;~~
 - ~~_____ (e) general anesthesia for removal of an erupted tooth;~~
 - ~~_____ (f) house calls;~~
 - ~~_____ (g) limited orthodontic treatment, including removable appliance therapies;~~
 - ~~_____ (h) nitrous oxide analgesia;~~
 - ~~_____ (i) occlusal appliances, habit control appliances, or interceptive orthodontic treatment;~~
 - ~~_____ (j) oral sedation for behavior management;~~
 - ~~_____ (k) osteotomies;~~
 - ~~_____ (l) procedures such as arthroscopy, meniscectomy, or condylectomy;~~
 - ~~_____ (m) pulpotomies or pulpectomies on permanent teeth, except in the case of an open apex;~~
 - ~~_____ (n) removable appliances in conjunction with fixed banded treatment;~~
 - ~~_____ (o) ridge augmentation;~~
 - ~~_____ (p) temporary dentures or temporary stayplate partial dentures;~~
 - ~~_____ (q) tooth transplantation;~~
 - ~~_____ (r) treatment for temporomandibular joint syndrome, sequela, subluxation, or other therapies; and~~
 - ~~_____ (s) services provided without prior authorization.~~

R414-49-6. Emergency Dental.

- ~~_____ This section defines the scope of dental services available to members who are otherwise eligible under the Medicaid program.~~
- ~~_____ (1) Emergency dental services shall only be available through a Medicaid-enrolled dental provider that complies with relevant laws and policy.~~
 - ~~_____ (2)(a) An emergency dental service is the treatment of a sudden and acute onset of a dental condition that requires immediate treatment when delay in treatment would jeopardize or cause permanent damage to a person's dental or medical health.~~
 - ~~_____ (b) An emergency dental service is limited to the treatment of:~~
 - ~~_____ (i) a tooth eruption; or~~
 - ~~_____ (ii) drainage of an abscess.]~~

KEY: Medicaid

Date of Last Change: ~~[April 1, 2025]~~2026

Notice of Continuation: May 29, 2024

Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-3-108; 26B-3-208

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R414-303-10	Filing ID: 57909
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	

NOTICES OF PROPOSED RULES

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:
R414-303-10. Refugee Medicaid
4. Purpose of the new rule or reason for the change:
The purpose of this change is to implement a change in refugee assistance, as mandated by the Office of Refugee Resettlement in the March 21, 2025, edition of the Federal Register, which can be viewed at : https://www.federalregister.gov/documents/2025/03/21/2025-04839/office-of-refugee-resettlement-notice-of-change-of-eligibility .
5. Summary of the new rule or change:
In accordance with the mandate set forth by the Office of Refugee Resettlement, this amendment reduces eight months of medical assistance to refugees to four months upon entry into the United States.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Department of Health and Human Services (department) estimates this amendment may produce nominal savings. There is, however, no current information to determine how many of the approximately 160 refugees would receive Medicaid services in Utah or what those services might be. There is no anticipated cost as a result of this amendment, as it applies only to a procedure that provides an assistance.
B. Local governments:
There is no anticipated impact to local governments as they neither fund nor provide services under the Medicaid program.
C. Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated impact to small businesses as this amendment does not impose requirements for small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated impact to non-small businesses as this amendment does not impose requirements 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):
Medicaid providers may see a nominal decrease in revenue with the reduction of assistance to refugees. There is, however, no current information to determine how many of the approximately 160 refugees would receive Medicaid services in Utah or what those services might be.

F. Compliance costs for affected persons:

The only anticipated compliance costs to affected persons as a result of this amendment is a nominal decrease in revenue for Medicaid providers with the reduction assistance to refugees.

There is, however, no current information to determine how many of the approximately 160 refugees would receive Medicaid services in Utah or what those services might be. No other affected persons are anticipated to have a compliance cost.

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

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

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

The Commissioner of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this cost and savings 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	45 CFR 400.211(b)
-------------------	-------------------	-------------------

Public Notice Information

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

A. Comments will be accepted until:	06/16/2026
--	------------

10. This rule change MAY become effective on:	06/23/2026
--	------------

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, Commissioner	Date:	04/19/2026
---	-------------------------------	--------------	------------

R414. Health and Human Services, Integrated Healthcare.

R414-303. Coverage Groups.

R414-303-10. Refugee Medicaid.

(1) The ~~[D]~~department ~~[adopts and incorporates by reference 45 CFR 400.90 through 400.107 and 45 CFR, Part 401, October 1, 2012 ed., relating to refugee medical assistance]~~ applies this section in accordance with 45 CFR 400.90 through 400.107 and 45 CFR 401 relating to refugee medical assistance.

(2) ~~The department may not apply [C]child support enforcement rules [do not apply].~~

(3) ~~The department may not count [F]the sponsor's income and resources [are not counted] or in-kind service or shelter provided by the sponsor. [In-kind service or shelter provided by the sponsor is not counted.]~~

(4) ~~The department may not count [C]cash assistance payments that a resettlement agency provides to a refugee [received by a refugee from a resettlement agency are not counted].~~

(5) ~~A [R]refugee[s] may qualify for medical assistance for four [eight] months after entry into the United States.~~

KEY: MAGI-based, coverage groups, former foster care youth, presumptive eligibility

Date of Last Change: [June 19, 2025]2026

Notice of Continuation: January 6, 2023

Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-3-108

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R414-502

Filing ID: 57908

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:
R414-502. Nursing Facility Levels of Care
4. Purpose of the new rule or reason for the change:
Upon internal review, the Department of Health and Human Services (department) determined this filing is necessary to clarify level of care criteria for patients who reside in nursing facilities.
5. Summary of the new rule or change:
This amendment clarifies level of care criteria for the benefit of patients in nursing facilities and for the providers who treat them daily.
It clarifies provisions for attending providers, cognitive functioning and testing, and specifies the meaning of orientation as it pertains to the daily activities of nursing facility patients.
Additionally, it makes style and formatting changes to comply with the Rulewriting Manual for Utah and align more closely 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:

The department does not expect any fiscal impact on the state budget as a result of this amendment because the amendment clarifies existing level of care criteria for nursing facility patients. This clarification neither affects current patient services nor payments to providers.

B. Local governments:

There is no expected 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):

The department does not expect any fiscal impact on small businesses as a result of this amendment because this amendment clarifies existing level of care criteria for nursing facility patients.

This clarification neither affects current patient services nor payments to providers.

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

The department does not expect any fiscal impact on non-small businesses as a result of this amendment because this amendment clarifies existing level of care criteria for nursing facility patients.

This clarification neither affects current patient services nor payments to providers.

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

The department does not expect any fiscal impact on other persons or entities as a result of this amendment because this amendment clarifies existing level of care criteria for nursing facility patients.

This clarification neither affects current patient services nor payments to providers.

F. Compliance costs for affected persons:

The department does not expect any compliance costs for affected persons as a result of this amendment because this amendment clarifies existing level of care criteria for nursing facility patients.

This clarification neither affects current patient services nor payments to providers.

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

NOTICES OF PROPOSED RULES

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 Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 26B-1-213	Section 26B-3-108	
-------------------	-------------------	--

Public Notice Information

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

A. Comments will be accepted until: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026

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, Commissioner	Date:	04/19/2026
---	-------------------------------	--------------	------------

R414. Health and Human Services, Integrated Healthcare.

R414-502. Nursing Facility Levels of Care.

R414-502-2. Definitions.

- ~~The definitions~~ Terms used in this rule are defined in Sections R414-1-2 and ~~Section~~ R414-501-2 ~~apply to this rule~~. Additionally:
- (1) "Attending provider" means a medical doctor or doctor of osteopathic medicine, physician assistant, advanced practice registered nurse, or nurse practitioner who is:
 - (a) duly licensed or certified; and
 - (b) responsible for the overall care of the patient including diagnosis, treatment, and follow-up.
 - (2)(a) "Cognitive testing" means testing used to diagnose a condition that includes questions about memory, executive function, language, visuospatial abilities, or orientation.
 - (b) Cognitive testing may include a Mini-Mental Status Examination or Montreal Cognitive Assessment.
 - (3) "Orientation" means a person's ability to understand and be aware of:
 - (a) person, including recognizing themselves and others around them;
 - (b) place, including understanding where the person is located; and
 - (c) time, including knowing the current date, day of the week, and time of day.

R414-502-3. Approval of Level of Care.

- (1) The ~~D~~ department shall document that at least two of the ~~following~~ factors listed in Subsections (1)(a) through (1)(c) exist when ~~it determines~~ determining whether an applicant has a ~~mental~~ cognitive or physical condition[s] that requires the level of care provided in a nursing facility or equivalent care provided through a Medicaid home and community-based services (HCBS) waiver program~~[-]~~.
 - (a)(i) ~~D~~ Due to a diagnosed medical condition[s], the applicant requires substantial ongoing physical assistance with multiple categories of activities of daily living~~[- activities]~~ above the level of verbal prompting, supervising, or setting up~~[-]~~.
 - (ii) Each program using level of care criteria shall determine a list of activities of daily living that would qualify an applicant for that program based on the type of setting.
 - (b) ~~T~~ The attending ~~physician~~ provider has ~~determined~~ diagnosed and documented that the applicant's ~~level of~~ ongoing cognitive dysfunction ~~in orientation to person, place, or time~~ is not related to an acute condition and requires long-term nursing facility care~~[-]~~ or equivalent care provided through a Medicaid home and community-based waiver program.
 - (i) The attending provider shall evidence any cognitive dysfunction by conducting current cognitive testing and documentation.
 - (ii) Cognitive dysfunction may include disorientation.~~[-or]~~
 - (c) ~~T~~ The applicant's medical condition and intensity of services indicate that the long-term care needs of the applicant cannot be safely met in a less structured setting~~[-]~~ or without the services and supports of a Medicaid home and community-based waiver program.
- (2)(a) The ~~D~~ department shall determine whether at least two of the factors described in Subsection (1) exist by reviewing ~~the following~~ clinical documentation,

- (b) Required clinical documentation varies between specific programs based on the type of setting.
- (c) Required documentation for an HCBS waiver program is described in waiver implementation plans approved by the Centers for Medicare and Medicaid Services (CMS).
- (d) A nursing facility provider shall include in the required clinical documentation:
 - ([a]i) an applicant's current history and physical examination completed by an attending [physician]provider;
 - ([b]ii) a comprehensive resident assessment for an applicant, completed, coordinated, and certified by a registered nurse;
 - ([e]iii) a social services evaluation of an applicant that meets the criteria in 42 CFR 456.370[-and], completed by a person licensed as a social worker, or with a higher degree of training and licensure;
 - ([d]iv) a written plan of care for an applicant established by an attending [physician]provider;
 - ([e]v) an attending [physician's]provider's written certification that [the]an applicant requires nursing facility placement;[-and]
 - (vi) weekly narrative nursing summaries that outline the care required and include the three factors of level of care criteria;
 - (vii) daily documentation of physical assistance given to an applicant for activities of daily living;
 - (viii) applicable and current cognitive testing with associated narrative charting related to an applicant's cognitive need with examples of impact;
 - (ix) any applicable pre-admission screening and resident review evaluation, in accordance with Rule R414-503;
 - ([f]x) documentation indicating that less restrictive alternatives or services to prevent or defer nursing facility care for an applicant have been explored;
 - (xi) the cognitive dysfunction attestation form published by the department; and
 - (xii) any other pertinent documentation related to the factors described in Subsection (1).
- (3) If the [D]department finds that at least two of the factors described in Subsection (1) exist, the [D]department shall determine whether the applicant meets criteria for nursing facility level of care and is medically approved for Medicaid reimbursement of nursing facility services or equivalent care provided through a Medicaid home and community-based waiver program.
 - (a) Meeting medical eligibility for nursing facility services does not guarantee Medicaid payment.
 - (b) Financial eligibility and other home and community-based waiver targeting criteria apply.

KEY: Medicaid
Date of Last Change: ~~July 28, 2025~~ 2026
Notice of Continuation: May 29, 2024
Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-3-108

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R477-1	Filing ID: 57914

Agency Information

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

General Information

2. Rule or section catchline:
R477-1. Definitions
4. Purpose of the new rule or reason for the change:
The purpose of this change is to define the term dismissal more clearly as more and more employees governed by the rules are not career service employees.

5. Summary of the new rule or change:
 The revision clarifies that dismissal is always initiated by management, but removes the requirement of cause because it does not apply to career service exempt employees.

Fiscal Information

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

A. State budget:

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

B. Local governments:

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

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

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

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

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

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

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

F. Compliance costs for affected persons:

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

This rule has no financial impact on state employees.

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

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

Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

Citation Information

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

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

Public Notice Information

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

A. Comments will be accepted until:	06/16/2026
--	------------

10. This rule change MAY become effective on:	07/01/2026
--	------------

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:	John Barrand, Division Director, DHRM	Date:	04/15/2026
---	---------------------------------------	--------------	------------

R477. Government Operations, Human Resource Management.

R477-1. Definitions.

R477-1-1. Definitions.

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

- (1) "Abandonment of Position" means an act of resignation resulting when an employee is absent from work for three consecutive working days without approval.
- (2) "Actual FTE" means the total number of full time equivalents based on actual hours paid in the state payroll system.
- (3) "Actual Hours Worked" means time spent performing duties and responsibilities associated with the employee's job assignments.
- (4) "Actual Wage" means the employee's assigned wage rate in the central personnel record maintained by the Division of Human Resource Management.
- (5) "ADA" means the Americans With Disabilities Act, 42 U.S.C. 12102.
- (6) "Administrative Leave" means leave with pay granted to an employee at management discretion that is not charged against the employee's leave accounts.
- (7) "Administrative Adjustment" means a DHRM approved adjustment to a job or salary range that is not a Market Comparability Adjustment, a Structure Adjustment, or a Reclassification. It is for administrative purposes only. An Administrative Adjustment will result in an increase to incumbent pay only when necessary to bring salaries to the minimum of the salary range.
- (8) "Administrative Salary Decrease" means a decrease in an employee's current actual wage based on non-disciplinary administrative reasons determined by an agency head.
- (9) "Administrative Salary Increase" means an increase in an employee's current actual wage based on special circumstances determined by an agency head.
- (10) "Agency" means an entity of state government that is:
 - (a) directed by an executive director, elected official, or commissioner defined in Title 67, Chapter 22, State Officer Compensation, or in other sections of the code;
 - (b) authorized to employ personnel; and
 - (c) subject to Title 63A, Chapter 17, Utah State Personnel Management Act.
- (11) "Agency Head" means the executive director or commissioner of each agency or a designated appointee.
- (12) "Agency Human Resource Field Office" means an office of the Division of Human Resource Management located at another agency's facility.
- (13) "Alternative State Application Program (ASAP)" means a program designed to appoint a qualified person with a disability through an on the job examination period.
- (14) "Appeal" means a formal request to a higher level for reconsideration of a grievance decision.
- (15) "Appointing Authority" means the officer, board, commission, person, or group of persons authorized to make appointments in their agencies.

NOTICES OF PROPOSED RULES

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

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

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

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

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

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

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

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

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

(i) unit number;

(ii) cost centers;

(iii) geographic locations; or

(iv) agency programs.

(b) positions identified by a set of essential functions, including:

(i) position analysis data;

(ii) certificates;

(iii) licenses;

(iv) special qualifications; or

(v) degrees that are required or directly related to the position.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(50) "GOPB" means Governor's Office of Planning and Budget.

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

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

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

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

(a) safety-sensitive functions:

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

(ii) directly related to law enforcement;

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

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

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

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

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

(ii) social security numbers;

(iii) wage information;

(iv) medical history;

(v) public assistance benefits; or

(vi) driver license.

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

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

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

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

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

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

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

(62) "Job Requirements" means skill requirements defined at the job level.

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

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

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

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

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

NOTICES OF PROPOSED RULES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) final applicants who are not current employees;

(b) final candidates for a highly sensitive position;

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

or

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

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

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

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

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

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

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

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

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

- (a) held career service status and been separated in a reduction in force;
- (b) held career service status and accepted career service exempt positions without a break in service and were not retained, unless discharged for cause; or
- (c) by Career Service Review Board decision, been placed on the reappointment register.
- (93) "Reasonable Suspicion Drug or Alcohol Test" means a drug or alcohol test conducted on an employee based on specific, contemporaneous, articulated observations concerning the appearance, behavior, speech, or body odors of the employee.
- (94) "Reassignment" means an action mandated by management moving an employee from one job or position to a different job or position with an equal or lesser salary range maximum for administrative reasons. A reassignment may not include a decrease in actual wage except as provided in federal or state law.
- (95) "Reclassification" means a DHRM reallocation of a single position or multiple positions from one job to another job to reflect management initiated changes in duties and responsibilities.
- (96) "Reduction in Force (RIF)" means abolishment of positions resulting in the termination of career service employment. RIFs can occur due to inadequate funds, a change of workload, or a lack of work.
- (97) "Reemployment" means return to work of an employee who resigned or took military leave of absence from state employment to serve in the uniformed services covered under USERRA.
- (98) "Salary Range" means established minimum and maximum wage rates assigned to a job.
- (99) "Schedule" means the designation of a position as career service (schedule B) or career service exempt (schedule A) under Title 63A, Chapter 17, Utah State Personnel Management Act.
- (100) "Separation" means an employee's voluntary or involuntary departure from state employment.
- (101) "Settling Period" means a sufficient amount of time, determined by agency management, for an employee to fully assume new or higher level duties required of a position.
- (102) "Structure Adjustment" means a DHRM approved adjustment to a salary range that is based upon salary data and other relevant information from comparable jobs in the market that is collected by DHRM or from DHRM approved justifiable sources.
- (103) "Tangible Employment Action" means a significant change in employment status, such as dismissal, demotion, failure to promote, work reassignment, or a decision which changes benefits.
- (104) "Transfer" means an action not mandated by management moving an employee from one job or position to another job or position with an equal or lesser salary range maximum for which the employee qualifies. A transfer may include a decrease in actual wage.
- (105) "Uniformed Services" means the United States Army, Navy, Marine Corps, Air Force, Coast Guard; Reserve units of the Army, Navy, Marine Corps, Air Force, or Coast Guard; Army National Guard or Air National Guard; Commissioned Corps of Public Health Service, National Oceanic and Atmospheric Administration (NOAA), National Disaster Medical Systems (NDMS) and any other category of persons designated by the President in time of war or emergency. Service in uniformed services includes: voluntary or involuntary duty, including active duty; active duty for training; initial active duty for training; inactive duty training; full time National Guard duty; or absence from work for an examination to determine fitness for any of the types of duty listed in this subsection.
- (106) "Unlawful Discrimination" means an action against an employee or applicant based on race, religion, national origin, color, sex, age, disability, pregnancy, sexual orientation, gender identity, protected activity under the antidiscrimination statutes, political affiliation, military status or affiliation, or any other factor, as prohibited by law.
- (107) "USERRA" means the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301, et seq. requires state governments to re-employ eligible veterans who resigned or took a military leave of absence from state employment to serve in the uniformed services and who return to work within a specified time period after military discharge.
- (108) "Veteran" means the same as that term is defined in Section 68-3-12.5.
- (109) "Volunteer" means any person who donates services to the state or its subdivisions without pay or other compensation except actual and reasonable expenses incurred, as approved by the supervising agency.
- (110) "Wage" means the fixed hourly rate paid to an employee.
- (111) "Work Period" means the maximum number of hours an employee may work before accruing overtime or compensatory hours based on variable payroll cycles outlined in Section 63A-17-502 and 29 CFR 553.230.

KEY: personnel management, rules and procedures, definitions

Date of Last Change: ~~2026~~**[January 21, 2026]**

Notice of Continuation: **March 9, 2022**

Authorizing, and Implemented or Interpreted Law: **63A-17-106; 63A-17-301; 63A-17-306**

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	
Rule or section number:	R477-5-2 Filing ID: 57915
Agency Information	
1. Title catchline:	Government Operations, Human Resource Management
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W

NOTICES OF PROPOSED RULES

City, state:	Taylorsville, UT	
Mailing address:	PO Box 141531	
City, state and zip:	Salt Lake City, UT 84114-1531	
Contact persons:		
Name:	Phone:	Email:
Bryan Embley	801-618-6720	bkembley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R477-5-2. Probationary Period
4. Purpose of the new rule or reason for the change:
The change ties the performance evaluation process for probationary employees to Rule R477-10 and gives managers more flexibility in where the information is recorded.
5. Summary of the new rule or change:
The change requires management to evaluate a probationary employee's performance consistent with the way all employees are evaluated under Section R477-10-1 and removes a requirement for a single repository for the evaluation records. (EDITOR'S NOTE: The proposed amendment to Section R477-10-1, ID 57920, is in this issue, May 15, 2026, of the Bulletin.)

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
These amendments are not expected to have any fiscal impact on state government revenues or expenditures because these changes are administrative in nature and do not impact budgets.
B. Local governments:
These amendments are not expected to have any fiscal impact on local governments because this rule only applies to the executive branch of state government.
C. Small businesses ("small business" means a business employing 1-49 persons):
These amendments are not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
These amendments are not expected to have any fiscal impact on non-small businesses because this rule only applies to the executive branch of state government.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
These amendments are not expected to have any fiscal impact on other individuals because this rule only applies to the executive branch of state government.
F. Compliance costs for affected persons:
There are no direct compliance costs for these amendments. This rule only affects the executive branch of state government and will have no impact on other persons.

This rule has no financial impact on state employees.

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

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 63A-17-106	Subsection 63A-17-305(5)(b)	
--------------------	-----------------------------	--

Public Notice Information

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

A. Comments will be accepted until: 06/16/2026

10. This rule change MAY become effective on: 07/01/2026

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:	John Barrand, Division Director, DHRM	Date:	04/15/2026
---	---------------------------------------	--------------	------------

R477. Government Operations, Human Resource Management.

R477-5. Employee Status and Probation.

R477-5-2. Probationary Period.

The probationary period allows management to evaluate an employee's ability to perform the duties, responsibilities, skills, and other related requirements of the assigned career service position. The probationary period shall be considered part of the selection process.

(1) Management shall provide each employee an opportunity to demonstrate competence in a career service position by establishing a performance plan and giving the employee feedback on performance in relation to that plan.

(a) During the probationary period, management may separate an employee from state employment in accordance with Subsection R477-11-2(1).

NOTICES OF PROPOSED RULES

(b) ~~[At the end of each employee's probationary period, management]~~ Management shall evaluate the employee's performance in accordance with Subsection R477-10-1(3). ~~[DHRM shall enter the evaluations into the human resource information system as the performance evaluation that reflects successful or unsuccessful completion of probation.]~~

(2) DHRM shall assign a probationary period to each career service position consistent with its job.

(a) Except for absences covered by USERRA, management may extend the probationary period for any period of absence or temporary transitional assignment.

(b) Management may not reduce the designated probationary period after an employee is appointed to the position.

(c) An employee who has completed a probationary period and obtained career service status may not be required to serve a new probationary period, including when changing agencies, unless there is a break in service.

(3) An employee in a career service position who works at least 50% of the regular work schedule or more shall acquire career service status after working the same amount of elapsed time in hours as a full time employee would work with the same probationary period.

(4) An employee serving probation in a career service position may accept a transfer, reassignment, promotion, or career mobility to another career service position. Each new appointment to a career service position shall include a new probationary period unless management determines that the required duties or knowledge, skills, and abilities of the old and new position are similar enough not to warrant a new probationary period. The probationary period shall be the full probationary period defined in the job description of the new position.

KEY: employment, personnel management, state employees

Date of Last Change: 2026[July 1, 2025]

Notice of Continuation: March 9, 2022

Authorizing, and Implemented or Interpreted Law: 63A-17-106; 63A-17-305(5)(b)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R477-7	Filing ID: 57918

Agency Information

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

General Information

2. Rule or section catchline:	
R477-7. Leave	
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 193 (2026 General Session), HB 309 (2026 General Session, SB 229 (2026 General Session), HB 329 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
The changes adjust holidays pursuant to SB 193 and HB 309 passed in the 2026 General Session, alters requirements for agency leave banks pursuant to SB 229 passed in the 2026 General Session, and adjusts parental and postpartum leave while implementing adoption and foster leave pursuant to HB 329 passed in the 2026 General Session.	
5. Summary of the new rule or change:	
The changes rename Washington and Lincoln Day to Presidents' Day, makes Juneteenth observed the same as other date-specific holidays, requires agencies to operate a leave bank, increases the amount of postpartum recovery leave, implements adoption and foster leave, and specifies how parental, adoption, and foster leave interact with each other and FMLA leave.	

Fiscal Information

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

A. State budget:

The legislative fiscal note anticipates no fiscal impact on state government revenues or expenditures as indicated on the bill page for HB 329 (2026). See <https://le.utah.gov/~2026/bills/static/HB0329.html>

B. Local governments:

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

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

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

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

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

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

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

F. Compliance costs for affected persons:

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

This rule has no financial impact on state employees.

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

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Executive Director of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 63A-17-106	Section 34-43-103	Section 39-3-1
Section 63G-1-301	Section 63A-17-504	Section 63A-17-505
Section 63A-17-511	Section 63A-17-516	Subsection 71A-8-102(3)

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.
A. Comments will be accepted until: 06/16/2026

10. This rule change MAY become effective on: 07/01/2026
 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:	John Barrand, Division Director, DHRM	Date:	04/15/2026
---	---------------------------------------	--------------	------------

R477. Government Operations, Human Resource Management.

R477-7. Leave.

R477-7-2. Holiday Leave.

(1) The following dates are paid holidays for eligible employees:

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

(2) If a holiday falls or is observed on a regularly scheduled day off, management shall grant an eligible employee equivalent time off or pay.

- (a) ~~[Except as described in Subsection (1)(e), if]~~If a holiday falls on a Sunday, the following Monday shall be observed as a holiday.
- (b) ~~[Except as described in Subsection (1)(e), if]~~If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.
- (3) If an employee is required to work on an observed holiday, management shall grant the employee appropriate holiday leave or pay.

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

R477-7-19. Leave Bank.

~~[An agency head may approve the establishment of]~~Agencies shall operate a leave bank program pursuant to Section 63A-17-516 and the following provisions.

- (1) A leave bank program shall include an agency policy with the following provisions.
 - (a) A statement that access to the leave bank is not an employee right and shall be authorized at management's discretion.

- (b) A requirement that any application for leave from the leave bank be supported by administratively acceptable medical documentation.
 - (c) A provision prohibiting leave donors, supervisors, managers, or management teams from reviewing any employee's medical certifications or physician statements.
 - (d) A requirement that an employee may not receive donated leave until any individually accrued leave is exhausted.
 - (e) A statement that leave is accrued if an employee receives sick leave donated from an approved leave bank program.
 - (f) A requirement that employees using donated leave request and receive written consent from the agency head to work a second job.
 - (g) A statement that only compensatory time earned by an FLSA non-exempt employee, annual leave, and converted sick leave hours may be donated to a leave bank.
 - (h) A statement that ~~only~~ employees ~~[of agencies with approved leave bank programs]~~ may donate leave hours to another agency ~~[with a leave bank program and]~~ only if both agencies agree to allow the donation.
- (2) Any medical records created for leave bank program purposes are subject to the confidentiality requirements of Section R477-2-5.

R477-7-20. Adoption, Foster, Parental, and Postpartum Recovery Leave.

- (1) An employee is eligible for adoption, foster, parental, or postpartum recovery leave when the employee:
 - (a) is eligible for benefits under Subsections R477-6-8(1) and R477-7-1(1);
 - (b) is not reemployed post retirement as defined in Section 49-11-1202; and
 - (c) is not an employee of an independent entity as defined in Section 63E-1-102.
- (2) An employee or a spokesperson shall notify management of their plan to use adoption, foster, parental, or postpartum recovery leave:
 - (a) thirty days in advance; or
 - (b) as soon as practicable in emergencies.
- (3) Management may not charge adoption, foster, parental, or postpartum recovery leave against any accrued leave balance on the employee's record.
 - (4) No person may interfere with an employee's intent to use adoption, foster, parental, or postpartum recovery leave or retaliate against an employee who receives parental or postpartum recovery leave.
 - (5) Parental leave is administered as follows:
 - (a) An employee is qualified for parental leave when the employee is assuming a parental role for a child or incapacitated adult and:
 - (i) is the child's biological parent;
 - (ii) is the spouse of the person who gave birth to the child;
 - (iii) is the adoptive parent of the child, unless the employee is the spouse of the pre-existing parent;
 - (iv) is the intended parent of a child born under a valid gestational agreement; or
 - (v) is appointed the legal guardian of a child or incapacitated adult; ~~or~~
 - ~~(vi) is the foster parent of the child;~~
 - (b) Management shall grant up to three weeks of paid parental leave to an employee who gives notice that they intend to use paid parental leave~~;~~.
 - (c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken parental leave.
 - (d) An employee may use parental leave within the six months immediately following the qualifying event from Subsection (5)(a)~~;~~ ~~and~~.
 - (e) An employee may use parental leave intermittently when:
 - (i) the employee and management have written mutual consent for intermittent use; or
 - (ii) a health care provider certifies the need for intermittent leave due to the child's serious health condition.
 - (f) Parental leave:
 - (i) runs concurrently with leave under the FMLA;
 - (ii) runs consecutively with postpartum recovery leave pursuant to Subsection (6)(f)(ii);
 - (iii) is limited to three weeks within any 12-month period; and
 - (iv) does not increase when:
 - (A) more than one child is born from the same pregnancy;
 - (B) more than one child is adopted; or
 - (C) the employee is appointed legal guardian of more than one minor child or incapacitated adult~~;~~ ~~or~~
 - ~~(D) more than one foster child is placed in the employee's care].~~
 - (6) Postpartum recovery leave is administered as follows:
 - (a) An employee is qualified for postpartum recovery leave when the employee gives birth at 20 weeks or greater gestation~~;~~.
 - (b) Management shall grant up to ~~three~~ six weeks of paid postpartum recovery leave to an employee who gives notice that they intend to use paid postpartum recovery leave~~;~~.
 - (c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken postpartum recovery leave~~;~~.
 - (d) Postpartum recovery leave begins on the date the employee gives birth unless a health care provider certifies the medical necessity of an earlier start date~~;~~.

NOTICES OF PROPOSED RULES

- (e) An employee shall use postpartum recovery leave in a single continuous period, unless otherwise authorized in writing by the director of the division[~~and~~].
- (f) Postpartum recovery leave:
 - (i) runs concurrently with leave under the FMLA;
 - (ii) runs consecutively with parental leave under Subsection (6) with postpartum recovery leave used first pursuant to restrictions in Subsection (d); and
 - (iii) does not increase when more than one child is born from the same pregnancy.
- (7) Adoption leave is administered as follows:
 - (a) An employee is qualified for adoption leave when they legally adopt a young child, who is younger than six years old, unless the employee is the spouse of the pre-existing parent;
 - (b) Management shall grant up to six weeks of paid adoption leave within a single 12-month period to an employee who gives notice that they intend to use adoption leave. If two adoption leave eligible employees adopt a child, they must share the six weeks of leave;
 - (c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken adoption leave;
 - (d) Adoption leave may not begin before the day the employee adopts the child;
 - (e) An employee may use adoption leave intermittently when:
 - (i) the employee and management have written mutual consent for intermittent use; or
 - (ii) a health care provider certifies the need for intermittent leave due to the child's serious health condition;
 - (f) Adoption leave:
 - (i) runs concurrently with leave under the FMLA;
 - (ii) runs consecutively with parental leave taken for the adoption of a child;
 - (iii) is limited to six weeks within any 12-month period; and
 - (iv) does not increase when the employee adopts more than one child.
- (8) Foster leave is administered as follows:
 - (a) An employee is qualified for foster leave when a child is placed with the employee for foster care;
 - (b) Management shall grant up to four weeks of paid foster leave to an employee who gives notice they intend to use paid foster leave. If two foster leave eligible employees foster a child, they must share the four weeks of leave;
 - (c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken foster leave;
 - (d) Foster leave may not begin before the day the child is placed with the employee for foster care;
 - (e) Foster leave may be used intermittently;
 - (f) Foster leave:
 - (i) runs concurrently with leave under the FMLA;
 - (ii) is limited to four weeks within any 12-month period; and
 - (iii) does not increase when more than one child is placed with an employee for foster care;
 - (g) An employee who uses any amount of foster leave may not use parental leave with respect to the same child or adoption leave with respect to the same young child.

KEY: holidays, leave benefits, vacations

Date of Last Change: [January 21,] 2026

Notice of Continuation: March 9, 2022

Authorizing, and Implemented or Interpreted Law: 34-43-103; 39-3-1; 63G-1-301; 63A-17-106; 63A-17-504; 63A-17-505; 71A-8-102(3)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R477-9-5	Filing ID: 57919

Agency Information	
1. Title catchline:	Government Operations, Human Resource Management
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 141531
City, state and zip:	Salt Lake City, UT 84114-1531

Contact persons:		
Name:	Phone:	Email:
Bryan Embley	801-618-6720	bkembley@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R477-9-5. Employee Reporting Protections
4. Purpose of the new rule or reason for the change:
The change updates the language of the prohibited conduct to match Section 67-21-3.
5. Summary of the new rule or change:
The change uses the exact language of Section 67-21-3 to describe the prohibited behavior.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
These amendments are not expected to have any fiscal impact on state government revenues or expenditures because these changes are administrative in nature and do not impact budgets.
B. Local governments:
These amendments are not expected to have any fiscal impact on local governments because this rule only applies to the executive branch of state government.
C. Small businesses ("small business" means a business employing 1-49 persons):
These amendments are not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
These amendments are not expected to have any fiscal impact on non-small businesses because this rule only applies to the executive branch of state government.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
These amendments are not expected to have any fiscal impact on other individuals because this rule only applies to the executive branch of state government.
F. Compliance costs for affected persons:
There are no direct compliance costs for these amendments. This rule only affects the executive branch of state government and will have no impact on other persons.
This rule has no financial impact on state employees.
G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 63G-7-2	Section 63A-17-106	Section 63A-17-904
U.S.C. 1502(a)(3)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	06/16/2026
10. This rule change MAY become effective on:	07/01/2026
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:	John Barrand, Division Director, DHRM	Date:	04/15/2026
---	---------------------------------------	--------------	------------

R477. Government Operations, Human Resource Management.

R477-9. Employee Conduct.

R477-9-5. Employee Reporting Protections.

Under Section 67-21-3, management may not ~~take retaliatory action against~~ ~~[adversely affect the employment conditions of]~~ an employee who communicates in good faith, and in accordance with statute:

- (1) the waste or misuse of public property, manpower, or funds;
- (2) gross mismanagement;
- (3) unethical conduct;
- (4) abuse of authority; or
- (5) violation of law, rule, or regulations.

KEY: conflict of interest, government ethics, Hatch Act, personnel management

Date of Last Change: 2026[July 3, 2024]

Notice of Continuation: March 9, 2022

Authorizing, and Implemented or Interpreted Law: 63G-7-2; 63A-17-106; 63A-17-904; 5 U.S.C. 1502(a)(3)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number: R477-10-1 **Filing ID:** 57920

Agency Information

1. Title catchline:	Government Operations, Human Resource Management
Building:	Taylorville State Office Building
Street address:	4315 S 2700 W
City, state:	Taylorville, UT
Mailing address:	PO Box 141531
City, state and zip:	Salt Lake City, UT 84114-1531

Contact persons:

Name:	Phone:	Email:
Bryan Embley	801-618-6720	bkembley@utah.gov

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

General Information

2. Rule or section catchline:
R477-10-1. Performance Evaluation

4. Purpose of the new rule or reason for the change:
The change removes a provision related to probationary employees because the information was moved to Rule R477-5.
(EDITOR'S NOTE: The proposed amendment to Section R477-5-2, ID 57915, is in this issue, May 15, 2026, of the Bulletin.)

5. Summary of the new rule or change:
The change removes performance evaluation requirements for probationary employees so that it can appear in this rule about probationary employees, Rule R477-5.

Fiscal Information

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

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

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

C. Small businesses ("small business" means a business employing 1-49 persons):
These amendments are not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.

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

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

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

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

F. Compliance costs for affected persons:

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

This rule has no financial impact on state employees.

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

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

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

The Executive Director of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 63A-17-106

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: 06/16/2026

10. This rule change MAY become effective on: 07/01/2026

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:	John Barrand, Division Director, DHRM	Date:	04/15/2026
---	---------------------------------------	--------------	------------

R477. Government Operations, Human Resource Management.

R477-10. Employee Development.

R477-10-1. Performance Evaluation.

Management shall utilize the DHRM approved system for employee performance plans and evaluations unless an alternate system has been pre-approved by DHRM.

(1) Management shall establish a performance management system that:

- (a) defines an overall performance rating scale;
- (b) identifies performance standards and expectations for each employee in a performance plan; and
- (c) implements a well-defined plan before work begins that includes:
 - (i) incentives to meet or exceed expectations;
 - (ii) specific standards, goals, or expectations; and
 - (iii) evaluation procedures.

(2) Management shall notify employees when their performance plans are implemented or modified.

(3) Management shall evaluate an employee's performance in writing at least quarterly. [

(a) An employee may include written comments pertaining to the employee's performance evaluation.

[(b) Management may issue a written performance evaluation to a probationary employee at the end of the probationary period.]

(4) Management shall provide employees with regular verbal and written feedback based on the standards of performance and behavior outlined in their performance plans.

KEY: educational tuition, employee performance evaluations, employee productivity, training programs

Date of Last Change: ~~2026~~ [July 1, 2025]

Notice of Continuation: March 9, 2022

Authorizing, and Implemented or Interpreted Law: 63A-17-106

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:	R477-11-2	Filing ID: 57921
--------------------------------	-----------	-------------------------

Agency Information

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

General Information

2. Rule or section catchline:
R477-11-2. Dismissal or Demotion
4. Purpose of the new rule or reason for the change:
The change reorganizes information to help clarify which procedures apply for non-career service or career service employees.

5. Summary of the new rule or change:
 The change puts information about dismissal or demotion of non-career service employees first, then information about career service procedures follows.

Fiscal Information

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

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

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

C. Small businesses ("small business" means a business employing 1-49 persons):
 These amendments are not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
 These amendments are not expected to have any fiscal impact on non-small businesses because this rule only applies to the executive branch of state government.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):
 These amendments are not expected to have any fiscal impact on other individuals because this rule only applies to the executive branch of state government.

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

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

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

Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

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

The Executive Director of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 63A-17-106	Section 63A-17-306	Section 63G-2-3
--------------------	--------------------	-----------------

Public Notice Information

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

A. Comments will be accepted until:	06/16/2026
--	------------

10. This rule change MAY become effective on:	07/01/2026
--	------------

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:	John Barrand, Division Director, DHRM	Date:	04/15/2026
---	---------------------------------------	--------------	------------

R477. Government Operations, Human Resource Management.

R477-11. Discipline.

R477-11-2. Dismissal or Demotion.

[~~Management may dismiss or demote an employee for cause under Subsection R477-10-2(2)(c) and Section R477-11-1, and through the process outlined in this rule.~~]

(1) Management may dismiss or demote a probationary employee or career service exempt employee for any or for no reason without right of appeal, except under Sections 67-21-3.5 and 67-19a-402.5.

(2) An agency head may initiate a dismissal or demotion for cause of a career service employee from a career service position as follows:

- (a) the agency head or designee notifies the employee in writing of the reason for the proposed dismissal or demotion;
- (b) the agency head or designee grants the employee five working days to submit a written reply;
- (c) the agency head considers any timely reply submitted by the employee before imposing discipline; and
- (d) the agency head provides the employee an opportunity to be heard by the agency head or designee;
 - (i) This meeting is limited to the specific reasons raised in the notice of intent to demote or dismiss.
 - (ii) At the meeting, the employee may present, either in person, in writing, or with a representative, comments or reasons as to why the proposed disciplinary action should not be taken. The agency head or designee is not required to receive or allow other witnesses on behalf of the employee.
 - (iii) The employee may present documents, affidavits, or other written materials at the meeting. However, the employee is not entitled to present or discover documents within the possession or control of the department or agency that are private, protected, or controlled under Section 63G-2-3.

(3) After complying with Subsection (2), the agency head may dismiss or demote the career service employee upon a finding of adequate cause or reason. The agency head notifies the employee in writing of the decision and the reasons for the decision.

KEY: discipline of employees, dismissal of employees, grievances, government hearings

Date of Last Change: ~~2026~~ **July 3, 2024**

Notice of Continuation: **March 9, 2022**

Authorizing, and Implemented or Interpreted Law: 63A-17-106; 63A-17-306; 63G-2-3

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or section number:	R590-274	Filing ID: 57956

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:	
R590-274. Submission and Required Disclosures of Public Adjuster Contracts	
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)
4. Purpose of the new rule or reason for the change:	
The rule is being amended to incorporate changes made to the enabling statute by HB 58, passed during the 2026 General Session.	
5. Summary of the new rule or change:	
The change institutes several new requirements for public adjuster contracts that were contained in HB 58 (2026). These include requirements for filings made by a public adjuster with the Department of Insurance (Department): 1) requirements for contracts that a public adjuster makes with a consumer, 2) disclosures regarding a public adjuster's services, and 3) disclosures regarding a public adjuster's compensation.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
There is an aggregate cost to the state budget. Public adjusters are required to file their compliant contracts with the Department. These contracts will need to be reviewed by Department staff. There are 359 public adjusters licensed with the Department. Each adjuster has 1 contract currently on file with the Department. The hourly rate of Department staff who will be reviewing these contracts is \$40.31, and the average time to review a contract is expected to be 30 minutes. The aggregate anticipated cost to the state budget is (359 adjusters * 1 contract each) * (\$40.31 per hour * .5 hours per contract) which equals \$7,235.65.	
B. Local governments:	
There is no anticipated cost to local governments. This rule governs the relationship between the Department and its licensees and does not involve local governments in any way.	

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

There is an aggregate cost to small businesses, but there is no way for the Department to estimate that cost.

Most public adjuster firms are small businesses. These firms will need to create or make changes to their current contracts and file them with the Department. While there is no cost to file a contract, small businesses will incur some cost in doing the work to create or make changes to their contracts.

The Department cannot estimate these costs because they vary from business to business and include business-specific factors that the Department cannot know. These include the time it will take to create or change a contract and the hourly rate or salary of the employee performing that work.

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

There is an aggregate cost to non-small businesses, but there is no way for the Department to estimate that cost.

Most public adjuster firms are small businesses, but there may be some that are non-small businesses. These firms will need to create or make changes to their current contracts and file them with the Department. While there is no cost to file a contract, small businesses will incur some cost in doing the work to create or make changes to their contracts.

The Department cannot estimate these costs because they vary from business to business and include business-specific factors that the Department cannot know. These include the time it will take to create or change a contract and the hourly rate or salary of the employee performing that work.

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

There is no anticipated cost to any other persons.

This rule governs the relationship between the Department and its licensees and does not involve other persons in any way.

F. Compliance costs for affected persons:

There are no compliance costs for any affected persons.

Affected public adjusters will need to create or make changes to their current contracts and file them with the Department. While there is no cost to file a contract, small businesses will incur some cost in doing the work to create or make changes to their contracts.

The Department cannot estimate these costs because they vary from business to business and include business-specific factors that the Department cannot know. These include the time it will take to create or change a contract and the hourly rate or salary of the employee performing that work.

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

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$7,235.65	\$723.57	\$723.57	\$723.57	\$723.57
Local Governments	\$0	\$0	\$0	\$0	\$0
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	\$(7,235.65)	\$(723.57)	\$(723.57)	\$(723.57)	\$(723.57)

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-26-401	Section 31A-26-403	
--------------------	--------------------	--

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:	06/16/2026
--	------------

10. This rule change MAY become effective on:	06/23/2026
--	------------

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:	05/01/2026
---	---	--------------	------------

R590. Insurance, Administration.

R590-274. Submission and Required Disclosures of Public Adjuster Contracts.

R590-274-1. Authority.

This rule is promulgated by the commissioner pursuant to Sections 31A-26-401 and 31A-26-403.

R590-274-2. Purpose and Scope.

- (1) The purpose of this rule is to:
 - (a) set forth procedures for a public adjuster to submit a required form filing to the commissioner; and
 - (b) provide notice requirements, information, and disclosures that must be included in ~~an~~ a public adjuster contract.
- (2) This rule applies to a ~~resident or nonresident public adjuster~~;
 - (a) resident public adjuster individual or organization; and
 - (b) nonresident public adjuster individual or organization.

R590-274-3. Definitions.

Terms used in this rule are defined in Sections 31A-1-301 and 31A-19a-102. Additional terms are defined as follows:

- (1) "Certification" means a statement that a submitted filing is compliant.
- (2) "Compliant" means a filing that is complete and that complies with Title 31A, Insurance Code, and this rule.
- (3) "Electronic filing" means a filing submitted using an email system.
- (4) "File and use" means a filing is used, sold, or offered for sale after it is filed with the department.
- (5) "Filer" means a person who submits a filing.
- (6) "Filing objection letter" means a letter issued by the commissioner when a review determines the filing is not compliant and may require:
 - (a) correction of non-compliant items;
 - (b) clarification; or
 - (c) additional information pertaining to the filing.
- (7) "Form" has the same meaning as "contract" for the purposes of this rule.
- (8) "Order to prohibit use" means an order issued by the commissioner prohibiting the use of a filing.
- (9) "Rejected" means a filing is:
 - (a) not compliant;
 - (b) returned to the filer stating the reason for rejection; and
 - (c) not considered filed with the department.

(10) "Utah filed date" means the date the department indicates a filing is accepted.

R590-274-4. General Filing Information.

- (1)(a) A filing shall be accurate, consistent, complete, and contain all required documents.
- (b) The commissioner may request additional information, as necessary.
- (2) A filer is responsible for assuring that a filing is compliant.
- (3) A filing that is not ~~compliant~~ submitted correctly will be rejected and returned to the filer.
- (4) A rejected filing:
 - (a) is not considered filed;
 - (b) shall not be used;
 - (c) shall be submitted as a new filing; and
 - (d) may not be reopened for purposes of resubmission.
- (5) A prior filing will not be researched to determine the purpose of the current filing.
- (6) The department does not review every filing.
 - (a) A filing may be reviewed:
 - (i) when submitted;
 - (ii) when a complaint is received;
 - (iii) during a regulatory examination or investigation; or
 - (iv) when the commissioner considers a review necessary.
 - (b) If a filing is reviewed and is found not complaint, the commissioner:
 - (i) shall issue a filing objection letter or an order to prohibit use; and
 - (ii) may require an insurer to disclose deficiencies in a form or rating practice to each affected consumer.
- (7) ~~Correcting a Filing.~~

_____](a) A correction to a filing in a review status may be made at any time.

(b) A correction to a filing in a closed status:

- (i) may not be made;
- (ii) requires a new filing; and
- (iii) shall reference the original filing in the filing description of the new filing.

(8) ~~Response to a Filing Objection Letter.~~ A response to a filing objection letter shall include:

- (a) an explanation identifying each change;
- (b) an underline and strikeout version of each revised document; and
- (c) a final version of each revised document incorporating all changes.

(9) ~~Response to an Order to Prohibit Use.~~

_____](a) An order to prohibit use becomes final 15 days after the date of the order.

(b) Use of a filing shall be discontinued no later than the date specified in the order.

(c) To contest an order to prohibit use, a written request for a hearing shall be submitted no later than 15 days after the date of the

order.

(d) A new filing is required if the filer chooses to make the requested changes addressed in the filing objection letter, and shall reference the previously prohibited filing.

(10) A filer shall notify the department when withdrawing a previously filed form.

(11) A filing that is withdrawn may not be used.

R590-274-5. Filing Requirements.

(1) ~~Forms in General.~~

_____](a) A form is a file and use filing.

(b) A form shall be submitted in PDF format.

(c) ~~A form shall be identified by a unique form number that may not be variable.~~

_____](d) A form shall be in final printed form and may not be submitted as a draft.

~~(e)~~ (d) Blank spaces within a form shall be ~~completed to~~ labeled accurately to represent ~~the~~ purpose and use.

(2) A filing shall be submitted as an electronic filing via email at pcforms@utah.gov.

(3) A complete filing shall contain the following information, in the sequence listed.

(a) The title of the email shall display the ~~company name only~~ individual public adjuster or the public adjuster organization's name and that it is a public adjuster contract filing.

(b) The filer shall certify that a filing is complete and compliant.

(i) To certify, the following statement shall be included in the email: "BY SUBMITTING THIS FILING I CERTIFY THAT THE ATTACHED FILING HAS BEEN COMPLETED IN ACCORDANCE WITH UTAH ADMINISTRATIVE RULE R590-274 AND IS IN COMPLIANCE WITH APPLICABLE UTAH LAWS AND RULES."

(ii) A filing may be rejected if the certification is false, missing, or incomplete.

(iii) A false certification may subject the licensee to administrative action.

(c) Provide a description of the filing, including:

(i) the intent of the filing; and

(ii) the purpose of each document within the filing.

NOTICES OF PROPOSED RULES

- (d) Indicate if the filing:
 - (i) is new; or
 - (ii) is replacing or modifying a previous filing, describing the changes made, the reasons for the previous rejection, and the previous filing's Utah filed date.
- (e) Identify any provision that is unusual, innovative, controversial, or that was previously objected to or prohibited, and explain why the provision is included in the filing.
- (f) If the filing is being made on behalf of a resident or nonresident public adjuster organization, the email shall list each public adjuster individual conducting business on behalf of the public adjuster organization, including:
 - (i) name;
 - (ii) contact information; and
 - (iii) license number.

R590-274-6. General Contract Requirements.

- (1)(a) A contract shall contain the following:
 - ~~[(a)](i)~~ the name of the ~~[company]~~ public adjuster or the public adjuster organization that employs the public adjuster;
 - ~~[(b)](ii)~~ the mailing and physical addresses of the public adjuster's or the public adjuster organization's principal place of business;
 - ~~[(c)](iii)~~ the public adjuster's or public adjuster organization's telephone and fax numbers;
 - ~~[(d)](iv)~~ the license number of the public adjuster or public adjuster organization and the employer;
 - ~~[(e)](v)~~ the public adjuster's or public adjuster organization's email address;
 - ~~[(f)](vi)~~ the public adjuster's or public adjuster organization's website, if applicable;
 - ~~[(g)](vii)~~ the date and time the contract was signed ~~[and, if applicable, the service of process address for a nonresident public adjuster];~~
 - ~~[(h)](viii)~~ a general description of services the public adjuster will provide under the contract;
 - ~~[(i)](ix)~~ a description of the claim, property damage, location, and event;
 - ~~[(j)] if based on an hourly rate, a provision that the public adjuster shall provide an invoice for services that includes a detailed listing of service provided and separate costs payable to the public adjuster as part of any commission based on the claim settlement, including expenses, direct costs, and any other accrued costs; and~~ (x) a unique identifying form number at the bottom of each page of the contract, including the month and the year the contract is filed following the unique identifying form number;
 - ~~[(k)](xi)~~ any term or condition that applies to the contract; and
 - (xii) the contract disclosures in Section R590-274-7.
- (b) If the public adjuster or the public adjuster organization is a nonresident licensee, the contract shall also include the service of process address of the public adjuster or the public adjuster organization.
- (2) A contract may not contain a term or condition that limits or nullifies any law.
- (3) A signed copy of the contract shall be provided to the insured at the time of signing.

R590-274-7. Required Disclosures Regarding a Public Adjuster's Services.

- (1) The following ~~[separate disclosures shall be located on the signature page of the contract]~~ disclosure shall be on the first page of a contract at the top of the page in no smaller than 12-point boldface type: "
 - ~~(a) "WE REPRESENT THE INSURED ONLY";~~
 - ~~(b) "THIS CONTRACT MAY BE RESCINDED IN WRITING WITHIN 10 DAYS OF ENTERING INTO THE CONTRACT"; and~~
 - ~~(c) "YOU ARE ENTERING INTO A CONTRACT OF SERVICE. YOU ARE BEING CHARGED A FEE FOR THIS SERVICE. YOU DO NOT HAVE TO ENTER INTO THIS CONTRACT TO MAKE A CLAIM FOR LOSS OR DAMAGE ON A POLICY OF INSURANCE. YOU WILL BE CHARGED A FEE FOR THE PUBLIC ADJUSTER'S SERVICES."~~
- (2) A contract shall ~~[contain the following statements in substantially the following form:]~~ include a separate page that contains the following statements.
 - (a) ~~[A] The public adjuster you hire may not [participate directly or indirectly in the reconstruction, repair, or restoration of damaged property, or engage in any other activities that may reasonably be construed as presenting a conflict of interest, including soliciting or accepting any remuneration from, or having a financial interest in, any salvage firm, construction firm, repair firm, or other firm that obtains business in connection with any claim the public insurance adjuster has a contract or agreement to adjust] be paid to repair your damaged property, nor may the public adjuster receive a finder's fee from, or have a financial interest in, the company that does the repair work.~~
 - (b) A public adjuster may not act on behalf of an attorney by having you sign an attorney representation agreement.
 - (c) A public adjuster ~~[cannot]~~ may not require you to sign a power of attorney.
 - (d) A public adjuster ~~[cannot]~~ may not require you to refuse to ~~[work with your insurer.~~
 - ~~(e) Your insurance policy requires you to] cooperate with your insurer to settle your claim.~~
 - ~~[(f) IMPORTANT NOTICE:]~~ (e) You may contact the Utah Insurance Department to verify that the public adjuster is licensed to do business in Utah, what your rights are as a consumer, or for information about filing a complaint, by calling 801-957-9305 or toll free at 800-439-3805, or by visiting the department's website, <https://insurance.utah.gov>.
 - ~~[(g) A public adjuster may not enter into a contract with an insured and collect compensation as provided in the contract without actually performing the service customarily provided by a licensed public adjuster for the insured.~~
- (3)(a) A public adjuster shall contain the following compensation disclosures in a clear and prominent statement:
 - (i) if an hourly rate, the contract shall state the hourly rate and how it will be applied to hours of service provided by the public adjuster to calculate the amount payable;
 - (ii) if a flat fee, the contract shall state the amount payable to the public adjuster;

- ~~_____ (iii) if a percentage, the contract shall state the exact percentage that will be applied to the settlement of the claim to calculate the amount payable to the public insurance adjuster; or~~
- ~~_____ (iv) if another method of calculation is chosen, the contract shall include a detailed explanation of how the amount payable will be determined based on service provided by the public adjuster.~~
- ~~_____ (b) A public adjuster may not receive compensation for referring the insured to a particular attorney, appraiser, umpire, construction company, contractor, repair firm, or salvage company.~~
- ~~_____ (c) A public adjuster may not receive compensation for a claim if the insurer pays or commits in writing to pay the policy limits within 72 hours of the loss report.~~
- ~~_____ (d)(i) Except for direct payment of compensation by the insured, any draft or check shall include the insured as a payee and shall require the written signature or endorsement of the insured.~~
- ~~_____ (ii) A public adjuster may not sign or endorse any payment draft or check on behalf of the insured.~~
- ~~_____ (e) A public adjuster may not enter into a contract with an insured or collect compensation as provided in the contract without performing the service customarily provided by a licensed public adjuster for the insured.]~~
- ~~_____ (f) A public adjuster may not offer to pay an insured's deductible.~~
- ~~_____ (g) A public adjuster may not assert that the insurer will waive the insured's deductible.~~
- ~~_____ (h) A public adjuster may not offer to conduct a free inspection of property other than property that is the subject of an insured's claim;~~
- ~~_____ (i) After being hired, a public adjuster may not sell you home repair, disaster clean up, or appraising services.~~
- ~~_____ (j) If the contract is rescinded, the public adjuster must return anything of value to the claimant within 15 days.~~
- ~~_____ (3) Immediately below the statements in Subsection (2), the following shall be set forth:~~
- ~~_____ (a) the statement: "I acknowledge that I have read and understand the statements listed above"; and~~
- ~~_____ (b) a date line and signature line for the insured.~~

R590-274-8. Required Disclosures Regarding a Public Adjuster's Compensation.

- ~~_____ (1)(a) A public adjuster contract shall contain one of the following compensation disclosures in a clear and prominent statement:~~
- ~~_____ (i) if an hourly rate, the contract shall state the hourly rate and how it will be applied to hours of service provided by the public adjuster to calculate the amount payable;~~
- ~~_____ (ii) if a flat fee, the contract shall state the amount payable to the public adjuster;~~
- ~~_____ (iii) if a percentage, the contract:~~
- ~~_____ (A) shall state and display the exact percentage that will be applied to the settlement of the claim to calculate the amount payable to the public adjuster; and~~
- ~~_____ (B) may not display a blank space; or~~
- ~~_____ (iv) if another method of calculation is chosen, the contract shall include a detailed explanation of how the amount payable will be determined based on service provided by the adjuster.~~
- ~~_____ (b) Notwithstanding the chosen payment method, a public adjuster may not:~~
- ~~_____ (i) charge, agree to, or accept as compensation or reimbursement, a payment, commission, fee, or other thing of value equal to more than:~~
- ~~_____ (A) 10% for a catastrophic insurance claim settlement; or~~
- ~~_____ (B) 20% for a non-catastrophic insurance claim settlement; or~~
- ~~_____ (ii) require, demand, or accept a fee, retainer, compensation, deposit, or other thing of value before the settlement of a claim.~~
- ~~_____ (c) Notwithstanding the chosen payment method, a public adjuster shall provide to the insured, at the conclusion of a claim, an itemized invoice of each expense the public adjuster incurs during the process of resolving a claim.~~
- ~~_____ (2) The following disclosures shall be included on the same page as the disclosures required in Subsection (1).~~
- ~~_____ (a) A public adjuster may not receive compensation for referring the insured to a particular attorney, appraiser, umpire, construction company, contractor, repair firm, or salvage company.~~
- ~~_____ (b) A public adjuster may not receive compensation for a claim if the insurer pays or commits in writing to pay the policy limits within 72 hours of the loss report.~~
- ~~_____ (c)(i) Except for direct payment of compensation by the insured, any draft or check shall include the insured as a payee and shall require the written signature or endorsement of the insured.~~
- ~~_____ (ii) A public adjuster may not sign or endorse any payment draft or check on behalf of the insured.~~
- ~~_____ (d) A public adjuster may not enter into a contract with an insured or collect compensation as provided in the contract without performing the service customarily provided by a licensed public adjuster for the insured.~~
- ~~_____ (e) The type of initial expenses, with dollar estimates, that the insured approves to reimburse the public adjuster from the proceeds of the claim payment.~~
- ~~_____ (3) A public adjuster contract may not include the following compensation terms:~~
- ~~_____ (a) a term allowing a public adjuster to collect the public adjuster's percentage fee when money is due from an insurance company but the insurance company has not paid;~~
- ~~_____ (b) a term allowing a public adjuster to collect the entire fee from the first check an insurance company issues instead of a percentage of each check the insurance company issues;~~
- ~~_____ (c) a term requiring an insured to authorize an insurance company to issue a check only in the name of the public adjuster;~~
- ~~_____ (d) a term imposing a collection cost or a late fee;~~
- ~~_____ (e) a term preventing an insured from pursuing a civil remedy; or~~

(f) a term that allows a public adjuster to accept a payment in violation of a statute or this rule.

R590-274-[8]9. Severability.

If any provision of this rule, Rule R590-274, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: insurance, public adjusters

Date of Last Change: 2026[July 25, 2023]

Notice of Continuation: August 22, 2022

Authorizing, and Implemented or Interpreted Law: 31A-26-401; 31A-26-403

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R590-281-4

Filing ID: 57957

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:
R590-281-4. Eligibility to Apply for a License
4. Purpose of the new rule or reason for the change:
The Department of Insurance (Department) determined that a criminal proceeding was inadvertently left out of the list of pending actions described in Subsection R590-281-4(2). This amendment remedies that error.
5. Summary of the new rule or change:
The amendment adds the word "criminal" to the list of pending actions in Subsection R590-281-4(2).

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated cost or savings to the state budget.
The change merely clarifies that a pending criminal proceeding must be resolved before an individual can apply for a license under this rule.
B. Local governments:
There is no anticipated cost or saving to local governments.

The change involves the relationship between the Department and a prospective licensee and does not involve local governments in any way.

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

There is no anticipated cost or saving to small businesses.

The change involves the relationship between the Department and a prospective individual licensee and does not involve small businesses in any way.

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

There is no anticipated cost or saving to non-small businesses.

The change involves the relationship between the Department and a prospective individual licensee and does not involve non-small businesses in any way.

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

There is no anticipated cost or savings for any other persons.

While the change does involve the relationship between the Department and a prospective individual licensee, the change merely requires the licensee to wait to apply for a license until after a criminal proceeding is resolved.

F. Compliance costs for affected persons:

There are no compliance costs for any affected persons.

A prospective individual licensee with an active criminal proceeding will be required to wait to apply for a license after the proceeding is resolved. There is no cost for waiting.

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		

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:	06/16/2026

10. This rule change MAY become effective on:	06/23/2026
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:	05/01/2026
---	---	--------------	------------

R590. Insurance, Administration.

R590-281. License Application Submitted by an Individual Who Has a Criminal Conviction or Pending Proceeding.

R590-281-4. Eligibility to Apply for a License.

- (1) Except as provided in Subsections (3) through (5), an individual who has a criminal conviction is eligible to apply for a license if:
- (a) the individual has completed probation, parole, or has been released from incarceration;
 - (b) the individual has no criminal proceeding pending;
 - (c) the individual has paid in full all fines and interest ordered by the court related to the criminal conviction;
 - (d) the individual has paid in full all restitution ordered by the court related to the criminal conviction; and
 - (e) the following time periods have elapsed from the date the individual was convicted, released from incarceration, parole, or probation, or the expiration of the probationary term, whichever occurred last:
 - (i) seven years in the case of a felony;
 - (ii) five years in the case of a class A misdemeanor;
 - (iii) four years in the case of a class B misdemeanor; or
 - (iv) three years in the case of any other misdemeanor.
- (2) Any pending administrative, civil, criminal, or regulatory proceeding must be resolved before an individual is eligible to apply for a license.
- (3) Subsection (1) does not apply to:
- (a) a juvenile adjudication; or
 - (b) an individual whose criminal charge was dismissed pursuant to a plea in abeyance agreement under Title 77, Chapter 2a, Pleas in Abeyance.
- (4) The department will give effect to a conviction for a lower degree of offense pursuant to Section 76-3-402.
- (5)(a)(i) An individual convicted of violating the federal Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. Sec. 1033, or who under 18 U.S.C. Sec. 1033 has been convicted of a felony involving dishonesty or breach of trust, may not apply for a license without first obtaining written consent from the commissioner to engage or participate in the business of insurance.
- (ii) The policy and application for written consent are available on the department's website, <https://insurance.utah.gov>.
 - (b) An individual who obtains written consent may apply for a license, subject to all other license application requirements.
 - (c) An application for written consent is required even if:
 - (i) a felony conviction involving dishonesty or breach of trust has been dismissed pursuant to a plea in abeyance agreement under Title 77, Chapter 2a, Pleas in Abeyance;
 - (ii) a felony conviction involving dishonesty or breach of trust has been reduced to a lower degree of offense under Section 76-3-402; or
 - (iii) a felony conviction involving dishonesty or breach of trust has been expunged under Title 77, Chapter 40a, Expungement.
 - (6) The department shall deny a license application submitted by an individual who is not eligible under this section.
 - (7) Eligibility to apply for a license under this Rule R590-281 is a separate determination from and does not affect eligibility to engage in the business of insurance under 18 U.S.C. Sec. 1033.

KEY: insurance, licensing

Date of Last Change: 2026[January 24, 2024]

Notice of Continuation: June 14, 2024

Authorizing, and Implemented or Interpreted Law: 31A-2-201(3)

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R592-6-4****Filing ID: 57958****Agency Information**

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

General Information

2. Rule or section catchline:
R592-6-4. Prohibited Unfair Methods of Competition
4. Purpose of the new rule or reason for the change:
The Title and Escrow Commission discovered a provision that should have been removed during a previous amendment to this rule but was not. The Title and Escrow Commission approved this amendment by a vote of 3 to 0 during its 04/13/2026 meeting.
5. Summary of the new rule or change:
The filing removes the phrase "or its trade association" from Subsection R592-6-4(5).

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated cost or savings to the state budget. The change allows a title insurance producer to furnish space to a trade association free of charge and does not involve the state in any way.
B. Local governments:
There is no anticipated cost or savings to local governments. The change allows a title insurance producer to furnish space to a trade association free of charge and does not involve a local government in any way.
C. Small businesses ("small business" means a business employing 1-49 persons):
Small businesses, specifically title insurance producers, may see a small decrease in revenue only if they regularly charge trade associations to use their space. Upon this amendment becoming effective, they will be able to provide space free of charge if they choose.

This decrease is not a true cost or savings because providing space for a fee is an optional activity that a title producer may offer at their discretion.

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

Non-small businesses, specifically larger title insurance producers, may see a small decrease in revenue only if they regularly charge trade associations to use their space.

Upon this amendment becoming effective, they will be able to provide space free of charge if they choose.

This decrease is not a true cost or savings because providing space for a fee is an optional activity that a title producer may offer at their discretion.

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

There is no anticipated cost or savings to any other persons.

The change allows a title insurance producer to furnish space to a trade association free of charge and does not involve other persons in any way.

F. Compliance costs for affected persons:

There are no compliance costs for any affected persons.

The change merely allows a title insurance producer to furnish space to a trade association free of charge at their discretion.

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

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

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

The Commissioner of the Insurance Department, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Subsection 31A-2-404(2)		
-------------------------	--	--

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:** 06/16/2026**10. This rule change MAY become effective on:** 06/23/2026

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:	05/01/2026
---	---	--------------	------------

R592. Insurance, Title and Escrow Commission.**R592-6. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.****R592-6-4. Prohibited Unfair Methods of Competition.**

A person identified in Section R592-6-2 who provides or offers to provide, directly or indirectly, any of the following benefits to any client has violated Section 31A-23a-402 and has engaged in an unfair method of competition.

- (1) Waiving any charge, premium, or rate for insurance or services otherwise due and payable.
- (2) Furnishing services not related to a bona fide title insurance, escrow, settlement, or closing transaction without receiving fair market payment for the services provided.
- (3) Paying for, furnishing, or waiving all or any part of the rental or lease charge for space that is occupied by a client.
- (4) Renting or leasing space from a client at a rate that is excessive or inadequate when compared with rental or lease charges for comparable space in the same geographic area, or paying rental or lease charges based in whole or in part on the volume of business generated by the client.
- (5) Furnishing any part of a title producer's facilities, including conference rooms or meeting rooms, to a client ~~or its trade association~~, for anything other than providing escrow or title services, or related meetings, without receiving a fair rental or lease charge comparable to other rental or lease charges for facilities in the same geographic area.
- (6) Furnishing all or any part of the time or productive effort of any employee of the title producer, including a secretary, clerk, messenger, or escrow officer, to any client when such time or productive effort is not reasonably related to a bona fide title insurance, escrow, settlement, or closing transaction.
- (7) Paying a client or an employee of a client for a referral of business.
- (8)(a) Payment or pre-payment of the following:
 - (i) fees or charges of a professional, including an appraiser, surveyor, engineer, or attorney, whose services are required by any party or client to structure or complete a particular transaction; or
 - (ii) fees or charges of a client or party to the transaction, for example, subordination, loan, or HOA payoff request fees, that are required by any party or client to structure or complete a particular transaction.
- (b) Subsection (8)(a) does not prohibit pre-payment of overnight mail and delivery fees.
- (9)(a) Except as provided in Subsection (9)(b), sponsoring, cosponsoring, subsidizing, contributing fees, prizes, gifts, food, or otherwise providing anything of value for an activity of a client including:
 - (i) an open house at a home or property for sale;
 - (ii) a meeting;
 - (iii) a breakfast, luncheon, or dinner;
 - (iv) a convention;
 - (v) an installation ceremony;
 - (vi) a celebration;
 - (vii) an outing;
 - (viii) a cocktail party;
 - (ix) a hospitality room function;
 - (x) an open house celebration;
 - (xi) a dance;
 - (xii) a sporting event of any kind, including a fishing trip, gambling trip, hunting trip or outing, or golf or ski tournament;
 - (xiii) an artistic performance; or
 - (xiv) an outing in a recreation or entertainment area.
- (b) A title producer may attend an activity of a client if:
 - (i) there is no additional cost to the title producer, other than the title producer's own entry fee, registration fee, and meals; and
 - (ii) the fees in Subsection (9)(b)(i) are not greater than those charged to a client or other person attending the function.
- (10) Sponsoring a trade association event at a cost that is greater than the sponsorships offered to members of the association, affiliates, vendors, or other participants of the event.
- (11) Furnishing or providing the following, even for a cost:
 - (a) building plans;
 - (b) construction critical path timelines;

NOTICES OF PROPOSED RULES

- (c) "For Sale by Owner" lists;
- (d) surveys;
- (e) appraisals;
- (f) credit reports;
- (g) mortgage leads for loans;
- (h) rental or apartment lists; or
- (i) printed labels.
- (12)(a) Engaging in the following advertising activity:
 - (i) paying for any advertising on behalf of a client;
 - (ii) advertising jointly with a client;
 - (iii) placing an advertisement in a publication, including an internet web page and its links, that is hosted, published, produced for, or distributed by or on behalf of a client;
 - (iv) placing an advertisement that fails to comply with Section 31A-23a-402 and Rule R590-130;
 - (v) placing an advertisement that is in an official trade association publication that does not offer each title producer an equal opportunity to advertise in the publication and at the standard rates other advertisers in the publication are charged;
 - (vi) advertising with free or paid social media services that are not open and available to the general public; or
 - (vii) paying a fee to share, like, respond to, comment on, or increase the visibility, ranking, or distribution of any social media involving a client or a client's social media page.
- (b) Nothing in Subsection (12)(a) prohibits the following:
 - (i) advertising independently that the title producer has provided title insurance for a particular subdivision or condominium project, but the title producer may not indicate that all future title insurance will be written by that title producer; or
 - (ii)(A) writing or posting on social media services about an event that directly involves the title producer and a client; and
(B) referencing or linking to the event on the client's social media page or the client company's social media page.
- (13)(a) Holding more than two self-promotional open houses per calendar year for each owned or occupied facility, including branch offices.
 - (b) Holding a self-promotional open house at a location other than a registered office of the title producer.
- (14) Making a donation to a charitable organization controlled or managed by a client.
- (15) Distributing to a client, consumer, or member of the general public a self-promotional item that:
 - (a) has a cost of more than \$25;
 - (b) is edible;
 - (c) does not contain a permanent marking identifying the title producer; or
 - (d) is personalized in the donee's name.
- (16) Making an expenditure for a business meal or business activity on behalf of any person, whether a client or not, as a method of advertising if:
 - (a) the person representing the title producer is not present during the business meal or business activity;
 - (b) a substantial title insurance business discussion does not occur directly before, during, or after the business meal or business activity;
 - (c) the total cost of the business meal, the business activity, or both exceeds \$100 per person, per day;
 - (d) more than three individuals from an office of a client are provided a business meal or business activity in a single day by an individual title producer; or
 - (e) the entire business meal or business activity takes place on a client's premises.
- (17) Conducting education that:
 - (a) does not address title insurance, escrow, or a related subject;
 - (b) involves expenditure of more than \$20 per anticipated person including the cost of meals and refreshments;
 - (c) involves expenditure of more than \$500 for a facility and instructor; or
 - (d) is conducted at an individual, physical office location of a client more than once per calendar quarter.
- (18)(a) Acknowledging a wedding, a birth or adoption of a child, or a funeral of a client or a member of the client's immediate family with flowers or gifts exceeding \$150.
 - (b) Acknowledging any other life event of a client or a member of the client's immediate family with a gift or anything of value.
 - (c) A letter or card in these instances is not a thing of value.

KEY: title insurance
Date of Last Change: ~~January 7,~~ 2026
Notice of Continuation: June 10, 2019
Authorizing, and Implemented or Interpreted Law: 31A-2-404

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R650-301	Filing ID: 57931

Agency Information

1. Title catchline:	Natural Resources, Outdoor Recreation	
Building:	Department of Natural Resources	
Street address:	1594 W North Temple, Suite 100	
City, state:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Morgan Smith	801-538-7246	morgansmith@utah.gov
Rachel Toker	385-303-1519	racheltoker@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R650-301. Off-Highway Vehicle Recreation Grant Program
4. Purpose of the new rule or reason for the change:
This rule amendment was initiated in response to a constituent request to permit the backdating of eligible volunteer hours for up to 12 months preceding execution of a grant contract. The amendment also removes designated grant application opening and closing dates to allow for greater administrative flexibility. In addition, minor grammatical and technical revisions were made for clarity and consistency, without altering the substantive intent of this rule.
5. Summary of the new rule or change:
The amendment allows volunteer hours to be backdated up to 12 months prior to a grant contract at a constituent's request, removes fixed grant opening and closing dates, and includes minor grammatical revisions for clarity.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated cost or savings to the state budget, as this rule is instructional in nature and will have no impact on how the Division of Outdoor Recreation functions or the regulated entities.
B. Local governments:
This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures. The amendments update existing practices without imposing new duties or costs. Local governments already operate under the same funding structures and processes reflected in the amended rule.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have a fiscal impact on small businesses' revenues or expenditures. The amendments only update language to reflect constituents' needs and do not introduce new fees, compliance requirements, or changes to funding opportunities that would affect small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule change is not expected to have a fiscal impact on non-small businesses' revenues or expenditures.

NOTICES OF PROPOSED RULES

The amendments update this rule without altering existing practices, fees, or eligibility standards that 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 change is not expected to have a fiscal impact on persons other than small businesses', non-small businesses', state, or local government entities' revenues or expenditures because the changes to this rule only update existing practices without imposing new duties or costs.

Any grant-eligible entities already operate under the same funding structures and processes reflected in the amended rule.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The amendments are instructional and clarify existing processes without creating new obligations or costs.

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

Regulatory Impact Summary Table

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

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

The Commissioner of the Department of 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 41-22-19	Subsection 41-22-19 (1)(b)	
------------------	----------------------------	--

Public Notice Information

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

A. Comments will be accepted until:	06/16/2026
--	------------

10. This rule change MAY become effective on:	06/23/2026
--	------------

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:	05/06/2026
---	-----------------------	--------------	------------

R650. Natural Resources, Outdoor Recreation.

R650-301. Off-Highway Vehicle Recreation Grant Program.

R650-301-1. Authority.

(1) This rule is established pursuant to Sections 41-22-1 and 41-22-19 and applies to the Off-Highway Vehicle Recreation Grant Program.

(2) This rule governs procedures for Off-Highway Vehicle Grant Program applications, eligibility, project selection, and reporting and reimbursement requirements.

R650-301-2. Definitions.

In addition to the terms defined in Section 41-22-2:

(1) "Director" means the Director of the Division of Outdoor Recreation.

(2) "Executive Director" means the Executive Director of the Department of Natural Resources.

(3)(a) "Off-Highway Vehicle Access Protection," as used in Section 41-22-19 and this rule, includes:

(i) efforts by a county or municipality to document the existence of public rights of way under Section 72-5-104;

(ii) litigation or other legal advocacy to protect existing public lands access for off-highway vehicles; or

(iii) other efforts that further the interests of preserving existing off-highway vehicle access on Utah's public lands.

(b) "Off-Highway Vehicle Access Protection," as used in Section 41-22-19 and this rule, does not mean lobbying or other political advocacy.

(4) "In-kind contribution" means labor, equipment use, materials, supplies, or other costs that the grant contract provides a grant recipient may contribute toward the total cost of a grant project, including:

(a) labor costs, the value of which are calculated at the rate equal to Independent Sector.org;

(b) equipment use, the value of which is calculated at an hourly rate set out in the grant contract for each piece of equipment used;

or

(c) materials or supplies, the value of which are calculated based on the fair-market value of the materials or supplies provided as set out in the grant contract.

R650-301-3. Grant Application Form and Submission Procedure.

(1) The Division shall provide a grant application form which shall be posted on the Division's website and contain the following content:

(a) grant application submission instructions;

(b) grants available for application;

(c) grant eligibility criteria;

(d) instructions regarding submission of a project description, including submission of a description of a project timeline;

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

(f) instructions for providing an explanation of funding already procured for the project;

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

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

(i) the weighted scoring system set out in Section R650-301-7.

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

(3)(a) Applicants shall submit completed grant applications to the Division by no later than 5 p.m. ~~on March 31 and July 31~~ twice a year on the deadline to be specified by the Division, except for applications for grant funds for land acquisition, which applicants may submit to the Division anytime during the fiscal year.

(b) The Division may change the deadlines in Subsection (3)(a) ~~annually~~ annually ~~should the deadlines fall on a weekend or State or Federal holiday~~.

(c) The Division shall offer applicants an early review option and provide feedback to grant applicants.

(d) 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.

(e) The Division shall review a final application for completeness and shall verify the application meets the requirements set out in Section 41-22-19 and this rule.

R650-301-4. Eligible Entities.

Grants may be awarded only to the following entities within the state:

(1) Federal government agencies;

(2) Utah State agencies;

NOTICES OF PROPOSED RULES

- (3) Political subdivisions of the State; and
- (4) Organized user groups as defined in Subsection 41-22-2(17).

R650-301-5. Off-Highway Vehicle Recreation Grant Project Eligibility Criteria.

- (1) Except as provided in this rule, all granted funds require matching funding from the grant recipient.
- (2) A grant recipient's matching funding may be in the form of cash, or donations of land from a third party, or in-kind contributions when land is exclusively used for the proposed project.
- (3)(a) Only labor hours spent directly advancing the proposed project may be used as a grant recipient's match.
- (b) A grant recipient shall obtain the Division's approval of all labor hours proposed for use as the grant recipient's match before the grant recipient expends any labor hours on the proposed project.
 - (i) Volunteer hourly in-kind contributions may be counted as matching funds if they occur within 12 months before execution of a contract, provided the work is directly correlated with and proximate to the project scope described in the application, in the sole discretion of the Utah Division of Outdoor Recreation.
 - (c) Donated land shall be valued at fair-market value based on an appraisal approved by the Division.
- (4) Granted funds may be used:
 - (a) for the construction, improvement, operation, acquisition, or maintenance of publicly owned or administered Off-Highway Vehicle facilities, including Off-Highway Vehicle trails and public access facilities;
 - (b) for the mitigation of impacts associated with Off-Highway Vehicle use;
 - (c) for the education of Off-Highway Vehicle users;
 - (d) for Off-Highway Vehicle Access Protection;
 - (e) to support Off-Highway Vehicle search and rescue activities and programs;
 - (f) to promote and encourage Off-Highway Vehicle tourism; or
 - (g) for other uses that further the policy set forth in Section 41-22-1.

R650-301-6. Off-Highway Vehicle Access Protection Grants.

- (1) Granted funds for Access Protection may be used:
 - (a) for projects that further the interest of preserving existing off-highway vehicle access on Utah's public lands;
 - (b) for projects that further the efforts of Utah counties or Utah municipalities to document the existence of public rights of way under Section 72-5-104; or
 - (c) if the project is one that includes costs related to litigation or other legal work, for a project where the Division, at ~~its~~its sole discretion, determines:
 - (i) that the Access Protection litigation or legal work is not unnecessarily duplicative of other Access Protection litigation or legal work already being undertaken, or that is expected to be undertaken, by another state agency or political subdivision;
 - (ii) that the Access Protection litigation or other legal work does not conflict with other Access Protection litigation or other legal work currently being undertaken, or that is expected to be undertaken, by another state agency or political subdivision; and
 - (iii) that the granted funds, when combined with the grant recipient's match, will be sufficient to produce a deliverable product that substantially advances the interests of Access Protection.
- (2) No granted funds may be used:
 - (a) to bring suit, or assert any claim, against private landowners or any Utah State agency or political subdivision;
 - (b) for overhead expenses; or
 - (c) for travel expenses which the Division, at its sole discretion, determines are unnecessary or unreasonable.

R650-301-7. Method And Formula for Determining Grant Recipients.

- (1) The Division shall:
 - (a) use a weighted scoring system to enable the Advisory Council to analyze, advise, and recommend grants for award and grant amounts; and
 - (b) make the scoring system available in the grant application.
- (2) The scoring system shall assess and value various categories, including whether the proposed project will:
 - (a) fit within at least one of the categories described in Subsection R650-301-5(4);
 - (b) use granted 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;
 - (c) offer partnerships and cooperative efforts for the project among agencies and users, including opportunities for cooperative funding;
 - (d) be in a location that offers convenient proximity and access to users or has the potential to link with existing off-highway vehicle facilities;
 - (e) have the potential for multiple-season use or uses available to multiple user groups; or
 - (f) have a higher percentage of matching cash funding from the applicant.
- (3) The Advisory Council shall, upon receipt of a grant application from the Division:
 - (a) review and consider the grant application; and
 - (b) recommend to the Division whether granted funds should be awarded based on the comprehensive scoring system identified in the grant application and according to the percentages outlined in Subsections R650-301-5(7)(b)(i) through (v):
 - (i) Trail work and acquisition, a minimum of 49%;

- (ii) Search and rescue, a maximum of 23%;
- (iii) Education and Access Protection, a maximum of 15%;
- (iv) Snowmobile, a maximum of 10%; and
- (v) OHV tourism promotion, a maximum of 3%.

(4) The Director and Executive Director shall select and approve grant applications based on the weighted scoring system identified in the grant application, taking into consideration recommendations from Division staff and the Advisory Council, which may be in the form of joint or separate recommendations.

(5) Within two weeks of the Director's and Executive Director's approvals, the Division shall notify applicants of the final decision on the applicant's grant application.

(6) The Division shall inform successful applicants of the expected contractual requirements.

(7) The Division shall inform unsuccessful applicants that their application was not successful.

(8) The Division shall inform the Commission of grants selected for award.

R650-301-8. Reporting and Reimbursement Cooperation Requirements.

(1) Grant recipients shall provide any financial records related to the grant project upon the Division's request.

(2) Grant recipients shall provide the Division with progress reports until the project is complete.

(3) Grant recipients shall provide to the Division a description and an itemized report detailing the expenditure of granted funds or the intended expenditure of any unspent granted funds.

(4) The reports referenced in Subsections (2) and (3) shall be provided at least annually.

(5) Grant recipients shall submit a final report no later than 60 days after the grant contract has expired.

(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 grant recipient's grant application and grant contract.

(7) To request reimbursement for approved expenditures, grant recipients 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, 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 other documentation that show the project is complete;

(d) a final report with the description of the project and any other information requested by the Division; and

(e) any other documentation the Division deems necessary to ensure compliance with the grant contract.

(8) If granted funds have been expended within the state fiscal year (July-June), the reimbursement request referenced in Subsection (7)(a) shall be submitted to the state by June 15.

(9)(a) The Division shall provide an upfront grant pursuant to the Subsection 41-22-19(2)(b) when:

(i) an entity eligible to receive an upfront grant submits to the Division a plan for a project or program consistent with a use described in Subsection 41-22-19(1)(b); and

(ii) the entity complies with all other requirements of this rule, including all application, contracting, matching, and reporting requirements.

(b)(i) At its sole discretion, the Division may, before a project's completion, advance granted funds to a grant recipient that is not an entity described in Subsection 41-22-19(2)(b) but otherwise is an eligible entity under Section R650-301-4. At its sole discretion, the Division may advance no more than 75% of granted funds to the grant recipient before the project's completion if the grant recipient demonstrates it does not have the financial ability to pay project expenses during the contract period.

(ii) The Division shall advance funding in increments of 25% of the total amount of granted funds, or a higher percentage at the discretion of the Division.

(iii) ~~if~~ If a grant recipient requests an advance payment of granted funds, the Division may, at its discretion, provide an initial advance of 25% of the total award upon execution of the grant contract. The Division may approve a higher percentage for the initial advance at its discretion.

(iv) The Division may, at its discretion, advance additional increments of 25% of the total award amount, or a higher percentage, up to 100% of the total award. Each subsequent advance shall be contingent upon receipt of a progress report from a grant recipient demonstrating satisfactory level of completion of the portion of the project for which the Division provided any prior increments of advance funding.

(c) Applicants shall state within the grant application that they intend to request advance granted funds.

(d) If the Division awards the grant, the grant recipient may request advance granted funds from the Division, outlining the need and expected use of the advanced granted funds for project costs incurred over three months.

(e) If the Division advances granted funds, the grant recipient shall, in addition to the reporting requirements set out in Subsection (9), provide a progress report and an accounting of all project expenditures pursuant to timelines set out by the Division in the grant contract.

(f) The grant contract shall 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) Unless approved for an advance of granted funds pursuant to Subsection (9), 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.

(11) All project expenditures shall occur during the contract period.

(12) The Division may not provide the grant recipient with any granted funds for costs accrued before or after the contract period.

NOTICES OF PROPOSED RULES

(13) A grant recipient shall submit documentation for reimbursement within 60 days following the contract expiration, provided that the grant recipient incurred the expense during the contract period.

(14) The grant recipient shall provide a description and an itemized report detailing the expenditure of all granted funds expended during the contract period.

(15) The grant recipient shall return to the Division any advanced granted funds not spent on the project.

R650-301-9. Modifications ~~To~~to the Original Contracts.

Modifications to an original grant contract may be made only by subsequent, written amendment, approved by the associate Division Director and the Director, and signed by all parties to the original grant contract, or their assigns or successors in interest.

KEY: outdoor recreation grants, off-highway vehicles, OHV
Date of Last Change: 2026~~November 24, 2025~~
Authorizing, and Implemented or Interpreted Law: 41-22-19

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R657-9	Filing ID: 57938

Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84114-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R657-9. Taking Migratory Game Birds - Waterfowl, Snipe, Coot, American Crow, Band-Tailed Pigeon, Mourning Dove, White-Winged Dove, and Sandhill Crane	
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 30 (2026 General Session) HB 111 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking Migratory Game Birds.	
5. Summary of the new rule or change:	
The proposed amendments to this rule: 1) add Goshen Bay as a WMA as directed during the 2026 General Session; and 2) revise 600 feet to 300 feet as directed during the 2026 General Session.	

Fiscal Information

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

A. State budget:

The amendments to Rule R657-9 are administrative in nature, DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do not have the potential to impact other persons that hunt migratory game birds in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt migratory game birds in Utah because it simply expands an existing criteria.

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

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

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

The Commissioner of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 23A-2-304	Section 23A-2-305	
-------------------	-------------------	--

Public Notice Information

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

A. Comments will be accepted until:	06/16/2026
--	------------

10. This rule change MAY become effective on:	06/23/2026
--	------------

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:	Riley Peck, Director	Date:	04/30/2026
---	----------------------	--------------	------------

R657. Natural Resources, Wildlife Resources.

R657-9. Taking Migratory Game Birds - Waterfowl, Snipe, Coot, American Crow, Band-Tailed Pigeon, Mourning Dove, White-Winged Dove, and Sandhill Crane.

R657-9-1. Purpose and Authority.

(1) Under authority of Sections 23A-2-304 and 23A-2-305, and in accordance with 50 CFR 20, 50 CFR 32.64 and 50 CFR 27.21, 2004 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking certain migratory game birds.

(2) Specific dates, areas, limits, requirements and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking certain migratory game birds.

R657-9-2. Definitions.

(1) Terms used in this rule are defined in Section 23A-1-101.

(2) In addition:

(a) "Bait" means shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that lures, attracts or entices birds.

(b) "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take them.

(c) "CFR" means the Code of Federal Regulations.

(d) "Daily Bag Limit" means the maximum number of migratory game birds of a single species or combination, aggregate, of species permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

(e) "Dark geese" means the following species: cackling, Canada, and brant.

(f) "Light geese" means the following species: snow, blue and Ross'.

(g) "Live decoys" means tame or captive ducks, geese or other live birds.

(h) "Migratory game bird" means waterfowl, snipe, coot, American crow, band-tailed pigeon, mourning dove, white-winged dove, and Sandhill crane.

(i) "Off-highway vehicle" means any motor vehicle designed for or capable of travel over unimproved terrain.

(j) "Permanent waterfowl blind" means any waterfowl blind that is left unattended overnight and that is not a portable structure capable of immediate relocation.

(k) "Possession limit" the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

(l) "Retrieval Zone" means areas adjacent to rest areas where game retrieval is allowed but hunting is restricted.

(m) "Sinkbox" means any type of low floating device, having a depression, affording the hunter a means of concealment beneath the surface of the water.

(n) "Snipe" means the following species: common, Jack, pin-tailed, solitary, Swinhoe's and Wilson's snipe.

(o) "Transport" means to ship, export, import or receive or deliver for shipment.

(p) "Waterfowl" means ducks, mergansers, geese and tundra swans.

(q) "Waterfowl blind" means any manufactured place of concealment, including boats, rafts, tents, excavated pits, or similar structures, which have been designed to partially or completely conceal a person while hunting waterfowl.

(r) "Waterfowl Management Area" means the same as a Wildlife Management Area as defined in Subsection 23A-6-101(3), including the following properties owned or managed by the division primarily for the conservation, production, or recreational harvest of ducks, mergansers, geese, tundra swans, and other waterfowl:

(i) Bear River Bay;

(ii) Bicknell Bottoms;

- (iii) BlackHawk;
- (iv) Blue Lake;
- (v) Brown's Park;
- (vi) Clear Lake;
- (vii) Desert Lake;
- (viii) Farmington Bay;
- (ix) Fitzgerald;
- (x) ~~Harold Crane~~ Goshen Bay;
- (xi) Harold Crane;
- (xii) Howard Slough;
- ~~(~~xiii~~)~~ xiii) Locomotive Springs;
- ~~(~~xiii~~)~~ xiv) Mallard Springs;
- ~~(~~xiv~~)~~ xv) Manti Meadows;
- ~~(~~xv~~)~~ xvi) Mills Meadows;
- ~~(~~xvi~~)~~ xvii) Ogden Bay;
- ~~(~~xvii~~)~~ xviii) Powell Slough;
- ~~(~~xviii~~)~~ xviiii) Provo River Delta;
- ~~(~~xix~~)~~ xx) Public Shooting Grounds;
- ~~(~~xx~~)~~ xxi) Redmond Marsh;
- ~~(~~xxi~~)~~ xxii) Rock Island;
- ~~(~~xxii~~)~~ xxiii) Salt Creek;
- ~~(~~xxiii~~)~~ xxiiii) Stewart Lake;
- ~~(~~xxiv~~)~~ xxv) Timpie Springs;
- ~~(~~xxv~~)~~ xxvi) Topaz;
- ~~(~~xxvi~~)~~ xxvii) Warm Springs; and
- ~~(~~xxvii~~)~~ xxviii) Willard Spur.

R657-9-32. Rest Areas and No Shooting Areas.

(1) A person may only access and use state waterfowl management areas in accordance with state and federal law, state administrative code, and proclamations of the Wildlife Board.

(2)(a) The division may establish portions of state waterfowl management areas as "rest areas" for wildlife that are closed to the public and trespass of any kind is prohibited.

(b) In addition to any areas identified in the proclamation of the Wildlife Board for taking waterfowl, snipe, and coot, the following areas are designated as rest areas:

- (i) that portion of Clear Lake Waterfowl Management Area known as Spring Lake;
- (ii) that portion of Desert Lake Waterfowl Management Area known as Desert Lake;
- (iii) that portion of Public Shooting Grounds Waterfowl Management Area that lies above and adjacent to the Hull Lake Diversion Dike known as Duck Lake;
- (iv) that portion of Salt Creek Waterfowl Management Area known as Rest Lake;
- (v) that portion of Farmington Bay Waterfowl Management Area that lies in the northwest quarter of unit one; and
- (iv) that portion of Ogden Bay Waterfowl Management Area known as North Bachman and extending north to the Unit one dike road and east to the spillways of South run road.

(c) Maps of all rest areas will be available at division offices, on the division's website, and to the extent necessary, marked with signage at each rest area.

(3)(a) The division may establish portions of state waterfowl management areas as "No Shooting Areas" where the discharge of weapons for the purposes of hunting is prohibited.

(b) No Shooting Areas remain open to the public for other lawful activities.

(c) In addition to any areas identified in the proclamation of the Wildlife Board for taking waterfowl, snipe, and coot, the following areas are No Shooting Areas:

- (i) all of Antelope Island, including all areas within 600 feet of the upland vegetative line or other clearly defined high-water mark;
- (ii) within 600 feet of the north and south side of the center line of Antelope Island causeway;
- (iii) within ~~600~~300 feet of all structures found at Brown's Park Waterfowl Management Area;
- (iv) the following portions of Farmington Bay Waterfowl Management Area:
 - (A) within 600 feet of the Headquarters;
 - (B) within 600 feet of dikes and roads accessible by motorized vehicles;
 - (C) within the area designated as the Hasenyager Nature Preserve; and
 - (D) within the 300 foot retrieval zone around the Farmington Bay Waterfowl Management Area rest area;
- (v) within the 200 foot retrieval zone extending east from the southeast signed and posted corner of Rest Lake at Salt Creek Waterfowl Management Area north to the intersection with Salt Creek bypass canal and signed and posted northeast corner of Rest Lake;
- (vi) the following portions of Provo River Delta Wildlife Management Area:
 - (A) within 600 feet of Lakeview Parkway;

NOTICES OF PROPOSED RULES

- (B) within 600 feet of Boat Harbor Drive;
- (C) within 600 feet of the Provo River Delta parking lot; and
- (D) within 600 feet of the Provo River Delta trail;
- (vii) within ~~600~~300 feet of the headquarters area of Ogden Bay Waterfowl Management Area;
- (viii) within the boundaries of all State Parks except those designated open by appropriate signage as provided in Section R651-614-

- 4;
- (ix) within 1/3 of a mile of the Great Salt Lake Marina;
 - (x) below the high-water mark of Gunnison Bend Reservoir and its inflow upstream to the Southerland Bridge, Millard County;
 - (xi) any property within the boundary of the Salt Lake International Airport; and
 - (xii) any property within the boundaries of federal migratory bird refuges, unless hunting waterfowl specifically authorized by the federal government.
28. (4) The division reserves the right to manage division lands and regulate its use consistent with Section 23A-6-404 and Rule R657-

KEY: wildlife, birds, migratory birds, waterfowl
Date of Last Change: 2026~~[October 22, 2025]~~
Notice of Continuation: July 2, 2021
Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305; 50 CFR part 20

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R657-12	Filing ID: 57939

Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R657-12. Hunting and Fishing Accommodations for People with Disabilities	
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 111 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to hunting and fishing accommodations for people with disabilities.	
5. Summary of the new rule or change:	
The proposed amendment to this rule adds physician and nurse practitioner to the list of those able to sign health statements as revised during the 2026 General Session.	

Fiscal Information

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

A. State budget:

The amendments to Rule R657-12 are administrative in nature, the DWR determines that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do not have the potential to impact other persons that obtain hunting and fishing licenses with disabilities in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to hunt migratory game birds in Utah because it simply expands an existing definition.

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

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

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 23A-4-201	Section 23A-2-305	Section 23A-4-305
Section 23A-5-315		

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:	06/16/2026

10. This rule change MAY become effective on:	06/23/2026
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:	Riley Peck, Director	Date:	04/30/2026
---	----------------------	--------------	------------

R657. Natural Resources, Wildlife Resources.

R657-12. Hunting and Fishing Accommodations for People With Disabilities.

R657-12-1. Purpose and Authority.

Under authority of Sections 23A-2-305, 23A-4-201, 23A-4-305, 23A-5-315 and 63G-3-201, this rule provides the standards and procedures for a person with disabilities to:

- (1) obtain a certificate of registration for taking wildlife from a vehicle;
- (2) obtain a fishing license as authorized under Subsection 23A-4-305 (1);
- (3) obtain a certificate of registration to participate in companion hunting;
- (4) obtain a certificate of registration to receive a limited entry season extension;
- (5) obtain a certificate of registration to receive a general deer or elk season extension;
- (6) obtain a certificate of registration to hunt with a crossbow or draw-lock; or
- (7) obtain a certificate of registration to use telescopic sights on a weapon when otherwise prohibited.

R657-12-3. Providing Evidence of Disability for Obtaining a Fishing License.

(1) A resident may receive a free fishing license under Subsection 23A-4-305 (1) by providing evidence the person is blind, paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities.

- (2) A person may obtain this license at any division office.
- (3) The division shall accept the following as evidence of disability:
 - (a) obvious physical impediment;
 - (b) use of any mobility device described in Subsection R657-12-2(b);

(c) a signed statement by a licensed ophthalmologist, optometrist, ~~or a~~ physician, physician assistant, or nurse practitioner verifying the person is blind as defined under Subsection R657-12-2(a); or

(d) a signed statement by a licensed physician, physician assistant, or nurse practitioner verifying the person is paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or has lost either or both lower extremities.

KEY: wildlife, wildlife law, disabled persons, fishing

Date of Last Change: 2026[October 2, 2023]

Notice of Continuation: July 18, 2022

Authorizing, and Implemented or Interpreted Law: 23A-5-315; 63G-3-201

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or section number:	R657-13	Filing ID: 57941

Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R657-13. Taking Fish and Crayfish	
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 30 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking fish and crayfish.	
5. Summary of the new rule or change:	
The proposed amendment to this rule aligns fishing license requirements for residents and non-residents as revised during the 2026 General Session.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
The amendments to Rule R657-13 are administrative in nature, the DWR determines that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.	
B. Local governments:	
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
The proposed rule amendments will not directly impact small businesses because a service is not required of them.	
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):	
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.	
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):	
The proposed rule amendments do not have the potential to impact other persons that hunt fish in Utah, nor is a service required of them.	

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals wishing to fish in Utah because it simply expands an existing criteria.

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

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

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

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

Citation Information

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

Section 23A-2-304	Section 23A-2-305	
-------------------	-------------------	--

Public Notice Information

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

A. Comments will be accepted until:	06/16/2026
--	------------

10. This rule change MAY become effective on:	06/23/2026
--	------------

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:	Riley Peck, Director	Date:	04/30/2026
---	----------------------	--------------	------------

R657. Natural Resources, Wildlife Resources.

R657-13. Taking Fish and Crayfish.

R657-13-1. Purpose and Authority.

(1) Under authority of Sections 23A-2-304 and 23A-2-305, the Wildlife Board has established this rule for taking fish and crayfish.

(2) Specific dates, areas, methods of take, requirements and other administrative details which may change annually and are pertinent are published in the proclamation of the Wildlife Board for taking fish and crayfish.

R657-13-3. Fishing License Requirements and Free Fishing Day.

- (1) A license is not required on free fishing day, a Saturday in June, annually. All other laws and rules apply.
- (2) ~~[A]~~Notwithstanding Subsection 23A-6-405(6)(d)(ii), a person 12 years of age or older shall purchase a fishing license before engaging in any regulated fishing activity pursuant to Section 23-19-18.
- (3) A person under 12 years of age may fish without a license and take a full daily and possession limit.

KEY: fish, fishing, wildlife, wildlife law

Date of Last Change: 2026~~[December 2, 2024]~~

Notice of Continuation: August 24, 2022

Authorizing, and Implemented or Interpreted Law: 23A-2-305; 23A-24-304; 23A-4-201; 23-2-403

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R657-30	Filing ID: 57942

Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	R657-30. Fishing License for the Terminally Ill
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 111 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to issuing fishing licenses for the terminally ill.	
5. Summary of the new rule or change:	
The proposed amendment to this rule adds physician assistant and nurse practitioner to the list of those able to sign health statements as revised during the 2026 General Session.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The amendments to Rule R657-30 are administrative in nature, the DWR has determined that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B. Local governments:

Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

The proposed rule amendments do not have the potential to impact other persons that obtain licenses as a terminally ill fisher person in Utah, nor is a service required of them.

F. Compliance costs for affected persons:

DWR has determined that this amendment may not create additional costs for those individuals diagnosed with a terminal illness wishing to fish in Utah because it simply expands an existing definition.

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

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

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

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

Citation Information

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

Section 23A-2-305		
-------------------	--	--

Public Notice Information

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

A. Comments will be accepted until: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026

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:	Riley Peck, Director	Date:	04/30/2026
---	----------------------	--------------	------------

R657. Natural Resources, Wildlife Resources.**R657-30. Fishing License for the Terminally Ill.****R657-30-1. Purpose and Authority.**

Under Section 23A-4-305, this rule provides the procedures for a terminally ill person to obtain a free fishing license.

R657-30-2. Procedures for Obtaining a Free Fishing License.

(1) A resident may receive a fishing license free of charge upon providing the following information to a division office:

(a) Verification signed by a physician, physician assistant, or nurse practitioner stating the applicant:

(i) is terminally ill; and

(ii) has less than five years to live; and

(b) One of the following documents stating the person is receiving assistance under a low income public assistance program administered by the Utah Department of Health and Human Services:

(i) A Medicaid identification card for the current month;

(ii) A food stamp identification card for the current year; or

(iii) A document stating the person is receiving Supplemental Security Income.

(2) If a person is not a recipient of a public assistance program administered by the Utah Department of Health and Human Services or ~~is unable to~~ cannot produce one of the documents required under Subsection (b), the person must provide the division with an affidavit signed by the Office of Family Support stating that ~~he qualifies~~ they qualify for a low income public assistance program.

KEY: wildlife, licensing, terminally ill*, fishing, rules and procedures

Date of Last Change: 2026~~October 2, 2023~~

Notice of Continuation: April 4, 2022

Authorizing, and Implemented or Interpreted Law: 23A-4-305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number: R657-42 **Filing ID:** 57943

Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R657-42. Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents	
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 111 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to issuing and handling wildlife documents.	
5. Summary of the new rule or change:	
The proposed amendment to this rule adds physician's assistant and nurse practitioner to the list of those able to sign health statements as revised during the 2026 General Session.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
The amendments to Rule R657-42 are administrative in nature, the division determines that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.	
B. Local governments:	
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
The proposed rule amendments will not directly impact small businesses because a service is not required of them.	
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):	
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.	
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):	
The proposed rule amendments do not have the potential to impact other persons that request refunds or surrender hunting permits because of an illness or injury in Utah, nor is a service required of them.	
F. Compliance costs for affected persons:	
DWR has determined that this amendment may not create additional costs for those individuals wishing to request refunds or surrender hunting permits because of an illness or injury in Utah because it simply expands an existing criteria.	

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

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

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

Citation Information

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

Section 23A-4-201	Section 23A-4-207	
-------------------	-------------------	--

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: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026

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:	Riley Peck, Director	Date:	04/30/2026
---	----------------------	--------------	------------

R657. Natural Resources, Wildlife Resources.

R657-42. Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents.

R657-42-1. Purpose and Authority.

- (1) Under the authority of Sections 23A-4-201 and 23A-4-207 the division may issue wildlife documents in accordance with the rules of the Wildlife Board.
- (2) This rule provides the standards and procedures for the:
 - (a) exchange of permits;
 - (b) surrender of wildlife documents;
 - (c) refund of wildlife documents;
 - (d) reallocation of permits; and
 - (e) assessment of late fees.

R657-42-5. Refunds.

- (1) The refund of a license, certificate of registration or permit shall be made in accordance with:
 - (a) Section 23A-4-207 and Rule R657-50;
 - (b) Section 23A-4-301 and Subsection (3); or
 - (c) Section 23A-4-207 and this section.
- (2)(a) An application for a refund may be obtained from any division office.
- (b) All refunds must be processed through the Salt Lake Division office.

NOTICES OF PROPOSED RULES

- (c) Except for an individual applying for a refund under Subsection (3), an individual may apply for a refund up to 30 days after the expiration of the wildlife document.
- (d) The division may reject an application for a refund that is incomplete.
- (3) A person may receive a refund for a wildlife document if that person was deployed or mobilized on or after September 11, 2001, in the interest of national defense or national emergency and is thereby completely precluded from participating in the hunting or fishing activity authorized by the wildlife document, provided:
 - (a) the refund request is made to the division within one year of the end of the hunting or fishing season authorized by the wildlife document;
 - (b) the person surrenders the wildlife document to the division, or signs an affidavit stating the wildlife document is no longer in the person's possession; and
 - (c) the person verifies that the deployment or mobilization completely precluded them from participating in the activity authorized by the wildlife document; and
 - (d) the person provides military orders, or a letter from an employment supervisor on official public health or public safety organization letterhead stating:
 - (i) the branch of the United States Armed Forces, or name of the public health organization or public safety organization from which they were deployed or mobilized; and
 - (ii) the nature and length of their duty while deployed or mobilized.
- (4) The division may issue a refund for a wildlife document if the person to whom it was issued dies before participating in the hunting or fishing activity authorized by the wildlife document, provided the person legally entitled to administer the decedent's estate provides the division with:
 - (a) picture identification;
 - (b) letters testamentary, letters of administration, or such other evidence establishing the person is legally entitled to administer the affairs of the decedent's estate;
 - (c) a photocopy of the decedent's certified death certificate; and
 - (d) the wildlife document for which a refund is requested.
- (5)(a)(i) A person may receive a refund minus a processing fee for a once-in-a-lifetime or limited-entry permit provided the permit is surrendered to the division 30 days or more before the season opening date identified on the permit.
- (ii) A person surrendering a once-in-a-lifetime or limited-entry permit less than 30 days before the season opening date, may receive a refund minus a processing fee, provided the drawing results are posted less than 30 days before the hunt start date.
- (iii) A person may receive a refund for a general season permit that must be surrendered to accept a reallocated limited-entry permit for the same species.
- (iv) The established refund processing fee will not be assessed on general season permits surrendered under Subsection (5)(a)(iii).
- (6) A person may receive full refund for once-in-a-lifetime, limited-entry or general season permits if surrendering for medical reasons provided:
 - (i) the person to whom the license, certificate, or permit is issued becomes ill or suffers an injury that precludes the person from using the license, certificate, or permit;
 - (ii) the person furnishes verification of illness or injury with a written physician, physician assistant, or nurse practitioner statement;
 - (iii) the person does not use the license, certificate, or permit; and
 - (iv) the license, certificate, or permit is surrendered before the end of the season for which the permit was issued.
- (7) The director may determine that a person did not have the opportunity to participate in an activity authorized by the wildlife document.
- (8) Notwithstanding any other provision of this rule, the division may reinstate a bonus point or preference point, whichever applies, and waive waiting periods, if applicable, when issuing a refund in accordance with this section.

KEY: wildlife, permits

Date of Last Change: ~~February 10,~~ 2026

Notice of Continuation: March 15, 2023

Authorizing, and Implemented or Interpreted Law: 23A-4-201; 23A-4-207; 23A-4-301

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R657-43	Filing ID: 57946

Agency Information	
1. Title catchline:	Natural Resources, Wildlife Resources
Building:	DNR Complex
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT 84416

Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R657-43. Landowner Permits	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	HB 202 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to issuing landowner permits.	
5. Summary of the new rule or change:	
The proposed amendment to this rule aligns the definition of "Landowner Association" as revised during the 2025 General Session; makes technical corrections.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
The amendments to Rule R657-43 are administrative in nature, the division determines that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.	
B. Local governments:	
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
The proposed rule amendments will not directly impact small businesses because a service is not required of them.	
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):	
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.	
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):	
The proposed rule amendments do not have the potential to impact other persons that participate in the Landowner Permit program in Utah, nor is a service required of them.	
F. Compliance costs for affected persons:	
DWR has determined that this amendment may not create additional costs for those individuals wishing to participate in the Landowner Permit program in Utah because it simply expands an existing program criteria.	

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

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

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

Citation Information

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

Section 23A-2-304	Section 23A-2-305	
-------------------	-------------------	--

Public Notice Information

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

A. Comments will be accepted until:	06/16/2026
--	------------

10. This rule change MAY become effective on:	06/23/2026
--	------------

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:	Riley Peck, Director	Date:	04/30/2026
---	----------------------	--------------	------------

R657. Natural Resources, Wildlife Resources.

R657-43. Landowner Permits.

R657-43-1. Purpose and Authority.

(1) Under authority of Sections 23A-2-304 and 23A-2-305, this rule provides the standards and procedures for landowners to qualify for and obtain big game hunting opportunities in recognition of the benefits their private properties provide to wildlife resources in Utah.

(2) The Private Landowners may apply for and obtain Vouchers from the division through one of the following three programs, and as further outlined in this rule:

(a) The division may provide one of the following permits to individual landowners for the General Season Landowner Permit Program:

(i) A General Season Landowner - Private Land - Buck Deer Permit may be provided for Landowners to use only on their private land; or

(ii) A General Season Landowner - Unit Wide - Buck Deer Permit that Landowners can seek through a draw process and is usable throughout the general season unit.

(b) The division may provide ~~permits~~ vouchers to individual Landowners on limited entry units with eligible lands that are not enrolled in a Landowner Association to hunt Buck Deer, Bull Elk, and Buck Pronghorn on their own private land.

(c) The division may provide Buck Deer, Bull Elk, and Buck Pronghorn permits to Landowner Associations through the Limited Entry Landowner Association Program that can be:

- (i) used unit wide for a Landowner Association that allow public access; or
- (ii) used only on private land within the Landowner Association if no public access is allowed.

(3) The Landowner permit programs are intended to:

- (a) provide an incentive for private landowners to manage their lands as quality habitat for public wildlife;
- (b) assist and support the division in managing big game populations;
- (c) increase private Landowner tolerance of big game on their Private Lands;
- (d) increase big game hunting opportunities;
- (e) increase and secure public hunting access on participating Landowners' Private Lands;
- (f) reduce the division's obligations in responding to and compensating for depredation events occurring on participating Private

Lands;

- (g) use objective criteria to determine how hunting opportunities are allocated under the programs; and
- (h) allocate hunting opportunities in a manner that fluctuates in proportion to variations in public draw permit numbers.

R657-43-2. Definitions.

(1) Terms used in this rule are defined in Section 23A-1-101.

(2) In addition:

(a) "Applicant" means a Landowner applying to participate in the General Season Buck Deer Landowner Permit program, the Limited Entry Landowner Association Permit program, or the program for Landowners on limited entry units with eligible land that is not enrolled in a Limited Entry Landowner Association.

(b) "Cropland" means agricultural Private Land that is cultivated and mechanically harvested and upon which the division has determined that migratory deer rely to meet herd management objectives.

(c) "Draw Application" means an application for Permits submitted to the division after the Applicant has been approved to participate in the program.

(d) "Eligible Property" means Private Land that:

- (i)(A) provides habitat for deer, elk or pronghorn as determined by the division;
- (B) is not used in the operation of a Cooperative Wildlife Management Unit for the same species;
- (C) is not used in the operation of an elk farm or elk hunting park; and
- (D) is in agricultural use as provided in Section 59-2-502 and eligible for agricultural use valuation as provided in Sections 59-2-503 and 59-2-504.

(ii) In addition to Subsection (d)(i), Eligible Property must have one or more of the following attributes:

(A) for General Season Unit Wide Landowner Buck Deer Permits, a minimum of 100 acres of Cropland, or a minimum of 640 acres of other Private Land meeting the criteria in Subsections (d)(i) through (ii) that is owned or leased by one Landowner or leased by one landowner within the general season unit hunt boundary; or

(B) for General Season Private Land Landowner Buck Deer Vouchers a minimum of 640 acres of Private Land owned or leased within a general season unit hunt boundary; or

(C) for a Limited Entry Landowner Permit Voucher, Private Land owned or leased within a limited entry elk, deer or pronghorn unit for land that is enrolled in a Limited Entry Landowners Association.

(D) for a Limited Entry Landowner Permit Voucher for Private Land owned or leased within a limited entry elk, deer or pronghorn unit for land that is not enrolled in a Limited Entry Landowners Association, a minimum of 640 acres of Private Land meeting the criteria in Subsections (d)(i)(A) through (D) that is owned or leased by one Landowner or leased by one landowner within the limited entry unit hunt boundary.

(e) "Governing Documents" mean the legal documents executed by a Legal Entity Owners that govern the formation, operation, management, rules, duties, responsibilities, decision-making and dissolution of said Legal Entity.

(f) "Immediate Family" means a Landowner's, a Lessee's, or a Legal Entity Owner's spouse, children, sons-in-law, daughters-in-law, father, mother, father-in-law, mother-in-law, brothers, sisters, brothers-in-law, sisters-in-law, stepchildren, and grandchildren.

(g) "Landowner" means, for the purposes of this rule, any person or Legal Entity which:

(i) owns Private Land in Utah as evidenced by such deeds vesting title in such Landowner;

(ii) is the purchaser of Private Land pursuant to a recorded contract of sale; or

(iii) is an agricultural Lessee of Private Land, being any person or legal entity with a written lease whose terms permit the lessee to be in physical control of such Private Land.

(h) "Landowner Association" means a ~~Legal Entity created by Landowners who own Eligible Property~~ in organization consisting of private land owners within a limited entry unit, [which Legal Entity is organized for-]working with the division [as outlined in -]to implement this section and whose land:~~rule-~~

(i) provides habitat for deer, elk, or pronghorn as determined by the division; and

(ii) is not enrolled in another private lands permit program

NOTICES OF PROPOSED RULES

(i) "Legal Entity" means an entity such as a corporation, partnership, limited liability company, or trust that is organized under the laws of the state and otherwise qualified to do business within Utah.

(j) "Legal Entity Owner" means a person or other Legal Entity which has ownership in a Legal Entity, such as a shareholder of a corporation, a member of a limited liability company, a partner in a partnership, or trustee or beneficiary of a trust.

(k) "Permit" means a hunting authorization obtained through a draw or purchased from the division by a person who is the holder of a Voucher, pursuant to the terms and authorizations contained in such Voucher.

(l) "Private Land" means, for the purposes of this rule, any real property owned or leased by a Landowner, excluding:

(i) land owned by the state or federal government;

(ii) land owned by a county or municipality;

(iii) land owned by an Indian tribe;

(iv) land enrolled in a Cooperative Wildlife Management Unit for the same species under Rule R657-37; and

(v) land where public access for big game hunting has been secured.

(m) "Qualifier Application" means the initial application submitted to the division to determine if a Landowner meets the necessary requirements to participate in the landowner permit program.

(n) "Voucher" means an authorization issued by the division to a Landowner that entitles such Landowner or its permitted transferees, if allowed pursuant to this rule, to purchase a Permit from the division.

TABLE Landowner Permit Programs Table						
Permit/Voucher Type	Hunt Boundary	Species	Requirements	Stipulations	Public Access	Permit Quantity
General Season	Private Lands Only	Deer	640 acres of Agricultural Land or Range Land	Can be sold	Not required	Up to 10% above total unit permits
General Season	Unit Wide	Deer	100 acres Agricultural Land, or 640 acres of Range Land	Owner or immediate family only - cannot be sold	Not required	Up to 3% above total
Limited Entry - Non-LOA	Owners Private Lands Only	Deer, Elk, Pronghorn	640 acres - of Agricultural Land or Range Land	For anyone - cannot be sold	Not required	Up to 5% above total unit permits
<u>Limited Entry - Non-LOA</u>	<u>Owners Private Lands Only</u>	<u>Elk</u>	<u>2 draws - 640 - 3,999 acres and 4,000 - 8,999 acres</u>	<u>Can be sold</u>	<u>Not required</u>	<u>5% of total unit permits</u>
<u>Limited Entry - Non-LOA</u>	<u>Owners Private Lands Only</u>	<u>Elk</u>	<u>4,000 - 8,999 contiguous acres</u>	<u>Can be sold</u>	<u>Not required</u>	<u>DWR can award 0-2 vouchers</u>
Limited Entry - LOA 1	Unit Wide	Deer, Elk, Pronghorn	>50% of eligible land enrolled	Can be sold	Required	Percentage of habitat = percentage of LOA permits
Limited Entry - LOA 2	Private Lands Only	Deer, Elk, Pronghorn	>50% of eligible land enrolled	Can be sold	Not required	Percentage of habitat = percentage of LOA permits

R657-43-7. Limited Entry Landowner Program - Permit Vouchers for Lands not Participating in a Landowner Association -- Availability and Eligibility.

(1) The division shall establish the number of Limited Entry Landowner Program Permit Vouchers for private lands not enrolled in a Landowner Association for buck deer~~[-, bull elk,]~~ and buck pronghorn annually by:

- (a) identifying the total number of limited entry permits available in a unit; and
 - (b) allocating up to an additional 5%, with at least one permit per unit, by weapon type, of that number to the program.
- (2) Vouchers for Limited Entry Landowner Program Permits for lands not participating in a Landowner Association will be issued through the Limited Entry Landowner Program Permit Voucher draw.
- (3) An Applicant must meet the following eligibility criteria to apply for or obtain permits under the Limited Entry Landowner Program:
- (a) own the minimum quantity of Eligible Property in the proper Limited Entry unit boundaries as identified in this rule;
 - (b) be able to lawfully obtain and use a hunting license and big game permit;
 - (c) submit a complete application by the deadline;
 - (d) participate in the Limited Entry Landowner Permit drawing; and
 - (e) pay necessary fees.
- (4) An Applicant may apply for Limited Entry Landowner Permit Vouchers according to the following limitations:
- (a) A minimum of 640 acres of Eligible Property is required to submit an application;
 - (b) Only one Limited Entry Landowner Program Permit may be issued per parcel of Eligible Property; and
 - (c) An Applicant may apply for and receive a maximum of one Limited Entry Landowner Program Permit Vouchers in a single hunt year.
- (5) A landowner or lessee transferring a permit voucher to another individual may not receive any form of compensation or remuneration for the transfer or for allowing access to the private land for hunting on a permit redeemed with that voucher on the landowner or lessee's eligible property.

R657-43-9. Limited Entry Landowner Association Program Permit Vouchers -- Availability and Eligibility.

- (1)(a) Landowners in a limited entry unit may join together to form a Landowner Association for participation in the Limited Entry Landowner Association Permit program.
- (b) To qualify as a Landowner Association, participating Landowners must:
 - (i) own more than 50% of the Private Lands that are Eligible Property within the limited entry herd unit;
 - (ii) form a Landowner Association;
 - (iii) limit participation to Private Lands within a limited entry hunt unit serving as habitat for that species; and
 - (iv) the president of the Landowner Association must participate in a division training annually.
- (2) The division will establish the number of Limited Entry Landowner Association Program Permits available on an annual basis by:
- (a) identifying the total number of ~~[total]~~ public draw permits in a limited entry unit for the previous hunt year;
 - (b) identifying the total acreage of Private Land in a limited entry unit enrolled in the Landowner Association;
 - (c) calculating the percentage of habitat of a big game species in the landowners association ~~[unit represented by the Landowner Association]~~ by dividing the habitat acreage ~~[represented by the Landowner Association by the habitat acreage]~~ in the whole limited entry unit; ~~and~~;
 - (d) applying that percentage described in Subsection (2)(c) to the total number of available public draw permits from the previous year to determine the number of Limited Entry Landowner Association Program Permit Vouchers to be allocated to the Landowner Association;
 - (e) applying standard rounding will be practiced when determining permit numbers - .49 rounds down and .5 rounds up; and
 - (f) an approved Landowner Association that qualifies for less than one permit voucher every year will receive one permit voucher ~~annually~~ [the first year after approval.]
 - (g) the division shall annually allocate one additional voucher to each landowners association
- (3) To form a Landowner Association, Landowners must:
- (a) elect a president;
 - (b) enter into Governing Documents signed by all participating Landowners that:
 - (i) agree to the formation of a Landowner Association for the purposes of participating in the program;
 - (ii) establish membership qualifications;
 - (iii) identify any yearly dues, if any, necessary to participate and how those funds will be utilized;
 - (iv) establish a distribution plan for allocating Vouchers or revenue from Vouchers to members;
 - (v) describe the process for adding and removing members in a fair and impartial process;
 - (vi) describe how the Landowner Association will provide notice of upcoming meetings and how members can participate;
 - (vii) establish how voting and decisions on behalf of the Landowner Association will be made;
 - (viii) establish rules and guidelines outlining permit holder conduct on Landowner Association property;
 - (ix) describe how the Landowner Association will complete compliance requirements for the program;
 - (x) describe how the members will elect a president to represent the landowner association and the president's length of term;
 - (xi) include a written waiver from each participating Landowner of all depredation claims due to big game damage during the term of such Landowner's membership in the Landowner Association;
 - (xii) if option 1, Subsection R657-43-9(5)(a) is chosen include a written agreement from each participating member to allow free public access onto all participating Landowner's Private Lands as required by Subsections R657-43-5(5) and R657-43-5(6); and
 - (xiii) other items deemed necessary and appropriate to administer the Landowner Association.
- (4) Limitations on the eligibility of Private Lands in Landowner Associations:
- (a) Private Lands enrolled in a Cooperative Wildlife Management Unit for the same species are not eligible to participate in a Landowner Association under this rule;

NOTICES OF PROPOSED RULES

- (b) Public and state lands are not eligible to be included in a Landowner Association;
- (c) Only Private Lands that qualify as Eligible Property will be considered for Limited Entry Landowner Permits;
- (d) Only one Landowner Association, per species, may be formed for each limited entry unit; and
- (e) A Landowner or Landowner Association may not restrict legally established passage through Private Land to access public lands for hunting.
- (5) A Landowner Association may choose one of two Voucher options during the term of its certificate of registration:
 - (a) Option 1:
 - (i) The Landowner Association will be issued Vouchers valid for the entire limited entry hunting unit;
 - (ii) an equivalent number of public hunters to the number of Vouchers received by the Landowner Association shall be provided complete access to hunt all Landowner Association's Private Lands at no charge for the species during the season dates identified on the Limited Entry Landowner Association Permit; and
 - (iii) the division will notify the lowest draw numbers of public hunters in that unit who will be given access to the Landowner Association's Private Lands pursuant to this section.
 - (b) Option 2:
 - (i) The Landowner Association will be issued Vouchers valid only for Private Lands enrolled in the Landowner Association;
 - (ii) the number of Vouchers allocated to a Landowner Association will be calculated using the formula in Subsection (2), rounded up to the nearest whole number.
 - (c) Limited Entry Landowner Association Program Permit Vouchers are not valid for:
 - (i) multi-season hunting opportunities;
 - (ii) private land not enrolled in the Landowner Association; or
 - (iii) late season limited entry buck deer permits on a general season unit.
- (6)(a) Public draw permit holders specified in Subsection (5)(a) will have access to all enrolled Landowner Association lands for the entirety of the hunt.
 - (b)(i) The Landowner Association will be responsible for ensuring those public draw permit holders identified in Subsection (5)(a) are given access to all private lands; and
 - (ii) Landowner Associations may determine how to disperse public hunters by seasons. If all public hunters are in one season it will be the any-weapon season.
 - (c) The Landowner Association must provide a written copy of its guidelines used to regulate a permit holder's conduct as a guest on the Landowner Association land. These guidelines will go through the RAC and Wildlife Board process to ensure they are fair and reasonable.
- (7) Performance metrics will be established by the division, with recommendations from the Landowner Association Advisory Committee, to determine if the purposes of the program are being met.

KEY: wildlife, landowner permits, big game seasons
Date of Last Change: 2026[July 8, 2025]
Notice of Continuation: February 1, 2022
Authorizing, and Implemented or Interpreted Law: 23A-2-304; 23A-2-305

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R657-60	Filing ID: 57944
Agency Information		
1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R657-60. Aquatic Invasive Species Interdiction	
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 125 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to aquatic invasive species interdiction.	
5. Summary of the new rule or change:	
The proposed amendment to this rule re-aligns the ownership of the Aquatic Invasive Species program from the DWR to the Division of Law Enforcement as revised during the 2026 General Session.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
The amendments to Rule R657-60 are administrative in nature, the division determines that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.	
B. Local governments:	
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
The proposed rule amendments will not directly impact small businesses because a service is not required of them.	
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):	
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.	
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):	
The proposed rule amendments do not have the potential to impact other persons that boat or recreate in Utah, nor is a service required of them.	
F. Compliance costs for affected persons:	
DWR has determined that this amendment may not create additional costs for those individuals wishing to boat or recreate in Utah waterbodies because it simply transfers the program from the DWR to the Division of Law Enforcement.	

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

NOTICES OF PROPOSED RULES

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

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

Citation Information

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

Section 23A-10-401	Section 23A-2-304	Section 23A-2-305
--------------------	-------------------	-------------------

Public Notice Information

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

A. Comments will be accepted until: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026

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:	Riley Peck, Director	Date:	04/30/2026
---	----------------------	--------------	------------

R657. Natural Resources, Wildlife Resources.

R657-60. Aquatic Invasive Species Interdiction.

R657-60-1. Purpose and Authority.

- (1) The purpose of this rule is to define procedures and regulations designed to prevent and control the spread of aquatic invasive species within Utah.
- (2) This rule is promulgated pursuant to authority granted to the Wildlife Board in Sections 23A-10-401, 23A-2-304, and 23A-2-305.

R657-60-2. Definitions.

- (1) Terms used in this rule are defined in Sections 23A-1-101 and 23A-10-101.
- (2) In addition:

- ~~(a) "Conveyance" means a terrestrial or aquatic vehicle, including a vessel, or a vehicle part that may carry or contain a Dreissena mussel.~~
- ~~(b)~~ (a) "Decontaminate" or "Decontaminated" means to comply with one of the following methods:
 - (i) if no adult mussels are attached to the conveyance after exiting the water body, ~~[an owner or operator]~~ a person may self-decontaminate equipment or a conveyance that has been in an infested water in the previous 30 days by:
 - (A) removing all plants, fish, and mud from the equipment or conveyance;
 - (B) draining all water from the equipment or conveyance, including water held in ballast tanks, bilges, livewells, and motors; and

(C) drying the equipment or conveyance for no less than seven days in June, July and August; 18 days in September, October, November, March, April and May; 30 days in December, January and February; or expose the equipment or conveyance to sub-freezing temperatures for 72 consecutive hours; or

(D) if all water cannot be drained from the conveyance, or the conveyance has a complex water or mechanical system that the ~~[division]~~Division of Law Enforcement determines poses a significant risk that ~~[Dreissena]~~invasive mussels could remain on the conveyance after the dry time identified in Subsection (C), fulfilling the requirements of Subsections (A) and (B) to the extent practicable and drying the conveyance for no less than 30 days;

(i) professionally decontaminate equipment or a conveyance that has been in an infested water in the previous 30 days by:

(A) using a professional decontamination service approved by the ~~[division]~~Division of Law Enforcement to flush any areas where water is held, including ballast tanks, bilges, livewells, and motors, and to apply scalding water to all conveyance and equipment surfaces at the temperature and immersion time necessary for 100%~~[-percent]~~ mussel mortality as provided in the Uniform Minimum Protocols and Standards for Watercraft Inspection and Decontamination Programs for ~~[Dreissena]~~Invasive Mussels in the Western United States; and

(B) complete a mandatory 30 day dry time after the scalding water wash is completed if the ~~[division]~~Division of Law Enforcement determines that, due to the complexity of water or mechanical systems on the conveyance, a significant risk that ~~[Dreissena]~~invasive mussels remain present on the conveyance regardless of receiving a scalding water wash described in Subsection (A); or

(iii) complying with all protocols identified in a certificate of registration.

~~(b) "Controlling entity" means the owner, operator, or manager of a water body, facility, or a water supply system.~~

~~(c) "Detected Water" or "Detected" means a water body, facility, or water supply system where the presence of [a-Dreissena]an invasive mussel is indicated in two consecutive sampling events using visual identification or microscopy and the results of each sampling event is confirmed in two polymerase chain reaction tests, each conducted at independent laboratories.~~

~~(d) "[Dreissena mussel]" means a mussel of the genus Dreissena at any life stage, including a zebra mussel, a quagga mussel and a Conrad's false mussel.~~

~~(e) "Controlling entity" means the owner, operator, or manager of a water body, facility, or a water supply system.~~

~~(f) "Equipment" means an article, tool, implement, or device capable of carrying or containing water or Dreissena mussel.~~

~~(g) "Facility" means a structure that is located within or adjacent to a water body.~~

~~(h) "Highway" has the same meaning as Subsection 72-1-102(7).~~

~~(i) "Infested Water" or "Infested" means a water body, facility, water supply system, or geographic region where the presence of multiple age classes of attached Dreissena mussels is indicated in two or more consecutive sampling events using visual detection or microscopy and the result of each sampling event is confirmed in two polymerase chain reaction tests, each conducted at independent laboratories.~~

~~(j) "Juvenile or adult [Dreissena]invasive mussel" means a macroscopic [Dreissena]invasive mussel that is not a veliger.~~

~~(k) "Quarantine" means imposing a required minimum period of time where a conveyance must stay at a predetermined location[in order to] minimize the risk that [Dreissena]invasive mussels are spread.~~

~~(l) "Suspected Water" or "Suspected" means a water body, facility, or water supply system where the presence of a [Dreissena]invasive mussel is indicated through a single sampling event using visual identification or microscopy and the result of that sampling event is confirmed in two independent polymerase chain reaction tests, each conducted at independent laboratories.~~

~~(m) "Veliger" means a microscopic, planktonic larva of [Dreissena]invasive mussel.~~

~~(n) "Vessel" has the same meaning as Subsection 73-18-2(19).~~

~~(o) "Water body" means natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.~~

~~(p) "Water supply system" means a system that treats, conveys, or distributes water for irrigation, industrial, wastewater treatment, or culinary use, including a pump, canal, ditch or pipeline.~~

~~(q) "Water supply system" does not include a water body.]~~

R657-60-3. Possession of ~~[Dreissena]~~Invasive Mussels.

(1) Except as provided in Subsections R657-60-3(2) and R657-60-5(2), a person may not possess, import, ship, or transport any ~~[Dreissena]~~invasive mussel.

(2) ~~[Dreissena]~~Invasive mussels may be imported into and possessed within ~~[the state of]~~Utah with prior written approval of the Director of the Division of Wildlife Resources or a designee.

R657-60-4. Reporting of Invasive Species Required.

(1) A person who discovers ~~[a-Dreissena]an invasive~~ mussel within this state or has reason to believe ~~[a-Dreissena]an invasive~~ mussel may exist at a specific location shall immediately report the discovery to the ~~[division]~~Division of Law Enforcement.

(2) The report shall include the following information:

(a) location of the ~~[Dreissena]~~invasive mussels;

(b) date of discovery;

(c) identification of any conveyance or equipment in which mussels may be held or attached; and

(d) identification of the reporting party with their contact information.

~~(3) The report shall be made in person or in writing:~~

~~(a) at any division regional or headquarters office;~~

~~(b) to the division's toll free hotline at 1-800-662-3337; or~~

~~(c) on the division's website at www.wildlife.utah.gov/law/hsp/pf.php.~~

~~(4) (3) Reporting requirements under this [S]section do not apply to:~~

NOTICES OF PROPOSED RULES

- (a) [~~Dreissena~~]Invasive mussels found in an [~~Infested~~]infested waterbody;
- (b) a conveyance or equipment that is subject to a quarantine or mandatory dry time and has been documented by the [~~division~~]Division of Law Enforcement; or
- (c) a person lawfully in possession of [~~a Dreissena~~]an invasive mussel pursuant to Section R657-60-3.

R657-60-5. Requirements for Transportation and Launching of Equipment and Conveyances.

- (1) Before transporting a conveyance on a highway, [~~as defined in Section 72-1-102, in the state, a person~~]an individual shall:
 - (a) remove all drain plugs and similar devices that prevent drainage of raw water systems on the conveyance; and
 - (b) to the extent feasible, drain all water from live wells, bilges, ballast tanks, and similar compartments on the conveyance.
- (2)[~~(a)~~] Before launching a conveyance in a Utah waterbody, unless exempt under Subsection 23A-10-304(3) or 23A-10-201(7), a nonresident vessel owner shall:
 - (~~i~~) [~~a~~] pay the annual aquatic invasive species fee; and
 - [~~(ii) successfully complete~~] (b) display the aquatic invasive species [~~education course; and~~
 - [~~(iii) provide proof of compliance~~] decal in accordance with [~~this Subsection to the vessel operator.~~]Subsection 23A-10-201(6);
 - [~~(b) The vessel operator is responsible for verifying compliance with this Section while recreating on a Utah waterbody.~~
 -] (c) Except as provided in Subsection ([~~6~~], a person must[~~7~~]), satisfy all decontamination requirements[~~before launching or placing equipment or a conveyance in a waterbody~~] if that equipment or conveyance has been in a waterbody or water supply system subject to decontamination requirements in the previous 30 days.
 - [~~(3)~~] (3) Before launching a conveyance in a Utah waterbody, unless exempt under Subsection 23A-10-304(3) or 23A-10-201(7), a nonresident operator of a vessel shall:
 - (a) successfully complete the Watercraft Operator Safety Course; and
 - (b) provide proof of compliance when requested by a peace officer.
 - (4) The owner, operator, or possessor of any equipment or conveyance that has been in a waterbody subject to decontamination requirements shall inspect the interior and exterior of the equipment or conveyance for the presence of [~~Dreissena~~]invasive mussels immediately upon exiting the waterbody and [~~prior to~~]before leaving the take out site.
 - (~~4~~)5(a) If all water in the equipment or conveyance is drained and the inspection undertaken pursuant to Subsection ([~~3~~]4) reveals the equipment and conveyance are free from mussels or shelled organisms, fish, plants and mud, the equipment and conveyance may be transported in or through the state directly from the take out site to the location where it will be:
 - (i) decontaminated; or
 - (ii) temporarily stored and subsequently returned to the same water body [~~and take out site~~]as provided in Subsection ([~~6~~]7).
 - (b) All drain plugs and similar devices that prevent drainage of raw water systems on the conveyance shall be removed during the transport and storage of a conveyance.
 - (~~5~~)6 Equipment and conveyances may not be moved from a take out site of an infested, suspected, or detected water body, or a water body subject to a closure order or control plan requiring decontamination, unless:
 - (a) the operator satisfies the requirements of Subsection ([~~4~~]5); or
 - (b) the operator receives prior written authorization to move the equipment or conveyance to a designated location to complete decontamination requirements.
 - (~~6~~]7) Decontamination is not required when a conveyance or equipment is removed from an infested water or other water body subject to decontamination requirements, provided the conveyance and equipment is:
 - (a) inspected and drained at the take out site, and is free from attached mussels, shelled organisms, fish, plants, and mud as required in Subsections (1) and (2);
 - (b) returned [~~to the same water body~~]and launched at the same [~~take out site~~]water body; and
 - (c) not placed in or on any other Utah water body in the interim without first being decontaminated.
 - (~~7~~]8(a) Division of Law Enforcement personnel may provide the operator of a vessel leaving an infested water, or any water subject to a closure order under Section R657-60-8 or control plan under Section R657-60-9, with an inspection certification indicating the date that vessel left the water body.
 - (b) [~~An individual~~]A person who receives a certification of inspection from the [~~division~~]Division of Law Enforcement must retain that certification of inspection until:
 - (i) the [~~operator~~]person returns to the same body of water and receives a new certification of inspection upon leaving the water body;
 - (ii) the [~~operator~~]person completes a certification of decontamination; or
 - (iii) the [~~operator~~]person receives a professional decontamination certificate.
- (2) Certification of decontamination is satisfied by:

(a) previously completing self-decontamination since the vessel and launching device were last in a water described in Subsection (1)(b) and completely filling out and dating a decontamination certification form which can be obtained from the ~~[division]~~Division of Law Enforcement; or

(b) providing a signed and dated certificate by a ~~[division]~~Division of Law Enforcement approved professional decontamination service verifying the vessel and launching device were professionally decontaminated since the vessel and launching device were last in a water described in Subsection (1)(b); or

(c) complying with the terms identified in a certificate of registration issued for alternative decontamination measures.

(3) A certificate of registration to complete alternate forms of decontamination may be issued to ~~[an individual]~~a person who:

(a) operates conveyances as a part of their business;

(b) whose conveyances cannot be decontaminated using self-decontamination or professional decontamination as defined in Subsections R657-60-2(b)(i) and R657-60-2(b)(ii).

~~(4) Both the decontamination certification form and the professional decontamination certificate, where applicable, must be signed and placed in open view in the window of the launching vehicle prior to launching or placing the vessel in a body of water.~~

~~(5)(a) It is unlawful under Section 76-8-504 to [knowing]knowingly falsify a decontamination certification form.~~

(b) It is unlawful under Subsection 23A-5-301(2) to alter or destroy a certificate of inspection or other official indicator verifying inspection ~~[prior to]~~before completing a decontamination certification form.

(c) The ~~[division]~~Division of Law Enforcement may suspend, revoke, or terminate a certificate of registration if the business entity, owner, agent, independent contractor or an employee thereof has violated a term of this rule, the Wildlife Resources Code, or a certificate of registration.

R657-60-7. Wildlife Board Designations of Infested Waters.

(1) The Wildlife Board may designate a geographic area, water body, facility, or water supply system as Infested with ~~[Dreissena]~~invasive mussels pursuant to Sections 23A-10-101 and 23A-10-401 without taking the proposal to or receiving recommendations from the regional advisory councils.

(2) The Wildlife Board may designate a particular water body, facility, or water supply system within the state as Infested with ~~[Dreissena]~~invasive mussels when sampling indicates the water body, facility, or water supply system meets the minimum criteria for an ~~[Infested Water]~~infested water as defined in this rule.

(3) The Wildlife Board may designate a particular water body, facility, or water supply system outside the state as Infested with ~~[Dreissena]~~invasive mussels when it has credible evidence suggesting the presence of ~~[a Dreissena]~~an invasive mussel in that water body, facility, or water supply system.

(4) Where the number of ~~[Infested Waters]~~infested waters in a particular area is numerous or growing, or where surveillance activities or infestation containment actions are deficient, the Wildlife Board may designate geographic areas as ~~[Infested]~~infested with ~~[Dreissena]~~invasive mussels.

(5) The following water bodies and geographic areas are classified as infested:

(a) all coastal and inland waters in:

(i) California;

(ii) Nevada;

(iii) Arizona;

(iv) all states east of Montana, Wyoming, Colorado, and New Mexico;

(v) the provinces of Ontario and Quebec Canada; and

(vi) Mexico;

(b) Lake Powell and that portion of the:

(i) Colorado River within the boundaries of Glen Canyon National Recreation Area;

(ii) Escalante River between Lake Powell and the Coyote Creek confluence;

(iii) Dirty Devil River between Lake Powell and the Highway 95 bridge; and

(iv) San Juan River between Lake Powell and Clay Hills Crossing; and

(c) other waters established by the Wildlife Board and published on the DWR website.

(6) The Wildlife Board may remove an infested classification if:

(a) the ~~[division]~~Division of Wildlife samples the affected water body for seven~~[-(7)]~~ consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a "suspected" classification, as defined in this rule; or

(b) the controlling entity eradicates all ~~[Dreissena]~~invasive mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the ~~[division]~~Division of Wildlife verifies in writing that ~~[Dreissena]~~invasive mussels are no longer present.

R657-60-8. Closure Order for a Water Body, Facility, or Water Supply System.

(1)(a) The ~~[division]~~Division of Wildlife may classify a water body, facility, or water supply system as suspected or detected if it meets the minimum criteria for suspected or detected, as defined in this rule.

(b) If the ~~[division]~~Division of Wildlife classifies a water body, facility, or water supply system as either suspected or detected, the ~~[division]~~Division of Wildlife director or designee may, with the concurrence of the executive director of the Department of Natural Resources, issue an order closing the water body, facility, or water supply system to the introduction or removal of conveyances or equipment.

NOTICES OF PROPOSED RULES

(c) The Division of Wildlife director shall consult with the controlling entity of the water body, facility, or water supply system when determining the scope, duration, level and type of closure that will be imposed [~~in order~~]to avoid or minimize disruption of economic and recreational activities.

(d) A closure order may;

(i) close the water entirely to conveyances and equipment;

(ii) authorize the introduction and removal of conveyances and equipment subject to the decontamination requirements in Subsection R657-60-2(2)(b) and Section R657-60-5; or

(iii) impose any other condition or restriction necessary to prevent the movement of [~~Dreissena~~]invasive mussels into or out of the subject water.

(iv) a closure order may not restrict the flow of water without the approval of the controlling entity.

(2)(a) A closure order issued pursuant to Subsection (1) shall be in writing and identify the:

(i) water body, facility, or water supply system subject to the closure order;

(ii) nature and scope of the closure or restrictions;

(iii) reasons for the closure or restrictions;

(iv) conditions upon which the order may be terminated or modified; and

(v) sources for receiving updated information on the presence of [~~Dreissena~~]invasive mussels and closure order.

(b) The closure order shall be mailed, electronically transmitted, or hand delivered to:

(i) the controlling entity of the water body, facility, or water supply system; and

(ii) any governmental agency or private entity known to have economic, political, or recreational interests significantly impacted by the closure order; and

(iii) any person or entity requesting a copy of the order.

(c) The closure order or its substance shall further be:

(i) posted on the [~~division's~~]Division of Wildlife's web page; and

(ii) published in a newspaper of general circulation in [~~the state of~~]Utah or the affected area.

(3)(a) If a closure order lasts longer than seven days, the [~~division~~]Division of Wildlife shall provide the controlling entity and post on its web page a written update every ten days on its efforts to address the [~~Dreissena~~]invasive mussel infestation.

(b) The ten day update notice cycle will continue [~~for the duration of~~]during the closure order.

(4)(a) Notwithstanding the closure authority in Subsection (1), the [~~division~~]Division of Wildlife may not unilaterally close or restrict a suspected or detected water supply system where the controlling entity has prepared and implemented a control plan in cooperation with the [~~division~~]Division of Wildlife that effectively controls the spread of [~~Dreissena~~]invasive mussels from the water supply system.

(b) The control plan shall comply with the requirements in Section R657-60-9.

(5) Except as authorized by the Division of Wildlife in writing, a person may not violate any provision of a closure order.

(6) A closure order or control plan shall remain effective so long as the water body, water supply system, or facility remains classified as suspected or detected.

(7) The Division of Wildlife director or [~~his~~]designee may remove a [~~Suspected~~]suspected classification if:

(a) the [~~division~~]Division of Wildlife samples the affected water body for three[~~(3)~~] consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a "suspected" classification, as defined in this rule; or

(b) the controlling entity eradicates all [~~Dreissena~~]invasive mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the [~~division~~]Division of Wildlife verifies that [~~Dreissena~~]invasive mussels are no longer present.

(8) The Division of Wildlife director or [~~his~~]designee may remove a detected classification if:

(a) the [~~division~~]Division of Wildlife samples the affected water body for five[~~(5)~~] consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a "suspected" classification, as defined in this rule; or

(b) the controlling entity eradicates all [~~Dreissena~~]invasive mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the [~~division~~]Division of Wildlife verifies that [~~Dreissena~~]invasive mussels are no longer present.

R657-60-9. Control Plan Required.

(1) The controlling entity of a water body, facility, or water supply system may develop and implement a control plan in cooperation with the [~~division~~]Division of Law Enforcement [~~prior to~~]before infestation designed to:

(a) avoid the infestation of [~~Dreissena~~]invasive mussels; and

(b) control or eradicate an infestation of [~~Dreissena~~]invasive mussels that might occur in the future.

(2) A pre-infestation control plan developed consistent with the requirements in Subsection (3) and approved by the [~~division~~]Division of Law Enforcement in conjunction with the Division of Wildlife will eliminate or minimize the duration and impact of a closure order issued pursuant to Sections 23A-10-303 and R657-60-8.

(3) If a water body, facility, or water supply system within the state is classified as infested, detected, or suspected, and it does not have an approved control plan, the controlling entity shall cooperate with the [~~division~~]Division of Law Enforcement and the Division of Wildlife in developing and implementing a control plan to address the:

(a) scope and extent of the presence of [~~Dreissena~~]invasive mussels;

(b) actions proposed to control the pathways of spread of [~~Dreissena~~]invasive mussels;

(c) actions proposed to control the spread or eradicate the presence of [~~Dreissena~~]invasive mussels;

(d) methods to decontaminate the water body, facility, or water supply system, if possible;

(e) actions required to systematically monitor the presence of [~~Dreissena~~]invasive mussels; and

(f) requirements and methods to update and revise the plan with scientific advances.

(4) All control plans prepared pursuant to Subsection (3) shall be approved by the Division of Law Enforcement in conjunction with the Division of Wildlife before implementation.

(5) A control plan prepared pursuant to this [S]section may require that all conveyances and equipment entering or leaving the subject water to comply with the decontamination requirements in Subsection R657-60-2(2)(b) and Section R657-60-5.

(6) Except as authorized by the Division of Law Enforcement and the controlling entity in writing, a person may not violate any provision of a control plan.

R657-60-10. Procedure for Establishing a Memorandum of Understanding with the Utah Department of Transportation.

(1) The [~~division~~]Division of Law Enforcement director or designee shall negotiate an agreement with the Utah Department of Transportation for use of ports of entry for detection and interdiction of [~~Dreissena Mussels~~]invasive mussels illegally transported into and within the state. Both the Division of [~~Wildlife Resources~~]Law Enforcement and the Department of Transportation must agree upon all aspects of [~~Dreissena Mussel~~]invasive mussel interdiction at ports of entry.

(2) The Memorandum shall include the following:

(a) methods and protocols for reimbursing the department for costs associated with [~~Dreissena Mussel~~]invasive mussel interdiction;

(b) identification of ports of entry suitable for interdiction operations;

(c) identification of locations at a specific port of entry suitable for interdiction operations;

(d) methods and protocols for disposing of wastewater associated with decontamination of equipment and conveyances;

(e) dates and time periods suitable for interdiction efforts at specific ports of entry;

(f) signage notifying motorists of the vehicles that must stop at the port of entry for inspection;

(g) priorities of use during congested periods between the department's port responsibilities and the [~~division's~~]Division of Law Enforcement's interdiction activities;

(h) methods for determining the length, location and dates of interdiction;

(i) training responsibilities for personnel involved in interdiction activities; and

(j) methods for [~~division~~]the Division of Law Enforcement regional personnel to establish interdiction efforts at ports within each region.

R657-60-11. Conveyance or Equipment Detainment.

(1) To eradicate and prevent the infestation of [~~a Dreissena~~]an invasive mussel, the [~~division~~]Division of Law Enforcement may:

(a) temporarily stop, detain, inspect, quarantine, and impound a conveyance or equipment that the [~~division~~]Division of Law Enforcement reasonably believes is in violation of Sections 23A-10-201, 23A-10-305, or R657-60-5;

(b) order a person to decontaminate a conveyance or equipment that the [~~division~~]Division of Law Enforcement reasonably believes is in violation of Section[s] 23A-10-201, 23A-10-305, or R657-60-5.

(2) The [~~division~~]Division of Law Enforcement, a port-of-entry agent or a peace officer may detain, quarantine, or impound a conveyance or equipment if:

(a) the [~~division~~]Division of Law Enforcement, agent, or peace officer reasonably believes that the person transporting the conveyance or equipment is in violation of Section[s] 23A-10-201, 23A-10-305, or R657-60-5.

(3) The detainment, quarantine, or impoundment authorized by Subsection (2) may continue for:

(a) up to five days; or

(b) the period[~~of time~~] necessary to:

(i) decontaminate the conveyance or equipment; and

(ii) ensure that [~~a Dreissena~~]an invasive mussel is not living on or in the conveyance or equipment.

R657-60-12. Penalty for Violation.

(1) Except as provided in Section 23A-10-305, a violation of any provision of this rule is punishable as provided in Section 23A-5-301.

(2) A violation of any provision of a closure order issued under Section R657-60-8 or a control plan created under Section R657-60-9 is punishable as a criminal infraction as provided in Section 23A-5-301.

R657-60-13. Inspection Stations.

(1) Inspection stations may be established for administrative purposes to interdict the spread of [~~Dreissena~~]invasive mussels consistent with Title 23A, Chapter 27, Aquatic Invasive Species Act, and Rule R657-60.

(2) The Division of Law Enforcement may establish inspection stations at locations authorized under Section 23A-10-301 where:

(a) there is a high probability of intercepting conveyances or equipment transporting [~~Dreissena~~]invasive mussels;

(b) there is typically a high level of boat and trailer traffic; or

(c) inspection of conveyances or equipment will provide increased protection against the introduction of [~~Dreissena~~]invasive mussels into a water body that is not classified as infested, suspected, or detected under Section R657-60-2.

(3) Inspection stations shall have adequate space for conveyances or equipment to be stopped, inspected, and if necessary, decontaminated, without interfering with the public's use of highways or presenting a safety risk to the public.

(4) Inspection stations shall have adequate signage providing the public:

(a) notice that the inspection station is open and operational;

NOTICES OF PROPOSED RULES

(b) notice that all persons transporting conveyances or equipment must stop at the inspection station and submit their conveyance and equipment for inspection; and

(c) an adequate opportunity to safely stop at the inspection station.

(5) Any person transporting a conveyance or equipment is required to stop at an inspection station during its hours of operation and submit that conveyance or equipment to the Division of Law Enforcement for inspection.

(6) The Division of Law Enforcement shall conduct an inspection of a conveyance or equipment that is stopped at an inspection station as follows:

(a) Division of Law Enforcement personnel will determine whether the conveyance or equipment has been in an infested, suspected, or detected water body within the past 30 days.

(b) If the conveyance or equipment has not been in an infested, suspected, or detected water body within the past 30 days, the Division of Law Enforcement will:

(i) conduct a brief visual inspection of the conveyance or equipment to ensure that there are no visible [~~Dreissena~~]invasive mussels;

(ii) provide educational materials regarding aquatic invasive species risks and regulations in Utah; and

(iii) provide a certificate of inspection to the person in possession of the conveyance or equipment.

(c) If the conveyance or equipment has been in an infested, suspected, or detected water body within the past 30 days, the Division of Law Enforcement will:

(i) verify all water is drained from the conveyance or equipment, including water held in ballast tanks, bilges, livewells, motors, and other areas of containment;

(ii) verify that the surface of the conveyance or equipment is free of [~~Dreissena~~]invasive mussels, shelled organisms, fish, plants, and mud; and

(iii) verify that the conveyance or equipment has been or will be decontaminated as defined in Subsection R657-60-2(b) before launching in a Utah water body.

(d) The Division of Law Enforcement may require professional decontamination of conveyances or equipment that have been in an infested, suspected, or detected water within the past 30 days and failed to comply with the draining and cleaning requirements established in Subsection R657-60-5(3).

(7) The Division of Law Enforcement may issue a certification of inspection and decontamination to persons who complete inspections and any applicable decontamination at an inspection station.

(8) Inspection stations shall be operated in a manner that minimizes the length of time of an inspection while ensuring that conveyances are free from the presence of [~~Dreissena~~]invasive mussels.

KEY: fish, wildlife, wildlife law

Date of Last Change: 2026[October 2, 2023]

Notice of Continuation: July 5, 2023

Authorizing, and Implemented or Interpreted Law: 23A-10-401; 23A-2-304; 23A-2-305

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R657-72	Filing ID: 57945
Agency Information		
1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT 84416	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		
General Information		
2. Rule or section catchline:		
R657-72. Licensing and Operation of Outfitters, Guides, and Spotters		

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 111 (2026 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to the licensing and operations of outfitters and guides.	
5. Summary of the new rule or change:	
The proposed amendment to this rule removes spotter from this rule as revised during the 2026 General Session.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The amendments to Rule R657-72 are administrative in nature, the division determines that these changes can be initiated within the current workload and resources of the DWR, therefore, the DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.
B. Local governments:
Local governments are not directly or indirectly impacted by these proposed amendments because this rule does not create a situation requiring services from local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed rule amendments will not directly impact small businesses because a service is not required of them.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
The proposed rule amendments do not have the potential to impact other persons that guide or operate big game in Utah, nor is a service required of them.
F. Compliance costs for affected persons:
DWR has determined that this amendment may not create additional costs for those individuals wishing to operate a guiding service for big game in Utah because it simply removes an unnecessary level of certification for spotters.
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

NOTICES OF PROPOSED RULES

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

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.
 The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

Citation Information

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

Section 23A-1-101	Section 23A-4-1202	Section 23A-4-1203
Section 23A-4-1204		

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: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026

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:	Riley Peck, Director	Date:	04/30/2026
---	----------------------	--------------	------------

R657. Natural Resources, Wildlife Resources.

R657-72. Licensing and Operation of Outfitters~~[,] and Guides~~[,] and Spotters~~].~~

R657-72-1. Purpose and Authority.

This rule is established under the authority of Sections 23A-1-101, 23A-4-1202, 23A-4-1203, and 23A-4-1204 to provide the standards and procedures that governs guiding~~[,] and outfitting~~[,] and spotting~~] for protected wildlife on public land in Utah.~~

R657-72-2. Definitions.

(1) Terms used for this rule are defined in Sections 23A-1-101 and 23A-4-1202.

(2) In addition:

(a) "Applicant" means an individual or entity applying to the division to operate as a guide~~[,] or outfitter~~[,] or spotter~~], and, if applicable, has the legal authority to enter into contracts on behalf of the business.~~

(b) "Affiliate code" means a numerical code or QR code provided to outfitters that are unique to that outfitter's certificate of registration and will be used to assign guides ~~[and spotters]~~ to a particular outfitter.

(c) "Client" means an individual:

(i) possessing a valid hunting, fishing, or combination license;

(ii) possessing the necessary permits as required by Utah law or rule; and

(iii) who has retained the services of an outfitter~~[,] or guide~~[,] or spotter~~].~~

(d) "Guide year" means the period from April 1 of a calendar year through March 31 of the subsequent calendar year.

~~[(e) "Spotting" means locating or monitoring the location of protected wildlife on public land.]~~

R657-72-3. Application Requirements and Approval.

(1) An applicant must obtain a certificate of registration from the division to provide guiding~~[,] or outfitting~~[,] or spotting~~] services and to be compensated as a guide~~[,] or outfitter~~[,] or spotter~~].~~~~

(2) An application to operate as an outfitter must contain:

- (a) the name of the applicant, and if the applicant is an entity, proof of registration with Utah Business Entities, Department of Commerce;
 - (b) a brief description of the services that will be provided;
 - (c) proof of possession of a hunting, fishing, or combination license relevant to services being provided~~;~~, or if the outfitter is an entity, have at least one individual designated by the outfitter hold the appropriate license;
 - (d) all necessary federal permits to operate on federal land;
 - (e) attestation that workers' compensation insurance and commercial liability insurance to cover employees and clients has been obtained; and
 - (f) payment of the fee described in Section 23A-4-1202.
- (3)(a) Guides ~~[and spotters]~~ must obtain a certificate of registration for each outfitter they intend to work for.
- (b) An affiliate code to provide guide ~~[or spotter]~~ services with a particular outfitter can be obtained from the outfitter.
- (c) To operate as a guide ~~[or spotter]~~, the applicant must acquire a guide ~~[or spotter]~~ certificate of registration from the division using the affiliate code obtained from each outfitter the guide ~~[or spotter]~~ intends to work for.
- (d) An applicant for guide must pay the annual fee described in Subsection 23A-4-1202(4) one time for each guide year, regardless of the number of outfitters the guide intends to work for.
- ~~[(e) An applicant for spotter must pay the annual fee described in Subsection 23A-4-1202(6) one time for each guide year, regardless of the number of outfitters or guides the spotter intends to work for.]~~
- (4) In reviewing an application, the division shall consider:
- (a) the completeness and accuracy of the application;
 - (b) any conviction of, a plea of no contest to, or a plea held in abeyance of Title 23A, the Wildlife Resources Act;
 - (c) any license suspension action that has been reciprocated pursuant to the Interstate Wildlife Violators Compact; and
 - (d) any conviction of, a plea of no contest to, or a plea held in abeyance to a crime of moral turpitude by the applicant or an applicant's employees, that when considered with the functions and responsibilities of a guide~~;~~ or outfitter~~;~~ or spotter bears a reasonable relationship to the applicant's ability to responsibly operate as a guide~~;~~ or outfitter~~;~~ or spotter.
- (6) A denial of an application for a certificate of registration is a final agency action and the applicant may appeal the denial by filing a Request for Agency Action with the division under Rule R657-2 Adjudicative Proceedings.
- (7) Certificates of registration approved by the division will expire at the end of the guide year, on March 31, annually.

R657-72-4. Application Renewal.

- (1) Certificates of registration to operate as a guide~~;~~ or outfitter~~;~~ or spotter must be renewed annually.
- (2) If an applicant has obtained a certificate of registration to operate as an outfitter~~;~~ or guide, ~~[or spotter]~~ during a guide year, they must submit an application for renewal to obtain a certificate of registration for the following guide year.
- (3) An application for renewal must contain:
 - (a)(i) verification of no change in the original application; or
 - (ii) any necessary amendments to the documents submitted in the original application; and
 - (b) an accounting of:
 - (i) clients hired and employees compensated by that client to ensure compliance with Subsection 23A-4-1204(2)(d); and
 - (ii) if an outfitter, a list of the guides ~~[and spotters]~~ retained~~;~~ or ~~if a guide, a list of the spotters retained.~~
- (4) payment of the fee described in Section 23A-4-1202.
- (5) Failure to provide all documentation and payment under this subsection shall result in the application being denied as incomplete.

R657-72-5. Field Requirements.

- (1) Pursuant to Section 23A-4-1204:
 - (a) no more than two registered outfitters~~;~~ or guides~~;~~ or spotters may be assigned to a client at any given time while hunting protected wildlife; and
 - (b) no more than three registered outfitters~~;~~ or guides~~;~~ or spotters may be assigned to a client at any given time while hunting ~~[moose, bison, bighorn sheep,] a big game once-in-a-lifetime or [mountain goat,] big game limited entry hunt.~~
 - (c) The limitations of Subsection (1) do not apply to an individual compensated by an outfitter to perform tasks that are not associated with hunting of protected wildlife on public land, including an individual who:
 - (i) does not provide guide services or outfitting services; or
 - (ii) assists after the protected wildlife is tagged in accordance with Section 23A-4-709.
- (2) Outfitters~~;~~ and guides~~;~~ and spotters must be able to produce, in the field, documentation of:
 - (a) the client; and
 - (b) the dates providing services to that client.
- (3) Outfitters~~;~~ and guides~~;~~ and spotters shall retain the records in Subsection (2) for at least two years.

R657-72-6. Prohibited Activities.

- In addition to those violations listed in Section 23A-4-1203, an outfitter~~;~~ or guide~~;~~ or spotter may not:
- (1) intentionally obstruct, hinder, interfere, or attempt to obstruct, hinder or interfere with lawful hunting, fishing, or trapping by a person who is not a client or an employee of the outfitter~~;~~ or guide~~;~~ or spotter;

NOTICES OF PROPOSED RULES

- (2) fail to report to the division within 20 days any violation of [~~a~~]state or federal wildlife[;] regulations, or guiding statute by a client or by an employee of the outfitter[;] ~~or guide[; or spotter];~~
- (3) fail to report any serious injury or fatality of a client or outfitter staff to a federal, state, county, or local law enforcement authority;
- (4) fail to comply with state or federal wildlife laws and rules;
- (5) fail to produce documentation of outfitters[;] and guides[; and spotters] assigned to a specific client;
- (6) provide outfitter[;] or guide[; or spotter] services to a person who is not properly licensed to hunt or fish for the species sought by that person;
- (7) fail to conform to the generally accepted and recognized standards and ethics of the profession; or
- (8) use the affiliate code of an outfitter without the permission of the outfitter or an agreement to work with the outfitter.

R657-72-7. Violations.

- (1) A violation of Utah law, rule, or terms of a certificate of registration may result in:
 - (a) revocation of the certificate of registration; and
 - (b) suspension of the outfitter's[;] ~~or guide's[; or spotter's]~~ privilege to hunt or fish.

(2) The suspension or revocation process will be administered pursuant to Rule R657-26 Adjudicative Proceedings for a License, Permit, or Certificate of Registration.

KEY: wildlife, game laws, big game

Date of Last Change: 2026[August 27, 2025]

Authorizing, and Implemented or Interpreted Law: 23A-1-101; 23A-4-1202; 23A-4-1203; 12A-4-1204

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: New		
Rule or section number:	R708-56	Filing ID: 57913

Agency Information

1. Title catchline:	Public Safety, Driver License	
Mailing address:	PO Box 144501	
City, state and zip:	Salt Lake City, UT 84114-4501	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R708-56. Interdicted Person Identifier on Driving Certificates and Identification Cards	
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 437 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
This rule is required because of the passage of HB 437 in the 2025 General Session and is necessary for the Driver License Division (division) to designate the format and appearance of the interdicted person identifier on driving certificates and identification cards.	
5. Summary of the new rule or change:	
This rule designates the location and appearance of the interdicted person identifier on driving certificates and identification cards, and the manner in which the court shall notify the division that a person is an interdicted person.	

Fiscal Information

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

A. State budget:

This rule is not expected to have any impact on the state budget because this rule only establishes the format and restrictions for an interdicted person identifier on a license certificate and identification card and how the division will add or remove the identifier after being notified by the courts.

B. Local governments:

This rule is not expected to have any impact on local governments because this rule only establishes the format and restrictions for an interdicted person identifier on a license certificate and identification card and how the division will add or remove the identifier after being notified by the courts.

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

This rule is not expected to have any impact on small businesses because this rule only establishes the format and restrictions for an interdicted person identifier on a license certificate and identification card and how the division will add or remove the identifier after being notified by the courts.

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

This rule is not expected to have any impact on non-small businesses because this rule only establishes the format and restrictions for an interdicted person identifier on a license certificate and identification card and how the division will add or remove the identifier after being notified by the courts.

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 is not expected to have any impact on persons other than small businesses, non-small businesses, state, or local government entities because this rule only establishes the format and restrictions for an interdicted person identifier on a license certificate and identification card and how the division will add or remove the identifier after being notified by the courts.

F. Compliance costs for affected persons:

This rule is not expected to result in any compliance costs for affected persons because this rule only establishes the format and restrictions for an interdicted person identifier on a license certificate and identification card and how the division will add or remove the identifier after being notified by the courts.

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

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

Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:
 The Commissioner of the Department of Public Safety, Beau Mason, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 53-3-104	Section 63G-3-201	
------------------	-------------------	--

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: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026

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:	Jimmy Higgs, Division Director	Date:	04/28/2026
---	--------------------------------	--------------	------------

R708. Public Safety, Driver License.

R708-56. Interdicted Person Identifier on Driving Certificates and Identification Cards.

R708-56-1. Purpose.

This rule establishes the format of an interdicted person identifier on a driving certificate or identification card and requirements for reporting designations, amendments, and terminations of the identifier.

R708-56-2. Authority.

This rule is authorized by Sections 53-3-104 and 63G-3-201.

R708-56-3. Definitions.

Terms used in this rule are defined in Section 53-3-102.

R708-56-4. Interdicted Person Identifier.

The division may issue a driving certificate or identification card to an interdicted person that displays an interdicted person identifier with:

- (1) a prominent red stripe with the words "No Alcohol Sale" in white lettering located above the individual's photo; and
- (2) the interdicted person identifier information encoded in the barcode on the back of the card.

R708-56-5. Designating or Removing an Interdicted Person Identifier.

(1) The court shall include in the notification to the division under Section 41-6a-509 the beginning and end date of the interdicted designation.

(2)(a) The division shall add, remove, or modify an interdicted person identifier upon notification from the court through the electronic reporting system used to send conviction information from the court to the division.

(b) The division may accept a paper document to add, remove, or modify an interdicted person identifier if the document can be verified through the online court case system, Court Exchange, or by contacting the court directly.

KEY: interdicted person identifier, driver's license, identification card

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 53-3-104; 63G-3-201; 41-6a-509

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or section number:	R909-1	Filing ID: 57904

Agency Information

1. Title catchline:	Transportation, Motor Carrier	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact persons:		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R909-1. Safety Regulations for Motor Carriers
4. Purpose of the new rule or reason for the change:
The Department of Transportation (department) performed a five-year review of Rule R909-75, and, given the short length of that administrative rule and how its substance directly relates to safety regulations, the department decided to consolidate Rules R909-1 and R909-75.
5. Summary of the new rule or change:
The department has cut the rule language from Rule R909-75 and included it in this Rule R909-1. (EDITOR'S NOTE: The proposed repeal of Rule R909-75, ID 57912, is in this issue, May 15, 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 estimated aggregate anticipated cost or savings to the state budget because this rule amendment is merely clerical in nature: it's consolidating two separate rules into one.
B. Local governments:
There is no estimated aggregate anticipated cost or savings to local governments because this rule amendment is merely clerical in nature: it's consolidating two separate rules into one.
C. Small businesses ("small business" means a business employing 1-49 persons):
There is no estimated aggregate anticipated cost or savings to small businesses because this rule amendment is merely clerical in nature: it's consolidating two separate rules into one.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no estimated aggregate anticipated cost or savings to non-small businesses because this rule amendment is merely clerical in nature: it's consolidating two separate rules into one.

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 estimated aggregate anticipated cost or savings to persons because this rule amendment is merely clerical in nature: it's consolidating two separate rules into one.

F. Compliance costs for affected persons:

It will not cost an impacted entity anything to adhere to these amendments.

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

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

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

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 72-9-103		
------------------	--	--

Incorporation by Reference Information

8. Incorporation by Reference:

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

Official Title of Materials Incorporated (from title page)	49 CFR Sub-chapter C, Parts 107, 171 – 173, 177 - 180
Publisher	Code of Federal Regulations
Issue Date	10/1/2024
Issue or Version	10-1-24 Edition

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:** 06/16/2026**10. This rule change MAY become effective on:** 06/23/2026

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

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director, UDOT	Date:	04/17/2026
---	--	--------------	------------

R909. Transportation, Motor Carrier.**R909-1. Safety Regulations for Motor Carriers.****R909-1-1. Authority and Purpose.**

The department makes this rule under Section 72-9-103 to enable the department to enforce the Federal Motor Carrier Safety Regulations as contained in Title 49, Code of Federal Regulations related to the operation of a motor carrier within the state, as required by Section 72-9-301.

R909-1-2. Definitions.

[~~(4)~~] "Intrastate commercial vehicle" means the same as that term is defined in Section 72-9-102.

R909-1-3. Adoption of Federal Regulations.

(1) Safety Regulations for Motor Carriers, 49 CFR Parts 350 through 384, Part 385.4, Parts 387 through 399, and Part 40, as amended by the Federal Register through June 22, 2023, are incorporated by reference, except for 49 CFR Parts 391.11(b)(1) and 391.49 as they apply to intrastate drivers only. Therefore, these requirements apply to a motor carrier as defined in 49 CFR Part 390.5, and intrastate commercial motor carriers as defined in Subsection 72-9-102(3), excluding passenger vehicles designed to transport 12 or fewer passengers, including the driver, and have a manufacturer's gross vehicle weight rating or gross combination weight rating of less than 13,000 pounds.

(2) An intrastate trucking operation in which the carriers operate double trailer combinations only is not required to comply with 49 CFR Part 380.203(a)(2).

(3) Exceptions to Part 391.41, Physical Qualification may be granted under the Department of Public Safety Rules, Driver's License Division, Section 53-3-303.5 for intrastate drivers under Rule R708-34.

(4) A driver involved wholly in intrastate commerce shall be at least 18 years old, unless they are transporting placarded amounts of hazardous materials or carrying 16 or more passengers, including the driver, in which case they must be at least 21 years old.

(5) A licensed childcare provider operating a passenger vehicle with a seating capacity of not more than 30 passengers, wholly in intrastate commerce, is exempt from 49 CFR Part 387 Subpart B but is subject to the minimum coverage requirements in Section 72-9-103.

R909-1-4. Insurance for Private Intrastate or Interstate Motor Carriers.

(1) "Private Motor Carrier" means a person who provides transportation of property or passengers by commercial motor vehicle and is not a for-hire motor carrier.

(2) Each intrastate private motor carrier must have a minimum amount of \$750,000 liability.

(3) Each interstate and intrastate for-hire and private motor carriers transporting any quantities of oil listed in 49 CFR 172.101; hazardous waste, hazardous material, and hazardous substances defined in 49 CFR 171.8, must have a \$1,000,000 minimum level of financial responsibility, and an MCS-90 endorsement maintained at the principal place of business.

R909-1-5. Implements of Husbandry.

"Implements of Husbandry" is defined in Subsection 41-1a-102(23) and must comply with Title 41, Chapter 6a, Traffic Code. Vehicles meeting this definition are exempt from 49 CFR Part 393 - Parts and Accessories Necessary for Safe Operations.

R909-1-6. Adoption of Federal Regulations for Motor Carriers Transporting Hazardous Materials or Hazardous Wastes.

The Department incorporates by reference Safety Regulations for Motor Carriers Transporting Hazardous Materials or Hazardous Wastes, 49 CFR, Sub-Chapter C, Parts 107, 171, 172, 173, 177, 178, 179, and 180. This rule applies to all private, common, and contract carriers by highway in commerce.

KEY: trucks, transportation safety, implements of husbandry

Date of Last Change: ~~2026~~ February 7, 2024

Notice of Continuation: August 14, 2021

Authorizing, and Implemented or Interpreted Law: 72-9-103; 72-9-104; 72-9-101; 72-9-301; 72-9-303; 72-9-701; 72-9-703

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal		
Rule or section number:	R909-75	Filing ID: 57912

Agency Information

1. Title catchline:	Transportation, Motor Carrier	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state:	Taylorsville, UT	
Mailing address:	PO Box 148455	
City, state and zip:	Salt Lake City, UT 84114-8455	
Contact persons:		
Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
Marlene Galindo	801-965-4026	mgalindo1@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials or Hazardous Wastes
4. Purpose of the new rule or reason for the change:
The Department of Transportation (department) has decided to take the language from this rule, R909-75, and integrate it, verbatim, into Rule R909-1.
5. Summary of the new rule or change:
This rule is repealed in its entirety. (EDITOR'S NOTE: The proposed amendment to Rule R909-1, ID 57904, is in this issue, May 15, 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 repeal is due to the department making a clerical adjustment where the language of Rule R909-75 will be integrated, verbatim, into Rule R909-1, meaning that this change is nonsubstantive in nature and there will be no aggregate anticipated costs or savings to the state budget.
B. Local governments:
This repeal is due to the department making a clerical adjustment where the language of Rule R909-75 will be integrated, verbatim, into Rule R909-1, meaning that this change is nonsubstantive in nature and there will be no aggregate anticipated costs or savings to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This repeal is due to the department making a clerical adjustment where the language of Rule R909-75 will be integrated, verbatim, into Rule R909-1, meaning that this change is nonsubstantive in nature and there will be no aggregate anticipated costs or savings to small businesses.

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

This repeal is due to the department making a clerical adjustment where the language of Rule R909-75 will be integrated, verbatim, into Rule R909-1, meaning that this change is nonsubstantive in nature and there will be no aggregate anticipated costs or savings 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 repeal is due to the department making a clerical adjustment where the language of Rule R909-75 will be integrated, verbatim, into Rule R909-1, meaning that this change is nonsubstantive in nature and there will be no aggregate anticipated costs or savings to persons.

F. Compliance costs for affected persons:

It will not cost an impacted entity anything to adhere to this repeal.

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

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

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

The Executive Director of the Department of Transportation, Carlos M. Braceras, has reviewed and approved this regulatory impact analysis.

Citation Information

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

Section 72-9-103

Public Notice Information

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

A. Comments will be accepted until: 06/16/2026

10. This rule change MAY become effective on: 06/23/2026

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

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director, UDOT	Date:	04/20/2026
---	--	--------------	------------

R909. Transportation, Motor Carrier.

~~[R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials or Hazardous Wastes.~~

~~**R909-75-1. Purpose and Authority.**~~

~~The purpose of this rule is to adopt federal regulations that apply to offering, accepting, and transporting hazardous materials related to operating a motor carrier within the State. Sections 72-9-103, 72-9-104, and 72-9-301 authorize this rule.~~

~~**R909-75-2. Adoption of Federal Regulations.**~~

~~The Department incorporates by reference Safety Regulations for Motor Carriers Transporting Hazardous Materials or Hazardous Wastes, 49 CFR, Sub Chapter C, Parts 107, 171, 172, 173, 177, 178, 179, and 180 ((October 1, 2019). This rule applies to all private, common, and contract carriers by highway in commerce.~~

~~**KEY:** hazardous materials transportation, hazardous substances, hazardous waste, safety regulations~~

~~**Date of Last Change:** November 4, 2021~~

~~**Notice of Continuation:** June 28, 2021~~

~~**Authorizing, and Implemented or Interpreted Law:** 72-9-103; 72-9-104; 72-9-301]~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number: R986-700 **Filing ID:** 57951

Agency Information

1. Title catchline:	Workforce Services, Employment Development	
Building:	Olene Walker Building	
Street address:	130 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact persons:		
Name:	Phone:	Email:
Robert Andreasen	801-517-4722	randreasen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R986-700. Child Care Assistance
4. Purpose of the new rule or reason for the change:
The purpose of the rule change is: 1) to simplify the child care quality rating system used by the Office of Child Care (OCC) for providers and the public; 2) to align the quality rating system with changes made by the Department of Health and Human Services (Department), Office of Licensing (OL) to citations and risk levels; 3) to reduce temporary child care subsidy payments to parents who are not meeting eligibility requirements, thereby increasing payments for additional eligible families; 4) to clarify attendance tracking requirements for approved child care providers; and 5) to clarify when the Department will pay for an child care initial registration fee. The rule change also makes other technical, stylistic, and conforming changes in accordance with the Rulewriting Manual for Utah.

5. Summary of the new rule or change:

This rule change amends definitions and simplifies quality ratings used by OCC to designate the highest quality rating as "high quality," remove the previous "high quality plus" designation and change the "building quality" rating to a "growing quality" rating.

With this change, OCC will also change the certified ratings based on citation risk levels assigned to providers by the OL, rather than based on civil money penalties.

The temporary child care subsidy will be reduced to 90 days, once per year, to allow families to meet the requirements for employment or Department-approved activities, such as training or educational activities, that demonstrate a need for child care subsidy.

The Department will only pay for one initial registration fee per child in a 12-month period.

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

The rule change is anticipated to create a savings of approximately \$721,140 in child care subsidy payments by reducing the temporary child care subsidy to 90 days to encourage compliance with employment and Department-approved activities requirements.

There will also be additional savings of approximately \$92,210 by limiting payments of unnecessary registration fees, for a total savings to the state budget of \$813,350.

There are no additional state employees or resources needed to oversee the rule change.

The rule change will not increase workload and can be carried out with existing budget.

B. Local governments:

The rule change is not expected to have any fiscal impact on local governments' revenues or expenditures because the program is federally funded and does not rely on local governments for funding, administration, or enforcement.

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

The rule change may indirectly impact small business child care providers by making minor adjustments to requirements to participate in child care subsidies, including limiting temporary child care subsidies to 90 days if the parent is not employed or participating in a Department-approved activity, simplifying quality rating categories, and aligning ratings with citation risk levels assigned by OL.

However, the Department anticipates no direct fiscal cost to small businesses as a result of the rule change. Any cost would be the result of the existing and ongoing cost of conducting a business that applies for child care subsidies.

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

The rule change may indirectly impact non-small business child care providers by making minor adjustments to requirements to participate in child care subsidies, including limiting temporary child care subsidies to 90 days if the parent is not employed or participating in a Department-approved activity, simplifying quality rating categories, and aligning ratings with citation risk levels assigned by OL.

However, the Department anticipates no direct fiscal cost to non-small businesses as a result of the rule change. Any cost would be the result of the existing and ongoing cost of conducting a business that applies for child care subsidies.

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 rule change may affect persons who receive child care because clients will be limited to receiving temporary child care subsidies for 90 days if the parent is not employed or participating in a Department-approved activity.

However, the rule requires no expenditure by any person and the Department anticipates that the changes will increase the number of families eligible for a subsidy.

F. Compliance costs for affected persons:

The rule amendment is not expected to cause any compliance costs for affected persons because the rule change does not create any new administrative fees.

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	\$	\$813,350	\$813,350	\$813,350	\$813,350
Local Governments	\$0	\$0	\$0	\$0	\$0
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	\$813,350	\$813,350	\$813,350	\$813,350
Net Fiscal Benefits	\$0	\$813,350	\$813,350	\$813,350	\$813,350

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

The Commissioner of the Department of Workforce Services, Casey R. Cameron, 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 35A-3-203	Section 35A-3-209	Section 35A-3-310
Section 35A-3-312	45 C.F.R. 98.21	

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:	06/16/2026
--	------------

10. This rule change MAY become effective on:	06/23/2026
--	------------

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:	Casey R. Cameron, Commissioner	Date:	04/30/2026
---	--------------------------------	--------------	------------

R986. Workforce Services, Employment Development.**R986-700. Child Care Assistance.****R986-700-701. Authority for Child Care Assistance and Other Applicable Rules.**

- (1) The Department administers [~~Child Care assistance~~ {CC}] pursuant to the authority granted in Section 35A-3-310.
- (2) Rule R986-100 applies to CC except as noted in this rule.
- (3) Rule R986-200 applies to CC[~~;~~] except as noted in this rule or where in conflict with this rule.

R986-700-701.1. Definitions[~~and Acronyms~~].

(1) The terms used in this rule are defined in Sections 35A-3-102 and 35A-3-201, and in Sections R986-100-103 and R986-100-104[~~except as noted in Subsection (2) of this section~~].

(2) In addition:

- (a) "ADH" means administrative disqualification hearing.
- (b) "Applicant" means a person requesting CC.
- (c) "Approved Provider" means a provider that meets the requirements in Section R986-700-726.
- (d) "CC" means child care assistance.

(~~e~~) "CCDF" means Child Care and Development Fund.

(~~f~~) "CCQS" means Child Care Quality System, a comprehensive statewide system administered by OCC that provides quality ratings to eligible programs and supports programs in attaining higher levels of quality.

(~~g~~) "CCRA" means Child Care Resource Agency, one of several statewide organizations contracted with the Department to provide resources and information to Providers.

(~~h~~) "Certification period" as it relates to a recipient of CC is the period for which CC is presumptively approved.

(~~i~~) "Client" means an applicant for, or recipient of, CC.

(~~j~~) "Child" includes the singular and the plural, child or children.

(~~k~~) "Child Care Provider" or "Provider" means a person, individual or corporation, institution, or organization that provides child care services.

(~~l~~) "Citation" is a notice issued by OL for serious or repeat noncompliance[~~"Civil money penalty" is a fine assessed by OL for repeat citations, or when the first instance of noncompliance results in, or is likely to result in, extreme risk or harm~~].

(~~m~~) "DHHS" means the Department of Health and Human Services.

(~~n~~) "Employment" means a job or providing a service that pays wages, a salary, in-kind benefits, or self-employment income, provided federal or state law does not prohibit the occupation.

(~~o~~) "ES CC" means Employment Support Child Care assistance.

(~~p~~) "ESG" means Enhanced Subsidy Grant. An ESG is a monthly payment issued to an eligible program serving children covered by CC subsidies and achieving a rating of CCQS High Quality[~~or High Quality Plus~~].

(~~q~~) "FEP CC" means Family Employment Program Child Care assistance.

(~~r~~) "FFN provider" means Family, Friend, and Neighbor provider.

(~~s~~) "GED" means General Education Development diploma.

(~~t~~) "Licensed-center provider" means a non-hourly, licensed child care center that is regulated through OL.

(~~u~~) "Locked-in benefit" means the amount of the first full month of benefits paid on behalf of a client.

(~~v~~) "OCC" means Department of Workforce Services, Office of Child Care.

(~~w~~) "OL" means the Department of Health and Human Services, Office of Licensing.

(~~x~~) "Parent" includes a natural, adoptive, or step parent.

(~~y~~) "Recipient" means an individual receiving CC.

(~~z~~) "Review or recertification" means the process to determine continued eligibility.

(~~aa~~) "Transitional CC" means CC available to a customer whose FEP case closed because of increased income and who meets ES CC eligibility requirements.

R986-700-702. General Provisions.

(1)(a) CC is provided to support employment for a qualified CC household with at least one minor dependent child who is a United States citizen or who meets qualified alien status.

(b) CC for approved education and training activities, job search, or for an approved temporary change as defined in Section R986-700-703 may be authorized in accordance with this rule.

(2) CC is available, as funding permits, to a client who is employed or is participating in activities that lead to employment, and is:

(a) a parent, including a foster care parent who receives foster care reimbursement from the Utah Department of Health and Human Services, Division of Child and Family Services, or its successor;

(b) a specified relative;

(c) a client who has been awarded custody or appointed guardian of the child by court order and both parents are absent from the home; or

(d) as determined by the Department on a case-by-case basis, a client acting as a child's guardian although no court order exists and both parents are absent from the home.

(3)(a) Except for FEP CC and transitional CC, household eligibility is determined for a minimum period of 12 months.

(b) The eligibility period and eligibility review may be extended to no more than 12 months, but may not be shortened to less than 12 months.

NOTICES OF PROPOSED RULES

(c) Each requested verification must be provided at the time of the application and review.

(d) The application or review is not complete until the client has completed, signed, and returned each necessary application or review form to the local office or through the Department's online portal. The customer must meet all factors of eligibility on the date the application or review is approved.

(e) If the Department determines the household's gross monthly income exceeds the percentage of the state median income as determined by the Department under Subsection R986-700-710(4), the Department may terminate CC even if the certification period has not expired.

(4) The client shall report the need for each child at the time of the application or review.

(a) After the initial approval, the client must file a new application for assistance reporting the need for additional children who were not included in the CC program filing unit at the time of the initial application.

(b) If a client is eligible to receive CC, each of the following children, living in the household unit, are eligible at the time of application or review:

(i) a child under the age of 13 years; and

(ii) a child up to the age of 18 years if the child is under court supervision or meets the requirements of Section R986-700-717.

(5)(a) CC is provided only for a child who lives in the home of the client and only during hours when no parent or other guardian is available to provide care for the child.

(b) The child must have a need for at least eight hours of child care per month to be eligible for ongoing subsidy payments.

(6) When a request is made for an additional child to be added to an open CC case, a new application is required. The household must meet all eligibility requirements that the household was subject to at the time of the most recent approval. The eligible child may be added for a minimum of 365 days or 12 full months of benefits and the review for the household may be extended, as follows.

(a) If parent participation does not change, the additional child shall be added to the existing locked-in benefit at its current amount and the review will be extended for a minimum of 12 full months from the first full month of the new child's participation.

(b) If parent participation decreases, but continues to meet the minimum work requirement, the new child will be added to the existing locked-in benefit at its current amount and the review will be extended for a minimum of 12 full months from the first full month of the new child's participation.

(c) If adding a child increases the benefit, specifically a decrease in co-pay or increased hours, the household benefit will increase for the next 12 months from the first full month of the new child's participation.

(7) When requesting to add a child to an open case, CC will be denied for the additional child if the household does not meet all eligibility requirements to which the household was subject at the time of the most recent approval. The remaining children who were determined to be eligible will remain eligible through the end of the current review period.

(8)(a) The child care needs of a client who qualifies for CC will be paid if and as funding is available.

(b) When the child care needs of an eligible applicant exceeds available funding, the applicant will be placed on a waiting list.

(i) Eligible applicants on the waiting list will be served as funding becomes available.

(ii) Special needs children, homeless children, and FEP or FEPTP eligible children will be prioritized at the top of the waiting list and will be served first.

(iii) "Special needs child" is defined in Section R986-700-717.

(9)(a) CC is issued monthly based on a client's eligibility for services in that month.

(b) The amount of CC might not cover the entire cost of care.

(10)(a) A client is only eligible for CC if the client has no other options available for child care.

(b) Clients are encouraged to obtain child care at no cost from a parent, sibling, relative, or other suitable provider.

(c) If suitable child care is available to a client at no cost from another source, CC cannot be provided.

(11)(a) CC may only be provided by an eligible provider approved by the Department and will not be provided for illegal or unsafe child care.

(b) Illegal child care is care provided by a person or facility required to be licensed or certified but where the provider has not fulfilled the requirements necessary to obtain the license or certification.

(12)(a) CC will not be paid for the care of a client's own child during the time the client is working as a caregiver in the same residential setting where care is being provided.

(b) CC will not be approved where the client is working for an approved child care center and regularly watches the client's own children at the center or has an ownership interest in the child care center.

(c) CC will not be paid for the care of a client's own child if the client is also the licensee or is a stockholder, officer, ~~director,~~]partner, manager, or member of a corporation, partnership, limited liability partnership or company, or similar legal entity providing the child care.

(d)(i) A person who is self-employed as a child care provider cannot receive CC for child care provided for that person's children during the time the person is working as a child care provider, regardless of where the person's child receives child care.

(ii) A person who is self-employed as a child care provider may receive CC when needed for approved activities while the person is not engaged in child care.

(13) Neither the Department nor the state is liable for an injury that may occur when a child is placed in child care even if the parent receives CC from the Department.

R986-700-703. Client Rights and Responsibilities.

In addition to the client rights and responsibilities found in Rule R986-100, the rights and responsibilities listed in this section apply.

(1) A client may select the type of child care that best meets the family's needs, including reporting the client's choice of provider to the Department and start date of care, if known. If no start date is reported or a discrepancy in start dates exists, the Department may use the start date verified with the client's chosen provider.

(2) If a client requests help in selecting a provider, the Department will refer the client to the local CCRA.

(3)(a) A client must verify identity.

(b)(i) A client is not required to provide a Social Security Number.

(A) The Department will verify a Social Security Number supplied by a client.

(B) The Department will request further verification to confirm an individual's identity if a Social Security Number cannot be verified.

(ii) Benefits will not be denied or withheld if a client chooses not to provide a Social Security Number if the client is otherwise eligible.

(4) A client is responsible for monitoring the child care provider.

(5)(a) A client is responsible to pay all costs of care charged by the provider.

(b) If the CC payment provided by the Department is less than the amount charged by the provider, the client is responsible for paying the provider the difference.

(6) Within ten days of occurrence, a client shall report any of the changes listed in this subsection.

(a) ~~[(f)]~~The household's gross monthly income exceeds the percentage of the state median income as determined by the Department in Subsection R986-700-710(4).

(b) ~~[(f)]~~The client no longer needs child care.

(c) A change of address.

(d) ~~[(f-a)]~~A child receiving child care:

(i) moves out of the home; or

(ii) has stopped attending child care.

(e) A change in the child care provider, including when care is provided at no cost.

~~(f) Employment or other Department-approved activity has ended.~~

(7) Allowable temporary changes.

(a) The following are allowable temporary changes:

(i) time-limited absences from work due to medical or other emergency, including maternity leave, bed rest, or temporary medical issues of the client or an immediate family member living in the client's home if the client is responsible for the immediate family member's care;

(ii) temporary fluctuations in earnings or hours, including summer break for teachers or seasonal hours changes for IRS employees, that would otherwise have the effect of causing the client to fail to meet the minimum work requirements for eligibility;

(iii) scheduled holidays or breaks in a client's educational training schedule; and

(iv) an eligible child turning 13 years old during an eligibility review period, unless the child no longer has a need for child care;

~~and~~

~~(v) a client who has been approved for ongoing ES CC at application or recertification and has a temporary loss of employment may remain eligible through the rest of the certification period.~~

(b) A client who experiences an allowable temporary change after having been approved for ongoing ES CC may continue to receive CC at the same level for the rest of the certification period if the child attends child care at least eight hours each month.

(8)(a) Once an eligibility determination is made and a full month's payment and copayment is assessed, benefits will be paid at the same level during the rest of the certification period ~~[so long as]~~if the client remains eligible and participates in employment or an allowable, Department-approved activity.

(b) The Department may act on reported changes that result in a participation increase or copayment decrease.

(c) Benefits may be reduced if a child care provider reports a lower monthly charge or the client changes to a different child care provider.

(9)(a) If an overpayment is established and it is determined that the client was at fault in the creation of the overpayment, the client must repay the overpayment to the Department.

(b) The Department may find that the client and provider are jointly liable for the overpayment.

(c) In the case of joint liability, both parties can be held liable for the entire overpayment.

~~(d) The client's case may be closed before the certification period ends if the client is:~~

~~(i) not eligible;~~

~~(ii) not experiencing an allowable temporary change; or~~

~~(iii) no longer participating in employment or an allowable, Department-approved activity.~~

(10) The Department may release the following information to the designated provider:

(a) limited information regarding the status of a CC payment including that no payment was issued or services were denied;

(b) the date the CC payment was issued;

(c) the CC payment amount for that provider;

(d) the copayment amount;

(e) information available in the Department Provider Portal;

(f) the month the client is scheduled for review;

(g) the date the client's application was received; and

(h) general information about what additional information or verification is needed to approve CC including the client's work schedule and income.

NOTICES OF PROPOSED RULES

(11)(a) If a client changes providers, the change will be made based upon reporting requirements for the following month's subsidy payment.

(b) No additional payment will be made to another provider for any days remaining in the current benefit month, unless the maximum subsidy payment amount for the month will not be exceeded by paying the second provider or if one of the exceptions listed in this subsection applies.

(i) The Department was notified of the change in the month before the change.

(ii) The initial provider is no longer an approved provider or has been disqualified by the Department.

(iii) The initial provider is not holding the child's space for the rest of the month.

(iv) The client relocates to a different residence and it is no longer reasonably feasible to continue using the initial provider due to travel time or distance.

(v) There is a substantial change in the days or times of day when child care is needed, including a change in the timing of the shifts the client is working, that cannot be accommodated by the initial provider.

(vi)(A) The Department determines a change in child care providers is necessary due to a report of endangerment for the child.

(B) The Department may, in its discretion, approve payment to a second provider due to a report of endangerment even if the maximum subsidy payment amount would be exceeded.

(vii) The Department determines a change in child care providers is necessary due to circumstances related to a pandemic, natural disaster, or other state of emergency.

(12) A client may select an authorized representative.

(a) An authorized representative is an individual selected by a client to conduct business on the client's behalf.

(b) An authorized representative may provide verifications and complete forms for the client.

(c) A client's child care provider may act as an authorized representative for the client after the client has been informed of the provider's potential conflict of interest.

R986-700-707.1. Initial Registration Fee Assistance.

(1) The Department may pay an initial registration fee per child to an approved provider.

(2) A provider must indicate on the Care About Childcare website that the provider charges an initial registration fee per child. If the indicator is marked, the provider must enter the amount of the initial registration fee per child.

(3)(a) An initial registration fee may be paid up to the allowed amount for the provider type. The allowable amount is a set amount determined by the Department.

(b) The fee paid by the Department may not cover the full initial registration charge.

(c) If a client has already paid an initial registration fee, the provider will be expected to reimburse the parent for any portion of the fee paid by the Department.

(4) The Department will only pay for one initial registration fee per child [~~per provider~~] within a 12-month period [~~at initial approval, or when a change of providers is reported. Annual registration fees are not covered~~].

(5) Annual registration fees are not covered.

~~(5) (6)~~ Initial registration fees will not be paid retroactively or before the date stated on the Care About Childcare website.

R986-700-721. Eligible Provider.

A provider may only be eligible if the provider is:

(1) a provider regulated through OL including a licensed:

(a) home provider;

(b) child care center, including an out-of-school time program and excluding an hourly center;

(c) commercial preschool; or

(d) home with a residential certificate; or

(2) a license exempt center, school-age program, or home provider which is not required by law to be licensed and is either;

(a) a license exempt center or school-age program as defined in Section R430-8-3, that has a current letter of exempt status from OL identifying the provider as ~~[DWS] Department-Approved~~; or

(b) a ~~[DWS] Department~~ FFN provider as approved by OL.

R986-700-727. Approved Provider Responsibilities.

(1)(a) The provider shall assume the responsibility to collect any copayment and any other fee for child care services.

(b) Neither the Department nor the state assumes responsibility for private payment to a provider.

(2) Time and Attendance Records.

(a) A licensed family provider or licensed center ~~[must]~~ shall track attendance using an electronic system which meets Department criteria and provide these records to the Department upon request. ~~[A] The Department will not accept nonconforming attendance records [submitted to the Department in other formats may not be accepted]. [and] A provider's failure to provide acceptable attendance records [may] shall result in the assessment of an overpayment unless the provider overcomes the presumption in Subsection (c).~~

(b) An accurate record of time and attendance for each CC client ~~[must]~~ shall be kept for at least three years.

(c) If a provider ~~[is not able to]~~ does not produce an accurate time and attendance record for a specific CC client for a specific month, there is a rebuttable presumption that the provider did not provide child care for that CC client during that month.

(d) "Accurate record" means a record that:

(i) was made at or near the time of the event;

- (ii) was made by, or from information transmitted by, someone with knowledge; and
- (iii) neither the source of information nor the method or circumstances of preparation of the record indicate a lack of trustworthiness.
- (3) To receive a CC payment for an eligible household, the provider must contact the Department to report the children in care and their start date in care.
 - (4) Provider Portal.
 - (a) The provider has an ongoing responsibility to access the Provider Portal located at the Department website to:
 - (i) submit ongoing, monthly certification;
 - (ii) submit and manage bank account information, including reading and agreeing to the Financial Terms and Conditions contained in the Provider Portal;
 - (iii) view CC payment information; and
 - (iv) manage Provider Portal user access to ensure only a user with authority to make changes can do so.
 - (b) The provider is liable for any change made and information provided through the Provider Portal.
 - (5) Change reporting. Except as otherwise provided, a provider shall report any of the changes listed in this subsection to the Department within ten calendar days after the changes are known to the provider.
 - (a) A reduced or part-time rate for an individual child in care.
 - (b) Any rate change or other update that occurs for each child once a rate has been submitted in the Provider Portal.
 - (c) Each of the following child care attendance circumstances.
 - (i) Each child who attended less than eight hours of child care in the first month that a subsidy was paid and who is not expected to attend in the next month.
 - (ii) Each child who attended less than eight hours of child care in the first month that a subsidy was paid, and who attends or is expected to attend at least eight hours in the next month.
 - (iii) Each child who did not attend at least eight hours of child care in the current month and the provider determines that the child will not be returning.
 - (iv) If a child did not attend at least eight hours in a month and the provider cannot communicate with the parent to determine if the child will be returning to care, the provider shall report by the 25th of the month.
 - (v) Each child who is not expected to attend at least eight hours in the next month.
 - (vi) When the provider ceases to provide child care for a child.
 - (d) If the provider received a greater CC payment amount than what was charged to the client for the month of service.
 - (e) If the provider changes its financial institution account information for direct deposit.
 - (6) Certification.
 - (a) A licensed provider shall certify between the 20th of each month and the last day of the month, in a manner specified by the Department, the following:
 - (i) the provider has reviewed each child's attendance; and
 - (ii) the provider has reported any reportable change in each child's attendance, including any future change known or expected by the provider.
 - (b) The provider shall certify that the provider agrees to the terms and conditions specified in the most current Provider Guide.
 - (c)(i) If a provider fails to certify by the last day of the month, CC payment may be withheld until certification is completed pursuant to Section R986-700-729.
 - (ii) The Department may also increase monitoring or take other remedial action pursuant to OCC policy to ensure future compliance.
 - (7) A provider who is assessed an overpayment or IPV pursuant to Section R986-700-731 or R986-700-732 may be subject to increased monitoring or other remedial action pursuant to OCC policy to ensure future compliance with program rules.

R986-700-741. Child Care Quality System Rating and Status.

- (1) Each program of an eligible license type from OL shall receive a CCQS rating or status, unless the program withdraws from participation following the process established by OCC policy.
 - (a) A licensed center program that chooses not to apply for a certified quality rating will receive a default Foundation of Quality rating.
 - (b) An eligible child care program shall participate in CCQS by maintaining at least a default Foundation of Quality rating. An eligible program is not required to apply for a certified quality rating.
 - (c) CCQS ratings or statuses shall be made public on the Care About Childcare website.
 - (d) An eligible child care program that withdraws from participation in CCQS will become ineligible to receive CC subsidy and CCQS grants or funding.
- (2) A program may apply for a certified quality rating in accordance with OCC policy through the Care About Childcare website.
 - (a) A rating shall be awarded or a status shall be assigned no later than 180 days after the application was submitted.
 - (b) Certified quality ratings will be published publicly on the first day of the month of the certified quality rating period.
- (3) A certified quality rating shall remain in place during the 12-month certified quality rating period unless a program:
 - (a) loses its license in good standing and goes on conditional license; or
 - (b) is disqualified from accepting funds from CCDF.
- (4) A program with a certified quality rating of high quality[~~or high quality plus~~] that is assessed a citation with an assigned risk level of high or extreme[~~civil money penalty~~] from OL shall be reduced to a certified quality rating of growing[~~building~~] quality for the rest of the 12-month certified quality rating period during which the citation[~~civil money penalty~~] was assessed.

NOTICES OF PROPOSED RULES

(5) The 12-month certified quality rating period may be modified when a program is receiving CCQS technical assistance and support from OCC, in accordance with OCC policy.

(6) Recertification. A program must recertify to maintain a certified quality rating.

(a) A program must follow the recertification procedures established by OCC policy.

(b) A program failing to recertify in a timely manner may receive one of the following ratings or statuses until a certified quality rating is awarded:

(i) a default Foundation of Quality rating for an eligible program;

(ii) not participating status for a program that is not eligible; or

(iii) denied participation status for a program operating on a conditional license at the time of recertification.

R986-700-742. Enhanced Subsidy Grant.

(1) To receive an ESG a program must:

(a) receive a certified quality rating of[
_____ (i)-] High Quality;[~~-or~~

_____ (ii) ~~High Quality Plus;~~

(b) serve children for whom child care was paid for with CC subsidy during the 12-month period used to calculate the ESG;

(c) maintain a license in good standing with OL during the 12-month certification period;

(d) maintain status as a [DWS]Department-Eligible child care program during the 12-month certification period;

(e) agree to comply with each requirement outlined in the certified quality rating award notice;

(f) agree to the amount of the ESG stated on the certified quality rating award notice;

(g) agree to receive the ESG through the process established by OCC policy;

(h) not be disqualified pursuant to Sections R986-700-733 and R986-700-734;

(i) not have a pending administrative review on the awarded certified quality rating; and

(j) not have a pending referral from the Director of OCC for an administrative disqualification hearing pursuant to Sections R986-700-733 and R986-700-734.

(2) Upon final disposition of a pending administrative review, an ESG may be issued retroactively where all other ESG requirements are met and the program has not been disqualified pursuant to Sections R986-700-733 and R986-700-734.

(3) An ESG for a program that has an outstanding adjudicated overpayment or other debt owing to OCC shall be issued as follows:

(a) if the overpayment amount is less than the monthly ESG amount, the ESG shall be reduced by the amount of outstanding overpayment due; or

(b) if the overpayment amount is greater than the monthly ESG, a monthly ESG shall continue to be reduced until the overpayment is fully repaid.

(4) If a program is a party to a pending administrative review or appeal of an overpayment that does not involve a suspected IPV, the Department may not reduce the program's ESG as provided in Subsection (3) until final disposition of the action is issued.

(5) The monthly ESG will be calculated in accordance with OCC policy.

(6) Continuing receipt of ESG is subject to the program satisfying the requirements in Subsection (1).

KEY: child care, grant programs

Date of Last Change: ~~December 8, 2025~~ 2026

Notice of Continuation: August 14, 2025

Authorizing, and Implemented or Interpreted Law: 35A-3-203; 35A-3-209; 35A-3-310; 35A-3-312; 45 C.F.R. 98.21

End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text (~~example~~). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE

Rule or section Number:	R156-61	Filing ID: 57948
Effective date:	05/01/2026	

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	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Brian Pedersen	801-530-6651	bpedersen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R156-61. Psychologist Licensing Act Rule	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	SB 47 (2026 General Session)

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

The Division of Professional Licensing (Division) in collaboration with the Behavioral Health Board (Board) is filing this emergency rule based on changes made by SB 47 from the 2026 General Session.

On 05/01/2026, SB 47 (2026) removed Subsections R156-61-302b(1)(b) and (c), and Section R156-61-302d that include limits on how quickly an individual may attain competency along with several other requirements.

The Division discussed the necessity of filing this emergency rule with the legislative sponsors of SB 47 (2026) and the Office of Administrative Rules (OAR) to restore requirements in Subsections R156-61-302b(1)(b) and (c), and Section R156-61-302d other than any requirement that limits how quickly an individual may obtain competency.

The Division is filing this emergency rule because Division does not have enough time to follow the traditional rule approval process to restore these other requirements on 05/01/2026 when SB 47 (2026) takes effect.

The Division is filing this emergency to temporarily restore these other requirements and will file a second rule filing following the traditional rule approval process that will permanently restore them.

This emergency rule restores the requirements in Subsection R156-61-302b(1) that clarify when an applicant must complete the 4,000 hours of psychology training but does not include the time limit on how quickly the applicant may complete the training. These requirements are necessary to ensure that an applicant knows when and how to complete the 4,000 hours of training.

This emergency rule also restores Section R156-61-302d that lists the requirements to become an approved psychologist supervisor but does not include a time limit on how quickly an individual may become qualified. These requirements are necessary to ensure that a supervisor has the proper qualifications before supervising another individual.

5. Summary of the new rule or change:

This emergency rule filing restores the following requirements:

1. Subsection R156-61-302b(1)(b) states that an individual shall complete the 4,000 hours of psychology training to qualify for licensure:
 - a. After the individual receives their doctoral degree;
 - b. while the individual is enrolled in an approved doctoral program or licensed as a certified psychology resident;
 - c. under supervision of an approved psychologist supervisor; and
 - d. as part of a supervised psychology training program while the applicant is under a minimum of one hour of supervisor for every 20 hours of predoctoral training and experience and one hour of supervision for every 40 hours of postdoctoral training and experience.
2. Section R156-61-302d states that to qualify as a Division-approved supervisor of psychology training or mental health therapy training, the individual shall:
 - a. be currently licensed and in good standing as a psychologist in the jurisdiction where the supervision will be performed; and
 - b. have practiced as a licensed psychologist for at least 4,000 hours.

6A. The agency finds that regular rulemaking would:

- cause an imminent peril to the public health, safety, or welfare;
- cause an imminent budget reduction because of budget restraints or federal requirements; or
- place the agency in violation of federal or state law.

B. Specific reasons and justifications for this finding:

The Division is filing this emergency rule to clarify the parameters regarding when and how an individual needs to complete the 4,000 hours of psychology training to ensure that the individual has received the proper training.

This filing also specifies the minimum requirements for a psychologist to become a Division-approved supervisor which ensures that psychologist supervisors have enough training and experience to supervise.

Fiscal Information

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

A. State budget:
There are no anticipated costs or savings to the state budget because this emergency rule merely restores requirements that were already in this rule before SB 47 (2026).
B. Local governments:
There are no anticipated costs or savings to the local governments because this emergency rule merely restores requirements that were already in this rule before SB 47 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons):
There are no anticipated costs or savings to the small businesses because this emergency rule merely restores requirements that were already in this rule before SB 47 (2026).
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):
There are no anticipated costs or savings to persons other than small businesses, state, or local government entities because this emergency rule merely restores requirements that were already in this rule before SB 47 (2026).
E. Compliance costs for affected persons:
There are no anticipated compliance costs for affected persons because this emergency rule merely restores requirements that were already in this rule before SB 47 (2026).
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 Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed this regulatory impact analysis and determined that there is no anticipated fiscal impact on businesses.

Citation Information

8. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-61-101

Agency Authorization Information

Agency head or designee and title:	Mark Steinagel, Division Director	Date:	04/02/2026
---	-----------------------------------	--------------	------------

R156. Commerce, Professional Licensing.

R156-61. Psychologist Licensing Act Rule.

R156-61-302b. Qualifications for Licensure - Experience Requirements.

(1)(a) To qualify for licensure as a psychologist under Subsection 58-61-304(1)(d) or as a psychologist also qualified to engage in mental health therapy under Subsections 58-61-304(1)(d) and (e), an applicant shall complete at least 4,000 hours of psychology training approved by the Division in collaboration with the Board.

(b) The training in Subsection (1)(a) shall be completed:

(i) following the awarding of the doctoral degree;

(ii) while the applicant is enrolled in an approved doctoral program or licensed as a certified psychology resident;

(iii) while the applicant is under the supervision of an approved psychologist supervisor under Section R156-61-302d; and

(iv) as part of a supervised psychology training program as defined in Subsection R156-61-102(11) while the applicant is under a minimum of one hour of supervision for every 20 hours of predoctoral training and experience and one hour for every 40 hours of postdoctoral training and experience.

(2) A supervised individual may not count toward the 4,000 hours of psychology doctoral clinical training under Subsection (1)(a) any hour completed under the supervision of an individual who is not an approved psychologist supervisor under Section R156-61-302d.

(3)(a) Under Subsection 58-61-301(1)(b), an individual engaged in a postdoctoral residency program of supervised clinical training shall be certified as a psychology resident.

(b) Under Subsection 58-1-307(1)(c) as referenced by Subsection 58-61-301(1)(b), and Subsection R156-61-102(9), an on-the-job training program is one that:

NOTICES OF 120-DAY (EMERGENCY) RULES

- (i) includes only individuals who have completed all courses required for graduation in a doctoral degree that satisfies the licensure requirements under Title 58, Chapter 61, Psychologist Licensing Act and this rule;
 - (ii) starts immediately upon completion of all courses required for graduation;
 - (iii) ends no later than 60 days from the date it begins, or upon licensure, whichever is earlier;
 - (iv) may not be extended or used a second time;
 - (v) is completed while the individual is an employee of a public or private agency engaged in the practice of psychology; and
 - (vi) is supervised by an individual who:
 - (A) is licensed under Title 58, Chapter 61, Psychologist Licensing Act; and
 - (B) conducts supervision at least weekly in circumstances where the supervisor and the supervised individual are physically present in the same room at the same time.
- (4) An applicant may accrue any portion of the 4,000 hours of psychology doctoral degree training and experience required in Subsection 58-61-304(1)(d) in a predoctoral program.
- (5) An applicant for licensure as a psychologist who has started and completed all or part of the psychology or mental health therapy training requirements under Subsection (1)(a) outside the state, may receive credit for that training if the applicant provides satisfactory evidence to the Division that the training is equivalent to the requirements for training under Subsections 58-61-304(1)(d) and (e) and Subsection (1).
- (6)(a) Under Subsection 58-61-304(1)(e), an applicant training under remote direct supervision shall have a signed, written remote supervision agreement with the psychologist supervisor that meets the requirements of this subsection.
- (b) A remote supervision agreement shall require the supervisor to conduct remote direct supervision only through real-time electronic methods that allow both visual and audio interaction between the supervisor and the supervised individual, and shall contain at least the following:
- (i) provisions establishing the frequency, duration, reason for, and objectives of electronic meetings;
 - (ii) a plan to ensure the supervisor has access to the supervised individual despite the physical distance between their offices;
 - (iii) a plan to address potential conflicts between clinical recommendations of the supervisor and the representatives of the agency employing the supervised individual;
 - (iv) a plan to inform the supervised individual's employer and clients or patients about the supervised individual's use of remote supervision;
 - (v) a plan to comply with the supervisor's duties and responsibilities under Section R156-61-302e; and
 - (vi) a plan for the supervisor to physically visit the location where the supervised individual practices on at least a quarterly basis, or at a lesser frequency as approved by the Division in collaboration with the Board.
- (c)(i) Before training under remote direct supervision, the supervised individual shall:
- (A) submit the remote supervision agreement to the Division to evaluate if the remote supervision agreement adequately protects the health, safety, and welfare of the public; and
 - (B) receive written approval of the remote supervision agreement from the Division.
- (ii) A supervised individual may not count toward the real-time live direct supervision requirement under Subsection 58-61-304(1)(e) any hour of remote supervision completed before the Division grants written approval of the supervised individual's remote supervision agreement.

R156-61-302d. Qualifications for Designation as an Approved Psychologist Supervisor.

Under Subsection 58-61-304(1)(d) or (e), to be approved by the Division in collaboration with the Board as a psychologist supervisor of psychology training or mental health therapy training, an individual shall:

- (1) be currently licensed in good standing as a psychologist in the jurisdiction in which the supervised training is being performed;
- and
- (2) have practiced as a licensed psychologist for at least 4,000 hours.

KEY: licensing, psychologists

Date of Last Change: May 1, 2026

Notice of Continuation: September 7, 2023

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-61-101

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:	R137-1	Filing ID: 54540
Effective date:	04/16/2026	

Agency Information

1. Title catchline:	Career Service Review Office, Administration	
Building:	Taylorsville State Office Building	
Street address:	4315 S 2700 W	
City, state:	Taylorsville, UT	
Contact persons:		
Name:	Phone:	Email:
Akiko Kawamura	385-346-8552	akawamura@utah.gov
Annette Morgan	385-346-8551	amorgan@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R137-1. Grievance Procedure Rules	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 67-19a-203	Authority is granted to the Career Service Review Office administrator to make rules governing the procedures for employee grievances filed under the statute.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments have been received since the last five-year review of this rule.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

This rule is necessary to govern the procedures required for employee grievances filed under the Utah State Personnel Management Act. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Akiko Kawamura, Administrator	Date:	05/06/2026
---	-------------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R156-54	Filing ID:	50281
Effective date:	04/27/2026		

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

General Information

2. Rule catchline:	
R156-54. Radiologic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act Rule	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 58-54-101 et seq.	Title 58, Chapter 54, Radiologic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act provides for the licensure and regulation of radiologic technologists, radiologist assistants, and radiology practical technicians.
Subsection 58-1-106(1)(a)	This subsection establishes that it is a duty of the Division of Professional Licensing (Division) to prescribe, adopt, and enforce rules to administer Title 58, Occupations and Professions.
Subsection 58-1-202(1)(a)	This subsection establishes that it is a duty of each board established under Title 58 to recommend appropriate rules and statutory changes to improve the health, safety, and financial welfare of the public, including changes to remove regulations that are no longer necessary or effective in protecting the public and enhancing commerce.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments have been received since the last five-year review of this rule.	
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	
This rule is necessary as it provides a mechanism to inform potential licensees of the specific requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 54.	

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

This rule is also necessary as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	Date:	04/27/2026
---	---------------------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R317-7	Filing ID:	50776
Effective date:	04/29/2026		

Agency Information

1. Title catchline:	Environmental Quality, Water Quality		
Building:	Multi Agency State Office Building (MASOB)		
Street address:	195 N 1950 W		
City, state:	Salt Lake City, UT 84116		
Mailing address:	PO Box 144870		
City, state and zip:	Salt Lake City, UT 84114-4870		
Contact persons:			
Name:	Phone:	Email:	
Porter Henze	385-566-7799	pkhenze@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	
R317-7. Underground Injection Control (UIC) Program	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
40 CFR 145.11	The UIC rules for state programs are federally mandated by this statute as a result of the federal Safe Drinking Water Act (SWDA). If Utah does not maintain primacy to enforce UIC rules at least equivalent to the federal rules, then the Environmental Protection Agency (EPA) will enforce the federal rules in that state using Direct Implementation procedures.
Section 19-5-104	The Utah Water Quality Board promulgated this rule under authority of this section of the Water Quality Act which allows rules to be made in order to protect drinking water sources.
40 CFR 147.2250	Utah is authorized to administer the 1422 program (Class I, III, IV, and V wells) by this statute.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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 date of the last substantive amendment to this rule is 09/24/2013. This is an uncontroversial rule.
 No comments have been received since the last five-year analysis of this rule nor during the 09/24/2013 amendment process.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is required to maintain state primacy for administering Utah's UIC program across the state. If Utah does not obtain and maintain primacy to enforce UIC rules at least equivalent to the federal rules, then the EPA will enforce the federal rules using Direct Implementation procedures.
 In promulgating this rule, the Water Quality Board made the determination that the UIC program is best administered at the state level. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Candice A. Hasenyager, PE	Date:	04/29/2026
---	---------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R317-11	Filing ID: 50778
Effective date:	04/30/2026	

Agency Information

1. Title catchline:	Environmental Quality, Water Quality	
Building:	Multi Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144870	
City, state and zip:	Salt Lake City, UT 84114-4870	
Contact persons:		
Name:	Phone:	Email:
Robert Beers	385-501-9580	rbeers@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R317-11. Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Soil Evaluations or Percolation Tests for Underground Wastewater Disposal Systems	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Title 19, Chapter 5	The statute authorizes protection of human health and the environment. This rule achieves that through requiring training and certification of individuals who conduct soil evaluations and percolation tests, design, inspect and maintain underground wastewater disposal systems.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

Minor revision of this rule, involving all stakeholders, was concluded in 2013 to correct errors and to include additional technical information.

This rule was continued in 2016. No written comments have been received since the 2013 revision.

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 provides vital minimum standards and guidance for training and certification of individuals who conduct soil evaluations and percolation tests, design, inspect, and maintain underground wastewater disposal systems.

This rule is essential for maintaining professional standards for individuals and businesses that perform underground wastewater disposal system services and to protect citizens that do not have access to a public sewer system. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Candice A. Hasenyager, PE	Date:	04/30/2026
---	---------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R414-12	Filing ID: 55497
Effective date:	04/27/2026	

Agency Information

1. Title catchline:	Health and Human Services, Integrated Healthcare	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 143325	
City, state and zip:	Salt Lake City, UT 84114-3325	
Contact persons:		
Name:	Phone:	Email:
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R414-12. Laboratory Services	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 26B-1-213	Section 26B-1-213 grants the Department of Health and Human Services (department) the authority to adopt, amend, or rescind rules necessary to carry out the provisions of Title 26B, Utah Health and Human Services Code.
Section 26B-3-108	Section 26B-3-108 requires the department to implement the Medicaid program through administrative rules.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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 this rule specifies the scope of mandatory laboratory services for Medicaid members, as required by federal law. Therefore, this rule should be continued.

As there were no comments in opposition to this rule, the department did not respond to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	Date:	04/24/2026
---	-------------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R539-9	Filing ID:	57345
Effective date:	04/20/2026		

Agency Information

1. Title catchline:	Health and Human Services, Services for People with Disabilities		
Building:	Cannon Health Building		
Street address:	288 N 1460 W		
City, state:	Salt Lake City, UT		
Mailing address:	PO Box 145145		
City, state and zip:	Salt Lake City, UT 84114-5145		

Contact persons:

Name:	Phone:	Email:
Tyler Black	801-830-9960	tdblack@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:
R539-9. State-Supported Employment Program

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 26B-6-407	This section establishes a program for the provision of supported employment services to be administered by the Division of Services for People with Disabilities (division) and grants the division authority to make rules as necessary for the implementation and administration of the program.
-------------------	---

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary to provide authority and oversight for the state-supported employment program and comply with statute requiring this rule.

This rule is also necessary to ensure that proper administration and enforcement of the program continues while the division updates this rule through a forthcoming substantive change filing. Therefore, this rule should be continued.

As there were no comments in opposition to this rule, the division did not respond to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	Date:	04/19/2026
---	-------------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R710-11	Filing ID:	51910
Effective date:	04/29/2026		

Agency Information

1. Title catchline:	Public Safety, Fire Marshal		
Building:	Conference Center at Miller Campus		
Street address:	410 W 9800 S, Suite 372		
City, state:	Sandy, UT 84070		
Contact persons:			
Name:	Phone:	Email:	
Kim Gibb	801-556-8198	kgibb@utah.gov	
Ted Black	801-256-2390	tblack@utah.gov	

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

General Information

2. Rule catchline:
R710-11. Fire Alarm System Inspecting and Testing

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 53-7-204	The Utah Fire Prevention Board (board) is created within the Fire Marshal Division under Section 53-7-203. The board is required under Subsection 53-7-204(1)(b) to make rules to establish standards for the prevention of fire and for the protection of life and property against fire.
------------------	---

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There have been no written comments received during and since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Fire alarm systems and the maintenance and inspection of fire alarm systems are integral to ensuring life safety.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

This rule outlines the requirements to obtain a certificate of registration for the purposes of inspecting and testing fire alarm systems, standards and procedural requirements for the purposes of servicing fire alarm systems, and adjudicative proceedings. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Ted Black, State Fire Marshal	Date:	04/29/2026
---	-------------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R714-160	Filing ID: 51922
Effective date:	04/29/2026	

Agency Information

1. Title catchline:	Public Safety, Highway Patrol		
Building:	Calvin Rampton Building		
Street address:	4501 S 2700 W, 1st Floor		
City, state:	Salt Lake City, UT 84119-5994		
Mailing address:	PO Box 141775		
City, state and zip:	Salt Lake City, UT 84114-1775		
Contact persons:			
Name:	Phone:	Email:	
Kim Gibb	801-556-8198	kgibb@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	
R714-160. Equipment Standards for Passenger Vehicle and Light Truck Safety Inspections	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 53-8-204(5)	Requires the Division of Highway Patrol (Division) to make rules: <ul style="list-style-type: none"> a) setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway; b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can be operated safely; c) establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections; d) establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate; e) establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students; f) establishing requirements: <ul style="list-style-type: none"> i) designed to protect consumers from unwanted or unneeded repairs or adjustments; ii) for maintaining safety inspection records; iii) for providing reports to the Division; and iv) for maintaining and protecting safety inspection certificates; g) establishing procedures for a motor vehicle that fails a safety inspection; h) setting bonding amounts for safety inspection stations if bonds are required under Subsection (3)(a); and i) establishing procedures for a safety inspection station to follow if the station is going out of business.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 41-6a-1601(2)	Requires the Department of Public Safety to make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under Title 41, Chapter 6a, Part 16.
--------------------------	--

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.

D. 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 Subsections 53-8-204(5) and 41- 6a-1601(2), and is necessary in order:
 to establish safety standards for vehicle equipment and safe operation and procedures and requirements to ensure that vehicle inspections are conducted by qualified individuals in a safe environment using safe equipment for the protection of both consumers and employees;
 to establish requirements for maintaining and protecting records and providing reports to the Division;
 to establish procedures for a vehicle that fails an inspection; to set bonding amounts when required; and
 to establish procedures for when a safety inspection station goes out of business.

Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Greg Holley, Colonel Utah Highway Patrol	Date:	04/29/2026
---	--	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R714-161	Filing ID: 51918
Effective date:	04/29/2026	

Agency Information

1. Title catchline:	Public Safety, Highway Patrol	
Building:	Calvin Rampton Building	
Street address:	4501 S. 2700 W, 1st Floor	
City, state:	Salt Lake City, UT 84119-5994	
Mailing address:	PO Box 141775	
City, state and zip:	Salt Lake City, UT 84114-1775	
Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov

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

General Information

2. Rule catchline:

R714-161. Equipment Standards for Motorcycle Safety Inspections

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 53-8-204(5)	Requires the Division of Highway Patrol (Division) to make rules: a) setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway; b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can be operated safely;
------------------------	---

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

	<p>c) establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections;</p> <p>d) establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate;</p> <p>e) establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students;</p> <p>f) establishing requirements:</p> <p>i) designed to protect consumers from unwanted or unneeded repairs or adjustments;</p> <p>ii) for maintaining safety inspection records;</p> <p>iii) for providing reports to the Division; and</p> <p>iv) for maintaining and protecting safety inspection certificates;</p> <p>g) establishing procedures for a motor vehicle that fails a safety inspection;</p> <p>h) setting bonding amounts for safety inspection stations if bonds are required under Subsection (3)(a); and</p> <p>i) establishing procedures for a safety inspection station to follow if the station is going out of business.</p>
Subsection 41-6a-1601(2)	Requires the Department of Public Safety to make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under Title 41, Chapter 6a, Part 16.

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.

D. 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 Subsections 53-8-204(5) and 41-6a-1601(2), and is necessary in order to establish safety standards for motorcycle equipment and safe operation and procedures and requirements to ensure that motorcycle inspections are conducted by qualified individuals in a safe environment using safe equipment for the protection of both consumers and employees; to establish requirements for maintaining and protecting records and providing reports to the Division; to establish procedures for a vehicle that fails an inspection; to set bonding amounts when required; and to establish procedures for when a safety inspection station goes out of business.

Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Greg Holley, Colonel Utah Highway Patrol	Date:	04/29/2026
---	--	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R714-162	Filing ID: 51919
Effective date:	04/29/2026	

Agency Information

1. Title catchline:	Public Safety, Highway Patrol
Building:	Calvin Rampton Building
Street address:	4501 S 2700 W, 1st Floor
City, state:	Salt Lake City, UT 84119-5994
Mailing address:	PO Box 141775
City, state and zip:	Salt Lake City, UT 84114-1775

Contact persons:		
Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R714-162. Equipment Standards for Heavy Motor Vehicle, Trailer and Bus Safety Inspections

3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 53-8-204(5)	Requires the Division of Highway Patrol (Division) to make rules: a) setting minimum standards covering the design, construction, condition, and operation of motor vehicle equipment for safely operating a motor vehicle on the highway; b) establishing motor vehicle safety inspection procedures to ensure a motor vehicle can be operated safely; c) establishing safety inspection station building, equipment, and personnel requirements necessary to qualify to perform safety inspections; d) establishing age, training, examination, and renewal requirements to qualify for a safety inspector certificate; e) establishing program guidelines for a school district that elects to implement a safety inspection apprenticeship program for high school students; f) establishing requirements: i) designed to protect consumers from unwanted or unneeded repairs or adjustments; ii) for maintaining safety inspection records; iii) for providing reports to the Division; and iv) for maintaining and protecting safety inspection certificates; g) establishing procedures for a motor vehicle that fails a safety inspection; h) setting bonding amounts for safety inspection stations if bonds are required under Subsection (3)(a); and i) establishing procedures for a safety inspection station to follow if the station is going out of business.
Subsection 41-6a-1601(2)	Requires the Department of Public Safety to make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under Title 41, Chapter 6a, Part 16.

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.

D. 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 Subsections 53-8-204(5) and 41- 6a-1601(2), and is necessary in order:
to establish safety standards for heavy motor vehicle, trailer and bus equipment and safe operation, and procedures and requirements to ensure that heavy motor vehicle, trailer and bus inspections are conducted by qualified individuals in a safe environment using safe equipment for the protection of both consumers and employees;
to establish requirements for maintaining and protecting records and providing reports to the Division;
to establish procedures for a vehicle that fails an inspection;
to set bonding amounts when required; and
to establish procedures for when a safety inspection station goes out of business.

The standards set forth in this rule are used by the state to inspect heavy trucks, trailers and buses. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Greg Holley, Colonel Utah Highway Patrol	Date:	04/29/2026
---	--	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R918-5	Filing ID:	52125
Effective date:	04/16/2026		

Agency Information

1. Title catchline:	Transportation, Operations, Maintenance		
Building:	Calvin Rampton		
Street address:	4501 S 2700 W		
City, state:	Taylorsville, UT		
Mailing address:	PO Box 148455		
City, state and zip:	Salt Lake City, UT 84114-8455		
Contact persons:			
Name:	Phone:	Email:	
Leif Elder	801-580-8296	lelder@utah.gov	
Marlene Galindo	801-965-4026	mgalindo1@utah.gov	
James Godin	801-573-7181	jamesjgodin@agutah.gov	
Lori Edwards	385-341-3414	loriedwards@agutah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:	R918-5. Construction or Improvement of Highway		
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:			
Section 72-6-107	This section requires the Department of Transportation (department) to make a rule pertaining to hearing evidence that a region within the department has violated Section 72-6-107, and to administering sanctions against a region of the department if the region is found in violation.		
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:	Section 72-6-107 still requires the department to have this rule in place. Therefore, this rule should be continued.		

Agency Authorization Information

Agency head or designee and title:	Carlos M. Braceras, PE, Executive Director, UDOT	Date:	04/14/2026
---	--	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R994-302	Filing ID:	53337
Effective date:	04/22/2026		

Agency Information

1. Title catchline:	Workforce Services, Unemployment Insurance	
Building:	Olene Walker Building	
Street address:	140 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact persons:		
Name:	Phone:	Email:
Robert Andreasen	801-517-4722	randreasen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R994-302. Employer Contribution Payments	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 35A-1-104	Authorizes the Department of Workforce Services (Department), among other things, to adopt rules as authorized by Title 35A.
Section 35A-4-502	Authorizes the Department to make rules necessary for the administration of the Employment Security Act (Act).
Section 35A-4-302	Authorizes the Department to make rules governing the accrual and payment of contributions by employers.
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:	
To effectively and efficiently administer the Unemployment Insurance Fund, the Department must ensure each employer that is subject to the Act follows the requirements of the Act for payment of unemployment insurance contributions.	
This rule informs employers of their responsibilities, contribution amounts, due dates, and methods for requesting adjustments or refunds. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	04/22/2026
---	-----------------------------------	--------------	------------

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R994-308	Filing ID: 52236
Effective date:	04/22/2026	

Agency Information

1. Title catchline:	Workforce Services, Unemployment Insurance
Building:	Olene Walker Building

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	140 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 45244	
City, state and zip:	Salt Lake City, UT 84145-0244	
Contact persons:		
Name:	Phone:	Email:
Robert Andreasen	801-517-4722	randreasen@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	
R994-308. Bond Requirement	
3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 35A-1-104	Authorizes the Department of Workforce (Department), among other things, to adopt rules as authorized by Title 35A.
Section 35A-4-502	Authorizes the Department to make rules necessary for the administration of the Employment Security Act (Act).
Section 35A-4-308	Authorizes the Department to require an employer to deposit a bond or security to ensure compliance with the Act.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	
No comments have been received 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:	
To effectively and efficiently administer the Unemployment Insurance Fund, the Department must have methods to ensure compliance with the Act and collect unemployment contributions from an employer.	
This rule provides for the types of security the Department may require, the reasons for requiring security, how the amount of security will be determined, and the disposition of the security. Therefore, this rule should be continued.	

Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Executive Director	Date:	04/22/2026
---	-----------------------------------	--------------	------------

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Agriculture and Food

Conservation Commission

No. 57835 (Amendment) R64-1: Agriculture Resource Development Loans (ARDL)

Published: 04/01/2026

Effective: 05/08/2026

No. 57836 (Amendment) R64-4: Agricultural Water Optimization Program

Published: 04/01/2026

Effective: 05/08/2026

No. 57837 (Repeal and Reenact) R64-5: Temporary Water Shortage Emergency Loan Program

Published: 04/01/2026

Effective: 05/08/2026

No. 57838 (Repeal and Reenact) R64-6: Agriculture Voluntary Incentives Program

Published: 04/01/2026

Effective: 05/08/2026

Alcoholic Beverage Services

Administration

No. 57751 (Amendment) R82-2: Administration

Published: 01/15/2026

Effective: 05/01/2026

Commerce

Professional Licensing

No. 57827 (Amendment) R156-47b: Massage Therapy Practice Act Rule

Published: 03/15/2026

Effective: 04/27/2026

Education

Administration

No. 57855 (Amendment) R277-484: Data Standards

Published: 04/01/2026

Effective: 05/08/2026

NOTICES OF RULE EFFECTIVE DATES

Environmental Quality

Administration

No. 57850 (Repeal) R305-11: Clean Air Support Restricted Account Grant Program

Published: 04/01/2026

Effective: 05/08/2026

Waste Management and Radiation Control, Waste Management

No. 57803 (Amendment) R315-101: Cleanup Action and Risk-Based Closure Standards

Published: 03/01/2026

Effective: 04/16/2026

Health and Human Services

Integrated Healthcare

No. 57824 (Amendment) R414-1: Incorporations by Reference

Published: 03/15/2026

Effective: 05/01/2026

Data, Systems and Evaluation, Vital Records and Statistics

No. 57817 (Amendment) R436-18: Adoption Program Procedures, Form Content, and Donations

Published: 03/15/2026

Effective: 05/07/2026

No. 57858 (Repeal) R512-44: Choose Life Adoption Support Restricted Account

Published: 04/01/2026

Effective: 05/11/2026

Higher Education (Utah Board of)

Administration

No. 57848 (Amendment) R765-134: Informal Adjudicative Proceedings Under the Utah Administrative Procedures Act

Published: 04/01/2026

Effective: 05/13/2026

No. 57783 (Amendment) R765-165: Concurrent Enrollment

Published: 02/15/2026

Effective: 05/05/2026

No. 57790 (New Rule) R765-608a: First Credential Scholarship

Published: 03/01/2026

Effective: 05/05/2026

No. 57793 (Amendment) R765-615: Talent Development Award Program

Published: 03/01/2026

Effective: 05/05/2026

No. 57804 (Amendment) R765-616: Adult Learner Grant Program

Published: 03/15/2026

Effective: 05/05/2026

No. 57800 (Amendment) R765-617: Karen Mayne Public Safety Officer Scholarship Program

Published: 03/01/2026

Effective: 05/05/2026

No. 57791 (Amendment) R765-620: Utah Promise Program Grant

Published: 03/01/2026

Effective: 05/05/2026

No. 57792 (Amendment) R765-624: Utah Promise Partner Program

Published: 03/01/2026

Effective: 05/04/2026

No. 57805 (Amendment) R765-628: WICHE Professional Student Exchange Program
Published: 03/15/2026
Effective: 05/05/2026

No. 57785 (New Rule) R765-905: Utah Engineering and Computer Science Initiative
Published: 03/01/2026
Effective: 05/05/2026

Insurance

Administration

No. 57854 (Amendment) R590-126: Purpose and Scope
Published: 04/01/2026
Effective: 05/08/2026

No. 57828 (Repeal) R590-285: Limited Long-Term Care Insurance
Published: 03/15/2026
Effective: 05/06/2026

Title and Escrow Commission

No. 57806 (New Rule) R592-18: Construction Disbursement Transactions
Published: 03/15/2026
Effective: 04/21/2026

Labor Commission

Occupational Safety and Health

No. 57826 (Amendment) R614-1: Retaliation
Published: 04/01/2026
Effective: 05/08/2026

Natural Resources

Outdoor Recreation

No. 57851 (New Rule) R650-307: Outdoor Recreation Mitigation Grant Program
Published: 04/01/2026
Effective: 05/08/2026

Water Resources

No. 57808 (New Rule) R653-16: Water Infrastructure and Long-term Planning
Published: 03/15/2026
Effective: 04/30/2026

End of the Notices of Rule Effective Dates Section