

# UTAH STATE BULLETIN

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

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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# EXECUTIVE DOCUMENTS

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Under authority granted by the Utah Constitution and various federal and state statutes, the Governor periodically issues **EXECUTIVE DOCUMENTS**, which can be categorized as either Executive Orders, Proclamations, and Declarations. Executive Orders set policy for the executive branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. Proclamations call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. Declarations designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Office of Administrative Rules for publication and distribution.

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## PROCLAMATION

**WHEREAS**, since the close of the 2026 General Session of the 66th Legislature of the state of Utah, certain matters have arisen which require immediate legislative attention; and

**WHEREAS**, Article VII, Section 6 of the Constitution of the state of Utah provides that the governor may, by proclamation, convene the Senate into Extraordinary Session; and

**NOW, THEREFORE**, I, Spencer J. Cox, governor of the state of Utah, by virtue of the authority vested in me by the Constitution and Laws of the state of Utah, do by this Proclamation call the Senate only of the 66th Legislature of the state of Utah into the Tenth Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 20th day of May 2026, at 4:00 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the state of Utah since the close of the 2026 General Session of the Legislature of the state of Utah.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 19th day of May 2026.

(State Seal)

Spencer J. Cox  
Governor

ATTEST:

Deidre M. Henderson  
Lieutenant Governor

2026-10E

**EXECUTIVE ORDER  
2026-01**

Declaring a State of Emergency in Certain Counties Due to Crop Loss

**WHEREAS**, ten counties (Box Elder, Cache, Davis, Iron, Juab, Millard, Piute, Sanpete, Utah, and Weber) recently experienced freezing temperatures causing damage and loss to crop production;

**WHEREAS**, freezing temperatures occurred on April 3rd, 4th, 17th, and 18th;

**WHEREAS**, weather stations recorded temperatures below 26 degrees Fahrenheit for more than eight hours;

**WHEREAS**, crop production of apricots, sweet and tart cherries, plums, peaches, pears, and apples suffered 95% - 100% loss;

**WHEREAS**, fruit producers in these counties are experiencing a near total loss of crop production;

**WHEREAS**, wheat and alfalfa producers in these counties are also experiencing a loss of production;

**WHEREAS**, the impact of this freeze affects the agricultural producers, consumers, local markets, and the seasonal workforce who rely on the annual harvest;

**WHEREAS**, these conditions create a state of emergency under the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code;

**WHEREAS**, the declaration of emergency will allow affected agricultural producers to access resources and assistance from the United States Department of Agriculture and Utah Department of Agriculture and Food;

**WHEREAS**, the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code provides the governor with certain powers to respond to an emergency;

**WHEREAS**, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency; and

**NOW, THEREFORE**, I, Spencer J. Cox, Governor of the State of Utah, declare a state of emergency due to the aforesaid circumstances in the counties listed above.

**THIS ORDER** is effective immediately and shall remain in effect for 30 days, unless the Legislature extends the state of emergency.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done on this, the 15th day of May, 2026.

(State Seal)

Spencer J. Cox  
Governor

ATTEST:

Deidre M. Henderson  
Lieutenant Governor

**EXECUTIVE ORDER  
2026-02**

Declaring a State of Emergency in the State of Utah Due to Drought Conditions

**WHEREAS**, all 29 counties in the state are in severe drought and 22 counties are in extreme drought according to the U.S. Drought Monitor;

**WHEREAS**, snowpack peaked about three weeks early and was 53% of normal, and average winter temperatures were nearly 3 degrees higher than normal;

**WHEREAS**, water supply forecasts around the state range from 20% to 55% of normal;

**WHEREAS**, these extreme drought conditions have adversely and significantly impacted agribusiness and livestock production, as well as wildlife and natural habitats;

**WHEREAS**, drought conditions can adversely impact drinking water supplies and increase the number of drinking water emergencies requiring boil orders or Do Not Drink orders;

**WHEREAS**, drought conditions that require mitigation are expected to persist;

**WHEREAS**, these conditions create a state of emergency under the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code;

**WHEREAS**, the Disaster Response and Recovery Act found in Title 53, Chapter 2a of the Utah Code provides the governor with certain powers to respond to an emergency;

**WHEREAS**, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency; and

**WHEREAS**, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary for the purpose of securing compliance with orders made pursuant to the Disaster Response and Recovery Act;

**NOW, THEREFORE**, I, Spencer J. Cox, Governor of the State of Utah, declare a state of emergency due to the aforesaid circumstances in the counties listed above and hereby order the following:

1. The state Emergency Operations Plan is activated.
2. The state Drought Response Committee shall:
  - a. review circumstances and other needs caused by the drought;
  - b. identify and recommend action to meet those needs; and
  - c. ensure inter-agency coordination.
3. State agencies shall:
  - a. follow current requirements as outlined in Executive Order 2023-07; and
  - b. as required in Utah Code § 63-5b-1108(5)(a), follow the Division of Water Resources' weekly watering guide: <https://conservewater.utah.gov/weekly-lawn-watering-guide/>.

I further make the following recommendations:

1. Water suppliers and irrigation companies should consider:
  - a. encouraging efficient landscape watering; and
  - b. as needed, contacting the Division of Water Resources for assistance with developing a local drought response plan.
2. Impacted cities and counties should consider developing and implementing water restriction plans and taking other steps to promote water conservation for the upcoming irrigation season in order to protect drinking water supplies.
3. Residents are encouraged to:
  - a. reduce outdoor water use and waste;
  - b. fix irrigation leaks and inefficiencies;
  - c. consider converting unnecessary lawn areas to waterwise landscapes with drip irrigation;
  - d. consider purchasing a smart-timer controller or low-flow toilet (rebates are offered at SlowTheFlow.org); and
  - e. reduce indoor water use by fixing leaks.

**THIS ORDER** is effective immediately and shall remain in effect for 30 days, unless the Legislature extends the state of emergency.

(State Seal)

**IN WITNESS, WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done on this, the 21st day of May, 2026.

Spencer J. Cox  
Governor

ATTEST:

Deidre M. Henderson  
Lieutenant Governor

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**EXECUTIVE ORDER  
2026-03**

Establishing a Higher Bar for Data Center Development in Utah

**WHEREAS**, Utahns have expressed legitimate concerns regarding the potential impacts of large data centers on water resources, air quality, utility rates, local communities, and quality of life, and those concerns must be carefully considered;

**WHEREAS**, Utah is committed to ensuring a transparent, accountable public process that adheres to high standards when evaluating a potential data center;

**WHEREAS**, with Industry as our state motto, Utah is committed to advancing both economic strength and environmental stewardship;

**WHEREAS**, Utah is committed to protecting utility ratepayers by ensuring that data center development does not shift the costs of new energy infrastructure onto existing households and businesses;

**WHEREAS**, protecting the quality of life of Utah residents requires careful consideration of potential impacts on noise, heat, lighting, traffic, air, water, and other circumstances associated with large-scale development;

**WHEREAS**, Utah is committed to saving the Great Salt Lake;

**WHEREAS**, on November 3, 2022, I issued **Proclamation 2022-01**, "*Suspending New Appropriations of Surplus and Unappropriated Waters in the Great Salt Lake Basin*";

**WHEREAS**, in late 2025, I announced the Pro-Human AI Initiative to ensure developments in AI technology, including data centers that support AI, remain human-guided and human-enhancing;

**WHEREAS**, in 2026, I signed H.B. 76, Data Center Water Transparency Amendments, imposing reporting requirements on large data centers to protect water resources;

**WHEREAS**, the Department of Environmental Quality has primacy over the Clean Air Act and the Clean Water Act within the state of Utah;

**WHEREAS**, the Department of Natural Resources regulates, administers, and appropriates Utah water rights through the Office of the State Engineer; executes the Governor's energy policies; and protects and manages the state's wildlife resources and habitat;

**WHEREAS**, the Governor's Office of Economic Development is required to coordinate state and local efforts on economic development activities;

**NOW, THEREFORE**, I, Spencer J. Cox, governor of the state of Utah, by the authority vested in me by the Constitution and laws of this state, do hereby order the following:

1. **Purpose.** The purposes of this Executive Order are to:
  - a. Create a Data Center Framework; and
  - b. Direct agencies to adopt the Data Center Framework.
2. **Application.** This order applies to state agencies, defined below.
3. **Definitions.** As used in this order:
  - a. "Agency"
    - i. Agency includes the following entities within the state executive branch:
      1. Any department, division, office, bureau, or other organization within the state executive branch, including the State Tax Commission, the National Guard, and the Board of Pardons and Parole;
    - ii. Agency does not include:
      1. an institution of higher education;
      2. the Utah Board of Higher Education;
      3. the State Board of Education;
      4. an independent entity as defined in Utah Code § 63E-1-102;
      5. the Attorney General's Office;
      6. the State Auditor's Office;
      7. the State Treasurer's Office;
      8. the Legislative Branch; or
      9. the Judicial Branch.
  - b. "Data center" means a large data center as defined in Utah Code § 73-5-8.3(1)(d).
4. **Creating a Data Center Framework.**
  - a. This order establishes a Data Center Framework ("Framework").
  - b. The Framework shall consist of the following principles:
    - i. Protect the Great Salt Lake and other water resources across the state by ensuring that water consumption is not increased and that water quality is protected;
    - ii. Protect air quality and airsheds across the state, including not impacting existing non-attainment areas;
    - iii. Promote economic and job growth in rural Utah;
    - iv. Mitigate wildlife impacts;
    - v. Protect utility ratepayers;
    - vi. Ensure opportunities to expand energy generation and transmission capacity are consistent with the other principles of this Framework;
    - vii. Lead on pro-human AI development in Utah; and
    - viii. Provide transparent, meaningful and thorough opportunities for public comment.
5. **Agency Responsibilities.** Agencies shall, in matters related to data centers:
  - a. Adhere to this Framework in agency efforts;
  - b. Regularly review this Framework;
  - c. Undertake extensive public outreach and engagement to further refine this Framework;
  - d. Coordinate and communicate frequently across agencies and other governmental entities, including the Utah Inland Port Authority (UIPA), Military Installation Development Authority (MIDA), and local governments, to ensure consistent implementation of the Framework; and
  - e. Work in partnership with the Legislature on recently approved interim study items in the Natural Resources, Agriculture and Environment; Public Utilities, Energy and Technology; and Economic Development and Workforce Services interim committees, including policy recommendations, legislation, and best practices.

**THIS ORDER** is effective immediately and shall remain in effect until otherwise modified, amended, rescinded, or superseded.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done on this, the 29th day of May, 2026.

EXECUTIVE DOCUMENTS

(State Seal)

Spencer J. Cox  
Governor

ATTEST:

Deidre M. Henderson  
Lieutenant Governor

**End of the Executive Documents Section**

## NOTICES OF PROPOSED RULES

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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 May 02, 2026, 12:00 a.m., and May 15, 2026, 11:59 p.m. are included in this, the June 01, 2026, issue of the *Utah State Bulletin*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them (~~example~~). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (. . . . .) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Office of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least July 01, 2026. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through September 29, 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.

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**The Proposed Rules Begin on the Following Page**

**NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Amendment**Filing ID:** 57998**Rule or section number:****R23-29****1. Agency Information**

<b>Title catchline:</b>	Government Operations, Facilities Construction and Management
<b>Building:</b>	Taylorville State Office Building
<b>Street address:</b>	4315 S 2700 W, 3rd Floor
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 141160
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1160

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Mike Kelley	801-957-7239	mkelley@agutah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R23-29. Categorical Delegation of Project Management
<b>B. Purpose of the new rule or reason for the change:</b>
The amendment to the rule categorically delegates authority to state entities to exercise direct supervision over projects under \$100,000. This authority was previously set forth in Subsection 63A-5b-604(1) but was inadvertently removed by HB 508, passed in the 2026 General Session.
The amendment is necessary to maintain the ability of state entities to engage in very small projects.
Also, HB 508 (2026) removed the requirement that Division of Facilities Construction and Management (DFCM) obtain payment and performance bonds.
<b>C. Summary of the new rule or change:</b>
The amendment to this rule delegates authority to state entities to exercise direct supervision over projects under \$100,000.
HB 508 (2026) removed the requirement that DFCM obtain payment and performance bonds. The amendment clarifies that this exemption applies only to DFCM.
Finally, the amendment also clarifies responsibility for finances, reporting obligations and audit rights, and reimbursement for DFCM services with respect to categorically delegated projects.

**4. Legislative Action Information**

<b>A. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>B. If yes, any bill number and session:</b>	HB 508 (2026 General Session)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
None -- Some project management costs will be shifted from DFCM to the delegated state institution of higher education/state entity but there is no reason to expect that there will be either a net increase or net decrease in such costs to the state budget overall.
<b>B. Local governments:</b>
None -- The rule applies only to state institutions of higher education and other entities of state government – not to local governments.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
None -- The rule applies only to state institutions of higher education and other entities of state government - not to small businesses.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
None -- The rule applies only to state institutions of higher education and other entities of state government – not to non-small businesses.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
None -- The rule applies only to state institutions of higher education and other entities of state government – not to persons other than small businesses, state or local government entities.
<b>F. Compliance costs for affected persons:</b>
None – Delegating project management functions from DFCM to state institutions of higher education and other entities of state government as provided in this rule is not expected to result in any compliance costs for affected persons.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	\$0	\$0	\$0	\$0	\$0
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

The Commissioner of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Subsection 63A-5b-305(2)(c)	Subsection 63A-5b-604(4)	
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**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Andy Marr, Director	<b>Date:</b>	05/04/2026
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**R23. Government Operations, Facilities Construction and Management.**

**R23-29. Categorical Delegation of Project Management.**

**R23-29-1. Purpose.**

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

**R23-29-2. Authority.**

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

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

(1) Projects Delegated on a Categorical Basis. As permitted by Subsection 63A-5b-604(4), authority is delegated to ~~the University of Utah, Utah State University, Regional Universities, Comprehensive Community Colleges, Technical Colleges and the Utah Department of Transportation,~~ Institutions and Entities to exercise direct supervision over the design and construction of all projects on their respective properties or facilities up to the dollar amounts stated. If an Institution or Entity proceeds with a project under this rule, the Institution or Entity shall be deemed to have accepted delegation for all projects that qualify for categorical delegation under this rule.

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

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

- ([e]f) \$350,000 or less for the Utah Department of Transportation[~~;~~]; and  
 \_\_\_\_\_  
 (g) \$100,000 or less for Entities other than the Utah Department of Transportation.

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

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

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

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

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

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

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

**R23-29-7. Building Official.**

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

**R23-29-8. Procurement.**

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

**R23-29-9. Contract Documents.**

The ~~[state]~~ Institution or ~~[e]~~ Entity delegated a project on a categorical basis under this rule shall utilize substantially the same standard Contract Documents as used by the division. Any substantive differences must be approved by the division.

**R23-29-10. Transfer of State Funds.**

~~To the extent possible, s~~ State funds appropriated to the division for projects delegated to an Institution or ~~[state-e]~~ Entity under this rule shall be transferred to the respective Institution or ~~[state-e]~~ Entity in a timely manner upon the receipt of such funds by the division and on a reimbursement basis after the Institution or Entity provides[ing] such supporting documents as may be required by the division. As provided in Subsection 63A-5b-303(4), the division shall be entitled to deduct fees established pursuant to Section 63J-1-410 or 63J-1-504 from such funds to reimburse the division for division services provided by the division to an Institution or Entity in connection with a project delegated to an Institution or Entity under this rule.

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

~~The~~ An Institution or ~~[state-e]~~ Entity delegated a project on a categorical basis under this rule shall be subject to the same laws and rules regarding contingency funds as is the division except that:

- (1) contingency funds for delegated projects shall be segregated from the contingency funds held by the division for non-delegated projects and released upon justification and such documentation as may be required by the division; and
- (2) the Institution or ~~[state-e]~~ Entity may not access for the delegated project, the division's statewide contingency reserve and project reserve authorized in Section 63A-5b-609.

**R23-29-12. Space Standards.**

An Institution or ~~[state-e]~~ Entity delegated a project on a categorical basis under this rule shall comply with the space standards as adopted by the division. Any significant deviations from these standards must be approved in advance by the director.

**R23-29-13. Design Criteria.**

An Institution or ~~[state-e]~~ Entity delegated a project on a categorical basis under this rule shall utilize the design criteria adopted by the division. These may be supplemented by special requirements that are unique to each Institution or ~~[state-e]~~ Entity delegated a project on a categorical basis under this rule.

NOTICES OF PROPOSED RULES

**R23-29-14. Value Engineering.**

An Institution or [state-e]Entity delegated a project on a categorical basis under this rule shall comply with applicable laws and rules regarding the value engineering and life cycle costing of facilities. The division may assist the Institution or [state-e]Entity as requested by the Institution or [state-e]Entity in complying with these requirements.

**R23-29-15. Record Drawings.**

At the completion of each delegated project, each Institution or [state-e]Entity delegated a project on a categorical basis under this rule shall be responsible for retention of record drawings and other closeout documents and shall submit a copy of all record drawings and other closeout documents of any new facility to the division as well as record drawings and other closeout documents for any other project when requested by the division.

**R23-29-16. Specific Statutory Requirements.**

(1) In addition to the statutory requirement specified elsewhere in this rule, each Institution or [state-e]Entity shall comply with the following requirements:

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

**R23-29-17. Reporting.**

(1) ~~Unless more frequent reporting is required pursuant to subsection (3), Institutions and Entities~~[The University of Utah, Utah State University, Regional Universities, Comprehensive Community Colleges, Technical Colleges and the Utah Department of Transportation] shall report ~~[monthly-]quarterly~~ to the division on the status of their delegated projects of over \$100,000.00.

~~(2) Reports, at a minimum, must include:~~

- ~~(i) the current project status including all contracts, change orders and modifications;~~
- ~~(ii) a description of any issues that materially impact the project; and~~
- ~~(iii) an accounting of project balances, amounts spent to date, amounts obligated and remaining balances.~~

~~(2)3~~ The director may at any time indicate minimum requirements for reports as well as ask for [further]additional information.

~~(3) The division may require the reports to be submitted more often than quarterly in the discretion of the director.~~[reports shall be submitted to the division in accordance with the schedule established by the division.]

**R23-29-18. Programming for Delegated Projects.**

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

(2) For delegated projects where a program is not required under this rule, the Institution or [state-e]Entity may determine the extent of programming or scope definition required and supervise the development of ~~[these]~~such documents.

**R23-29-19. Sharing of Resources.**

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

**KEY: buildings, delegation**

**Date of Last Change: 2026**~~[December 22, 2025]~~

**Notice of Continuation: February 7, 2024**

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

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 57997
<b>Rule or section number:</b>	<b>R25-7</b>

**1. Agency Information**

<b>Title catchline:</b>	Government Operations, Finance
<b>Building:</b>	Taylorville State Office Building
<b>Street address:</b>	4315 S 2700 W, Floor 3
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 141031
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1031

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Van Christensen	801-808-0698	vhchristensen@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R25-7. Travel-Related Reimbursements for State Travelers
<b>B. Purpose of the new rule or reason for the change:</b>
<p>The proposed rule changes are in response to agency requests. Agencies expressed that there were too many required approvals for reimbursement requests in Concur and that they wanted the option of reimbursing their employees' mileage at the higher GSA mileage rate.</p> <p>Agencies also wanted the option of paying their employees' commute mileage when employees drive between their home and assigned work building due to remote employees' homes not qualifying as their regular place of work.</p> <p>The requirements for obtaining approval from the division director for flight changes has been removed because expenses over 125% of the requested amount are currently required to be approved by executive directors.</p> <p>Finally, the Department of Government Operations, Division of Purchasing and General Services is granting an exception for booking hotels without the state cooperative contract if the room rate falls within per diem.</p> <p>Effective 07/01/2026, travelers are allowed to book non-conference hotels outside of Concur and State Travel Office (STO), not using the state cooperative contract if the room falls within per diem.</p>
<b>C. Summary of the new rule or change:</b>
<p>This rule filing will change the required travel reimbursement request approver from the traveler's division director to the agency's designated compliance officer.</p> <p>It will also add the option of reimbursing employees at the federal mileage automobile rate labeled, "If use of privately owned automobile is authorized or if no government-furnished automobile is authorized and available."</p> <p>Additionally, it will allow agencies to reimburse employees taxable mileage for commuting from their home to their regular place of work.</p> <p>Travelers will also be able to make changes to their flights without obtaining approval from their division director and book non-conference hotels outside of the STO, Concur, and the state cooperative contract if the cost falls within per diem.</p>

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
<p>This rule change will affect the state's budget, though the exact fiscal cost is impossible to calculate as there is no way for the Division of Finance to know in advance how many state travelers will be reimbursed at the higher mileage rate or how many/how often employees will be paid commute mileage. The other changes are not expected to affect any budgets.</p>

<p><b>B. Local governments:</b></p> <p>This rule change is not expected to have a fiscal impact on local governments' revenues or expenditures.</p> <p>The changes do not affect local governments because they only apply to state agencies and state employees' travel and mileage reimbursements.</p>
<p><b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>This rule change is not expected to have a fiscal impact on small businesses' revenues or expenditures.</p> <p>The changes do not affect small businesses because they only apply to state agencies and state employees' travel and mileage reimbursements.</p>
<p><b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>This rule change is not expected to have a fiscal impact on non-small businesses' revenues or expenditures.</p> <p>The changes do not affect non-small businesses because they only apply to state agencies and state employees' travel and mileage reimbursements.</p>
<p><b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</p> <p>This rule change is not expected to have a fiscal impact on other persons.</p> <p>The changes do not affect other persons because they only apply to state agencies and state employees' travel and mileage reimbursements.</p>
<p><b>F. Compliance costs for affected persons:</b></p> <p>Because this amendment only applies to state agencies and state employees' travel and mileage reimbursements, this rule change is not expected to create compliance costs for any entity other than the state's budget.</p> <p>It is possible that state travelers will receive greater compensation for their mileage while traveling on state business if agencies choose to use the higher GSA mileage rate and that state employees will receive compensation for their commute mileage if agencies choose to pay for employees' commute mileage, so there will be increased costs to the state's budget.</p> <p>However, it is impossible to predict the amount of those costs because the Division of Finance cannot predict how many state travelers will be reimbursed at the higher mileage rate or how many state employees will be paid for their commute mileage.</p>

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

The Commissioner of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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-3-107

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Marvin Dodge, Commissioner	<b>Date:</b>	05/13/2026
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**R25. Government Operations, Finance.**

**R25-7. Travel-Related Reimbursements for State Travelers.**

**R25-7-1. Purpose.**

The purpose of this rule is to establish procedures to pay travel-related reimbursements to travelers of an agency or board that is subject to this rule.

**R25-7-2. Authority.**

This rule is established under Section 63A-3-107, which authorizes the Division of Finance to make rules governing in-state and out-of-state travel expenses.

**R25-7-3. Definitions.**

(1) "Actual cost" means the total amount of money that was paid for an expense.

(2) "Administratively assigned office" means the state building officially assigned to an employee for reporting and supervisory functions.

(~~2~~)<sup>3</sup>(a) "Agency" means any department, division, bureau, office, or other administrative subunit of state government under the executive branch.

(b) "Agency" includes any board subject to this rule.

(~~3~~)<sup>4</sup> "Board" means a board, commission, council, committee, task force, or similar body established to perform a governmental function.

(5) "Commissioner" means a department commissioner, department executive director, chief of staff, or equivalent of a chief executive officer.

(6) "Commute" means travel by an employee between their residence and their administratively assigned office.

(7) "Compliance officer" means an employee assigned by the agency who is knowledgeable in travel policy and ensures travel reimbursement requests comply with policies.

(~~4~~)<sup>7</sup> "Conference hotel" means the hotel designated by the conference host, as specified in the conference materials.

(~~5~~)<sup>8</sup> "Department" means an executive department of state government.

## NOTICES OF PROPOSED RULES

~~(6)9~~(a) "Designee" means the person who has written permission from the ~~[executive director]~~commissioner to act on the ~~[executive director's]~~commissioner's behalf.

(b) The ~~[executive director]~~commissioner is responsible for selecting a designee who has the knowledge, skills, and experience to make decisions in the best interest of the agency.

~~(7) "Executive director" means a department executive director, department commissioner, chief of staff, or equivalent of a chief executive officer.]~~

~~(8)10~~ "Fleet vehicle" means a vehicle owned or leased by an agency. This also includes vehicles rented for use as motor pool vehicles by an agency.

~~(9)11~~(a) "Ground transportation" means the use of taxi, rideshare, shuttle, or public transportation for state business.

(b) "Ground transportation" does not include the use of taxi, rideshare, shuttle, or public transportation for a commute to and from a traveler's home and regular place of work.

~~(10)12~~(a) "Hotel" means an establishment that provides lodging for travelers.

(b) "Hotel" does not include a vacation rental.

~~(11)13~~(a) "International travel" means travel outside the 48 contiguous states.

(b) "International travel" includes travel to Alaska, Hawaii, and US Territories and Possessions.

~~(12)14~~ "Out-of-state travel" means travel outside Utah but within the contiguous United States.

~~(13)15~~ "Per diem" means the reimbursement rates established for travel by the following agencies:

(a) the US General Services Administration for the contiguous United States as set forth in 41 CFR 301-11.6 (2004), which is incorporated by reference;

(b) the Department of Defense for Alaska, Hawaii, and US Territories and Possessions as set forth in 41 CFR 301-11.6 (2004); and

(c) the Department of State for foreign travel as set forth in 41 CFR 301-11.6 (2004).

~~(14)16~~ "Rate" means an amount of money.

~~(15)17~~ "Reimbursement" means money paid to compensate a traveler for money spent.

~~(16)18~~ "Sufficient documentation" means the documents that show the merchant, amount paid, method of payment, date incurred, and description of the item purchased or service received. A combination of supporting documents may be needed to verify each element of the expense. Sufficient documentation includes the following official evidence of transaction:

(a) itemized receipts;

(b) invoices;

(c) cash register tape receipts;

(d) canceled checks or other documents reflecting proof of payment or electronic funds transferred;

(e) account statements; and

(f) credit card statements.

~~(17)19~~(a) "Traveler" means any person who is traveling for state business for an agency.

(b) This includes employees, board members, elected officials, vendors, volunteers, and grant recipients or award beneficiaries.

### **R25-7-4. Limitation on Travel-Related Reimbursements.**

(1) Nothing in this rule may be construed to apply to a person's relocation expenses.

(2) Reimbursement for relocation expenses is covered by policy.

### **R25-7-5. Eligible Expenses.**

(1) Reimbursements are intended to cover ordinary travel-related expenses that are reasonable under the circumstances.

(2) Alcoholic beverages may not be reimbursed.

### **R25-7-6. Requirements for Requesting to Travel.**

(1)(a) State business travel, whether reimbursed or not, must be approved by the appropriate authority before a traveler departs.

(b) This includes non-employees when the agency pays for the travel expenses.

(c) In-state travel must be approved by the traveler's supervisor.

(d) Out-of-state travel must be approved by the traveler's commissioner~~[executive director]~~.

(e) International travel must be approved by the traveler's commissioner~~[executive director]~~ and the governor's chief of staff.

(2)(a) A traveler shall use the state's travel system to request approval to travel if:

(i) traveling outside Utah; or

(ii) requesting a cash advance.

(b) If a traveler leaves for an unexpected, urgent out-of-state trip without using the state's travel system to get approval, the agency's commissioner~~[executive director]~~ or designee may approve the trip after the traveler departs. The traveler shall explain in writing why the trip was urgent.

(c) If a traveler cannot use the state's travel system, the traveler shall use the FI 5 travel request form or an alternative process that includes the same information required by the form.

(d) A traveler shall include each expected travel expense when requesting approval to travel. Estimates for expenses shall be reasonable and reflect realistic costs.

(3) A traveler is not required to use the state's travel system to request approval for in-state travel, but in-state travel must still be approved by the traveler's supervisor.

**R25-7-7. Requirements for Requesting Reimbursement.**

- (1) To be reimbursed according to the rates in this rule, a traveler must comply with this rule.
- (a) If a traveler does not comply and does not have an approved exception, the commissioner~~[executive director]~~ or designee shall be notified.
- (b) The commissioner~~[executive director]~~ or designee shall take appropriate corrective action and decide whether the traveler is reimbursed for the expense.
- (c) If the commissioner~~[executive director]~~ or designee approves reimbursement, the approval shall be included with the sufficient documentation needed for the expense as explained in Subsection R25-7-7(3)(c).
- (2) Reimbursement for state travel shall be approved by the traveler's ~~[division director or the agency equivalent of a division director]~~ agency designated compliance officer.
- (3)(a) A traveler shall use the state's travel system to request reimbursement.
- (b) If a traveler cannot use the state's travel system, the traveler shall use the FI 51 reimbursement request form or an alternative process that includes the same information required by the form. If the reimbursement request is for mileage only, the traveler shall use the FI 40 mileage reimbursement request form or an alternative process that includes the same information required by the form.
- (c) A reimbursement request shall include sufficient documentation for each travel expense, except for expenses for which there is a flat allowance amount.

**R25-7-8. Reimbursement for Meals.**

- (1) A traveler may be reimbursed for meals.
- (2) A traveler is reimbursed per diem for meals as explained in 41 CFR 301-11.6, 301-11.17 301-11.18, 301-11.101 (2004).
- (3) A provided meal, such as a meal included in a registration cost, is deducted from the per diem.

**R25-7-9. Reimbursement for Incidental Expenses.**

- (1) A traveler may be reimbursed for incidental expenses.
- (2) A traveler is reimbursed per diem for incidental expenses as explained in 41 CFR 301-11.6 and 301-11.101 (2004).
- (3) The following are considered incidental expenses and are included in the incidental expenses per diem rate:
  - (a) laundry expenses; and
  - (b) fees and tips given to porters, baggage carriers, and hotel staff.

**R25-7-10. Booking a Hotel.**

- (1)(a) If staying at a conference hotel, a traveler shall book a conference hotel room either directly through the hotel or through the contracted travel agency by using the state's travel system or the State Travel Office. The room rate must be the best available rate within 300% of the per diem.
- (b) If the conference hotel rate is more than 300% of the per diem, the traveler shall book a non-conference hotel according to Subsection R25-7-10(2).
- (2) If staying at a non-conference hotel, a traveler shall book a room through the contracted travel agency by using the state's travel system or the State Travel Office if the room rate is not within the per diem. If the room rate is within the per diem or the traveler is paying the difference between the higher rate and per diem, a traveler may book a room outside of the state's travel system or the State Travel Office. ~~[The room rate must be within the per diem.]~~
  - (a) If there are no hotels in the area that have rooms within the per diem, the traveler shall book the hotel that has the best available rate within 300% of the per diem.
  - (b) If there are no hotels in the area that have rooms within 300% of the per diem, the traveler shall contact the State Travel Office to book a hotel room.

**R25-7-11. Booking Other Types of Lodging.**

- (1) A traveler may book a vacation rental site if:
  - (a) the vacation rental site is in the best interest of the state; and
  - (b) the cost per person is within per diem.
- (2) A traveler may stay with a friend or relative.
- (3) A traveler may stay in a personal camper or trailer home.

**R25-7-12. Reimbursement for Lodging.**

- (1) A traveler may be reimbursed for lodging.
- (2) The destination must be 50 miles or more from the traveler's personal residence.
- (3)(a) The commissioner~~[executive director]~~ or designee may approve lodging that is less than 50 miles from the traveler's personal residence if:
  - (i) there is an unusual circumstance, such as the traveler is required to work at the destination after work hours or there are safety issues; and
  - (ii) the traveler requests the exception before the trip.
- (b) The request for the exception and the approval shall be included with the sufficient documentation needed for the expense as explained in Subsection R25-7-7(3)(c).
- (4)(a) For a conference hotel, a traveler is reimbursed the actual cost up to 300% of the per diem.

NOTICES OF PROPOSED RULES

(b) The traveler shall include the conference registration materials when requesting reimbursement.

(5)(a) For a non-conference hotel, a traveler is reimbursed the actual cost of the hotel if the room was booked in accordance with Section R25-7-10.

(b) If the room was not booked in accordance with Section R25-7-10, a traveler is only reimbursed up to the actual cost or per diem, whichever is lower.

(6) For a vacation rental site, the traveler who paid for the vacation rental site is reimbursed the actual cost up to the per diem per person.

(7) For staying with a family member or friend, a traveler may receive a taxable allowance of \$25 per night.

(8) For staying in a personal camper or trailer home, a traveler may be reimbursed:

(a) the actual cost up to the per diem if the traveler has sufficient documentation from the facility; or

(b) a taxable allowance of \$25 per night if the traveler does not have sufficient documentation.

**R25-7-13. Booking Air Travel.**

(1) A traveler shall book airfare through the contracted travel agency by using the state's travel system or the State Travel Office.

(2) A traveler shall use a contracted airline unless:

(a) the airline cannot meet the business needs of the traveler; or

(b) a non-contracted airline offers a lower fare.

(3) A traveler shall book economy or main cabin fares.

(4) Airline tickets and service fees shall be charged directly to the state-operated account designated for airfare.

(5)(a) If a traveler needs to change a flight, the traveler shall document a business reason for the change [~~request approval from the division director or the agency equivalent of the division director~~].

[~~(b) In the request, the traveler shall explain in writing why changing the flight is necessary.~~

[~~(c) The request for the flight change and the approval shall be included with the sufficient documentation needed for the expense as explained in Subsection R25-7-7(3)(e).~~

[~~(d)~~](b) A traveler shall contact the State Travel Office to change a flight before the day of departure.

[~~(e) If a change fee is \$75 or less, a~~](c) A traveler can change a flight the day of departure without [~~getting approval or~~] contacting the State Travel Office.

**R25-7-14. Reimbursement for Expenses Related to Air Travel.**

(1)(a) A traveler may be reimbursed mileage for driving to and from the airport. See Subsection R25-7-16(2) for the reimbursement rate.

(b) A traveler who is driven to the airport by a friend or family member is reimbursed for two round trips to and from the airport.

(2)(a) A traveler may be reimbursed for airport parking.

(b) A traveler is reimbursed the actual cost up to the airport's lowest daily parking rate for each day of parking.

(3) A traveler may be reimbursed for taking ground transportation to and from the airport. See Section R25-7-15.

(4) A traveler is not reimbursed for priority seating or seat upgrades, except for rare circumstances.

(a) A request for a seat upgrade must be approved in writing by the commissioner [~~executive director~~] or designee before the traveler departs.

(b) In the request, the traveler shall explain in writing why a seat upgrade is necessary.

(c) The request for the seat upgrade and the approval shall be included with the sufficient documentation needed for the expense as explained in Subsection R25-7-7(3)(c).

**R25-7-15. Reimbursement for Ground Transportation.**

(1) A traveler may be reimbursed for using ground transportation.

[~~(2) If a traveler takes a rideshare for in-state travel, the traveler shall use a contracted rideshare company unless traveling to and from an airport for a flight.~~

([~~3~~]2) A traveler is reimbursed the actual cost of ground transportation that is related to state business travel, such as transportation to and from the airport.

([~~4~~]3) A traveler is not reimbursed for personal use of ground transportation, such as transportation to a restaurant or movie theater.

([~~5~~]4) A traveler is not reimbursed for an upgrade to a rideshare unless there is a documented business purpose.

([~~6~~]5) A traveler may be reimbursed for tips for ground transportation if a tip is shown on an original, itemized receipt.

([~~7~~]6)(a) A traveler is reimbursed the actual cost of tips up to 20% of the total fare, including taxes and fees.

(b) If a 20% tip results in an amount less than \$5, a traveler may tip up to \$5. The traveler is reimbursed the actual cost of the tip up to \$5.

**R25-7-16. Reimbursement for Mileage.**

(1) A traveler may be reimbursed for mileage when using a private vehicle.

(2) A traveler ~~is~~ may be reimbursed one of two mileage rates as selected by the agency's commissioner: a calculated mileage rate rounded to the nearest cent based on the average of the two federal mileage automobile rates or the federal mileage automobile rate labeled, "If use of privately owned automobile is authorized or if no government-furnished automobile is authorized and available," as explained in 41 CFR 301-10.303 (2004).

(3) A traveler is not reimbursed for mileage that is for [~~;~~

- ~~(a) ]personal use, such as driving to a restaurant or movie theater, [or~~
- ~~(b) commuting to and from the traveler's home and regular place of work.]~~
- (4)(a) A traveler shall use the state's travel system to calculate mileage.
- (b) If unable to use the state's travel system, the traveler may calculate mileage using a generally accepted route planning website. The traveler is reimbursed based on the most commonly traveled route.
- (5) Only the owner of the vehicle may be reimbursed for mileage regardless of the number of people in the vehicle.
- (6)(a) A traveler may choose to drive their personal vehicle instead of taking a flight if the request is approved in writing by the commissioner~~[executive director]~~ or designee before the traveler departs.
- (b) The commissioner~~[executive director]~~ or designee shall consider whether the reimbursement cost for the traveler's mileage and time driving is more than the cost of flying and whether the benefit of driving justifies those costs.
- (7)(a) Over 50 Miles: Travelers residing more than 50 miles from their administratively assigned office may be reimbursed for taxable commute mileage at the commissioner's discretion.
- (b) Within 50 Miles: Travelers residing within 50 miles of their administratively assigned office are ineligible for commute mileage reimbursements. If allowed by agency policy, a traveler may be reimbursed for taxable commute mileage if they are required to commute more than one-round trip in a day.

**R25-7-17. Booking Rental Vehicles.**

- (1) A traveler may rent a vehicle if approved in writing before the traveler departs. See Subsections R25-7-6(1)(c) through R25-7-6(1)(e) for who shall approve a rental vehicle.
- (2) A vehicle shall be rented in the traveler's own name.
- (3)(a) A traveler shall book a rental vehicle through a contracted rental company by using the state's travel system or the State Travel Office.
- (b) A traveler shall use a vehicle rented through a state contract only for business travel days.
- (4) When booking a vehicle, a traveler shall reserve the type of vehicle based on business needs.
- (5) A traveler may not rent a vehicle if staying at a conference hotel, except for rare circumstances.
- (a) A request for a rental vehicle at a conference hotel must be approved in writing by the commissioner~~[executive director]~~ or designee before the traveler departs.
- (b) In the request, the traveler shall explain in writing why renting a vehicle is necessary.
- (c) The request for a rental and the approval shall be included with the sufficient documentation needed for the expense as explained in Subsection R25-7-7(3)(c).

**R25-7-18. Billing and Reimbursement for Rental Vehicles.**

- (1) For in-state rentals, an agency is billed directly for the rental vehicle.
- (2) For out-of-state rentals, a traveler is reimbursed the actual cost of the rental.
- (3) A traveler is reimbursed the actual cost of fuel unless the traveler chooses the prepaid fuel option when picking up the rental vehicle. A traveler is not reimbursed for fuel purchased from the rental company.
- (4) A traveler is not reimbursed for upgrades in size or model made when picking up the rental vehicle.

**R25-7-19. Reimbursement for Parking.**

- (1) A traveler is reimbursed the actual cost of parking if:
  - (a) parking is necessary for official business; and
  - (b) the use of a private or rental vehicle is approved before the traveler departs.
- (2) A traveler is not reimbursed for parking that is related to personal use, such as parking at a restaurant.

**KEY: air travel, per diem allowances, state travelers, transportation**

**Date of Last Change: 2026**~~[July 22, 2025]~~

**Notice of Continuation: February 8, 2018**

**Authorizing, and Implemented or Interpreted Law: 63A-3-107**

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> New	<b>Filing ID:</b> 58010
<b>Rule or section number:</b>	<b>R30-4</b>

**1. Agency Information**

<b>Title catchline:</b>	Government Operations, Inspector General of Medicaid Services (Office of)
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W
<b>City, state:</b>	Salt Lake City, UT

<b>Mailing address:</b>	288 N 1460 W
<b>City, state and zip:</b>	Salt Lake City, UT 84116

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Nate Checketts	801-419-9945	checkettsnate@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R30-4. Office of Inspector General of Medicaid Services Advisory Board
<b>B. Purpose of the new rule or reason for the change:</b>
Section 63A-13-701 directs the Department of Government Operations (department) to establish rules for the composition and operation of the Office of Inspector General of Medicaid Services Advisory Board (board).  The purpose of this board is to promote coordination of Medicaid program integrity activities and provide oversight and recommendations regarding the office's operations and audit activities.
<b>C. Summary of the new rule or change:</b>
The proposed new rule establishes rules for the composition and operation of the Office of Inspector General of Medicaid Services Advisory Board.

**4. Legislative Action Information**

<b>A. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>B. If yes, any bill number and session:</b>	SB 147 (2026 General Session)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
It is anticipated that the department will experience increased ongoing costs of \$6,000 in General Fund to support the advisory board.  These costs were covered in the fiscal note for SB 147 (2026 General Session).
<b>B. Local governments:</b>
Because the board's function is only to provide oversight and recommendations regarding the operations and audit activities of the office, a state entity, there should be no anticipated cost or savings to local governments.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
Because the board's function is only to provide oversight and recommendations regarding the operations and audit activities of the office, a state entity, there should be no anticipated cost or savings to small businesses.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
Because the board's function is only to provide oversight and recommendations regarding the operations and audit activities of the office, a state entity, there should be no anticipated cost 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**):

Because the board's function is only to provide oversight and recommendations regarding the operations and audit activities of the office, a state entity, there should be no anticipated cost or savings to other persons.

**F. Compliance costs for affected persons:**

Costs incurred by the office to comply with oversight or recommendations by the board are inestimable at this time, as the board is a newly created entity.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

The Commissioner of the Department of Government Operations, Marvin Dodge, has reviewed and approved this regulatory impact analysis.

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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-13-701

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Marvin Dodge, Commissioner	<b>Date:</b>	05/15/2026
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**R30. Government Operations, Inspector General of Medicaid Services (Office of).**

**R30-4. Office of Inspector General of Medicaid Services Advisory Board.**

**R30-4-1. Authority and Purpose.**

This rule is authorized by Section 63A-13-701, which directs the Department of Government Operations to establish rules for the composition and operation of the Office of Inspector General of Medicaid Services Advisory Board. The purpose of this board is to promote coordination of Medicaid program integrity activities and provide oversight and recommendations regarding the office's operations and audit activities.

**R30-4-2. Composition and Appointments.**

(1) The advisory board shall consist of the following members appointed by the commissioner of the Department of Government Operations:

- (a) The commissioner of the Department of Health and Human Services (DHHS) or the commissioner's designee;
- (b) The state Medicaid director;
- (c) The Utah State Auditor or the Utah State Auditor's designee;
- (d) The director of the Medicaid Fraud and Patient Abuse Division within the Office of the Utah Attorney General or the director's designee;

(e) The director of the Governor's Office of Planning and Budget or the director's designee;

(f) The state finance director or the director's designee; and

(g) Other individuals identified by the commissioner of the Department of Government Operations who would meaningfully contribute to the board.

(2) The commissioner of the Department of Government Operations shall appoint a chair and a vice-chair for the board.

**R30-4-3. Terms of Service and Vacancies.**

(1) The term of service for advisory board members shall run from the time of appointment through July 1, 2029, at which time the board shall end its work.

(2) If a member misses two consecutive meetings without notifying the Office of Inspector General, the commissioner of the Department of Government Operations may terminate their membership and appoint a replacement.

(3) Members serve without compensation or benefits but may receive per diem and travel expenses in accordance with Sections 63A-3-106, 63A-3-107, and applicable Division of Finance rules.

**R30-4-4. Meetings.**

(1) The chair shall call meetings at least two times each year.

(2) Additional meetings may be called at the request of the commissioner of the Department of Government Operations or as the chair deems necessary.

(3) Meetings are subject to Title 52, Chapter 4, Open and Public Meetings Act.

(4) Electronic meetings are permitted. Members participating via telephone or electronic means are considered present for purposes of a quorum and may vote.

**R30-4-5. Quorum and Voting.**

(1) A majority of the members of the advisory board constitutes a quorum for the transaction of business.

(2) An appointed member may send a representative to a meeting, but the representative may not vote in place of the member.

(3) A quorum must be present for business to be voted upon.

(4) Business shall be transacted by a majority vote of those present.

(5) A majority of a quorum constitutes a decision by the board.

(6) Abstentions do not count as support or opposition to a motion and do not impact the count for a quorum.

**R30-4-6. Duties and Coordination.**

(1) The board shall review employee concerns, annual risk assessments, audit plans, and the implementation of audit recommendations.

(2) The board shall make recommendations regarding the prioritization of audit activities and improvements to office operations.

(3) In carrying out its duties, the board shall coordinate with the legislative auditor general.

**KEY: Government Operations, Office of Inspector General, advisory board**

**Date of Last Change: 2026**

**Authorizing, and Implemented or Interpreted Law: 63A-13-701**

**NOTICE OF SUBSTANTIVE CHANGE****TYPE OF FILING:** Repeal and Readopt**Filing ID:** 57981**Rule or section number:****R58-14****1. Agency Information**

<b>Title catchline:</b>	Agriculture and Food, Animal Industry
<b>Building:</b>	Taylorsville State Office Building, South Building, Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorsville, UT
<b>Mailing address:</b>	PO Box 146500
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	CamilleK@utah.gov
Amanda Price	801-386-4189	amandaprice@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R58-14. Holding Live Raccoons or Coyotes in Captivity
<b>B. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is filing to repeal and readopt this rule following a review of the rule's existing language against statutory authority.
The review was conducted to ensure alignment with the authority granted under Section 4-23-111.
<b>C. Summary of the new rule or change:</b>
This readoption streamlines this rule by reorganizing the authority and purpose into a single section while removing redundant definitions and general possession language already addressed in the statute.
The new structure clarifies the process for obtaining a written variance for the possession of live raccoons or coyotes for research, education, or exhibition purposes and mandates that variance holders prevent physical or bodily fluid contact between the animals and the public.
Finally, the readoption clarifies the administrative requirements by rewriting them to align more with the Rulewriting Manual for Utah.

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The department anticipates no fiscal impact on the state budget because the requirements are not changing, and this filing clarifies existing procedures and statutory alignment.
<b>B. Local governments:</b>
The department anticipates no fiscal impact on local governments because the requirements are not changing, and this filing clarifies existing procedures and statutory alignment.

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

The department anticipates no fiscal impact on small businesses because the requirements are not changing, and this filing clarifies existing procedures and statutory alignment.

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

The department anticipates no fiscal impact on non-small businesses because the requirements are not changing, and this filing clarifies existing procedures and statutory alignment.

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

The department anticipates no fiscal impact on other persons because the requirements are not changing, and this filing clarifies existing procedures and statutory alignment.

**F. Compliance costs for affected persons:**

The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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)	Section 4-23-111	
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**11. Public Notice Information**

<b>The public may submit written or oral comments to the agency identified in box 1.</b>
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<b>A. Comments will be accepted until:</b>	07/01/2026
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**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/15/2026
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**R58. Agriculture and Food, Animal Industry.**~~**R58-14. Holding Live Raccoons or Coyotes in Captivity.**~~~~**R58-14-1. Authority.**~~

- ~~(1) Promulgated under the authority of Subsection 4-2-103(1)(j) and Section 4-23-111.~~  
~~(2) This rule intends to protect the health and safety of individuals by prohibiting the possession of a raccoon or coyote.~~

~~**R58-14-2. Definitions.**~~

~~"Possession" means actual and constructive possession or captivity.~~

~~**R58-14-3. General.**~~

- ~~(1) The Division of Wildlife Resources with the cooperation of the Department of Agriculture and Food and the Department of Health and Human Services, shall enforce this rule.~~  
~~(2) The Agricultural and Wildlife Damage Prevention Board, by authority granted under Title 4, Chapter 23, the Agricultural and Wildlife Damage Prevention Act, declares it unlawful to import, distribute, relocate, or possess a live raccoon (*Procyon lotor*) or coyote (*Canis latrans*).~~  
~~(3) An organization or corporation wishing to possess raccoons or coyotes for research, or exhibition purposes may request a variance from the Department.~~  
~~(a) A separate variance shall be obtained from the Department for each raccoon and coyote possessed.~~  
~~(b) A variance for a raccoon or coyote may not be transferred without the express permission of the Department.~~  
~~(4) Nuisance raccoons and coyotes may not be relocated following capture, but may be captured and euthanized or otherwise destroyed at the location where capture is unfeasible.~~  
~~(5) Any raccoon or coyote that bites or scratches a person or domestic animal shall be handled in accordance with Section R386-702-12.~~

~~**R58-14-4. Penalty.**~~

- ~~(1) Any violation of this rule is an infraction.~~  
~~(2) Any person who violates this rule shall be subject to citation and fines as prescribed by the Department or may be called to appear before an administrative proceeding by the Department.]~~

~~**R58-14. Exceptions for Holding Live Raccoons or Coyotes.**~~~~**R58-14-1. Authority and Purpose.**~~

~~Under Section 4-23-111, the Agricultural and Wildlife Damage Prevention Board establishes the following exceptions to allow an individual to hold a raccoon, *Procyon lotor*, or coyote, *Canis latrans*, in captivity for research, education, or exhibition purposes.~~

~~**R58-14-2. Variance Requirements.**~~

- ~~(1) An individual or an organization may hold a raccoon or coyote in captivity for research, education, or exhibition purposes if they first obtain a written variance from the department.~~  
~~(2) An applicant shall:~~  
~~(a) receive written permission from the department before transferring an animal held under a variance;~~  
~~(b) prevent physical contact between the animal and the public; and~~  
~~(c) prevent public contact with the animals' bodily fluids.~~

~~**R58-14-3. Nuisance Animals and Health Incidents.**~~

- ~~(1) An individual shall euthanize a captured nuisance raccoon or coyote and may not relocate it.~~  
~~(2) If capture is not feasible, the individual may euthanize or otherwise destroy the animal at the location where it was found.~~  
~~(3) An individual holding a raccoon or coyote that bites or scratches a person or domestic animal must follow the health procedures in Section R386-702-12.~~

**KEY:** administrative procedure, enforcement, captive raccoons or covotes, variances, health incidents  
**Date of Last Change:** 2026~~May 23, 2023~~  
**Notice of Continuation:** February 9, 2026  
**Authorizing, and Implemented or Interpreted Law:** 4-2-103(1)(j); 4-23-111

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Repeal	<b>Filing ID:</b> 57987
<b>Rule or section number:</b>	<b>R64-2</b>

**1. Agency Information**

<b>Title catchline:</b>	Agriculture and Food, Conservation Commission
<b>Building:</b>	Taylorville State Office Building, South Building, Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 146500
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	CamilleK@utah.gov
Jim Bowcutt	435-232-4017	jdbowcutt@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R64-2. Conservation Commission Electronic Meetings
<b>B. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is amending this rule as part of a comprehensive review of all administrative rules, aiming to remove redundant information found in statute, and in another rule.  Rule R51-7, Open and Public Meetings Act Electronic Meetings, provides the information required for public bodies created within Title 4, Utah Agricultural Code.
<b>C. Summary of the new rule or change:</b>
This filing repeals this rule in its entirety because the statute makes the information redundant, and Rule R51-7 governs the relevant information for the Conservation Commission electronic meetings.

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
This filing does not have an impact on the state's budget because the requirements are not changing.
<b>B. Local governments:</b>
This filing does not have an impact on local governments because the requirements are not changing.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
This filing does not have an impact on small businesses because the requirements are not changing.

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

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

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

This filing does not have an impact on other persons because the requirements are not changing.

**F. Compliance costs for affected persons:**

The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 52-4-207	Section 4-18-105	
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**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/15/2026
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**R64. Agriculture and Food, Conservation Commission.**

~~[R64-2. Conservation Commission Electronic Meetings.~~

~~**R64-2-1. Authority and Purpose.**~~

- ~~\_\_\_\_\_ (1) Section 52-4-207 requires any public body that convenes or conducts an electronic meeting to have a rule in place governing the use of electronic meetings. This rule establishes procedures for conducting Conservation Commission meetings by electronic means.~~
- ~~\_\_\_\_\_ (2) This rule is enacted under the authority of Sections 52-4-207, and 4-18-105.~~

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

- ~~\_\_\_\_\_ The definitions found in Section 52-4-103 apply to this rule. In addition, the following definitions apply:~~
- ~~\_\_\_\_\_ (1) "Commission" means the Utah Conservation Commission.~~
- ~~\_\_\_\_\_ (2) "Electronic meeting" includes any meeting where at least one member of the public body participates in the public meeting by telephonic or other electronic means.~~
- ~~\_\_\_\_\_ (3) "Meeting" means a meeting of the public body that is required to be public by Title 52, Chapter 4, Open and Public Meetings Act.~~

~~**R64-2-3. Public Notice and Public Participation.**~~

- ~~\_\_\_\_\_ (1) If commission members constituting a voting majority intend to participate in a meeting electronically or by telephone, public notice of the electronic meeting shall be posted.~~
- ~~\_\_\_\_\_ (2) The public notice shall specify the anchor location where the members of the commission not participating electronically or by telephone will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.~~
- ~~\_\_\_\_\_ (3) Public notice of the meeting and the agenda shall be posted at the anchor location at least 24 hours before the meeting.~~
- ~~\_\_\_\_\_ (4) Written or electronic notice shall be posted on the Public Notice Website at least 24 hours before the meeting.~~

~~**R63-2-4. Quorum, Member Participation.**~~

- ~~\_\_\_\_\_ (1) Notice of the possibility of an electronic meeting shall be given to the commission members at least 24 hours before the meeting.~~
- ~~\_\_\_\_\_ (2) The notice shall describe how a commission member may participate in the meeting electronically or by telephone.~~
- ~~\_\_\_\_\_ (3) When notice is given of the possibility of a member participating electronically or by telephone, any commission member may participate electronically.~~
- ~~\_\_\_\_\_ (4) A commission member participating electronically shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the commission.~~
- ~~\_\_\_\_\_ (5) At the commencement of the meeting, or at the time that any commission member initially appears electronically or by telephone, the chair shall identify for the record any commission members who are participating by telephone or electronically.~~
- ~~\_\_\_\_\_ (6) Votes by members of the commission who are not at the physical location of the meeting shall be confirmed by the chair.~~
- ~~\_\_\_\_\_ (7) Except for a unanimous vote, the commission shall take each vote by roll call.~~

~~**R64-2-5. Anchor Location.**~~

- ~~\_\_\_\_\_ (1) The anchor location, unless otherwise designated in the notice, is the Department of Agriculture and Food, located at 4315 South 2700 West TSOB South Bldg, Floor 2 Taylorsville, UT 84129-2128.~~
- ~~\_\_\_\_\_ (2) The anchor location shall have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.~~

~~**KEY: electronic meetings**~~

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

~~**Notice of Continuation: March 10, 2023**~~

~~**Authorizing, and Implemented or Interpreted Law: 52-4-207]**~~

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Repeal and Readopt	<b>Filing ID:</b> 57936
<b>Rule or section number:</b>	<b>R70-310</b>

**1. Agency Information**

<b>Title catchline:</b>	Agriculture and Food, Regulatory Services
<b>Building:</b>	Taylorville State Office Buildings, South Bldg, Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 146500
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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.

**3. General Information**

<b>A. Rule or section catchline:</b>
R70-310. Grade A Pasteurized Milk
<b>B. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is reenacting this rule as part of a larger effort to simplify Utah's dairy regulations.  After reviewing the department rules, the department determined that consolidating Grade A requirements would reduce redundancy and enhance clarity.  The important requirements previously found in Rules R70-360 and R70-380 are now incorporated into this single rule. These revisions align Rule R70-310 with the Rulewriting Manual for Utah and provide all Grade A production and licensing standards in one rule.
<b>C. Summary of the new rule or change:</b>
The department is repealing and readopting Rule R70-310 to consolidate Grade A dairy requirements into a single, comprehensive rule.  This filing incorporates relevant licensing and production standards previously found in Rules R70-360 and R70-380. Key changes include updating the incorporation by reference to the 2023 Revision of the Grade "A" Pasteurized Milk Ordinance (PMO) and its associated national procedures.  The readopted rule also centralizes professional licensing for pasteurizers, haulers, and testers, clarifies that federal raw milk restrictions do not apply under Utah law, and refines administrative procedures for permit suspensions and reinstatements.  These updates modernize this rule and improve regulatory efficiency without changing existing compliance obligations for producers.  (EDITOR'S NOTE: The proposed repeals of Rule R70-360, ID 57982, and R70-380, ID 57983, are in this issue, June 1, 2026, of the Bulletin.)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The proposed changes will not have an impact on the state's budget because the proposed changes do not change the requirements, only clarify and consolidate them.

<b>B. Local governments:</b>
The proposed changes will not have an impact on local governments because they do not administer or participate in the program.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
The proposed changes will not affect on small businesses because the requirements are not changing, only being clarified.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
The proposed changes will not have an impact on non-small businesses because the changes only clarify the requirements.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("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 changes will not have an impact on other persons because the changes only clarify them.
<b>F. Compliance costs for affected persons:</b>
The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 4-3-201		
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**10. Incorporation by Reference Information**

<b>Incorporation by Reference:</b>	
<b>A. This rule adds or updates the following title of material incorporated by reference</b> (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i> ):	
<b>Official Title of Materials Incorporated (from title page)</b>	Grade A "Pasteurized Milk Ordinance" (PMO)
<b>Publisher</b>	U.S. Public Health Service and the U.S. Food and Drug Administration
<b>Issue Date</b>	2023
<b>Issue or Version</b>	33rd

<b>B. This rule adds or updates the following title of material incorporated by reference</b> (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i> ):	
<b>Official Title of Materials Incorporated (from title page)</b>	Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments
<b>Publisher</b>	U.S. Department of Health and Human Services (HHS), Division of Plant and Dairy Food, and the Food and Drug Administration (FDA)
<b>Issue Date</b>	2023

<b>C. This rule adds or updates the following title of material incorporated by reference</b> (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i> ):	
<b>Official Title of Materials Incorporated (from title page)</b>	Methods of Making Sanitation Ratings of Milk Shippers and the Certifications/ Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers
<b>Publisher</b>	US Food and Drug Administration (FDA)
<b>Issue Date</b>	2023

**11. Public Notice Information**

<b>The public may submit written or oral comments to the agency identified in box 1.</b>	
<b>A. Comments will be accepted until:</b>	07/01/2026

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/15/2026
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**R70. Agriculture and Food, Regulatory Services.**

~~**R70-310. Grade A Pasteurized Milk.**~~

~~**R70-310-1. Purpose and Authority.**~~

- ~~\_\_\_\_\_ (1) Promulgated Under the Authority of Subsection 4-2-103(1)(i).~~
- ~~\_\_\_\_\_ (2) This rule shall apply to any Grade A pasteurized milk products sold, bought, processed, manufactured, or distributed within the Utah.~~
- ~~\_\_\_\_\_ (3) This rule adopts United States Public Health Service (USPHS) and Food and Drug Administration ordinances, procedures, and methods regarding Grade A Pasteurized Milk and establishes penalties for violations of this rule.~~

~~**R70-310-2. Adoption of USPHS Ordinance.**~~

- ~~\_\_\_\_\_ (1) The 2019 revision of "The Grade A Pasteurized Milk Ordinance, Recommendations of the United States Public Health Service/Food and Drug Administration" is incorporated by reference into this rule.~~

## NOTICES OF PROPOSED RULES

- ~~\_\_\_\_\_ (2) The 2017 revision of "Procedures Governing the Cooperative State Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments," is incorporated by reference into this rule.~~
- ~~\_\_\_\_\_ (3) The 2017 revision of "Methods of Making Sanitation Ratings of Milk Shippers," is incorporated by reference into this rule.~~
- ~~\_\_\_\_\_ (4) These documents are available for public inspection, during normal working hours, and may be reviewed at the main office of the Utah Department of Agriculture and Food, 4315 South 2700 West, TSOB South Bldg, Floor 2, Taylorsville, UT 84129-2128.~~

### **R70-310-3. Regulatory Agency Defined.**

~~\_\_\_\_\_ The definition of "regulatory agency" as given in section 1(Y Y) of the Grade A Pasteurized Milk Ordinance means the Commissioner of the Utah Department of Agriculture and Food or the commissioner's authorized representative.~~

### **R70-310-4. Penalty.**

~~\_\_\_\_\_ Violation of any portion of the USPHS Grade A Pasteurized Milk Ordinance may result in civil or criminal action, pursuant to Section 4-2-304.]~~

### **R70-310. Grade A Pasteurized Milk and Milk Products.**

#### **R70-310-1. Authority and Purpose.**

- ~~\_\_\_\_\_ (1) This rule is promulgated under the authority of Section 4-3-201.~~
- ~~\_\_\_\_\_ (2) This rule establishes the sanitary, production, and processing standards for Grade A pasteurized milk and milk products.~~
- ~~\_\_\_\_\_ (3) This rule adopts federal ordinances and regulations to ensure uniformity with national standards for the interstate shipment of Grade A milk and milk products.~~

#### **R70-310-2. Definitions.**

- ~~\_\_\_\_\_ (1) This rule uses terms defined in Title 4, Chapter 3, Utah Dairy Act.~~
- ~~\_\_\_\_\_ (2) In addition, "Regulatory Agency" as stated in Section 1(Y Y) of the Pasteurized Milk Ordinance means the Commissioner of the Utah Department of Agriculture and Food or the Commissioner's authorized representative.~~

#### **R70-310-3. Grade A Pasteurized Milk and Milk Products.**

- ~~\_\_\_\_\_ (1) The department incorporates by reference the 2023 Revision of the Grade A Pasteurized Milk Ordinance (PMO) with the following exceptions:
  - ~~\_\_\_\_\_ (a) Section 9 of the PMO is excluded to the extent that it prohibits the sale of raw milk to the final consumer; and~~
  - ~~\_\_\_\_\_ (b) if the PMO conflicts with Section 4-3-601 regarding the sale of raw milk, Section 4-3-601 prevails.~~~~
- ~~\_\_\_\_\_ (2) The department incorporates by reference the 2023 revisions of:
  - ~~\_\_\_\_\_ (a) Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments; and~~
  - ~~\_\_\_\_\_ (b) Methods of Making Sanitation Ratings of Milk Shippers.~~~~

#### **R70-310-4. Licenses, Permits, and Fees.**

- ~~\_\_\_\_\_ (1) Per Section 4-3-301, a person must obtain a permit from the department before engaging in the following activities:
  - ~~\_\_\_\_\_ (a) operating a Grade A dairy processing plant or farm; or~~
  - ~~\_\_\_\_\_ (b) engaging in the wholesale distribution of Grade A dairy products.~~~~
- ~~\_\_\_\_\_ (2) An individual must obtain a valid license from the department before performing these professional duties:
  - ~~\_\_\_\_\_ (a) operating a pasteurization system;~~
  - ~~\_\_\_\_\_ (b) sampling and hauling Grade A farm bulk milk; or~~
  - ~~\_\_\_\_\_ (c) testing Grade A milk for payment or regulatory compliance.~~~~
- ~~\_\_\_\_\_ (3) The department's fee schedule shall determine the fees for permits, licenses, and renewals.~~
- ~~\_\_\_\_\_ (4) A professional license issued to an individual expires annually on December 31.~~

#### **R70-310-5. Enforcement and Reinstatement.**

- ~~\_\_\_\_\_ (1) The department shall issue a written notice of intent to suspend a permit when two of the last four consecutive bacterial estimates, coliform determinations, cooling temperatures, or somatic cell counts exceed the limit.~~
- ~~\_\_\_\_\_ (2) The department shall initiate suspension if three of the last five bacterial estimates, coliform determinations, or cooling temperatures, or two of the last four somatic cell counts, exceed the limit.~~
- ~~\_\_\_\_\_ (3) A producer shall immediately stop all milk shipments upon a positive drug residue finding and may only resume shipment after a certified laboratory, approved by the department, confirms a negative test result.~~

**KEY: dairy inspections, Grade A, pasteurized milk, PMO**

**Date of Last Change: 2026[August 1, 2022]**

**Notice of Continuation: April 12, 2024**

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

<b>NOTICE OF SUBSTANTIVE CHANGE</b>	
<b>TYPE OF FILING:</b> Repeal and Readopt	<b>Filing ID:</b> 57984
<b>Rule or section number:</b>	<b>R70-320</b>

### 1. Agency Information

<b>Title catchline:</b>	Agriculture and Food, Regulatory Services
<b>Building:</b>	Taylorville State Office Buildings, South Bldg, Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 146500
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500

### 2. Contact Persons

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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.

### 3. General Information

<b>A. Rule or section catchline:</b>
R70-320. Minimum Standards for Milk for Manufacturing Purposes, its Production and Processing
<b>B. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is readopting this rule as part of a larger effort to simplify Utah's dairy regulations.
After reviewing the department rules, the department determined that consolidating manufactured dairy requirements would reduce redundancy and enhance clarity.
The important requirements for frozen dairy foods, butter, and cheese from Rules R70-350 and R70-370 are now incorporated into this rule.
These revisions align Rule R70-320 with the Rulewriting Manual for Utah and provide all manufacturing standards in one rule.
<b>C. Summary of the new rule or change:</b>
The department is repealing and readopting Rule R70-320 to consolidate all manufactured dairy requirements into a single, comprehensive rule.
This filing incorporates relevant manufacturing standards for frozen dairy foods, butter, and cheese previously found in Rules R70-350 and R70-370. The readopted rule adopts the 2026 editions of federal standards for dairy plant specifications (7 CFR 58) and standards of identity (21 CFR 131 and 135).
Key updates include establishing a tiered fee schedule for manufacturing plants by requiring registration as food establishments under Rule R70-540 and simplifying professional licensing for haulers and testers.
These changes provide a unified source for all manufacturing standards, making the regulations more accessible and consistent for the industry.
(EDITOR'S NOTE: The proposed repeals of Rule R70-350, ID 57985, and R70-370, ID 57986, are in this issue, June 1, 2026, of the Bulletin.)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The proposed changes will not have an impact on the state's budget because the proposed changes do not change the requirements, only clarify and consolidate them.
<b>B. Local governments:</b>
The proposed changes will not have an impact on local governments because they do not administer or participate in the program.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
The proposed changes will not have an impact on small businesses because the requirements are not changing, only being clarified.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
The proposed changes will not have an impact on non-small businesses because the changes only clarify the requirements.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
The proposed changes will not have an impact on other persons because the changes only clarify them.
<b>F. Compliance costs for affected persons:</b>
The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

<b>A. The agency has considered this rule's impact on family health, stability, and formation:</b>	<input checked="" type="checkbox"/>
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**9. Citation Information**

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 4-3-201		
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**10. Incorporation by Reference Information**

**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*):

<b>Official Title of Materials Incorporated (from title page)</b>	7 CFR Part 58, Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products
<b>Publisher</b>	Agricultural Marketing Service; U.S. Department of Agriculture (USDA); E-CFR
<b>Issue or Version</b>	2026 Version

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

<b>Official Title of Materials Incorporated (from title page)</b>	21 CFR Part 131 --Milk and Cream; 21 CFR Part 133 -- Cheeses and Related Cheese Products; 21 CFR Part 135 -- Frozen Desserts.
<b>Publisher</b>	Food and Drug Administration (FDA): Department of Health and Human Services
<b>Issue or Version</b>	2026 Version

**11. Public Notice Information**

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

<b>A. Comments will be accepted until:</b>	07/01/2026
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**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/15/2026
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**R70. Agriculture and Food, Regulatory Services.**

~~**R70-320. Minimum Standards for Milk for Manufacturing Purposes, its Production and Processing.**~~

~~**R70-320-1. Purpose and Authority.**~~

- ~~(1) Promulgated under authority of Subsections 4-2-103(1)(g) through (j) and Section 4-3-201.~~
- ~~(2) This rule establishes:~~
  - ~~(a) minimum standards for milk for manufacturing purposes, its production, transportation, grading, use, processing, and the packaging, labeling and storage of dairy products made therefrom;~~
  - ~~(b) inspections of dairy farms and dairy plants, to certify dairy farms for the production and sale of milk for manufacturing purposes and to license dairy plants to handle and process milk for manufacturing purposes, in conformity with minimum standards and specifications prescribed by this rule;~~
  - ~~(c) requirements for licensed plants to keep appropriate books and records; and~~
  - ~~(d) the licensing process for qualified milk graders and bulk milk collectors.~~

~~**R70-320-2. Definitions.**~~

- ~~(1) "3-A sanitary standards and accepted practice" means the same as that term is defined in 7 CFR 58.101.~~

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- \_\_\_\_\_ (2) "Acceptable milk" means milk that is produced under the requirements of this rule.
- \_\_\_\_\_ (3) "C I P" and "cleaned in place" mean the procedure by which sanitary pipelines or pieces of dairy equipment are mechanically cleaned in place by circulation.
- \_\_\_\_\_ (4) "Compliance Officer" means an employee of the department qualified, trained, and authorized to perform dairy farm or plant inspections, and raw milk grading.
- \_\_\_\_\_ (5) "Dairy farm" or "farm" mean a place or premise where one or more milking cows are kept, with any milk produced being delivered, sold, or offered for sale to a plant for manufacturing purposes.
- \_\_\_\_\_ (6) "Dairy plant" or "plant" mean any place, premise, or establishment where milk or dairy products are received or handled for processing or manufacturing, prepared for distribution, or both. When "plant" is used in connection with minimum specifications for plants or licensing of plants, it means only those plants that manufacture, process, or distribute dairy products.
- \_\_\_\_\_ (7) "Dairy products" means milk products for human consumption including butter, natural or processed cheese, dry whole milk, nonfat dry milk, dry buttermilk, dry whey, and plain or sweetened evaporated milk.
- \_\_\_\_\_ (8) "Department" means the Utah Department of Agriculture and Food.
- \_\_\_\_\_ (9) "Farm certification" means certification by a compliance officer that a producer's herd, milking facility and housing, milk procedure, cooling, milkhouse or milk room, utensils and equipment, and water supply have been found to meet the applicable requirements of this rule.
- \_\_\_\_\_ (10) "Farm tank" means a tank used to cool milk, store milk, or both before transportation to the processing plant.
- \_\_\_\_\_ (11) "Fieldman" means a person qualified and trained in the sanitary methods of production and handling of milk as described in this rule, and generally employed by a processing or manufacturing plant to perform dairy farm inspections and quality control work.
- \_\_\_\_\_ (12) "License" means a license issued under this rule by the department.
- \_\_\_\_\_ (13) "Milk" and "milk for manufacturing purposes" mean the normal lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows and used for processing and manufacturing into products for human consumption.
- \_\_\_\_\_ (14) "Milk grader" means a person licensed by the department who is qualified and trained for the grading of raw milk.
- \_\_\_\_\_ (15) "Milk hauler" means any person who transports raw milk, raw milk products, or both from a dairy farm, milk plant, receiving station, or transfer station.
- \_\_\_\_\_ (16) "New producer" means a producer who has only recently entered into the production of milk for the market.
- \_\_\_\_\_ (17) "Official Methods of Analysis of the Association of Official Analytical Chemists" means the same as that term is defined in 7 CFR 58.101.
- \_\_\_\_\_ (18) "Permit" means a document issued by the department to sell milk and milk products.
- \_\_\_\_\_ (19) "Probational milk" means milk that may not be produced under the requirements of this rule and that may be accepted by plants for specific time periods.
- \_\_\_\_\_ (20) "Producer" means a person who exercises control over the production of the milk delivered to a processing plant or receiving station and those who receive payment for this product.
- \_\_\_\_\_ (21) "Raw milk" means milk that has not been pasteurized, or heat treated.
- \_\_\_\_\_ (22) "Reject milk" means milk that:
  - \_\_\_\_\_ (a) fails to meet the requirements for sight and odor;
  - \_\_\_\_\_ (b) is classified No. 4 for sediment content; or
  - \_\_\_\_\_ (c) is classified as abnormal milk.
- \_\_\_\_\_ (23) "Standard Methods for the Examination of Dairy Products" or "standard methods" means the same as that term is defined in 7 CFR 58.101.
- \_\_\_\_\_ (24) "Suspended milk" means any of a producer's milk suspended from the market by this rule.
- \_\_\_\_\_ (25) "Transfer producer" means a producer who has been shipping milk to one plant and transfers their shipment to another plant.
- \_\_\_\_\_ (26) "Transportation tank" and "bulk tank" mean tanks used to transport milk from a farm to a processing plant.

**R70 320 3. Milk Permits.**

- \_\_\_\_\_ (1) Each farm that produces and sells milk for manufacturing purposes shall apply for a permit.
- \_\_\_\_\_ (2) Permits shall be required for the sale of milk for manufacturing purposes.
- \_\_\_\_\_ (3) Only one permit shall be issued per facility.
- \_\_\_\_\_ (4) Farm permits shall be effective from the date of issuance unless suspended or revoked by the department.

**R70 320 4. Farm Inspection.**

- \_\_\_\_\_ (1) Each dairy farm operated by a producer of milk for manufacturing purposes shall be inspected initially and on any change of market by a compliance officer and shall have a passing score before the first milk is shipped.
- \_\_\_\_\_ (2) Any dairy farms producing milk for manufacturing purposes shall be inspected no less than once in each six-month period by a compliance officer.
- \_\_\_\_\_ (3) Producers who cannot produce milk of wholesome sanitary quality shall have their producer permit suspended.
- \_\_\_\_\_ (4) Producers who are not in substantial compliance with Section R70 320 11 relating to requirements for a farm producing milk for manufacturing shall be re-inspected after an appropriate time for correction of deficiencies.
  - \_\_\_\_\_ (a) If the farm does not then meet the requirements for farms producing milk for manufacturing, the producer permit to sell milk for manufacturing from that farm shall be suspended until a time as the farm receives an acceptable score.
  - \_\_\_\_\_ (b) The producer shall be charged for the time and mileage used by the department for any subsequent visits required.

**R70-320-5. Minimum Quality Standards for Milk for Manufacturing Purposes.**

- ~~(1) Basis. The classification of milk for manufacturing purposes shall be based on:~~
  - ~~(a) sight;~~
  - ~~(b) odor; and~~
  - ~~(c) quality control tests for sediment content, bacterial estimate, and somatic cell.~~
- ~~(2) Sight and odor.~~
  - ~~(a) The odor of acceptable milk shall be fresh and sweet.~~
  - ~~(b) The milk shall be free from objectionable off odors that would adversely affect the finished product, and it shall not show any abnormal condition including curdled, ropy, bloody, or mastitis condition as determined by an approved milk grader.~~
- ~~(3) Sediment content classification. Milk in farm bulk tanks shall be classified for sediment content as follows:~~

TABLE 1 Sediment Content	
Sediment Content Classification	Milk in farm bulk tanks Mixed sample, 0.40 in. diameter disc or equivalent
No. 1 acceptable	Not to exceed 0.50 mg equivalent
No. 2 acceptable	Not to exceed 1.50 mg equivalent
No. 3 Probational	Not to exceed 2.50 mg equivalent
No. 4 Reject	Over 2.5 mg equivalent
Sediment content based on comparison with applicable charts of Sediment Standards prepared by the United States Department of Agriculture (USDA)	

- ~~(a) Method of Testing. Methods for determining sediment content of milk shall be those described in the current standard methods.~~
- ~~(b) Frequency of tests. At least once each month a sample shall be taken from each farm bulk tank and at irregular intervals.~~
- ~~(c) Acceptance or rejection of milk.~~
  - ~~(i) If the sediment disc is classified as No. 1, No. 2, or No. 3, the producer's milk may be accepted.~~
  - ~~(ii) If the sediment disc is classified as No. 4, the milk shall be rejected.~~
  - ~~(iii) If the shipment of milk is co-mingled with other milk in a transport tank, the next shipment shall not be accepted until its quality has been determined at the farm before being picked up; however, if the person making the test cannot get to the farm before the next shipment, it may be accepted but no further shipments shall be accepted unless the milk meets the requirements of No. 3 or better.~~
  - ~~(iv) For milk classified as No. 3 or No. 4, the producer shall be notified immediately and the next shipment shall be tested.~~
- ~~(d) Retests.~~
  - ~~(i) On tests of the next shipment, milk classified as No. 1, No. 2, or No. 3 shall be accepted, but No. 4 milk shall be rejected.~~
  - ~~(ii) Retests of bulk milk classified as No. 4 shall be made at the farm before pickup.~~
  - ~~(iii) The producers of No. 3 or No. 4 milk shall be notified immediately and the next shipment tested.~~
  - ~~(iv) This procedure of retesting successive and accepting No. 3 milk and rejecting No. 4 milk may be continued for a period, not to exceed ten calendar days. If at the end of this period, the producer's milk does not meet the acceptable sediment content classification of No. 1 or No. 2 it shall be suspended from the market.~~
- ~~(4) Bacterial estimated classification. Milk shall be classified for bacterial estimate by one of the listed tests of the Standard Methods for the Examination of Dairy Products:~~

TABLE 2	
Bacterial estimate Direct microscopic clump classification count, standard plate count, or loop method	Not over 500,000 per ml.
Acceptable	Over 500,000 per ml.
Unacceptable (probation 4 weeks)	

- ~~(a) Method of testing. Methods for determining the bacterial estimate of milk shall be those described in the "Standard Methods for the Examination of Dairy Products," "Official Methods of Analysis of the Association of Official Analytical Chemists," or other methods approved by the department.~~

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- ~~\_\_\_\_\_ (b) Frequency of tests. Tests shall be done at least once a month at irregular intervals, a mixed sample of each producer's milk shall be tested.~~
- ~~\_\_\_\_\_ (c) Acceptance of milk.~~
  - ~~\_\_\_\_\_ (i) If the sample of milk is classified as No. 1, the producer's milk may be accepted without qualification.~~
  - ~~\_\_\_\_\_ (ii) If the sample is classified as undergrade, the producer's milk may be accepted for a temporary period of four weeks. The producer of undergrade milk shall be notified immediately.~~
- ~~\_\_\_\_\_ (d) Retests.~~
  - ~~\_\_\_\_\_ (i) Additional samples shall be tested and classified at least weekly, and the producer shall be notified immediately of the results.~~
  - ~~\_\_\_\_\_ (ii) This procedure of testing at least weekly and accepting undergrade milk may be continued for a period not exceeding four weeks.~~
  - ~~\_\_\_\_\_ (iii) If at the end of this period, the producer's milk does not meet the acceptable bacterial estimate requirements of No. 1 or No. 2 it shall be suspended from market.~~
- ~~\_\_\_\_\_ (5) Abnormal Milk.~~
  - ~~\_\_\_\_\_ (a) The Wisconsin Mastitis Test (WMT) may be used as a screening test.~~
  - ~~\_\_\_\_\_ (b) A test of 18 mm or higher is considered abnormal milk and shall need confirmation by the Direct Microscopic Somatic Cell Count Method (DMSCC) or an equivalent method according to the Standard Methods for the Examination of Dairy Products.~~
  - ~~\_\_\_\_\_ (i) Somatic Cell Count: Samples exceeding 18 mm WMT shall be confirmed by DMSCC or other acceptable tests. Count shall not exceed 750,000 per ml.~~
  - ~~\_\_\_\_\_ (c) Frequency of tests. At least four times in each six-month period, at irregular intervals, a sample of each producer's milk shall be tested.~~
    - ~~\_\_\_\_\_ (d) Notification to the department, written notice to the producer, and a farm inspection are required when two of the last four somatic cell counts exceed the standard.~~
    - ~~\_\_\_\_\_ (e) Within 21 days after the farm inspection, another sample shall be tested for somatic cell count. If the result exceeds the allowable limit for somatic cell count, the producer's permit shall be suspended until corrections are made and the somatic cell count is reduced to 750,000 or less.~~
- ~~\_\_\_\_\_ (6) Drug Residue Level.~~
  - ~~\_\_\_\_\_ (a) Each licensed dairy plant shall not accept for processing any milk testing positive for drug residue.~~
    - ~~\_\_\_\_\_ (i) Any milk received at a licensed dairy plant shall be sampled and tested, before processing, for beta lactam drug residue.~~
    - ~~\_\_\_\_\_ (ii) When directed by the department, additional testing for other drug residues shall be performed.~~
    - ~~\_\_\_\_\_ (iii) Samples shall be analyzed for beta lactams and other drug residues by methods evaluated by the Association of Official Analytical Chemists and accepted by the Food and Drug Administration (FDA) as effective in determining compliance with "safe levels" or established tolerances.~~
    - ~~\_\_\_\_\_ (iv) "Safe levels" and tolerances for particular drugs are established by the FDA and can be obtained from the U.S. Food and Drug Administration Center for Food Safety and Applied Nutrition.~~
  - ~~\_\_\_\_\_ (b) Individual producer milk samples for beta lactam drug residue testing shall be obtained from each milk shipment, and shall be representative of any milk received from the producer.~~
    - ~~\_\_\_\_\_ (c) A load sample shall be taken from the bulk milk shipment after its arrival at the plant and before further commingling. A sample shall be obtained at the plant using a procedure that includes any milk produced and received.~~
    - ~~\_\_\_\_\_ (d) Follow-up to positive testing.~~
      - ~~\_\_\_\_\_ (i) When a load sample tests positive for drug residue, industry personnel shall notify the department of the positive test result and of the intended disposition of the shipment of milk containing the drug residue.~~
      - ~~\_\_\_\_\_ (ii) Any milk testing positive for drug residue shall be disposed of in a manner that removes it from the human or animal food chain, except when acceptably reconditioned under FDA compliance policy guidelines.~~
    - ~~\_\_\_\_\_ (e) Identification of producer.~~
      - ~~\_\_\_\_\_ (i) Each individual producer sample represented in the positive testing load sample shall be singly tested as directed by the department to determine the producer of the milk sample testing positive for drug residue.~~
      - ~~\_\_\_\_\_ (ii) Identification of the producer responsible for producing the milk testing positive for drug residue, and details of the final disposition of the shipment of milk containing the drug residue, shall be reported immediately to the department.~~
    - ~~\_\_\_\_\_ (f) Milk shipment from the producer identified as the source of milk testing positive for drug residue shall stop immediately and may resume only after a sample from a subsequent milking does not test positive for drug residue.~~
    - ~~\_\_\_\_\_ (g) Enforcement. A penalty sanctioned by the department shall be imposed on the producer for each occurrence of shipping milk testing positive for drug residue.~~
    - ~~\_\_\_\_\_ (h) The producer shall review the "Milk and Dairy Beef Quality Assurance Program" with a licensed veterinarian within 30 days after each occurrence of shipping milk testing positive for drug residue. A signed copy of a certificate confirming that the "Milk and Dairy Quality Assurance Program" has been reviewed shall be signed by the responsible producer and a licensed veterinarian and forwarded to the department.~~
      - ~~\_\_\_\_\_ (i) If a producer ships milk testing positive for drug residue three times within a 12-month period, the department shall initiate administrative procedures to suspend the producer's milk shipping privileges.~~
    - ~~\_\_\_\_\_ (j) Record of tests.~~
      - ~~\_\_\_\_\_ (i) Accurate records listing the results of drug residue tests for each load and individual producer shall be kept on file at the plant.~~
      - ~~\_\_\_\_\_ (ii) Drug residue test results are to be kept for 12 months.~~
      - ~~\_\_\_\_\_ (iii) Notifications to the department of positive drug residue tests and intended and final dispositions of milk testing positive for drug residue are to be kept for 12 months.~~

- ~~\_\_\_\_\_ (7) Pesticides.~~
- ~~\_\_\_\_\_ (a) Composite milk samples shall be sampled and tested for pesticides at a frequency that the department determines is adequate to protect the consumer.~~
- ~~\_\_\_\_\_ (b) The test results from the samples shall not exceed established FDA limits.~~
- ~~\_\_\_\_\_ (c) If a pesticide test is positive, an investigation shall be made to determine the cause and the cause shall be corrected.~~
- ~~\_\_\_\_\_ (d) Milk and milk products containing residues in excess of actionable levels shall not be offered for sale.~~

**R70-320-6. Animal Health.**

- ~~\_\_\_\_\_ (1) Health of Herd.~~
- ~~\_\_\_\_\_ (a) General Health. Each animal in the herd shall be maintained in a healthy condition, and shall be properly fed and kept.~~
- ~~\_\_\_\_\_ (b) Tuberculin Test.~~
- ~~\_\_\_\_\_ (i) The herd shall be located in an area within the state that meets the requirements of a modified accredited area.~~
- ~~\_\_\_\_\_ (ii) If the herd is not located in a modified accredited area, it shall be tested annually under the jurisdiction of this rule.~~
- ~~\_\_\_\_\_ (iii) Each addition to the herd shall be from an area or from herds meeting these requirements.~~
- ~~\_\_\_\_\_ (c) Brucellosis Test.~~
- ~~\_\_\_\_\_ (i) The herd shall be located in an area within the state that meets the requirements of a modified accredited area.~~
- ~~\_\_\_\_\_ (ii) If the area in which the herd is located does not meet these requirements, the herd shall be blood tested annually or milk ring tested semi-annually.~~
- ~~\_\_\_\_\_ (iii) Each addition to the herd shall be from an area or from herds meeting the requirements of Plan A for the eradication of brucellosis in accordance with the U.S. Department of Agriculture Brucellosis Eradication: Uniform Methods and Rules.~~
- ~~\_\_\_\_\_ (d) Mastitis and Drug Residues. Milk from cows known to be infected with mastitis or milk containing residues of drugs used in treating mastitis or any other infection shall not be sold or offered for sale for human food.~~

**R70-320-7. Rejected Milk.**

- ~~\_\_\_\_\_ (1) A plant shall not accept reject milk from a producer.~~
- ~~\_\_\_\_\_ (2) Reject milk shall be identified with a reject tag, and harmless food coloring may be added.~~
- ~~\_\_\_\_\_ (3) A fieldman shall visit each producer of probational status or reject milk within seven days from the date of the second consecutive substandard test to inspect equipment, utensils and methods of handling the milk and to make suggestions and recommendations for improving milk quality.~~

**R70-320-8. Suspended Milk for Manufacturing.**

- ~~\_\_\_\_\_ (1) The department may suspend the permit of a producer if:~~
- ~~\_\_\_\_\_ (a) a new producer's milk does not meet the requirements for acceptable milk;~~
- ~~\_\_\_\_\_ (b) the milk has been in No. 3 sediment content classification for more than ten calendar days;~~
- ~~\_\_\_\_\_ (c) the milk has been classified "undergrade" for bacterial estimate for more than four successive weeks;~~
- ~~\_\_\_\_\_ (d) three out of the last five samples tested for somatic cells exceed the allowable limit;~~
- ~~\_\_\_\_\_ (e) a growth inhibitor or pesticide residue exceeds actionable level; or~~
- ~~\_\_\_\_\_ (f) if the producer refuses to permit farm inspection.~~
- ~~\_\_\_\_\_ (2) When a plant discontinues receiving milk from a producer for any of the reasons listed in this section, it shall notify the department immediately and confirm, in writing, that the plant has discontinued receiving milk from a producer for any of the reasons listed in this section.~~
- ~~\_\_\_\_\_ (3) Milk from a producer whose milk has been excluded from the market may be re-accepted by a plant when the cause for exclusions has been corrected and the milk classified as acceptable.~~

**R70-320-9. Testing of Milk.**

- ~~\_\_\_\_\_ (1) Testing.~~
- ~~\_\_\_\_\_ (a) An examination shall be made on the first shipment of milk from producers shipping milk to a plant for the first time or after a period of non-shipment.~~
- ~~\_\_\_\_\_ (b) The milk shall meet the requirements for acceptable milk.~~
- ~~\_\_\_\_\_ (c) Thereafter milk shall be tested in accordance with the rule.~~
- ~~\_\_\_\_\_ (2) Transfer producers.~~
- ~~\_\_\_\_\_ (a) When a producer discontinues milk delivery to one plant and begins delivery to a different plant, the dairy farm shall be inspected by the department and shall have a passing score before milk is shipped.~~
- ~~\_\_\_\_\_ (b) Quality control records may be obtained from the previous buyer for the previous six-month period. The new buyer shall examine and classify each transfer producer's first shipment of milk and shall subsequently examine shipment in accordance with this rule.~~

**R70-320-10. Record of Tests.**

~~\_\_\_\_\_ Accurate records listing the results of quality tests of each producer shall be kept on file at the receiving plant for not less than 12 months and shall be available for examination by the department.~~

**R70-320-11. Farms Producing Milk for Manufacturing.**

- ~~\_\_\_\_\_ (1) Milking Facility and Housing.~~
- ~~\_\_\_\_\_ (a) A milking barn or milking parlor of adequate size and arrangement shall be provided to permit normal sanitary milking operations.~~

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- \_\_\_\_\_ (i) The milking barn or milking parlor shall be well lighted and ventilated, and the floors and gutters in the milking area shall be constructed of concrete or other impervious material.
- \_\_\_\_\_ (ii) The milking barn or milking parlor shall be kept clean, the manure removed daily, and no swine, fowl, or other animals shall be permitted in any part of the milking area.
- \_\_\_\_\_ (iii) Concentrates and feed, if stored in the building, shall be kept in a tightly covered box or bin.
- \_\_\_\_\_ (b) Animal biologics and other drugs intended for treatment of animals, and insecticides approved for use in dairy operations, shall be clearly labeled and used in accordance with label instructions, and shall be stored in a manner that will prevent accidental contact with milk and milk contact surfaces.
- \_\_\_\_\_ (i) Only drugs that are approved by the FDA or biologics approved by the USDA for use in dairy animals that are properly labeled according to FDA or USDA regulations shall be administered.
- \_\_\_\_\_ (ii) When drug storage is located in the milkroom, milkhouse, or milking area, the drugs shall be stored in a closed, tight fitting storage unit.
- \_\_\_\_\_ (iii) Drugs shall be segregated in a way so that drugs labeled for use in lactating dairy animals are separated from drugs labeled for use in non lactating dairy animals.
- \_\_\_\_\_ (c) The yard or loafing area shall be of ample size to prevent overcrowding, shall be drained to prevent forming of water pools, and shall be kept clean.
- \_\_\_\_\_ (2) Milking Procedure.
- \_\_\_\_\_ (a) The udders and flanks of each milking cow shall be kept clean.
- \_\_\_\_\_ (i) The udders and teats shall be washed, sanitized, and wiped dry with a clean damp cloth, paper towel, or any other sanitary method.
- \_\_\_\_\_ (ii) The milker's clothing shall be clean and the milker's hands shall be clean and dry.
- \_\_\_\_\_ (iii) No person with an infected cut or open sore on the person's hands or arms shall milk cows, or handle milk or milk containers, utensils or equipment.
- \_\_\_\_\_ (b) Milk stools and surcingles shall be kept clean and properly stored. Dusty operations shall not be conducted immediately before or during milking.
- \_\_\_\_\_ (c) Milk must be protected against contamination while straining.
- \_\_\_\_\_ (3) Cooling. Milk shall be cooled to 45 degrees Fahrenheit (F) or lower within two hours after each milking and maintained at 45 degrees F or lower until transferred to the transport tank.
- \_\_\_\_\_ (4) Milkhouse or milkroom.
- \_\_\_\_\_ (a) A milkhouse or milkroom conveniently located and properly constructed, lighted, and ventilated shall be provided for handling and storing the utensils and equipment.
- \_\_\_\_\_ (i) The milkhouse or milkroom shall not be used for any other purpose, and shall be equipped with hot water, two compartment wash vat, utensil rack and cooling facilities for the milk.
- \_\_\_\_\_ (ii) The milkhouse or milkroom shall be partitioned, sealed, and screened to prevent the entrance of dust, flies, or other contamination.
- \_\_\_\_\_ (iii) The floor of the milkhouse or milkroom shall be of concrete or other impervious material and graded to a drain.
- \_\_\_\_\_ (iv) The walls and ceilings of the milkhouse or milkroom shall be constructed of smooth easily cleaned material.
- \_\_\_\_\_ (v) Any outside doors of the milkhouse or milkroom shall be self-closing.
- \_\_\_\_\_ (vi) The milkhouse or milkroom shall have at least 20 foot candles of light provided in each working area.
- \_\_\_\_\_ (b) The farm tank shall be properly located in the milkroom.
- \_\_\_\_\_ (i) There shall be at least 18 inches clearance with 24 inches recommended on three sides of the tank and at least 36 inches on the outlet side of the tank for access to each area for cleaning and servicing.
- \_\_\_\_\_ (ii) The farm tank may not be located over a floor drain, under a ventilator or under a light fixture.
- \_\_\_\_\_ (c) An adequate platform or slab constructed of concrete or other impervious material shall be provided outside the milk house, properly centered under a suitable port opening in the wall of the milkhouse.
- \_\_\_\_\_ (i) The opening shall be fitted with a tight self-closing door.
- \_\_\_\_\_ (ii) The truck approach to the milkhouse or milkroom shall be properly graded and surfaced to prevent mud or pooling of water at the point of loading.
- \_\_\_\_\_ (d) Building plan approval. Plans for new dairy building construction or remodeling shall be submitted to the department for approval before construction begins.
- \_\_\_\_\_ (5) Utensils and Equipment.
- \_\_\_\_\_ (a) Utensils, milk coolers, milking machines, including pipeline systems, and other equipment used in the handling of milk shall be maintained in good repair, and shall be washed, rinsed, and drained after each milking, stored in suitable facilities, and sanitized immediately before use.
- \_\_\_\_\_ (b) Farm bulk tanks shall meet 3-A sanitary standards and accepted practice for construction when installed, and shall be properly installed.
- \_\_\_\_\_ (6) Water Supply.
- \_\_\_\_\_ (a) The dairy farm water supply shall be approved, properly protected and of safe, sanitary quality, and have ample water and pressure for the cleaning of dairy utensils and equipment.
- \_\_\_\_\_ (b) An automatic hot water storage tank, pressure type, of adequate size shall be provided but shall not be less than 30-gallon capacity and equipped with a thermostat capable of maintaining water temperature at least 140 degrees F. Gas water heaters, if used, shall be properly ventilated.
- \_\_\_\_\_ (7) Sewage Disposal. Sewage shall be disposed of in a manner that complies with state and federal requirements.

~~\_\_\_\_\_ (8) There shall be available in the milkhouse or room a dairy type thermometer, accurate within two degrees F, integral with the tank construction or operation.~~

~~\_\_\_\_\_ (a) The driver shall have an accurate approved type thermometer.~~

~~\_\_\_\_\_ (b) The driver shall periodically check the thermometer by a qualified method to determine its accuracy.~~

~~\_\_\_\_\_ (c) Thermometers shall be properly sanitized before each use.~~

~~\_\_\_\_\_ (9) Qualifications for Farm Certification. Farm certification requires compliance with the items listed on the Farm Certification Report Form as follows:~~

~~\_\_\_\_\_ (a) a rating of satisfactory for any items in Subsection R70-320-11(1); and~~

~~\_\_\_\_\_ (b) a total rating of at least 85% for the applicable items in Subsection R70-320-11(2), with no individual item rated less than 75% of its maximum score.~~

**R70-320-12. Minimum Specifications for Licensed Dairy Plants.**

~~\_\_\_\_\_ (1) Building, Facilities, Equipment, and Utensils.~~

~~\_\_\_\_\_ (a) Premises.~~

~~\_\_\_\_\_ (i) The plant area and surroundings shall be kept clean.~~

~~\_\_\_\_\_ (ii) A drainage system shall be provided for rapid drainage of any water from plant buildings, including surface water around the plant and on the premises.~~

~~\_\_\_\_\_ (iii) An area properly designed and constructed shall be provided for the unloading and washing of bulk milk transport trucks.~~

~~\_\_\_\_\_ (A) The area shall have a concrete floor sloped to a trapped drain.~~

~~\_\_\_\_\_ (B) If the area is completely enclosed, enclosed walls and ceiling with the doors closed, during the unloading process and the dust cover or dome and the manhole cover is opened slightly and held in this position by the metal clamps used to close the cover then a filter is not required. However, if the dust covers, manhole cover, or both are open in excess of that provided by the metal clamps or the covers have been removed, a suitable filter is required for the manhole.~~

~~\_\_\_\_\_ (C) If the area is not completely enclosed or doors of the unloading area are open during unloading, a suitable filter is required for the manhole, air inlet vent, or both and suitable protection shall be provided over the filter material either by design of the filter holding apparatus or a roof or ceiling over the area. Direct connections from milk tank truck to milk tank truck shall be made from valve to valve and not through the manhole and the dust cover dome of the milk tank truck.~~

~~\_\_\_\_\_ (b) Buildings.~~

~~\_\_\_\_\_ (i) Construction and Maintenance.~~

~~\_\_\_\_\_ (A) Buildings shall be of sound construction, and the exterior and interior shall be kept clean and in good repair to protect against dust, dirt, and mold, and to prevent the entrance or harboring of insects, rodents, vermin, and other animals.~~

~~\_\_\_\_\_ (B) Outside doors, windows, skylights, and transoms shall be screened or otherwise covered.~~

~~\_\_\_\_\_ (C) Outside doors shall open outward and be self closing or be protected against the entrance of rodents and flies.~~

~~\_\_\_\_\_ (D) Outside doors leading to processing rooms shall be of metal construction.~~

~~\_\_\_\_\_ (E) Window sills on new construction shall be sloping.~~

~~\_\_\_\_\_ (F) Outside conveyor openings and other special type outside openings shall be protected by doors, screens, flaps, fans, or tunnels.~~

~~\_\_\_\_\_ (G) Outside openings for sanitary pipelines shall be covered when not in use and service pipe openings shall be completely cemented or have tight metal collars.~~

~~\_\_\_\_\_ (H) Each room, compartments, coolers, freezers, and dry storage space in which any raw material, packaging or ingredient supplies, or finished products are handled, processed, manufactured, packaged, or stored shall be designed and constructed to assure clean and orderly operations:~~

~~\_\_\_\_\_ (I) Rooms for receiving milk shall be separated from the processing rooms by a partition or suitable arrangement of equipment or facilities to avoid contamination of milk or dairy products.~~

~~\_\_\_\_\_ (J) Boiler and tool rooms shall be separated from other rooms.~~

~~\_\_\_\_\_ (K) Toilet and dressing rooms shall be conveniently located and shall not open directly into any room in which milk, dairy products, or ingredients are handled, processed, packaged, or stored.~~

~~\_\_\_\_\_ (L) Doors of any toilet rooms shall be self closing, and fixtures shall be kept clean and in good repair.~~

~~\_\_\_\_\_ (M) Plans for new plant construction or remodeling of existing plants shall be submitted to the department for approval before new construction or remodeling.~~

~~\_\_\_\_\_ (ii) Interior Finishing.~~

~~\_\_\_\_\_ (A) In each room, in which milk or dairy products are received, handled, processed, manufactured, packaged, or stored, except dry storage of packaged finished products, or in which equipment or utensils are washed:~~

~~\_\_\_\_\_ (I) the walls, ceilings, partitions, and posts shall be smoothly finished with a washable material of light color that is impervious to moisture;~~

~~\_\_\_\_\_ (II) the floors shall be of concrete or other impervious material and shall be smooth, properly graded to drain, and have drains trapped;~~  
and

~~\_\_\_\_\_ (B) The plumbing shall be so installed as to prevent back up sewage into the plant.~~

~~\_\_\_\_\_ (C) On new construction or extensive remodeling, the floors shall be joined and coved with the walls to form watertight joints.~~

~~\_\_\_\_\_ (D) Sound, smooth, wood floors may be used in certain packaging rooms where the nature of the product permits.~~

~~\_\_\_\_\_ (E) Toilet and dressing rooms shall have impervious floors and smooth walls.~~

~~\_\_\_\_\_ (iii) Ventilation. Each room and compartment, including storage space and toilet and dressing rooms, shall be ventilated to maintain sanitary conditions, prevent undue condensation of water vapor, and minimize or eliminate objectionable odors.~~

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- ~~(iv) Lighting.~~
- ~~(A) Lighting, whether natural or artificial, shall be of good quality and well distributed in each room and compartment.~~
- ~~(B) Each room where milk or dairy products are handled, processed, manufactured, or packaged, or where equipment or utensils are washed, shall have at least 30 footcandles of light intensity on each working surface.~~
- ~~(C) Areas where dairy products are examined for condition and quality shall have at least 50 footcandles of light intensity.~~
- ~~(D) Any other rooms shall have at least 5 footcandles of light intensity measured 30 inches above the floor.~~
- ~~(E) Light bulbs and fluorescent tubes shall be protected against shattering, falling into the product if broken, or both.~~
- ~~(v) Laboratory.~~
- ~~(A) Consistent with the size of the plant and the volume and variety of products manufactured, an adequate laboratory shall be provided, maintained, and properly staffed with qualified and trained personnel for quality control and analytical purposes.~~
- ~~(B) The laboratory shall be located reasonably close to the processing activity in a well lit and ventilated room of sufficient size to permit proper performance of the tests necessary to evaluate the quality of raw and finished products.~~
- ~~(C) A central or commercial laboratory that serves more than one plant and that properly performs tests necessary to evaluate the quality of raw and finished products may be used.~~
- ~~(e) Facilities.~~
- ~~(i) Water Supply.~~
- ~~(A) Both hot and cold water of safe and sanitary quality shall be available in sufficient quantity for any plant operations and facilities.~~
- ~~(B) Water from other lines, when officially approved, may be used for boiler feed water and condenser water, if the water lines carrying the sanitary water supply, and the equipment is so constructed and controlled as to preclude contamination of any milk product or milk product contact surface.~~
- ~~(C) There shall be no cross-connections between safe and unsafe water lines.~~
- ~~(D) Culinary water in the plant is to be from an approved source.~~
- ~~(E) Bacteriological examination shall be made of the plant sanitary water supply at least once each six months by the department to determine purity and safety for use in processing or manufacturing dairy products.~~
- ~~(ii) Employee Facilities.~~
- ~~(A) The plant shall provide employees:~~
- ~~(I) toilet and dressing rooms;~~
- ~~(II) conveniently located sanitary drinking water;~~
- ~~(III) a locker or other suitable facility for each employee; and~~
- ~~(IV) handwashing facilities, including hot and cold running water, soap or other detergents and sanitary towels or air dryers, in or adjacent to toilet and dressing rooms and at other places where necessary for the cleanliness of any personnel handling products and self-closing containers for used towels and other wastes.~~
- ~~(B) A durable, legible sign shall be posted conspicuously in each toilet and dressing room directing employees to wash their hands before returning to work.~~
- ~~(iii) Steam.~~
- ~~(A) Steam shall be supplied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment.~~
- ~~(B) Steam that may come into direct contact with milk or dairy products shall be conducted through a steam strainer and purifier equipped with a steam trap and shall be free from any compounds that may contribute flavors or endanger health.~~
- ~~(C) Only non-toxic boiler compounds shall be used.~~
- ~~(iv) Disposal of Wastes.~~
- ~~(A) The plant sewage system shall have sufficient slope and capacity to readily remove any waste from processing operations.~~
- ~~(B) Where a public sewer is not available, wastes shall be disposed of by methods approved by the appropriate government agency.~~
- ~~(C) Containers for the collection and holding of wastes shall be constructed of metal or other equally impervious material, kept covered with tight fitting lids, and placed outside the plant on a concrete slab or on a rack at least 12 inches above the ground.~~
- ~~(D) Solid wastes shall be disposed of regularly and the containers cleaned before reuse, and dry waste paper shall be properly disposed of.~~
- ~~(d) Equipment and Utensils.~~
- ~~(i) Construction and Installation.~~
- ~~(A) New equipment shall meet 3-A sanitary standards and accepted practice designed for the intended use.~~
- ~~(B) Equipment and utensils coming in contact with milk or dairy products, including sanitary pumps, piping, fittings, and connections, shall be constructed of stainless steel or equally corrosion resistant material, except where the use of stainless steel is not practicable.~~
- ~~(C) Copper kettles for swiss cheese and copper evaporators and brass fillers for evaporated milk may be approved if free from eroded surfaces and kept in good condition.~~
- ~~(D) Wooden churns in use may be approved temporarily if maintained in good condition.~~
- ~~(E) Nonmetallic parts having product contact surfaces shall be of material that is resistant to abrasion, scratching, scoring and distortion, is non-toxic, fat resistant, and relatively inert or non-absorbent or insoluble, and that will not adversely affect the flavor of the products.~~
- ~~(F) Any equipment and piping shall be designed and installed to be easily accessible for cleaning and shall be kept in good repair and free from cracks and eroded surfaces.~~
- ~~(G) Milk pumps shall be of a sanitary type and easily dismantled for cleaning.~~

- ~~(H) New or rearranged equipment shall be set out at least 24 inches from any wall or spaced at least 24 inches between pieces of equipment that measure more than 48 inches on the parallel sides, except between storage tanks when the face of the tanks extends through the wall into the processing room.~~
- ~~(I) Each part or interior surface of equipment, pipes, except certain piping that is C-I-P, or fittings, including valves and connections, shall be accessible for inspection.~~
- ~~(J) C-I-P sanitary piping shall be properly installed and self-draining.~~
- ~~(K) Welded sanitary pipeline systems when used with C-I-P cleaning will be acceptable if properly engineered and installed.~~
- ~~(ii) Pasteurization Equipment.~~
- ~~(A) Where pasteurization is intended or required, an automatic flow diversion valve and holding tube, or its equivalent if not part of the existing equipment, shall be installed on any high temperature short time pasteurization equipment to assure complete pasteurization.~~
- ~~(B) Pasteurization equipment and operation shall be in accordance with 3-A sanitary standards and accepted practice.~~
- ~~(C) Long stem indicating thermometers that are accurate within plus or minus 0.5 degrees F, for the applicable temperature range, shall be provided for determining temperatures of pasteurization of products in vats and for verifying the accuracy of recording thermometers.~~
- ~~(D) Short stem indicating thermometers that are accurate within plus or minus 0.5 degrees for the applicable temperature range shall be installed in the proper stationary position in each high temperature short time and dome type pasteurizers and each storage tank where temperature readings are required.~~
- ~~(E) Recording thermometers that are accurate within plus or minus 1 degree F, between 142 degrees and 145 degrees F or for 15-second pasteurization between 160 degrees and 163 degrees F shall be used on each pasteurizer to record pasteurization temperature.~~
- ~~(iii) Cleaning and Sanitizing.~~
- ~~(A) Equipment, sanitary piping, and utensils used in receiving, storing, processing, manufacturing, packaging, and handling of milk or dairy products, and any product contact surfaces of homogenizers, high pressure pumps, and high pressure lines shall be kept clean and sanitary.~~
- ~~(B) Stacks, elevators, conveyors, and the packing glands on each agitator, pump, and vat shall be inspected at regular intervals and kept clean.~~
- ~~(C) Equipment coming in contact with milk or dairy products shall have effective bactericidal or sanitizing treatment immediately before use.~~
- ~~(D) Equipment not designed for C-I-P cleaning shall be disassembled daily and thoroughly cleaned and sanitized.~~
- ~~(I) Dairy cleansers, wetting agents, detergents, sanitizing agents, or other similar material that will not contaminate or adversely affect dairy products may be used to clean equipment not designed for C-I-P cleaning.~~
- ~~(II) Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils.~~
- ~~(E) C-I-P cleaning shall be used only on equipment and pipeline systems that are designed and engineered for that purpose.~~
- ~~(F) C-I-P cleaning system installation and cleaning procedures shall be in accordance with 3-A sanitary standards and accepted practice.~~
- ~~(G) Areas and equipment which cannot be cleaned with water in the plant shall be thoroughly vacuumed regularly with a heavy duty industrial vacuum cleaner and the material picked up shall be disposed of to destroy any insects present.~~
- ~~(2) Plant Operations.~~
- ~~(a) Milk and Milk Products.~~
- ~~(i) Any milk and milk products, including concentrated milk and milk products, shall be packaged at the plant where final pasteurization is performed.~~
- ~~(ii) Packaging of milk and milk products, including concentrated milk and milk products, shall be done without undue delay after final pasteurization.~~
- ~~(iii) Pasteurization.~~
- ~~(A) When pasteurization is intended or required, or when a product is designated "pasteurized," pasteurization shall be accomplished by heating:~~
- ~~(I) each particle of milk or skim milk to a temperature of not less than 145 degrees F and cream and other milk products to at least 150 degrees F and ice cream mix to at least 155 degrees F and holding them at those temperatures continuously for not less than 30 minutes;~~
- ~~(II) milk or skim milk to a temperature of 161 degrees F and cream and other milk products to at least 166 degrees F for not less than 15 seconds, and ice cream mix to at least 175 degrees F for not less than 25 seconds; or~~
- ~~(III) by any other combination of temperature and time giving equivalent results.~~
- ~~(B) The phenol value of the pasteurized product shall be no greater than the maximum specified for the particular product, as determined by the phosphatase test, Method II, of the "Official Methods of Analysis of the Association of Official Analytical Chemists."~~
- ~~(C) Cream for buttermaking shall be pasteurized by heat treating the cream:~~
- ~~(I) at a temperature of not less than 165 degrees F and held continuously in a vat at not less than 165 degrees F for not less than 30 minutes;~~
- ~~(II) at a temperature of not less than 185 degrees F for not less than 15 seconds; or~~
- ~~(III) at any other temperature and holding time approved by the department that will assure pasteurization and comparable keeping quality characteristics.~~
- ~~(C) If the vat method of pasteurization is used, vat covers shall be kept closed during the holding and cooling periods.~~
- ~~(b) Cooling. Processed fluid milk products shall be cooled promptly after heat treatment to a temperature as will adequately inhibit development or other deterioration of quality.~~
- ~~(c) Storage.~~

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- ~~\_\_\_\_\_ (i) Utensils and portable equipment. Utensils and portable equipment used in processing operations shall be stored above the floor, in clean, dry locations, and in self-draining positions on racks constructed of impervious, corrosion-resistant material.~~
- ~~\_\_\_\_\_ (ii) Raw product storage.~~
  - ~~\_\_\_\_\_ (A) Any milk shall be held and processed under conditions and at temperatures that will avoid contamination and rapid deterioration.~~
  - ~~\_\_\_\_\_ (B) Drip milk from can washers or any other source shall not be used for the manufacture of dairy products.~~
  - ~~\_\_\_\_\_ (C) Bulk milk in storage tanks within the dairy plant shall be handled in a manner as to minimize bacterial increase and shall be maintained at 45 degrees F or lower until processing begins.~~
  - ~~\_\_\_\_\_ (D) Milk may be held at higher temperatures for a period, where applicable to particular manufacturing or processing practices.~~
  - ~~\_\_\_\_\_ (E) The bacteriological estimate of commingled milk in storage tanks shall be 1 million per mL or lower.~~
- ~~\_\_\_\_\_ (iii) Non-Refrigerated Products.~~
  - ~~\_\_\_\_\_ (A) Dairy products in dry storage shall be arranged in aisles, rows, sections, or lots or in a manner as to be orderly and easily accessible for inspection and as to permit adequate cleaning of the room.~~
  - ~~\_\_\_\_\_ (B) Dunnage or pallets shall be used when applicable.~~
  - ~~\_\_\_\_\_ (C) Dairy products shall not be stored with any product that would damage them or impair their quality.~~
  - ~~\_\_\_\_\_ (D) Open containers shall be carefully protected from contamination.~~
- ~~\_\_\_\_\_ (iv) Refrigerated Products.~~
  - ~~\_\_\_\_\_ (A) Any products requiring refrigeration shall be stored under optimum temperatures and humidity as will maintain their quality and condition.~~
  - ~~\_\_\_\_\_ (B) Products shall not be placed directly on the floors or be exposed to foreign odors or conditions including dripping or condensation that might cause package or product damage.~~
- ~~\_\_\_\_\_ (v) Supplies.~~
  - ~~\_\_\_\_\_ (A) Items in supply rooms shall be kept clean and protected and be so arranged as to permit inspection of supplies and cleaning and spraying of the room.~~
  - ~~\_\_\_\_\_ (B) Insecticides and rodenticides shall be properly labeled, segregated, and stored in a separate room or cabinet away from milk or dairy products or packaging supplies.~~
- ~~\_\_\_\_\_ (d) Laboratory Control Tests.~~
  - ~~\_\_\_\_\_ (i) Quality control tests shall be made on flow samples as often as necessary to check the effectiveness of processing to correct processing deficiencies.~~
  - ~~\_\_\_\_\_ (ii) Routine analyses shall be made on raw materials and finished products to assure adequate composition control.~~
  - ~~\_\_\_\_\_ (iii) When applicable, keeping quality tests shall be made to determine product stability.~~
- ~~\_\_\_\_\_ (e) Packaging and General Identification.~~
  - ~~\_\_\_\_\_ (i) Dairy products shall be packaged in commercially acceptable containers or packaging material that will protect the quality of the contents in regular channels of trade.~~
  - ~~\_\_\_\_\_ (ii) Before use, packaging materials shall be protected against dust, mold and other possible contamination.~~
  - ~~\_\_\_\_\_ (iii) Butter liners shall be of approved plastic or waxed covered parchment or other material that may be approved by the department.~~
- ~~\_\_\_\_\_ General Identification.~~
  - ~~\_\_\_\_\_ (A) Commercial bulk shipping containers for dairy products shall be legibly marked with the name of the product, net weight or content, name and address of processor, manufacturer or distributor, and plant license number.~~
  - ~~\_\_\_\_\_ (B) Consumer packaged products shall be legibly marked with the name of the product, net weight, or content, and name and address of the packer or distributor.~~

**R70-320-13. Licensing Plant, Milk Graders, and Bulk Milk Collectors.**

- ~~\_\_\_\_\_ (1) Application for License.~~

~~Applications to the department for a new or renewal license for dairy plants, milk graders, and bulk milk haulers shall contain the name and address of the applicant and other pertinent information as may be required.~~
- ~~\_\_\_\_\_ (2) Plant Inspection.~~
  - ~~\_\_\_\_\_ (a) Each plant shall be inspected by a compliance officer to determine if the plant meets the requirements for licensing.~~
  - ~~\_\_\_\_\_ (b) If the plant does not meet the requirements for licensing, the plant shall be re-inspected by a compliance officer within 30 days of the initial inspection.~~
    - ~~\_\_\_\_\_ (i) A period longer than 30 days may be allowed if major changes or new equipment is required.~~
    - ~~\_\_\_\_\_ (ii) If after the re-inspection the plant meets the requirements for licensing, a license shall be issued.~~
    - ~~\_\_\_\_\_ (iii) If after the re-inspection the plant does not meet the requirements for licensing, it shall not be licensed, and its authorization to handle, buy, or receive milk or to manufacture dairy products therefrom shall be withheld until a time as the plant qualifies for a license.~~
  - ~~\_\_\_\_\_ (c) The plant will be charged for mileage spent by the department for any subsequent visits required for certification of the plant.~~
  - ~~\_\_\_\_\_ (d) The compliance officer shall show the results of each inspection on a Plant Inspection Report Form.~~
  - ~~\_\_\_\_\_ (e) Each completed Plant Inspection Report Form shall be left at the plant and a copy shall be kept by the department.~~
- ~~\_\_\_\_\_ (3) Issuance of License.~~
  - ~~\_\_\_\_\_ (a) Dairy Plants.~~
    - ~~\_\_\_\_\_ (i) The department shall license each dairy plant that meets the requirements of this rule.~~
    - ~~\_\_\_\_\_ (ii) The department shall license each new plant before the plant may buy, receive, or process any milk for the manufacture of dairy products.~~
    - ~~\_\_\_\_\_ (iii) The license certification shall be posted conspicuously at the plant.~~

~~\_\_\_\_\_ (iv) The license shall authorize the plant to test, buy, and receive milk for manufacturing purposes and to manufacture dairy products therefrom, in compliance with Title 4, Chapter 3, the Utah Dairy Act and this rule.~~

~~\_\_\_\_\_ (b) Milk Graders and Bulk Milk Haulers.~~

~~\_\_\_\_\_ (i) The department shall license milk graders and bulk milk haulers who meet the requirements prescribed by the department.~~

~~\_\_\_\_\_ (ii) The licenses of milk graders and bulk milk haulers shall authorize them to grade, accept, and reject raw milk in accordance with Section R70-320-5.~~

~~\_\_\_\_\_ (4) Expiration, Suspension, and Revocation of License.~~

~~\_\_\_\_\_ (a) Licenses shall expire and become renewable each year the 31st of December, unless revoked earlier, and no license shall be transferable.~~

~~\_\_\_\_\_ (b) If at any time an inspector determines that a licensed plant does not meet the requirements for licensing, the inspector may allow a reasonable probationary period for the operator to bring the plant within the requirements for licensing.~~

~~\_\_\_\_\_ (c) If at the end of the probationary period the plant does not meet the licensing requirements, the department may revoke the plant license. The department may suspend or revoke licenses of bulk milk haulers for any violation of this rule or Title 4, Chapter 3, the Utah Dairy Act.~~

~~\_\_\_\_\_ (d) An opportunity for a hearing shall be provided to any licensee before suspension or revocation of this license.~~

~~\_\_\_\_\_ (5) Reinstatement.~~

~~\_\_\_\_\_ (a) If, after a period of withholding, probation, or revocation of a plant license, the operator makes the necessary corrections at the plant, the plant operator may apply to the department for re-inspection and reinstatement.~~

~~\_\_\_\_\_ (b) When the compliance officer determines that requirements for licensing have been met, the department shall issue a license to the plant.~~

~~\_\_\_\_\_ (c) The reinstatement of licenses for milk graders and bulk milk haulers that have been suspended or revoked shall be made only after satisfying the department of their qualifications.~~

**~~R70-320-14. Records Required to be Kept by Plants.~~**

~~\_\_\_\_\_ (1) Availability. Records required to be kept by plants shall be available for examination by the department at any reasonable times.~~

~~\_\_\_\_\_ (2) Farm Certification Report Forms. A copy of completed Farm Certification Report Forms shall be kept on file at the plant for at least 24 months.~~

~~\_\_\_\_\_ (3) Milk Quality Test Records. Accurate records listing the results of quality tests on each producer's milk shall be kept on file at the plant for at least 12 months.~~

~~\_\_\_\_\_ (4) Water Supply Test Records. The results of each plant water supply test shall be kept on file at the plant for at least 12 months.~~

~~\_\_\_\_\_ (5) Laboratory Control Test Records. Records of each laboratory control test shall be kept on file at the plant for at least 12 months.~~

~~\_\_\_\_\_ (6) Pasteurization Recorder Charts. Recorder charts showing the pasteurization record for each day shall be appropriately marked with the name of the product, date, and signature of the operator. The charts shall be kept on file at the plant for at least three months.~~

**~~R70-320-15. Personnel Cleanliness and Health.~~**

~~\_\_\_\_\_ (1) Cleanliness.~~

~~\_\_\_\_\_ (a) Plant employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands.~~

~~\_\_\_\_\_ (b) Plant employees shall keep their hands clean and follow good hygienic practices while on duty.~~

~~\_\_\_\_\_ (c) Expecterating or use of tobacco in any form shall be prohibited in rooms and compartments where milk or dairy products are unpacked or exposed.~~

~~\_\_\_\_\_ (d) Clean white or light colored washable outer garments and caps, paper caps or hairnets are acceptable, shall be worn by each person engaged in handling milk or dairy products.~~

~~\_\_\_\_\_ (2) Health.~~

~~\_\_\_\_\_ (a) No person afflicted with a communicable disease shall be permitted in any room or compartment where milk or dairy products are prepared, processed, or otherwise handled.~~

~~\_\_\_\_\_ (b) No person who has a discharging or infected wound or sore, or lesion on hands, arm or other exposed portions of the body shall work in any plant processing or packaging rooms or in any capacity resulting in contact with milk or dairy products including dairy farms and bulk milk haulers.~~

~~\_\_\_\_\_ (c) An employee returning to work after illness from a communicable disease shall have a certificate from the employee's attending physician to establish proof of complete recovery.~~

**~~R70-320-16. Transportation of Milk.~~**

~~\_\_\_\_\_ (1) Vehicles used for the transportation of milk shall be of the enclosed type, constructed and operated to protect the product from extreme temperatures, dust, or other adverse conditions, and they shall be kept clean.~~

~~\_\_\_\_\_ (2) Transport Trucks.~~

~~\_\_\_\_\_ (a) Construction.~~

~~\_\_\_\_\_ (i) Transport tanks shall be stainless steel lined and so constructed that the lining will not buckle, sag, or prevent complete drainage.~~

~~\_\_\_\_\_ (ii) Each milk contact surface shall be smooth, easily cleaned, and maintained in good repair.~~

~~\_\_\_\_\_ (iii) The pump and hose cabinet shall be fully enclosed with tight fitting doors.~~

~~\_\_\_\_\_ (iv) New and replacement transport tanks shall meet the applicable 3-A sanitary standards and accepted practice.~~

~~\_\_\_\_\_ (b) Transfer of Milk to a Transport Tank.~~

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- \_\_\_\_\_ (i) Milk shall be transferred from farm bulk tanks to transport tanks through stainless steel piping or approved tubing under sanitary conditions.
- \_\_\_\_\_ (ii) Sanitary piping and tubing used to transfer from farm bulk tanks to transport tanks shall be clean and capped when not in use.
- \_\_\_\_\_ (c) Cleaning and Sanitizing.
- \_\_\_\_\_ (i) A covered or enclosed washing dock and other facilities shall be available for any plants that receive or ship milk in tanks.
- \_\_\_\_\_ (ii) Milk transport tanks, sanitary piping, fittings, and pumps shall be cleaned and sanitized at least once each day, after use; provided that, if they are not to be used immediately after emptying a load of milk, they shall be washed promptly after use and given bactericidal treatment immediately before use.
- \_\_\_\_\_ (iii) When a milk tank truck has been cleaned and sanitized as required by the department, it shall bear a tag, or a record shall be made showing the date, time, place, and signature of the employee or contract hauler doing the work unless the truck delivers to only one receiving unit where responsibility for cleaning and sanitizing can be definitely established without tagging. The tag shall not be removed until the tank is again washed and sanitized.
- \_\_\_\_\_ (d) Transportation Trucks, Tanks, and Accessories. The transportation truck, tank and accessories shall be used for no other purpose than the handling of milk unless the use is approved by the department.

**R70-320-17. Transport Tanks, Operators.**

- \_\_\_\_\_ (1) Each milk hauler must have a license issued by the department.
- \_\_\_\_\_ (a) A candidate or substitute milk hauler shall get a license within ten days from the date they begin hauling operations.
- \_\_\_\_\_ (b) The 10-day period is for training and observation to provide the department and company officials with an opportunity to check the hauler's pickup technique and observe the degree to which the hauler is following required pickup practices.
- \_\_\_\_\_ (c) Training may take the form of instruction in pickup technique or may include a required period of observation apprenticeship in which the candidate accompanies a licensee in the performance of the licensee's duties.
- \_\_\_\_\_ (d) A person whose milk hauling responsibility is limited to transporting properly collected and packaged milk samples to a laboratory is not required to get or have a milk hauler license.
- \_\_\_\_\_ (e) An examination may be administered at the conclusion of the 10-day period and candidates failing the test will be denied licenses until the deficiencies are corrected.
- \_\_\_\_\_ (f) Drivers shall be qualified to efficiently carry out the procedures necessary for the sanitary transfer of milk from the farm tank to the dairy plant.
- \_\_\_\_\_ (g) Each milk hauler shall be subject to examination as the department may prescribe by rule to receive and keep a license.
- \_\_\_\_\_ (h) The fee for the license shall be established in accordance with Section 4-2-103 and renewed annually.
- \_\_\_\_\_ (2) The milk line shall be passed through a special port opening through the milkhous wall with care to prevent contact with the ground. The port opening shall be closed when not in use.
- \_\_\_\_\_ (3) It shall be the responsibility of the milk hauler to assure themselves that, if the processor washes and sanitizes the truck, the operation has been adequately performed, and that before use, the truck tank has been properly sanitized with an approved sanitizer. If it is the milk hauler's responsibility to sanitize the truck tank, the milk hauler shall do so with a solution of proper strength.
- \_\_\_\_\_ (4) The milk hauler shall wash their hands immediately before taking a measurement, sample, or both of the milk.
- \_\_\_\_\_ (5) The milk shall be observed and checked for abnormalities or adulterations, and any abnormal or adulterated milk shall be rejected.
- \_\_\_\_\_ (6) Drivers shall maintain a clean, neat, personal appearance and take measurements and collect milk samples for analysis in a sanitary manner using properly identified clean containers. Each sampling procedure shall follow "the Standard Methods for the Examination of Dairy Products."
- \_\_\_\_\_ (7) Procedures for picking up bulk milk.
- \_\_\_\_\_ (a) Take and record the tank reading.
- \_\_\_\_\_ (i) If the tank is agitating when the hauler arrives, let it continue for five minutes before taking the butterfat sample.
- \_\_\_\_\_ (ii) Then turn off the agitator and wait until the milk is quiescent before taking measurement.
- \_\_\_\_\_ (iii) Note: Cleanliness and dryness are essential to accurate readings.
- \_\_\_\_\_ (iv) The rod shall be warm enough so that moisture from the atmosphere will not condense on the rod after it has been dried or dusted, before inserting it into a tank to make a reading of the liquid level.
- \_\_\_\_\_ (b) Turn on the agitator and agitate at least five minutes before taking a sample.
- \_\_\_\_\_ (c) While the tank is agitating, record temperature and time and hook up the hose and electricity to the truck.
- \_\_\_\_\_ (d) While the agitator is running, take samples from three positions in the tank center and at both ends. Collect quality samples from three positions in the tank center and at both ends.
- \_\_\_\_\_ (e) Shut off the agitator and pump out the tank.
- \_\_\_\_\_ (f) Rinse tank and accessories free of milk with clean water immediately after emptying and disconnecting tubing.
- \_\_\_\_\_ (8) After the milk is pumped to the transportation tank the milk conductor tubing shall be capped and returned to the vehicle storage cabinet. Care shall be taken to prevent contamination of the milk tubing.

**R70-320-18. Supervision.**

- \_\_\_\_\_ (1) The department shall make periodic examinations of milk from a representative number of producers at each plant to determine whether the milk is being graded and tested in accordance with Section R70-320-5.
- \_\_\_\_\_ (2) The department shall examine the quality records of transfer producers at each plant periodically and when necessary determine the acceptability of the producer's milk.

- ~~(3) The department shall make periodic farm inspections and compare the results of inspections with the completed Farm Certification Report Forms on file at the plant to determine whether the fieldmen are making proper inspections and reports.~~
- ~~(4) The department shall periodically examine the completed Farm Certification Report Forms and milk quality test records on individual producers at each plant.~~
- ~~(5) The department shall periodically inspect plant premises, buildings, equipment, facilities, operations, and sanitary practices.~~
- ~~(6) The department shall assist plant management, laboratory and field staff with educational programs among producers relating to quality improvements of milk.~~
- ~~(7) The department shall perform other services and supervisory procedures as may be necessary to ensure compliance with this rule.~~

**R70-320-19. Violations.**

- ~~(1) The commissioner may for good cause, after notice and opportunity for hearing, suspend or revoke certification and licenses issued under this rule.~~
- ~~(2) No person, firm, or corporation shall produce, sell, offer for sale, or process milk for the manufacture of human food except in accordance with this rule.~~
- ~~(3) No unlicensed plant shall handle, buy, or receive milk or manufacture dairy products from the received or processed milk.~~
- ~~(4) Each dairy plant shall furnish the department with a current list of their producers semi annually. These lists shall be received no later than January 15th and July 15th of the current year.~~
- ~~(5) Violation of any portion of this rule may result in civil or criminal action, pursuant to Section 4-2-304.]~~

**R70-320. Manufactured Dairy Products.**

**R70-320-1. Authority and Purpose.**

- ~~(1) This rule is promulgated under the authority of Section 4-3-201.~~
- ~~(2) The department establishes these sanitary, production, and processing standards for manufactured dairy products to ensure the safety of butter, condensed and dry milk products, and frozen dairy foods.~~
- ~~(3) A processor of manufactured dairy products shall register as a food establishment in accordance with Rule R70-540.~~

**R70-320-2. Adoption of Federal Standards.**

~~The department incorporates by reference the following federal standards for manufactured products:~~

- ~~(1) 7 CFR Part 58, General Specifications for Approved Plants and Standards for Grades of Dairy Products, 2026 edition;~~
- ~~(2) 21 CFR Part 131, Milk and Cream, 2026 edition;~~
- ~~(3) 21 CFR Part 133, Cheeses, and Related Cheese Products, 2026 edition; and~~
- ~~(4) 21 CFR Part 135, Frozen Desserts, 2026 edition.~~

**R70-320-3. Licensing and Permits.**

- ~~(1) Per Section 4-3-301, a person must obtain a permit from the department before engaging in the following activities:~~
  - ~~(a) operating a dairy manufacturing plant;~~
  - ~~(b) manufacturing butter or cheese; or~~
  - ~~(c) engaging in the wholesale distribution of manufactured dairy products.~~
- ~~(2) An individual must obtain a valid license from the department before performing these professional duties:~~
  - ~~(a) sampling and hauling farm bulk milk;~~
  - ~~(b) grading raw milk for manufacturing; or~~
  - ~~(c) testing manufactured milk for payment.~~
- ~~(3) The department may categorize manufacturing plants into small, medium, large, or super tiers for fee assessment per Rule R70-540.~~

**R70-320-4. Farm Inspections and Compliance.**

- ~~(1) A compliance officer must inspect each dairy farm and assign a passing score before the farm may ship milk for manufacturing purposes.~~
- ~~(2) The department inspects each dairy farm producing milk for manufacturing purposes at least once every six months.~~
- ~~(3) A producer must maintain a farm in substantial compliance with the following standards:~~
  - ~~(a) a bacterial estimate not exceeding 500,000 per mL;~~
  - ~~(b) a somatic cell counts not exceeding 750,000 per mL;~~
  - ~~(c) a sediment classification of No. 3 or better; and~~
  - ~~(d) a cooling temperature of 45°F or lower within two hours after milking.~~
- ~~(4) The department issues a written notice of intent to suspend a permit when two of the last four consecutive bacterial estimates, somatic cell counts, or cooling temperatures exceed the standards listed in this rule.~~
- ~~(5) The department may suspend a permit if:~~
  - ~~(a) three of the last five bacterial estimates or cooling temperatures exceed the limit;~~
  - ~~(b) two of the last four somatic cell counts exceed the limit; or~~
  - ~~(c) the farm fails a re-inspection after having a reasonable amount of time to correct identified deficiencies.~~
- ~~(6) The department may charge the producer for the time and mileage incurred for any visit required after an initial re-inspection.~~
- ~~(7) A producer may not offer for sale milk that is abnormal, which includes milk that is bloody, stringy, off-color, thick, or contains clots.~~

NOTICES OF PROPOSED RULES

- (8) A dairy farm water supply shall:
  - (a) be properly protected and of safe, sanitary quality; and
  - (b) include an automatic pressure-type hot water storage tank with a minimum 30-gallon capacity that maintains a temperature of at least 140°F.
- (9) A producer must immediately stop all milk shipments upon a positive drug residue finding and may only resume shipment after a state-certified laboratory, approved by the department, provides a subsequent milking negative test.

**R70-320-5. Operational Requirements.**

- (1) A plant operator shall maintain records as specified in 7 CFR 58.
- (2) A plant operator shall provide a current producer list to the department semi-annually by January 15 and July 15 of each year.
- (3) A bulk milk hauler or plant operator shall ensure that milk transport tanks meet the following requirements:
  - (a) tanks are cleaned and sanitized at least once each day after use;
  - (b) tanks are tagged after cleaning with the date, time, location, and the name of the individual who performed the sanitization; and
  - (c) the tag remains attached to the outlet valve until the tank is cleaned and sanitized again.
- (4) A hauler shall reject milk that fails the sediment or abnormality standards at the farm and must attach a rejection tag to the producer's bulk tank outlet.

**KEY: dairy inspections, ~~raw milk~~ manufactured milk products, cheese, frozen dairy products, ice cream, butter, non-grade A standards, licensing, food establishments**

**Date of Last Change: ~~2026~~ August 8, 2022**

**Notice of Continuation: December 20, 2021**

**Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(g) through (j); 4-3-201**

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Repeal	<b>Filing ID:</b> 57985
<b>Rule or section number:</b>	<b>R70-350</b>

**1. Agency Information**

<b>Title catchline:</b>	Agriculture and Food, Regulatory Services
<b>Building:</b>	Taylorville State Office Buildings, South Bldg, Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 146500
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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.**

**3. General Information**

<b>A. Rule or section catchline:</b>
R70-350. Ice Cream and Frozen Dairy Foods Standards
<b>B. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is repealing this rule as part of a larger effort to simplify Utah's dairy regulations.
After reviewing the department rules, the department determined that maintaining a separate rule for tester licensing was redundant.

The relevant licensing procedures and proficiency requirements are incorporated into the proposed changes for R70-320, Manufactured Dairy Products.

**C. Summary of the new rule or change:**

This filing repeals this rule in its entirety.

(EDITOR'S NOTE: The proposed repeal and readopt of Rule R70-320, ID 57984, is in this issue, June 1, 2026, of the Bulletin.)

**5. Fiscal Information**

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

**A. State budget:**

The proposed changes will not have an impact on the state's budget because the proposed changes do not change the requirements, only move them to Rule R70-320.

**B. Local governments:**

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

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

The proposed changes will not affect small businesses because the requirements are not changing, only moving to Rule R70-320.

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

The proposed changes will not have an impact on non-small businesses because they are moved to Rule R70-320.

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

The proposed changes will not have an impact on other persons because the changes only move them.

**F. Compliance costs for affected persons:**

The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 4-3-201

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/15/2026
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**R70. Agriculture and Food, Regulatory Services.**

~~**[R70-350. Ice Cream and Frozen Dairy Foods Standards.**~~

~~**R70-350-1. Purpose and Authority.**~~

- ~~(1) Promulgated under the authority of Section 4-3-201.~~
- ~~(2) This rule shall apply to any frozen dairy foods and frozen dairy food mixes sold, bought, processed, manufactured, or distributed within Utah.~~
- ~~(3) This rule establishes labeling requirements, the qualifications for adulteration and misbranding, and bacterial quality, pasteurization, and sanitation standards for ice cream and frozen dairy food products.~~

~~**R70-350-2. Definitions.**~~

- ~~(1) "3-A sanitary standards and accepted practice" means the same as that term is defined in 7 CFR 58.101.~~
- ~~(2) "Bulky flavoring" means fruits, nuts, and candy.~~
- ~~(3) "Department" means the Utah Department of Agriculture and Food.~~
- ~~(4) "Frozen dairy food mix" means the unfrozen combination of ingredients to be used in any frozen dairy food with or without fruits, fruit juices, candy, nut meats, flavoring, or harmless color.~~
- ~~(5) "Frozen dairy food" means a frozen product made from dairy ingredients with less than 10% milkfat. Frozen dairy food includes any foods defined in this rule.~~
- ~~(6) "Frozen yogurt," "frozen low fat yogurt," and "nonfat frozen yogurt" mean the food made from dairy ingredients with or without added flavoring or seasoning, pasteurized and fermented by one or more strains of Lactobacillus bulgaricus, including yogurt strains, Streptococcus thermophilus, and Lactobacillus acidophilus.~~
- ~~(7) "Frozen yogurt mix," "frozen low fat yogurt mix," and "frozen nonfat yogurt mix" mean frozen products that are used in the manufacture of frozen yogurt, frozen low fat yogurt, and frozen nonfat yogurt.~~
- ~~(8) "Processor" means any person who subjects milk to a process.~~
- ~~(9) "Shake mix" means a product resulting from agitation of frozen dairy food to which Grade A pasteurized milk has been added.~~

~~**R70-350-3. Standards.**~~

- ~~(1) The standards of identity for ice cream, ice milk, sherbet, water ice, and other products shall be in accordance with 21 CFR 135.~~
- ~~(2) Shake mix.~~

~~Shake mix shall:~~

- ~~(a) have at least 2% but not more than 7% milkfat and at least 11% milk solids; or~~
- ~~(b) be a product prepared from the same ingredients and in the same manner as ice milk except that it shall be sold or served in a semi-frozen state.~~
- ~~(3) Frozen yogurt, frozen low-fat yogurt, and frozen nonfat yogurt.~~
- ~~(a) The parenthetical phrase "heat-treated after culturing" shall follow the name of the food if the dairy ingredients are pasteurized after culturing.~~
- ~~(b) Fruits may be added before or after the frozen yogurt mix, frozen low-fat yogurt mix, or frozen nonfat yogurt mix is pasteurized and cultured.~~
- ~~(c) Frozen yogurt, frozen low-fat yogurt, or nonfat frozen yogurt products may contain harmless edible stabilizers or emulsifiers not to exceed 0.6%.~~
- ~~(d) Frozen yogurt, frozen low-fat yogurt, or nonfat frozen yogurt products shall have:~~
  - ~~(i) a titratable acidity of not less than 0.5% expressed as lactic acid;~~
  - ~~(ii) at most ten coliform bacteria per gram; and~~
  - ~~(iii) at most ten colonies per gram each of molds, yeasts, and other fungi.~~
- ~~(e) The freezing and air incorporation shall not exceed 60% by volume of the product.~~
- ~~(f) Frozen yogurt shall contain not less than 3.25% milkfat.~~
- ~~(g) Frozen low-fat yogurt shall contain not less than 2% milkfat.~~
- ~~(h) Frozen nonfat yogurt shall contain less than 0.5% milkfat.~~
- ~~(i) Frozen yogurt with fruit added shall contain not less than 8% by weight of clean, mature, sound fruit, or its equivalent in other forms:~~
  - ~~(j) The milkfat content of frozen yogurt with fruit added, may be reduced to not less than 2.8% milkfat.~~
  - ~~(k) The milkfat content of frozen low-fat yogurt with fruit added, may be reduced to not more than 1.3% milkfat.~~
- ~~(l) Frozen yogurt, frozen low-fat yogurt, and nonfat frozen yogurt shall contain not less than 8.25% milk solids not fat.~~
- ~~(4) Frozen yogurt mix, frozen low-fat yogurt mix, and frozen nonfat yogurt mix. Frozen yogurt mix, frozen low-fat yogurt mix, and frozen nonfat yogurt mix shall comply with any the requirements for frozen yogurt, frozen low-fat yogurt, and frozen nonfat yogurt.~~

**R70-350-4. Bacterial Quality.**

- ~~(1) Sampling.~~
- ~~(a) Samples of frozen dairy foods shall be tested by each processor at least once a month and from each distributor as often as may be needed by the department.~~
- ~~(b) Each frozen dairy food shall contain at most 50,000 bacteria per milliliter by standard plate count.~~
- ~~(c) Cultured products with viable organisms shall be exempt from the bacterial count requirement.~~
- ~~(d) Each frozen dairy food shall have a coliform count not exceeding ten per gram.~~
- ~~(2) Enforcement.~~
- ~~(a) A written warning notice shall be sent to a processor when:~~
  - ~~(i) more than one of the last four consecutive coliform counts of samples taken on separate days by the processor or department is more than ten per gram; or~~
  - ~~(ii) more than one of the last four bacteria counts of samples taken on separate days by the processor or department is above 50,000 per mL.~~
- ~~(b) After at least three days and after a warning notice has been sent to the processor, the department shall take an additional sample.~~
- ~~(c) If the additional samples show continued violation of this rule then the processor shall stop the sale or distribution of the product from the establishment until additional samples taken by the department show the product to be in compliance with this rule.~~
- ~~(d) Frozen dairy foods shall, after pasteurization and before the addition of bulky flavorings, meet the bacterial standards requirements listed in this section.~~
- ~~(e) Finished frozen dairy product without bulky flavorings shall also meet the requirements in this section.~~
- ~~(f) Bulky flavorings shall meet any food standards for composition, sanitation, and adulteration in effect in Utah.~~

**R70-350-5. Pasteurization and Sanitation.**

- ~~(1) Pasteurization.~~
- ~~(a) Each frozen dairy food product defined in this rule shall be pasteurized by heating each particle of the product to at least 155 degrees F and holding at that temperature or above for at least 30 minutes under the required safeguards in approved equipment as outlined in the 3-A sanitary standards and accepted practice.~~
- ~~(b) Any other pasteurization method that is demonstrated to be equally efficient may be used if approved by the department.~~
- ~~(c) Time and temperature record charts for pasteurization shall be dated and kept for a period of at least six months at the plant of manufacture.~~
- ~~(2) Reconstitution.~~
- ~~(a) When water must be used to reconstitute any defined product, the frozen dairy product shall be pasteurized after being reconstituted; or~~
- ~~(b) the frozen dairy product shall be reconstituted by pouring the concentrate or dry mix from the factory packed container into a properly constructed, clean, and sanitized container.~~
- ~~(3) Cooling. Liquid ingredients that will support bacterial growth shall be kept or immediately cooled to 40 degrees F or below.~~

NOTICES OF PROPOSED RULES

~~(4) Sanitation. Any manufacturing, processing, storage, distribution, or handling of any frozen dairy food or frozen dairy food mix shall be done in buildings or other approved facilities using utensils, equipment, and methods that are approved by the department or other authorized regulatory agency.~~

~~**R70-350-6. Adulteration and Misbranding.**~~

- ~~(1) Labeling.~~
  - ~~(a) Labeling of packages shall include the name and address of the manufacturer, packer, or distributor, net contents, ingredients, and common or usual name of the product.~~
  - ~~(b) Labeling shall meet any other applicable requirements of Title 4, Chapter 5, Utah Wholesome Food Act, including nutritional labeling where applicable.~~
- ~~(2) Imitations.~~
  - ~~(a) Any frozen dairy food product offered for sale in semblance or imitation of any frozen dairy food regulated under this rule shall be considered adulterated and misbranded if the frozen dairy food does not conform to the standards under this rule, notwithstanding the use of any fanciful name or use of the word "imitation" to designate the product.~~
  - ~~(b) No person shall use "ice cream," "cream," "creme," "creamy," or "cremy," or any other word or phrase that may be construed to be misleading in either labeling or advertising, sale, or distribution of ice milk.~~
- ~~(3) Adulteration. Products defined in this rule shall be considered adulterated if they were not produced under the sanitary requirements of this rule or if they contain any substance in sufficient quantity to be deleterious to the public health or if they meet the criteria of adulteration under Title 4, Chapter 3, the Utah Dairy Act or Title 4, Chapter 5, the Utah Wholesome Food Act.~~

~~**KEY: food inspection**~~

~~**Date of Last Change: December 15, 2022**~~

~~**Notice of Continuation: December 20, 2021**~~

~~**Authorizing, and Implemented or Interpreted Law: 4-3-201]**~~

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Repeal	<b>Filing ID:</b> 57982
<b>Rule or section number:</b>	<b>R70-360</b>

**1. Agency Information**

<b>Title catchline:</b>	Agriculture and Food, Regulatory Services
<b>Building:</b>	Taylorville State Office Buildings, South Bldg, Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 146500
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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.**

**3. General Information**

<b>A. Rule or section catchline:</b>
R70-360. Procedure for Obtaining a License to Test Milk for Payment
<b>B. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is repealing this rule as part of a larger effort to simplify Utah's dairy regulations.
After reviewing the department rules, the department determined that maintaining a separate rule for tester licensing was redundant.

The relevant licensing procedures and proficiency requirements are incorporated into the proposed changes for Rule R70-310, Grade A Pasteurized Milk, and Rule R70-320, Manufactured Dairy Products.

**C. Summary of the new rule or change:**

This filing repeals this rule in its entirety.

(EDITOR'S NOTE: The proposed repeal and readopt of Rule R70-310, ID 57936, and Rule R70-320, ID 57984, are in this issue, June 1, 2026, of the Bulletin.)

**5. Fiscal Information**

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

**A. State budget:**

The proposed changes will not have an impact on the state's budget because the proposed changes do not change the requirements, only move them to Rule R70-310.

**B. Local governments:**

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

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

The proposed changes will not affect small businesses because the requirements are not changing, only moving to Rule R70-310.

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

The proposed changes will not have an impact on non-small businesses because they are moved to Rule R70-310.

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

The proposed changes will not have an impact on other persons because the changes only move them.

**F. Compliance costs for affected persons:**

The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 4-3-201

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/15/2026
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**R70. Agriculture and Food, Regulatory Services.**

~~[R70-360. Procedure for Obtaining a License to Test Milk for Payment.~~

~~**R70-360 1. Purpose and Authority.**~~

- ~~\_\_\_\_\_ (1) Promulgated under the authority of Section 4-3-201.~~
- ~~\_\_\_\_\_ (2) This rule establishes the process to obtain a license to test milk for payment.~~

~~**R70-360 2. Definitions.**~~

- ~~\_\_\_\_\_ (1) "Department" means the Utah Department of Agriculture and Food.~~
- ~~\_\_\_\_\_ (2) "License" means a license to test milk for payment.~~

~~**R70-360 3. License Requirements.**~~

- ~~\_\_\_\_\_ (1) A license shall be issued to an individual applicant and is not transferable.~~
- ~~\_\_\_\_\_ (2) Licenses shall expire on December 31 of each year.~~
- ~~\_\_\_\_\_ (3) To get a license, an applicant shall demonstrate testing proficiency by successfully completing a series of split samples provided by the department.~~
- ~~\_\_\_\_\_ (4) After an applicant meets the criteria for licensing, the applicant shall submit an application form with the license fee to the department. The license fee shall be determined by the department pursuant to Section 4-2-103.~~
- ~~\_\_\_\_\_ (5) The department shall issue a license to the applicant when an application form and fee are received.~~

~~**R70-360 4. Renewal Procedure.**~~

- ~~\_\_\_\_\_ (1) The department shall send a renewal form to each licensed tester before the license expiration date.~~
- ~~\_\_\_\_\_ (2) A licensed tester shall send the finished renewal form and license fee to the department, after which the department will issue a renewed license.~~
- ~~\_\_\_\_\_ (3) The department shall send split samples to licensed testers biennially to check the tester's testing competency.~~
- ~~\_\_\_\_\_ (4) The department shall evaluate the split sample results and provide the results to the tester.~~
- ~~\_\_\_\_\_ (5) If a tester does not achieve accurate results, the department shall suspend the tester's license, pursuant to Section R70-360-5, until the tester gets acceptable split sample results.~~

~~R70-360-5. License Suspension or Revocation.~~

~~If this rule or Title 4, Chapter 3, Utah Dairy Act is violated, the tester's license may be subject to suspension or revocation.~~

~~KEY: food inspection~~

~~Date of Last Change: December 15, 2022~~

~~Notice of Continuation: December 20, 2021~~

~~Authorizing, and Implemented or Interpreted Law: 4-3-201]~~

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Repeal	Filing ID: 57986
Rule or section number:	R70-370

**1. Agency Information**

Title catchline:	Agriculture and Food, Regulatory Services
Building:	Taylorville State Office Buildings, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorville, UT
Mailing address:	PO Box 146500
City, state and zip:	Salt Lake City, UT 84114-6500

**2. 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.

**3. General Information**

<b>A. Rule or section catchline:</b>
R70-370. Butter
<b>B. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is repealing this rule as part of a larger effort to simplify Utah's dairy regulations.
After reviewing the department rules, the department determined that maintaining a separate rule for tester licensing was redundant.
The relevant licensing procedures and proficiency requirements are incorporated into the proposed changes for Rule R70-320, Manufactured Dairy Products.
<b>C. Summary of the new rule or change:</b>
This filing repeals this rule in its entirety.
(EDITOR'S NOTE: The proposed repeal and readopt of Rule R70-320, ID 57984, is in this issue, June 1, 2026, of the Bulletin.)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The proposed changes will not have an impact on the state's budget because the proposed changes do not change the requirements, only move them to Rule R70-320.

<b>B. Local governments:</b>
The proposed changes will not have an impact on local governments because they do not administer or participate in the program.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
The proposed changes will not affect small businesses because the requirements are not changing, only moving to Rule R70-320.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
The proposed changes will not have an impact on non-small businesses because they are moved to Rule R70-320.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
The proposed changes will not have an impact on other persons because the changes only move them.
<b>F. Compliance costs for affected persons:</b>
The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 4-3-201		
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**11. Public Notice Information**

<b>The public may submit written or oral comments to the agency identified in box 1.</b>	
<b>A. Comments will be accepted until:</b>	07/01/2026

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/15/2026
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**R70. Agriculture and Food, Regulatory Services.**

~~[R70-370. Butter:~~

~~**R70-370 1. Purpose and Authority.**~~

- ~~\_\_\_\_\_ (1) Promulgated under the authority of Section 4-3-201.~~
- ~~\_\_\_\_\_ (2) This rule shall apply to any butter sold, bought, processed, manufactured, or distributed within Utah.~~
- ~~\_\_\_\_\_ (3) This rule incorporates federal regulations and establishes sanitation and processing requirements for butter.~~

~~**R70-370 2. Adoption of United States Standards.**~~

~~\_\_\_\_\_ This rule incorporates by reference the "Supplemental Specifications for Plants Manufacturing, Processing, and Packaging Butter and Related Products" section of 7 CFR 58.305 through 58.349, January 1, 2021 version.~~

~~**R70-370 3. Sanitation and Processing Requirements.**~~

~~\_\_\_\_\_ Butter shall be produced, handled, packed, cut, and printed under conditions meeting each sanitary requirement of Title 4, Chapter 3, the Utah Dairy Act, and Rule R70-320.~~

~~**KEY: food inspections, butter, grading standards**~~

~~**Date of Last Change: January 12, 2023**~~

~~**Notice of Continuation: January 8, 2026**~~

~~**Authorizing, and Implemented or Interpreted Law: 4-3-201]**~~

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Repeal	<b>Filing ID:</b> 57983
<b>Rule or section number:</b>	<b>R70-380</b>

**1. Agency Information**

<b>Title catchline:</b>	Agriculture and Food, Regulatory Services
<b>Building:</b>	Taylorville State Office Buildings, South Bldg, Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 146500
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Camille Knudson	801-597-6010	camillek@utah.gov

Travis Waller	801-982-2250	twaller@utah.gov
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Please address questions regarding information on this notice to the persons listed above.

**3. General Information**

**A. Rule or section catchline:**

R70-380. Grade A Condensed and Dry Milk Products and Condensed and Dry Whey

**B. 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 Utah's dairy regulations.

After reviewing the department rules, the department determined that having a separate rule for condensed and dry milk was redundant.

The important requirements for these products are incorporated into the proposed changes for Rule R70-310, Grade A Pasteurized Milk.

**C. Summary of the new rule or change:**

This filing repeals this rule in its entirety.

(EDITOR'S NOTE: The proposed repeal and readopt of Rule R70-310, ID 57936, is in this issue, June 1, 2026, of the Bulletin.)

**5. Fiscal Information**

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

**A. State budget:**

The proposed changes will not have an impact on the state's budget because the proposed changes do not change the requirements, only move them to Rule R70-310.

**B. Local governments:**

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

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

The proposed changes will not affect small businesses because the requirements are not changing, only moving to Rule R70-310.

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

The proposed changes will not have an impact on non-small businesses because they are moved to Rule R70-310.

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

The proposed changes will not have an impact on other persons because the changes only move them.

**F. Compliance costs for affected persons:**

The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 4-3-201

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/15/2026
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**R70. Agriculture and Food, Regulatory Services.**

~~**R70-380. Grade A Condensed and Dry Milk Products and Condensed and Dry Whey.**~~

~~**R70-380-1. Purpose and Authority.**~~

- ~~(1) Promulgated under the authority of Section 4-3-201.~~  
~~(2) This rule shall apply to any Grade A condensed milk products and condensed and dry whey sold, bought, processed, manufactured, or distributed within Utah.~~

NOTICES OF PROPOSED RULES

~~(3) This rule establishes definitions and penalties through the Grade "A" Pasteurized Milk Ordinance to be used as the sanitary regulation for milk and milk products served on interstate carriers and is recognized by the Public Health Agencies, the milk industry, and other as the national standard for milk sanitation.~~

**~~R70-380-2. Adoption of Ordinance.~~**

~~This rule incorporates by reference the adoption of the 2019 revision of the Grade "A" Pasteurized Milk Ordinance, Including Provisions from the Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey Supplement I to the Grade "A" Pasteurized Milk Ordinance (PMO) published by the U.S. Public Health Service and the U.S. Food and Drug Administration.~~

**~~R70-380-3. Regulatory Agency Defined.~~**

~~"Regulatory agency" as stated in Section 1(Y) of the PMO means the Commissioner of the Department of Agriculture and Food or the commissioner's representative.~~

**~~R70-380-4. Penalty.~~**

~~Violation of this rule may result in a civil or criminal action, pursuant to 4-2-304.~~

~~KEY: food inspection, ordinance~~

~~Date of Last Change: January 12, 2023~~

~~Notice of Continuation: January 8, 2026~~

~~Authorizing, and Implemented or Interpreted Law: 4-3-201]~~

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Repeal and Readopt	Filing ID: 57988
Rule or section number:	R70-520

**1. Agency Information**

Title catchline:	Agriculture and Food, Regulatory Services
Building:	Taylorville State Office Buildings, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorville, UT
Mailing address:	PO Box 146500
City, state and zip:	Salt Lake City, UT 84114-6500

**2. 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.

**3. General Information**

<b>A. Rule or section catchline:</b> R70-520. Standard of Identity and Labeling Requirements for Honey
<b>B. Purpose of the new rule or reason for the change:</b> The Department of Agriculture and Food (department) is filing a repeal and readopt of Rule R70-520 to consolidate multiple food commodity standards into a single, unified rule to enhance administrative clarity and simplify compliance for regulated entities.  This filing organizes previously separate standards for honey, shellfish, wheat, flour enrichment, and water vending under the primary authority of the Utah Wholesome Food Act, Section 4-5-104.  The change ensures that all commodity-specific requirements are consistently formatted and easily accessible in one location.

**C. Summary of the new rule or change:**

The department is repealing and readopting Rule R70-520, which is being restructured to consolidate standards previously found in Rules R70-550, R70-610, R70-620, and R70-630.

The proposed changes to Rule R70-520 remove redundant statutory definitions already found in Sections 4-5-102 and 4-5-502, and redundant mandates found in the Utah Wholesome Food Act.

Other key provisions of Rule R70-520 include:

- 1) Honey Labeling: Clarifies labeling requirements for "honey" and "raw honey".
- 2) Shellfish Safety: Incorporating by reference the most recent version of the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish: 2023 Revision.
- 3) Enrichment of Flour and Cereal Products: Incorporating by reference the most recent version, January 2026, to the federal standards of identity for enriched flour and cereal products (21 CFR Part 137 and 21 CFR Part 139).
- 4) Water Vending Machine Operations: Consolidates and clarifies specific requirements for operators, including compliance with public water system rules, construction standards, treatment/disinfectant unit monitoring, and backflow prevention.

(EDITOR'S NOTE: The proposed repeals of Rule R70-550, ID 57989, Rule R70-610, ID 57990, Rule R70-620, ID 57991, and R70-630, ID 57992, are in this issue, June 1, 2026, of the Bulletin.)

**5. Fiscal Information**

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

**A. State budget:**

There are no anticipated incremental costs or savings to the state budget because the changes consolidate existing regulatory requirements and do not change them.

**B. Local governments:**

The department does not anticipate a fiscal impact on local governments because they do not oversee the program or are involved in it.

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

There are no anticipated incremental costs or savings to small businesses because the changes consolidate existing regulatory requirements and do not change them.

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

There are no anticipated incremental costs or savings to non-small businesses because the changes consolidate existing regulatory requirements and do not change 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**):

This change results in no fiscal impact on other persons because it does not modify the existing standards.

**F. Compliance costs for affected persons:**

The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 4-5-104	Section 4-5-502	
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**10. Incorporation by Reference Information**

**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*):

<b>Official Title of Materials Incorporated (from title page)</b>	Guide for the Control of Molluscan Shellfish
<b>Publisher</b>	National Shellfish Sanitation Program (NSSP); Food and Drug Administration (FDA)
<b>Issue Date</b>	2023

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

<b>Official Title of Materials Incorporated (from title page)</b>	Part 137 Cereal Flours and Related Products; Part 139 Macaroni and Noodle Products
<b>Publisher</b>	Food and Drug Administration (FDA); Department of Health and Human Services
<b>Issue Date</b>	January 1, 2026

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/15/2026
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**R70. Agriculture and Food, Regulatory Services.****[R70-520. Standard of Identity and Labeling Requirements for Honey.****R70-520-1. Authority and Purpose.**

\_\_\_\_\_ (1) Sections 4-2-103, 4-5-104, and 4-5-502 authorize the department to adopt rules to enforce Title 4, Chapter 5, Utah Wholesome Food Act and establish labeling requirements for food designated as raw honey.

\_\_\_\_\_ (2) This rule establishes a standard of identity and labeling requirements for honey that is produced, packed, repacked, distributed, and sold in Utah. Codification of this standard is meant to reduce economic fraud by controlling the pervasive, illegal practices of blending or diluting pure honey with low-cost syrups such as sugar, cane, and corn, and representing highly processed honey as raw honey.

**R70-520-2. Definitions.**

\_\_\_\_\_ (1) "Honey" means the natural sweet substance produced by honeybees from nectar of plants or from secretions of living parts of plants that the bees collect, transform by combining with specific substances of their own, then deposit, dehydrate, store, and leave in the honeycomb to ripen and mature.

\_\_\_\_\_ (2) "Blossom Honey" or "Nectar Honey" means honey that comes from the nectar of plants.

\_\_\_\_\_ (3) "Comb" or "Comb honey" means honey stored by bees in the cells of freshly built broodless combs and sold in sealed whole combs or sections of combs.

\_\_\_\_\_ (4) "Raw honey" means honey:

\_\_\_\_\_ (a) as it exists in the beehive or as obtained by extraction, settling, or straining;

\_\_\_\_\_ (b) that is minimally processed; and

\_\_\_\_\_ (c) that is not pasteurized.

\_\_\_\_\_ (5) "Straining" means the process of removing particulate matter from honey by passing it through a metal or fabric screen or cloth with mesh large enough to pass pollen grains, enzymes and minerals.

\_\_\_\_\_ (6) "Department" means the Utah Department of Agriculture and Food.

**R70-520-3. Standard of Identification for Honey.**

\_\_\_\_\_ (1) Honey shall meet the following standards:

\_\_\_\_\_ (a) honey may not be heated or processed to an extent that its essential composition is changed or its quality is impaired;

\_\_\_\_\_ (b) chemical or biochemical treatments may not be used to influence honey crystallizations;

\_\_\_\_\_ (c) honey may not contain more than 20% moisture content and for heather honey not more than 23%;

\_\_\_\_\_ (d) honey may not be less than 60% fructose and glucose, combined and the ratio of fructose to glucose shall not be greater than 0.9;

\_\_\_\_\_ (e) honey may not contain oligosaccharides indicative of invert syrup; and

\_\_\_\_\_ (f) honey, except for honeycomb and cut comb style honey, may not contain more than 0.5g/1000g water insoluble solids.

**R70-520-4. Standard of Identification for Blossom Honey.**

\_\_\_\_\_ (1) Blossom honey shall meet the standards for honey in Section R70-520-3;

\_\_\_\_\_ (2) Blossom honey shall not contain more than 5% sucrose, except for the following:

\_\_\_\_\_ (a) Alfalfa (*Medicago sativa*);

\_\_\_\_\_ (b) Citrus spp;

\_\_\_\_\_ (c) False Acacia (*Robinia pseudoacacia*);

\_\_\_\_\_ (d) French Honeysuckle (*Hedysarum coronarium*);

\_\_\_\_\_ (e) Menzies Banksias (*Banksia menziesii*);

\_\_\_\_\_ (f) Red Gum (*Eucalyptus camaldulensis*);

\_\_\_\_\_ (g) Leatherwood (*Eucalyptus lucida*);

\_\_\_\_\_ (h) *Eucryphia milligani*, which may contain up to 10% sucrose; and

\_\_\_\_\_ (i) Lavender (*Lavandula* spp) and Borage (*Borago officinalis*), which may contain up to 15% sucrose.

**R70-520-5. Food Labeled as Honey or Raw Honey.**

\_\_\_\_\_ (1) Food meeting the standards set forth in Sections R70-520-3 and R70-520-4 may be designated "honey."

\_\_\_\_\_ (2) The food may be labeled as "raw honey" if it additionally meets the requirements of Section R70-520-2.

\_\_\_\_\_ (3) Food containing honey plus flavoring, spice, or food additive shall be distinguished in the food name from honey by declaration of each of the added ingredients.

## NOTICES OF PROPOSED RULES

- ~~\_\_\_\_\_ (4) Food containing honey may be designated according to floral or plant source if the honey comes predominately from that particular source and has the organoleptic, physicochemical and microscopic properties corresponding with that origin.~~
- ~~\_\_\_\_\_ (a) Food designated according to the honey's floral source plant shall have the common name or the botanical name of the floral source in proximity on the label to the word "honey."~~
- ~~\_\_\_\_\_ (5) Honey may be designated according to the following styles:~~
  - ~~\_\_\_\_\_ (a) honey in liquid or crystalline state or a mixture of the two may be designated as "liquid" or "crystalline;"~~
  - ~~\_\_\_\_\_ (b) honey meeting the definition of "comb" or "comb honey;" or~~
  - ~~\_\_\_\_\_ (c) honey containing one or more pieces of comb honey, which may be designated as "honey with comb" or "chunk honey."~~
- ~~\_\_\_\_\_ (6) Labels shall meet the requirements of Section 4-5-201.~~

### **R70-520-6. Misbranded Food.**

~~\_\_\_\_\_ Food labeled as a honey or raw honey, but not meeting the standard of identification or a labeling requirement in Sections R70-520-3 through R70-520-5 is considered misbranded.~~

### **R70-520-7. False Food Advertisement.**

~~\_\_\_\_\_ Food advertised as honey or raw honey shall be considered falsely advertised if it does not meet the standard of identification or a labeling requirement in Sections R70-520-3 through R70-520-5.~~

### **R70-520-8. Embargo and Destruction of Misbranded Food.**

~~\_\_\_\_\_ When an authorized agent of the department finds or has cause to believe a honey product is misbranded, the agent may follow the tagging, embargo, and destruction procedures found in Section 4-5-202.]~~

### **R70-520. Wholesome Food Standards.**

#### **R70-520-1. Authority and Purpose.**

- ~~\_\_\_\_\_ (1) Section 4-5-104 authorizes this rule.~~
- ~~\_\_\_\_\_ (2) The department establishes these standards of identity, operational requirements, and labeling standards for specific food commodities to ensure food safety and prevent economic fraud.~~

#### **R70-520-2. Definitions.**

~~\_\_\_\_\_ Definitions in Sections 4-5-102 and 4-5-502 and the following terms apply to this rule:~~

- ~~\_\_\_\_\_ (1) "Blossom honey" or "Nectar honey" means honey that comes from the nectar of plants.~~
- ~~\_\_\_\_\_ (2) "Cleaned wheat" means field wheat containing not more than 1.0% inert and foreign material and not more than 5.0% shrunken and broken kernels.~~
- ~~\_\_\_\_\_ (3) "Comb honey" means honey stored by bees in the cells of freshly built broodless combs and sold in sealed whole combs or sections.~~
- ~~\_\_\_\_\_ (4) "Field wheat" means the grain of common, club, or durum wheat which, after removal of dockage, consists of 50% or more of one of these wheats.~~
- ~~\_\_\_\_\_ (5) "Table cleaned wheat" means field wheat containing not more than 0.5% inert and foreign material and not more than 5.0% shrunken and broken kernels.~~
- ~~\_\_\_\_\_ (6) "Water vending machine" means a self-service device that, upon insertion of payment, dispenses unit servings of water in bulk without the necessity of replenishing the device between each vending operation.~~

#### **R70-520-3. Honey Standards and Labeling.**

- ~~\_\_\_\_\_ (1) A person may not label a food as "honey" or "raw honey" if it contains any added sweetener, flavoring, coloring, or other food additive.~~
- ~~\_\_\_\_\_ (2) A person shall ensure that food labeled as "honey" or "raw honey" meets the composition standards described in Section 4-5-502.~~
- ~~\_\_\_\_\_ (3) A person may sell a food product that combines honey with other ingredients, such as flavorings, spices, or sweeteners, provided that the person:~~
  - ~~\_\_\_\_\_ (a) distinguishes the product from "honey" by using a descriptive name that accurately identifies the added ingredients, including:~~
    - ~~\_\_\_\_\_ (i) honey blend;~~
    - ~~\_\_\_\_\_ (ii) flavored honey; or~~
    - ~~\_\_\_\_\_ (iii) honey with the name of the ingredient; and~~
  - ~~\_\_\_\_\_ (b) declares all added ingredients in the ingredient statement in accordance with 21 CFR Part 101.~~
- ~~\_\_\_\_\_ (4) A person shall label honey and honey products in accordance with the following federal and state requirements:~~
  - ~~\_\_\_\_\_ (a) 21 CFR Part 101, Food Labeling;~~
  - ~~\_\_\_\_\_ (b) 21 CFR Section 102.5, Common or usual name for nonstandardized foods; and~~
  - ~~\_\_\_\_\_ (c) Section 4-5-502, Food designated as raw honey.~~

#### **R70-520-4. Shellfish Safety.**

- ~~\_\_\_\_\_ (1) The department incorporates by reference the National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish: 2023 Revision.~~
- ~~\_\_\_\_\_ (2) A person who offers shellfish for sale in Utah shall comply with the requirements of the NSSP Guide.~~

**R70-520-5. Wheat Standards and Retail Labeling.**

- (1) A process shall label wheat intended for human consumption as one of the following based on the standards in Section R70-520-2:
  - (a) field wheat;
  - (b) cleaned wheat; or
  - (c) table cleaned wheat.
- (2) A processor may not sell wheat for human consumption that does not meet the "Cleaned Wheat" standard.
- (3) A processor shall ensure that wheat packaged for retail sale complies with the labeling requirements of 21 CFR Part 101.

**R70-520-6. Enrichment of Flour and Cereal Products.**

- (1) The department incorporates by reference the federal standards of identity for enriched flour and cereal products in 21 CFR Part 137 and 21 CFR Part 139.
- (2) A person may sell an unenriched counterpart of a flour or cereal product at retail only if the principal display panel prominently shows the word "unenriched" in a type size at least one-half the height of the product name.
- (3) A person who sells flour to a distributor or processor shall provide a certificate assuring that the final product conforms to these enrichment standards.

**R70-520-7. Water Vending Machine Operations.**

- (1) An operator shall comply with the following source and construction requirements:
  - (a) vended water shall be obtained only from a public water system that complies with the Department of Environmental Quality safe drinking water rules;
  - (b) a water vending machine shall comply with the construction and performance standards of the National Sanitation Foundation (NSF) or the National Automatic Merchandising Association (NAMA);
  - (c) an operator shall equip each machine with a monitoring device that shuts down the machine's operation if the treatment or disinfectant unit fails; and
  - (d) a machine shall have a backflow prevention device for every connection to a water supply.
- (2) An operator shall maintain a water vending machine according to the following standards:
  - (a) clean and sanitize the vending area and nozzle of each machine at least once every 14 days;
  - (b) maintain a cleaning and maintenance log for each machine and make the log available for department inspection; and
  - (c) perform microbiological sampling for total coliform at least every six months.
- (3) If a microbiological sample is positive for coliform, an operator shall immediately:
  - (a) stop operation of the machine;
  - (b) sanitize the machine; and
  - (c) obtain a passing sample before resuming operation.
- (4) An operator shall display the following labeling and identification information:
  - (a) the source of the water;
  - (b) the specific method of treatment used, such as reverse osmosis, carbon filtration, or ultraviolet light; and
  - (c) the operator's name, address, and telephone number for consumer complaints or service.

**R70-520-8. Compliance and Enforcement.**

- (1) Food that does not meet the standards of identity or labeling requirements of this rule is misbranded.
- (2) The department may follow the tagging, embargo, and destruction procedures in Section 4-5-202 for any product in violation of this rule.

**KEY: food safety, honey, wheat, flour enrichment, shellfish safety program, water vending machines, labeling**

**Date of Last Change: 2026[June 1, 2022]**

**Notice of Continuation: March 21, 2022**

**Authorizing, and Implemented or Interpreted Law: 4-2-103, 4-5-104, 4-5-502**

<b>NOTICE OF SUBSTANTIVE CHANGE</b>	
<b>TYPE OF FILING:</b> Repeal	<b>Filing ID:</b> 57989
<b>Rule or section number:</b>	<b>R70-550</b>

**1. Agency Information**

<b>Title catchline:</b>	Agriculture and Food, Regulatory Services
<b>Building:</b>	Taylorville State Office Buildings, South Bldg., Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorville, UT

<b>Mailing address:</b>	PO Box 146500
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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.

**3. General Information**

<b>A. Rule or section catchline:</b>
R70-550. Utah Inland Shellfish Safety Program
<b>B. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is repealing this rule as part of a comprehensive regulatory consolidation initiative to enhance clarity and align with Title 4, Chapter 5, Utah Wholesome Food Act.  To improve administrative efficiency, the requirements for inland shellfish safety formerly found in this rule are being relocated without substantive change into a single, unified rule: R70-520, Wholesome Food Standards.  This consolidation reduces the number of individual rules stakeholders must reference while maintaining all existing safety and operational standards, and enhancing clarity by also removing redundant information found in the statute.
<b>C. Summary of the new rule or change:</b>
This filing repeals this rule in its entirety.  (EDITOR'S NOTE: The proposed repeal and readopt of Rule R70-520, ID 57988, is in this issue, June 1, 2026, of the Bulletin.)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
This repeal creates no fiscal impact on the state budget because the department relocates the existing requirements to Rule R70-520.
<b>B. Local governments:</b>
This repeal has no fiscal impact on local governments because the standards were moved to Rule R70-520.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
This filing to repeal imposes no new costs on small businesses because it moves existing compliance requirements to a consolidated rule.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
This repeal creates no fiscal impact for non-small businesses, as the current requirements have been moved to Rule R70-520.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i> ):
This change results in no fiscal impact on other persons because it does not modify the existing standards.

**F. Compliance costs for affected persons:**

The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 4-5-104

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

**Agency head or designee and title:** Kelly Pehrson, Commissioner **Date:** 05/15/2026

NOTICES OF PROPOSED RULES

**R70. Agriculture and Food, Regulatory Services.**

~~**R70-550. Utah Inland Shellfish Safety Program.**~~

~~**R70-550-1. Authority.**~~

~~This rule is promulgated by the Division of Regulatory Services, within the Department of Agriculture and Food under authority of Section 4-5-104.~~

~~**R70-550-2. Adopt by Reference.**~~

~~The National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish: 2019 Revision published by the United States Public Health Service, Food and Drug Administration, is hereby adopted and incorporated by reference within this rule.~~

~~**KEY:** interstate shell fish safety~~

~~**Date of Last Change:** September 8, 2021~~

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

~~**Authorizing, and Implemented or Interpreted Law:** 4-5-17]~~

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Repeal	<b>Filing ID:</b> 57990
<b>Rule or section number:</b>	<b>R70-610</b>

**1. Agency Information**

<b>Title catchline:</b>	Agriculture and Food, Regulatory Services
<b>Building:</b>	Taylorville State Office Buildings, South Bldg, Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 146500
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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.**

**3. General Information**

<b>A. Rule or section catchline:</b>
R70-610. Uniform Retail Wheat Standards of Identity
<b>B. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is repealing this rule as part of a comprehensive regulatory consolidation initiative to enhance clarity and align with Title 4, Chapter 5, Utah Wholesome Food Act.
To improve administrative efficiency, the requirements for retail wheat standards of identity, formerly found in this rule, are being relocated without substantive change into a single, unified rule: R70-520, Wholesome Food Standards.
This consolidation reduces the number of individual rules stakeholders must reference while maintaining all existing safety and operational standards while enhancing clarity by also removing redundant information found in the statute.
<b>C. Summary of the new rule or change:</b>
This filing repeals the rule in its entirety.
(EDITOR'S NOTE: The proposed repeal and readopt of Rule R70-520, ID 57988, is in this issue, June 1, 2026, of the Bulletin.)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
This repeal creates no fiscal impact on the state budget because the department relocates the existing requirements to Rule R70-520.
<b>B. Local governments:</b>
This repeal results in no fiscal impact on local governments because the standards moved to Rule R70-520.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
This repeal imposes no new costs on small businesses because it moves existing compliance requirements to a consolidated rule.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
This repeal creates no fiscal impact for non-small businesses, as the current requirements have been moved to Rule R70-520.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
This change results in no fiscal impact on other persons because it does not modify the existing standards.
<b>F. Compliance costs for affected persons:</b>
The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 4-5-104	Section 4-5-207	
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**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/15/2026
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**R70. Agriculture and Food, Regulatory Services.**

~~**R70-610. Uniform Retail Wheat Standards of Identity.**~~

~~**R70-610-1. Authority.**~~

~~Promulgated under Sections 4-2-102; 4-5-104; 4-5-207.~~

~~**R70-610-2. Definitions.**~~

~~A. "Field Wheat" shall mean the grain of common wheat, club wheat, and durum wheat which before the removal of inert and foreign material (dockage) consists of 50 percent of one of these wheats and not more than 10 percent of other grains for which standards have been established by the United States Grain Standards Act and which, after removal of inert and foreign material contains 50 percent or more of whole kernels of one or more of these wheats.~~

~~B. "Rough Cleaned Wheat" shall mean field wheat which has been cleaned and contains not more than 2.0 percent inert and foreign material, not more than 5.0 percent shrunken and broken kernels and no poisonous or deleterious substance or other material that would render wheat unwholesome or harmful to health.~~

~~C. "Cleaned Wheat" shall mean field wheat which has been cleaned and contains not more than 1.0 percent inert and foreign material, not more than 5.0 percent shrunken and broken kernels and no poisonous or deleterious substance or other material that would render wheat unwholesome or harmful to health.~~

~~D. "Table Cleaned Wheat" shall mean field wheat which has been cleaned and contains not more than .5 percent inert and foreign material, not more than 5.0 percent shrunken and broken kernels and no poisonous or deleterious substance or other material that would render wheat unwholesome or harmful to health.~~

~~E. "Hard Red Winter Wheat" shall mean all subclasses and varieties of hard red winter wheat with not more than 3 percent other classes of wheat.~~

~~F. "Hard Winter Wheat" shall mean all subclasses and varieties of hard red and white winter wheats with not more than 3 percent other classes of wheat.~~

~~G. "Hard Red Spring Wheat" shall mean all subclasses and varieties of hard red spring wheat with not more than 3 percent other classes of wheat.~~

~~H. "Soft Red Winter Wheat" shall mean all subclasses and varieties of soft red winter wheat, with not more than 3 percent other classes of wheat.~~

~~I. "Hard Red Wheat or Hard Red Wheat Blend" shall mean blended wheat of all subclasses and varieties of hard red winter wheat and hard red spring wheat, with not more than 3 percent other classes.~~

~~J. "Wheat Mix" shall mean all subclasses and varieties of hard red winter wheat and hard red spring wheat mixed with soft wheats.~~

~~K. "White Wheat" shall mean all subclasses and varieties of white wheat with not more than 3 percent other classes of wheat.~~

~~L. "Hard Red and White Wheat Blend" shall mean all subclasses and varieties of hard red wheat mixed with any subclass and variety of hard white wheat.~~

~~M. "Damaged Kernels" shall mean kernels and pieces of kernels of wheat which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, or otherwise materially damaged.~~

~~N. "Inert and Foreign Material or Dockage" shall mean all weed seeds, weed stems, shaff, straw, grain other than wheat, sand, dirt, dead insects or any other material that can be readily removed from wheat by the use of sieves and cleaning devices.~~

- ~~O. "Poisonous or Deleterious Substances" shall mean all smuts, ergots, poisonous weed seeds, pesticides, live insects, rodent excreta, or other material or substances that would render wheat unwholesome or harmful to health.~~
- ~~P. "Adulteration" shall be defined as outlined in the Utah Wholesome Food Act, Section 4-5-202.~~
- ~~Q. "Misbranded" shall be defined as outlined in the Utah Wholesome Food Act, Section 4-5-201.~~
- ~~R. "Shrunken and Broken Kernels" shall mean all kernels and pieces of kernels of wheat and other matter that will readily pass through a 0.064 x 3/8 oblong-hole sieve.~~
- ~~S. "F.P.L.A." shall mean the Fair Packaging and Labeling Act.~~

**R70-610-3. Labeling.**

~~Packaged wheat that is intended for sale directly to consumers and not intended for further processing, labeling, or repackaging in a food processing establishment must be labeled according to 21 USC 343, known as F.P.L.A., the Nutrition Labeling and Education Act of 1990.~~

**R70-610-4. Special Labeling Standards for Wheat.**

~~Wheat that is intended for sale directly to consumers and not intended for processing, labeling, or repackaging in a food processing establishment must be labeled in addition to F.P.L.A. labeling with~~

- ~~A. Class of Wheat, i.e., hard red winter wheat, hard winter wheat, hard red spring wheat, hard spring wheat, soft red winter wheat, white wheat, hard red wheat or hard red blend wheat mix, and hard red and white wheat blend.~~
- ~~B. The type of Cleaning Standard Met, i.e. field wheat (no cleaning), rough cleaned wheat, cleaned wheat, or table cleaned wheat.~~

**R70-610-5. General.**

- ~~A. If the wheat contains less than 11 percent moisture, it may be labeled low moisture wheat.~~
- ~~B. If the germination of the wheat is 85 percent or more, the term "germination not impaired" may be used.~~
- ~~C. All claims made on the label must be met by the processor.~~
- ~~D. Wheat must be processed, packaged, and stored in such a manner that the product will not become adulterated.~~
- ~~E. Wheat cleaning facilities and products must be in compliance with Title 4, Chapter 5 and R70-530.~~

~~KEY: food inspection~~

~~Date of Last Change: 1987~~

~~Notice of Continuation: March 26, 2025~~

~~Authorizing, and Implemented or Interpreted Law: 4-2-102; 4-5-104; 4-5-207]~~

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Repeal	<b>Filing ID:</b> 57991
<b>Rule or section number:</b>	<b>R70-620</b>

**1. Agency Information**

<b>Title catchline:</b>	Agriculture and Food, Regulatory Services
<b>Building:</b>	Taylorville State Office Buildings, South Bldg, Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 146500
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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.**

**3. General Information**

<b>A. Rule or section catchline:</b>
R70-620. Enrichment of Flour and Cereal Products

<b>B. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is repealing this rule as part of a comprehensive regulatory consolidation initiative to enhance clarity and align with Title 4, Chapter 5, Utah Wholesome Food Act.
To improve administrative efficiency, the requirements for the enrichment of flour and cereal products, formerly found in this rule, are being relocated without substantive change into a single, unified rule: R70-520, Wholesome Food Standards.
This consolidation reduces the number of individual rules stakeholders must reference while maintaining all existing safety and operational standards while enhancing clarity by also removing redundant information found in the statute.
<b>C. Summary of the new rule or change:</b>
This filing repeals this rule in its entirety.
(EDITOR'S NOTE: The proposed repeal and readopt of Rule R70-520, ID 57988, is in this issue, June 1, 2026, of the Bulletin.)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
This repeal creates no fiscal impact on the state budget because the department relocates the existing requirements to Rule R70-520.
<b>B. Local governments:</b>
This repeal results in no fiscal impact on local governments because the standards moved to Rule R70-520.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
This repeal imposes no new costs on small businesses because it moves existing compliance requirements to a consolidated rule.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
This repeal creates no fiscal impact for non-small businesses, as the current requirements have been moved to Rule R70-520.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i> ):
This change results in no fiscal impact on other persons because it does not modify the existing standards.
<b>F. Compliance costs for affected persons:</b>
The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 4-5-104

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

**Agency head or designee and title:** Kelly Pehrson, Commissioner **Date:** 05/15/2026

**R70. Agriculture and Food, Regulatory Services.**

~~**[R70-620. Enrichment of Flour and Cereal Products.**~~

~~**R70-620-1. Purpose and Authority.**~~

- ~~\_\_\_\_\_ (1) This rule is promulgated under the authority of Section 4-5-104.~~
- ~~\_\_\_\_\_ (2) This rule establishes enrichment standards and labeling requirements for flour and cereal products.~~
- ~~\_\_\_\_\_ (3) This rule incorporates by reference the April 1, 2021 versions of 21 CFR Part 137 and 21 CFR Part 139, as its enrichment standards and labeling requirements governing the identity and quantity of vitamins and minerals to be added to flour and cereal manufactured or sold in Utah.~~

~~**R70-620-2. Enrichment Standards.**~~

- ~~\_\_\_\_\_ (1) The following flour and cereal products have identity and enrichment standards as prescribed in 21 CFR Parts 137 and 139.~~
  - ~~\_\_\_\_\_ (a) Flour and cereals produced from small grain and corn including:~~
    - ~~\_\_\_\_\_ (i) enriched bromated flour;~~
    - ~~\_\_\_\_\_ (ii) enriched self rising flour;~~
    - ~~\_\_\_\_\_ (iii) instantized instant blending and quick making forms of enriched bromated flour or enriched self rising flour;~~
    - ~~\_\_\_\_\_ (iv) enriched farina;~~
    - ~~\_\_\_\_\_ (v) enriched corn meals;~~
    - ~~\_\_\_\_\_ (vi) enriched corn grits; and~~
    - ~~\_\_\_\_\_ (vii) enriched rice.~~
  - ~~\_\_\_\_\_ (b) Food products containing 25% or more of flour produced from small grain and corn including:~~

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- ~~\_\_\_\_\_ (i) enriched white bread and rolls;~~
- ~~\_\_\_\_\_ (ii) enriched macaroni products;~~
- ~~\_\_\_\_\_ (iii) enriched noodle products;~~
- ~~\_\_\_\_\_ (iv) enriched vegetable macaroni products;~~
- ~~\_\_\_\_\_ (v) enriched vegetable noodle products;~~
- ~~\_\_\_\_\_ (vi) enriched macaroni products made with nonfat milk; and~~
- ~~\_\_\_\_\_ (vii) enriched macaroni products with fortified protein.~~

**R70-620-3. Labeling:**

- ~~\_\_\_\_\_ (1) The flour and cereal products listed in Subsections R70-620-2(1)(a) and (b) shall be labeled in accordance with the definitions and standards of identity of 21 CFR Parts 137 and 139.~~
- ~~\_\_\_\_\_ (2) The unenriched counterpart of the flour and cereal products listed in Subsection R70-620-2(1)(a) may be sold at retail and only if there is prominently shown on the principal display panel the word "unenriched" in type no smaller than one-half the height of the name of the product on the principal display panel.~~

**R70-620-4. Certificate:**

- ~~\_\_\_\_\_ (1) Any flour sold to a distributor or processor must be certified, assuring the seller that the flour or any flour or cereal product derived from the flour when offered for retail sale will conform to the enrichment standards and labeling requirements.~~
- ~~\_\_\_\_\_ (2) The certificate shall include the following form:~~
  - ~~\_\_\_\_\_ (a) date;~~
  - ~~\_\_\_\_\_ (b) "The following flour is unenriched. I hereby certify that the final product made from this flour will meet the enrichment standards prescribed for flour";~~
  - ~~\_\_\_\_\_ (c) signature and title of distributor or processor; and~~
  - ~~\_\_\_\_\_ (d) address of distributor or processor.~~

**KEY:** food inspection

**Date of Last Change:** February 27, 2023

**Notice of Continuation:** March 26, 2025

**Authorizing, and Implemented or Interpreted Law:** 4-5-104]

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Repeal	<b>Filing ID:</b> 57992
<b>Rule or section number:</b>	<b>R70-630</b>

**1. Agency Information**

<b>Title catchline:</b>	Agriculture and Food, Regulatory Services
<b>Building:</b>	Taylorville State Office Buildings, South Bldg, Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 146500
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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.**

**3. General Information**

<b>A. Rule or section catchline:</b>
R70-630. Water Vending Machine

<b>B. Purpose of the new rule or reason for the change:</b>
The Department of Agriculture and Food (department) is repealing this rule as part of a comprehensive regulatory consolidation initiative to enhance clarity and align with Title 4, Chapter 5, Utah Wholesome Food Act.
To improve administrative efficiency, the requirements for water vending machines, formerly found in this rule, are being relocated without substantive change into a single, unified rule: R70-520, Wholesome Food Standards.
This consolidation reduces the number of individual rules stakeholders must reference while maintaining all existing safety and operational standards, and enhancing clarity by also removing redundant information found in the statute.
<b>C. Summary of the new rule or change:</b>
This filing repeals this rule in its entirety.
(EDITOR'S NOTE: The proposed repeal and readopt of Rule R70-520, ID 57988, is in this issue, June 1, 2026, of the Bulletin.)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
This repeal creates no fiscal impact on the state budget because the department relocates the existing requirements to Rule R70-520.
<b>B. Local governments:</b>
This repeal results in no fiscal impact on local governments because the standards moved to Rule R70-520.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
This repeal imposes no new costs on small businesses because it moves existing compliance requirements to a consolidated rule.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
This repeal creates no fiscal impact for non-small businesses, as the current requirements have been moved to Rule R70-520.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i> ):
This change results in no fiscal impact on other persons because it does not modify the existing standards.
<b>F. Compliance costs for affected persons:</b>
The compliance costs are not changing.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 4-5-104

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/15/2026
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**R70. Agriculture and Food, Regulatory Services.**

~~**R70-630. Water Vending Machine.**~~

~~**R70-630-1. Authority.**~~

~~\_\_\_\_\_ Promulgated under authority of Title 4, Chapter 5.~~

~~**R70-630-2. Purpose.**~~

~~\_\_\_\_\_ The purpose of these rules is to set forth requirements and controls for vending machines designed to dispense water intended for human consumption to assure:~~

- ~~\_\_\_\_\_ (1) Consumers using such machines are given appropriate information as to the nature of the vended water;~~
- ~~\_\_\_\_\_ (2) The quality of the water vended meets acceptable standards for potability; and~~
- ~~\_\_\_\_\_ (3) The vending equipment is installed, operated, and maintained to protect the health, safety, and welfare of the consuming public.~~

~~**R70-630-3. Definitions.**~~

~~\_\_\_\_\_ For the purpose of this rule, the following words and phrases shall have the meanings indicated:~~

~~\_\_\_\_\_ (1) "Approved" means a water vending machine, drinking water source, backflow prevention device or other devices or services that meets the minimum standards of this rule. Approved does not imply satisfactory performance for a specific period of time. Approval, when required, shall be in writing based upon departmental review of data submitted by the water vending industry, manufacturers, operators, owners or managers.~~

~~\_\_\_\_\_ (2) "Approved material" means materials approved by the department as being free of substances which may render the water injurious to health or which may adversely affect the flavor, color, odor, radiological, microbial, or chemical quality of the water.~~

- \_\_\_\_\_ (3) "Department" means the Department of Agriculture and Food, Division of Regulatory Services, or its representative.
- \_\_\_\_\_ (4) "Nontoxic" means free of substances which may render the water injurious to health or may adversely affect the flavor, color, odor, chemical or microbial quality of the water.
- \_\_\_\_\_ (5) "Person" means any individual, partnership, firm, company, corporation, trustee, association, public body, or private entity engaged in the water vending business.
- \_\_\_\_\_ (6) "Potable water" means water satisfactory for drinking, culinary, and domestic purposes, meeting the quality standards of rule R309-103, under the Department of Environmental Quality, the Division of Drinking Water.
- \_\_\_\_\_ (7) "Purified water" means water produced by distillation, deionization, reverse osmosis, or other method of equal effectiveness that meets the requirements for purified water as described in the 21st Edition of the United States Pharmacopoeia issued by Mack Publishing, Easton, Penn. 18042.
- \_\_\_\_\_ (8) "Sanitize" means the effective bactericidal treatment of clean surfaces of equipment, utensils, and containers by a process that provides enough accumulative heat or concentration of chemicals for sufficient time to reduce the bacterial count, including pathogens, to a safe level.
- \_\_\_\_\_ (9) "Sanitizing solution" means Aqueous solutions described by 21 CFR 178.1010, 2004, for the purpose of sanitizing food or water contact surfaces.
- \_\_\_\_\_ (10) "Vended water" means water that is dispensed by a water vending machine or retail water facility for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans. Vended water does not include water from a public water system which has not undergone additional treatment as indicated in R70-630-5(4).
- \_\_\_\_\_ (11) "Vending machine" means any self service device which upon insertion of a coin, coins, paper currency, token, card, or receipt of payment by other means dispenses unit servings of food, either in bulk or in packages without the necessity of replenishing the device between each vending operation.
- \_\_\_\_\_ (12) "Water vending machine" means a vending machine connected to water designed to dispense drinking water, purified and/or other water products. Such machines shall be designed to reduce or remove turbidity, off taste, odors, to provide disinfectant treatment, and may include processes for dissolved solid reduction or removal.
- \_\_\_\_\_ (13) "Water vending machine operator" means any person who owns, leases, manages, or is otherwise responsible for the operation of a water vending machine.

**R70-630-4. Location and Operation.**

- \_\_\_\_\_ (1) Each water vending machine shall be located indoors or otherwise protected against tampering and vandalism, and shall be located in an area that can be maintained in a clean condition, and in a manner that avoids insect and rodent harborage.
- \_\_\_\_\_ (2) The floor on which a water vending machine is located shall be smooth and of cleanable construction.
- \_\_\_\_\_ (3) Each water vending machine system shall have an adequate system for collecting and disposing drippage, spillage, and overflow of water to prevent creation of a nuisance.
- \_\_\_\_\_ (a) Where process waste water is collected within the processing unit for pumping or gravity flow to an outside drain, the waste water drain line shall terminate at least two inches above the top rim of the retention vessel within said unit.
- \_\_\_\_\_ (b) The waste line from the water vending machine to an approved drainage system shall be air gapped.
- \_\_\_\_\_ (c) Containers or drip pans used for the storage or collection of liquid wastes within a vending machine shall be leakproof, readily removable, easily cleanable, and corrosion resistant. In water vending machines which utilize the bottom of the cabinet interior as an internal sump, the sump shall be readily accessible and corrosion resistant. The waste disposal holding tank shall be maintained in a clean and sanitary manner.
- \_\_\_\_\_ (4) Each machine shall have a backflow prevention device for all connections with the water supply source which meets requirements of The International Plumbing Code and its amendment as adopted by the State of Utah Building Codes Commission and shall have no cross connections between the drain and potable water.
- \_\_\_\_\_ (5) Each person who establishes, maintains, or operates any water vending machine in the state, shall first secure a Water Vending Machine Operating Registration issued under Section 4-5-9. The Registration shall be renewed annually.
- \_\_\_\_\_ (6) Application for Registration shall be made in writing and include the location of each water vending machine, the source of the water to be vended, the treatment that the water will receive prior to being vended, and the name of the manufacturer and the model number of each machine.
- \_\_\_\_\_ (7) The source of the water supply shall be an approved public water system as defined under the Department of Environmental Quality, Division of Drinking Water. Upon application for an initial operating Registration, the operator shall submit information which indicates the product being dispensed into the container meets all finished product quality standards applicable to drinking water. When indicated by reason of complaint or illness, the department may require that additional analyses be performed on the source or products of water vending machines.
- \_\_\_\_\_ (8) Each water vending machine shall be maintained in a clean and sanitary condition, free from dust, dirt, and vermin.
- \_\_\_\_\_ (9) Labels or advertisements located on or near water vending machines shall not imply nor describe the vended water as "spring water."
- \_\_\_\_\_ (10) Water vending machine labels or advertisements shall not describe or use other words to imply, on the machine or elsewhere, the water as being "purified water" unless such water conforms to the definition contained in this rule.
- \_\_\_\_\_ (11) Water vending machine labels or advertisements shall not describe, on the machine or elsewhere, the water as having medicinal or health giving properties.
- \_\_\_\_\_ (12) Each water vending machine shall have in a position clearly visible to customers the following information:
- \_\_\_\_\_ (a) Name and address of the operator:

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- ~~\_\_\_\_\_ (b) Name of the water supply purveyor.~~
- ~~\_\_\_\_\_ (c) The method of treatment that is utilized.~~
- ~~\_\_\_\_\_ (d) The method of post disinfection that is utilized.~~
- ~~\_\_\_\_\_ (e) A local or toll free number that may be called for further information, problems, or complaints; or the name of the store or building manager can be listed when the machine is located within a business establishment and the establishment manager is responsible for the operation of the machine.~~

**R70-630-5. Construction Requirements.**

- ~~\_\_\_\_\_ (1) Water vending machines shall comply with the construction and performance standards of the National Sanitation Foundation or National Automatic Merchandising Association. A list of acceptable third party certification groups is available from 8:00 to 5:00 p.m. at the Utah Department of Agriculture and Food. Water vending machines shall be designed and constructed to permit easy cleaning and maintenance of all exterior and interior surfaces and component parts.~~
- ~~\_\_\_\_\_ (2) Water contact surfaces and parts of the water vending machine shall be of non-toxic, corrosion-resistant, non-absorbent material capable of withstanding repeated cleaning and sanitizing treatment.~~
- ~~\_\_\_\_\_ (3) Water vending machines shall have a guarded or recessed spout.~~
- ~~\_\_\_\_\_ (4) Owners, managers, and operators of water vending machines shall ensure that the methods used for treatment of vended water are acceptable to the department. Such acceptable treatment includes distillation, ion exchange, filtration, ultra-violet light, mineral addition, and reverse osmosis.~~
- ~~\_\_\_\_\_ (5) Water vending machines shall be equipped to disinfect the vended water by ultra-violet light, ozone, or equally effective methods prior to delivery into the customer's container.~~
- ~~\_\_\_\_\_ (6) Water vending machines shall be equipped with monitoring devices designed to shut down operation of the machine when the treatment or disinfectant unit fails to properly function.~~
- ~~\_\_\_\_\_ (7) Water vending machines shall be equipped with a self-closing, tight-fitting door on the vending compartment if the machine is not located in an enclosed building.~~
- ~~\_\_\_\_\_ (8) Granular activated carbon, if used in the treatment process of vended water, shall comply with the specifications provided by the American Water Works Association for that substance (Standard B604-90).~~

**R70-630-6. Operator Requirements.**

- ~~\_\_\_\_\_ (1) Water vending machine operators shall have on file and perform a maintenance program that includes:
 
  - ~~\_\_\_\_\_ (a) Visits for cleaning, sanitizing, and servicing of machines at least every two weeks.~~
  - ~~\_\_\_\_\_ (b) Written servicing instructions.~~
  - ~~\_\_\_\_\_ (c) Technical manuals for the machines.~~
  - ~~\_\_\_\_\_ (d) Technical manuals for the water treatment appurtenances involved.~~~~
- ~~\_\_\_\_\_ (2) Parts and surfaces of water vending machines shall be kept clean and maintained by the water vending machine operator. The vending chamber and the vending nozzle shall be cleaned and sanitized each time the machine is serviced. A record of cleaning and maintenance operations shall be kept by the operator for each water vending machine. These records shall be made available to the department's employees upon request.~~
- ~~\_\_\_\_\_ (3) Water vending machine operators shall ensure that machines are maintained and monitored to dispense water meeting quality standards specified in this rule. Water analysis shall be performed using approved testing procedures set forth in 21 CFR 165, 2004. Each machine's finished product shall be sampled at least once every three months by the operator, to determine total coliform content. However, provided a satisfactory method of post-treatment disinfection is utilized and based on a sustained record of satisfactory total coliform analyses, the department shall allow modification of the three-month sampling requirement as follows:
 
  - ~~\_\_\_\_\_ (a) When three consecutive three-month samples are each found to contain zero coliform colonies per 100 milliliters of the vended water, microbiological sampling intervals shall be extended to a period not exceeding six months. Should a subsequent six-month sample test positive for total coliform, the required sampling frequency shall revert to the three-month frequency until three consecutive samples again test negative for total coliform bacteria.~~
  - ~~\_\_\_\_\_ (b) If any sample collected from a machine is determined to be unsatisfactory, exceeding the zero coliform colonies per 100 milliliter, the machine shall be cleaned, sanitized and resampled immediately. If, after being cleaned and sanitized, the vended product is determined to be positive for coliform, the machine shall be taken out of service until the source of contamination has been located and corrected.~~~~
- ~~\_\_\_\_\_ (4) Each water vending machine operator shall take whatever investigative or corrective actions are necessary to assure a potable water is supplied to consumers.~~
- ~~\_\_\_\_\_ (5) The vended water from each vending machine utilizing silver-impregnated carbon filters in the treatment process shall be sampled once every six months for silver.~~
- ~~\_\_\_\_\_ (6) All records pertaining to the sampling and analyses shall be retained by the operator for a period of not less than two years. Results of all analyses shall be available for department review upon request.~~

**R70-630-7. Duties and Responsibilities of the Department.**

- ~~\_\_\_\_\_ (1) The department may collect and analyze samples of vended water when necessary to determine if the vended water meets the standards of potable water.~~
- ~~\_\_\_\_\_ (2) After considering the source of water and the treatment process provided by the water vending machine, the department shall determine whether the finished-product water will or will not meet quality standards as provided under rule R309-103 under the Division of~~

~~Drinking Water. If it is determined that the water will not meet potable water standards, the Registration to operate a water vending machine shall be denied.~~

~~(3) The department will evaluate water vending machines, as well as their locations and support facilities, as often as may be deemed necessary for enforcement of the provisions of this rule.~~

~~(4) Water vending machine operators shall allow the department to examine necessary records pertaining to the operation and maintenance of the vending machines and also provide access to the machines for inspection at reasonable hours.~~

**R70-630-8. Enforcement and Penalties.**

~~(1) The department shall order a water vending machine operator to discontinue the operation of any water vending machine that represents a threat to the life or health of any person, or whose finished water does not meet the minimum standards provided for in this rule. Such water vending machine shall not be returned to use until such time the department determines that the conditions which caused the discontinuance of operation no longer exist.~~

~~(2) The department shall deny a Registration (procedures for Registration denial are stated in R51-2) when it is determined that there has been a substantial failure to comply with the provisions of this rule by which the health or life of the consumers is threatened or impaired, or by which or through which, directly or indirectly, disease is caused. Registration can also be denied or suspended if the water has been adulterated.~~

**R70-630-9. Preemption of Authority to Regulate.**

~~The regulation of water vending machines is hereby preempted by the state. No county or municipality may adopt or enforce any ordinance which regulates the licensure or operation of water vending machines, unless the local health department authority in consultation with and approval of UDAF, determine that unique conditions exist within the county which make it more appropriate for the county to regulate the water vending machines in order to protect the health or welfare of the public.~~

~~KEY: food inspection~~

~~Date of Last Change: October 17, 2023~~

~~Notice of Continuation: December 17, 2018~~

~~Authorizing, and Implemented or Interpreted Law: 4-5]~~

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Repeal and Readopt	<b>Filing ID:</b> 57993
<b>Rule or section number:</b>	<b>R82-9</b>

**1. Agency Information**

<b>Title catchline:</b>	Alcoholic Beverage Services, Administration
<b>Building:</b>	Administration building
<b>Street address:</b>	1625 S 900 W
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	1625 S 900 W
<b>City, state and zip:</b>	Salt Lake City, UT 84104

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Melissa Suarez	801-977-6811	melissasuarez@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R82-9. Event Permits
<b>B. Purpose of the new rule or reason for the change:</b>
The purpose of this filing is to better align the Rule R82-9, Event Permit, with the now-current statute after changes in the 2026 General Session.

<b>C. Summary of the new rule or change:</b>	
This repeal and readopt revises requirements related to the event permit approval process by reducing the application deadline to 15 days.	
Secondly, this amendment makes additional clarifications to current language for ease in readability.	

**4. Legislative Action Information**

<b>A. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>B. If yes, any bill number and session:</b>	HB 597 (2026 General Session)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>	
<b>A. State budget:</b>	
There is no anticipated impact on the state budget.	
The proposed revisions align event permit requirements with statutory changes made in HB 597 (2026 General Session. The legislative fiscal notes for HB 597 (2026) already account for all fiscal impacts.	
The proposed changes do not apply to the state budget and do not require the department to conduct additional audits.	
<b>B. Local governments:</b>	
There is no anticipated impact on local governments.	
The proposed revisions align event permit requirements with statutory changes made in HB 597 (2026). The legislative fiscal notes for HB 597 (2026) already account for all fiscal impacts.	
The proposed changes do not apply to local governments and do not require the department to conduct additional audits.	
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):	
There is no anticipated impact on small businesses.	
The proposed revisions align event permit requirements with statutory changes made in HB 597 (2026). The legislative fiscal notes for HB 597 (2026) already account for all fiscal impacts.	
The proposed changes do not apply to small businesses and do not require the department to conduct additional audits.	
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):	
There is no anticipated impact on non-small businesses.	
The proposed revisions align event permit requirements with statutory changes made in HB 597 (2026). The legislative fiscal notes for HB 597 (2026) already account for all fiscal impacts.	
The proposed changes do not apply to non-small businesses and do not require the department to conduct additional audits.	
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):	
There is no anticipated impact on other persons.	
The proposed revisions align event permit requirements with statutory changes made in HB 597 (2026). The legislative fiscal notes for HB 597 (2026) already account for all fiscal impacts.	

The proposed changes do not apply to other persons and do not require the department to conduct additional audits.

**F. Compliance costs for affected persons:**

There is no anticipated impact on affected persons.

The proposed revisions align event permit requirements with statutory changes made in HB 597 (2026). The legislative fiscal notes for HB 597 (2026) already account for all fiscal impacts.

The proposed changes do not apply to affected persons and do not require the department to conduct additional audits.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

The Commissioner of the Department of Alcoholic Beverage Services, Ericka Evans, has reviewed and approved this regulatory impact analysis.

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 32B-9-201	Subsection 63G-3-403(3)	Section 32B-9-204
Section 32-9-202		

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/30/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Melissa Suarez, Executive Assistant	<b>Date:</b>	05/12/2026
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**R82. Alcoholic Beverage Services, Administration.**

**R82-9. Event Permits.**

**~~R82-9-101. Authority and Purpose.~~**

~~(1) Pursuant to Subsections 32B-2-202(1)(c)(i) and 32B-2-202(1)(n), and 32B-9-201(1), this rule establishes procedures and criteria for issuing and denying event permits in accordance with Title 32B, Chapter 9, Event Permit Act.~~

**~~R82-9-102. Definitions.~~**

~~(1) For purposes of Subsection 32B-9-303(2)(a), "Conducting" means managing, controlling, hosting, or directing an event. An applicant may be deemed to be conducting the event if there is a contract in which the applicant has been designated as the agent for the event's alcoholic beverage service.~~

**~~R82-9-201. Application Requirements.~~**

~~(1) The director will not consider an event permit application until the requirements of Sections 32B-1-304, 32B-9-201-203, 32B-9-304 and 32B-9-405 have been met, including:~~

~~(a) A complete application including all documents and supplemental materials listed on the department's application checklist has been submitted to the department within the time periods delineated in this section; and~~

~~(b) the department has conducted an investigation in compliance with Subsection 32B-9-202(1)(a).~~

~~(2) Filing timelines:~~

~~(a) Subject to Subsection R82-9-201(2)(b), applications shall be submitted 30 days before the event to allow sufficient time for processing and approval.~~

~~(b) A late application may be accepted if the director determines that public safety will not be compromised and sufficient time exists to ensure compliance with the notice requirements mandated in Section 32B-9-202. A late application will be reviewed as time allows and is not subject to the provisions in Subsections R82-9-201.1(1)(ii) and R82-9-201.1(1)(iii).~~

~~(3) For purposes of Subsection 32B-9-201(2), a substantial change in an event application means a modification that seeks to alter the number of attendees, location, control measures, or any other substantive detail beyond changing the date of the event.~~

**~~R82-9-201.1. Guidelines for Issuing Permits.~~**

~~(1) Once submitted to the director, the application will be considered in accordance with Sections 32B-9-202, 32B-9-303, and 32B-9-403, including consideration of Section R82-9-202.~~

~~(i) After consideration of the totality of the circumstances, the director will either issue a preliminary decision to issue or deny the event permit or refer the application to the commission in accordance with Subsection 32B-9-202(3).~~

~~(ii) If the director issues a preliminary decision to deny issuance of an event permit, the decision shall be provided in writing detailing the basis for the denial.~~

~~(iii) An applicant may submit a request for review by the commission within the time limits of Subsections 32B-9-202(3)(b) and 32B-9-202(3)(c) related to the three business day review period and regularly scheduled commission meetings. If at least three commissioners request review of the denial in compliance with Subsections 32B-9-202(3)(b) and 32B-9-202(3)(c), the commission shall review the request at its next regularly scheduled commission meeting.~~

~~(2) In accordance with Subsection 32B-9-202(2)(d), the director may authorize multiple sales outlets on different properties under one single event permit, provided that each site conforms to location requirements of Subsection 32B-9-201(1).~~

~~(3) Any approval, notification, request for a meeting, or requirement to inform under Section 32B-9-202 shall be done electronically.~~

**~~R82-9-202. Additional Consideration for Event Permits.~~**

~~(1) Authority. This rule is made pursuant to Sections 32B-2-202 and 32B-9-201.~~

~~(2)(a) The director may consider the recommendation of the local authority in determining whether the entity is conducting a civic or community enterprise as required in Section 32B-9-303.~~

~~(b) The local authority may provide a recommendation as to whether an applicant is conducting a civic or community enterprise as part of the written consent of the local authority required in Section 32B-9-201.~~

~~(3)(a) In accordance with Section 32B-9-202 and except as provided in Subsection (3)(c), the director may not issue an event permit unless the applicant demonstrates the following control measures will be implemented at the event:~~

~~(i) the event will have at least one location where an individual is required show proof of age before purchasing an alcoholic beverage;~~

~~(ii) each individual assigned to check proof of age will have completed the alcohol server training seminar described in Section 26B-5-205 within three years before the date of the event;~~

\_\_\_\_\_ (iii) one or more individuals described in Subsection (3)(a)(ii) will be required to supervise each location where an alcoholic beverage is sold or dispensed;

\_\_\_\_\_ (iv) the event will be secured and delineated by a physical structure such as a fence, wall, or gate, and secured entryways and exits; and

\_\_\_\_\_ (v) security will be provided by at least one police officer, hired security guard, organization staff member, or security volunteer for every 50 individuals estimated to be in the area the applicant designates for alcohol consumption at one time to minimize the possibility of:

\_\_\_\_\_ (A) minors being sold or furnished alcohol at the event;

\_\_\_\_\_ (B) patrons being overserved alcohol at the event; or

\_\_\_\_\_ (C) patrons removing alcohol from the area designated for alcohol consumption at the event.

\_\_\_\_\_ (b) In accordance with Section 32B-9-202 and except as provided in Subsection (3)(c), the director may not issue an event permit unless the applicant demonstrates the following additional control measures will be implemented at an outdoor public event, or a large-scale public event with 1,000 or more attendees, where minors are present:

\_\_\_\_\_ (i) any alcoholic beverage will be served in a readily identifiable cup or container distinct from the cup or container used for a non-alcoholic beverage;

\_\_\_\_\_ (ii) dispensing and consumption of an alcoholic beverage will be in a designated, confined, and restricted area where minors are not allowed without being accompanied by a parent or guardian;

\_\_\_\_\_ (iii) a location where an individual is required to show proof of age before purchasing an alcoholic beverage will be separate from an alcoholic beverage sales and dispensing location; and

\_\_\_\_\_ (iv) an individual assigned to check proof of age at an event will either issue a hand stamp or non-transferable wristband to an individual authorized to purchase an alcoholic beverage at the event.

\_\_\_\_\_ (c) The director, after reviewing the facts and circumstances of a particular event, may modify any of the control measures described in Subsection (3)(a) or (b) to be more or less stringent as a condition of issuing an event permit provided that the director has first reasonably determined that such modification will not increase the likelihood of minors being sold or furnished alcohol or attendees being overserved alcohol at the event.

\_\_\_\_\_ (4) Notwithstanding Subsections (2) and (3), the director may not issue an event permit if, based on the totality of the circumstances, the director determines that the event permit is being used to circumvent other applicable requirements of Title 32B, Chapter 9, Event Permit Act.

\_\_\_\_\_ (5) In accordance with Section 32B-9-204, failure of the event permittee to adhere to the control measures described in Subsection (3) at the event is grounds for the Department to take disciplinary action against the event permittee.]

**R82-9-101. Authority and Purpose.**

\_\_\_\_\_ Pursuant to Section 32B-2-202, this rule governs issuing and denying event permits in accordance with Title 32B, Chapter 9, Event Permit Act.

**R82-9-102. Definitions.**

\_\_\_\_\_ For purposes of Subsection 32B-9-303(2)(a), "conducting" means managing, controlling, hosting, or directing an event, including representing or being the designated agent for the event's alcoholic beverage service.

**R82-9-201. Application Requirements.**

\_\_\_\_\_ (1) Authority. This rule is made pursuant to Section 32B-2-202.

\_\_\_\_\_ (2)(a) A person applying for an event permit shall submit the person's event permit application to the Department no later than 15 calendar days before the event.

\_\_\_\_\_ (b) The director may accept an application after the date described in Subsection (2)(a), if the director determines that:

\_\_\_\_\_ (i) the ability to prevent alcohol sales to a minor, known interdicted person, or an intoxicated individual will not be compromised;

\_\_\_\_\_ (ii) the ability to prevent alcohol from unlawfully entering or exiting the event premises will not be compromised; and

\_\_\_\_\_ (iii) sufficient time exists to meet the law enforcement notice requirements under Section 32B-9-202.

**R82-9-201.1. Issuance of Event Permits.**

\_\_\_\_\_ (1) Authority. This rule is made pursuant to Section 32B-2-202.

\_\_\_\_\_ (2) Subject to Section R82-2-202, after reviewing an event permit application, the director may:

\_\_\_\_\_ (a) issue the permit;

\_\_\_\_\_ (b) deny the permit; or

\_\_\_\_\_ (c) refer the application to the commission for a determination as to whether the event permit should be issued or denied.

\_\_\_\_\_ (3) If the director denies an event permit, the director shall provide the applicant a written denial detailing the basis for the denial.

\_\_\_\_\_ (4)(a) Upon receiving the written denial described in Subsection (3), an applicant may submit within ten calendar days a request for review by the commission.

\_\_\_\_\_ (b) If at least three commissioners request to review the denial, the commission shall review the request:

\_\_\_\_\_ (i) at the commission's next regularly scheduled commission meeting; or

\_\_\_\_\_ (ii) if the event is scheduled to take place before the commission's next regularly scheduled commission meeting, at a special meeting scheduled by the commission.

(5) When issuing the event permit, the director may authorize separate locations for alcohol sales on different properties under one single event permit if each location for alcohol sales conforms to the requirements of Subsection 32B-9-201(1).

**R82-9-202. Factors to Consider Before Issuance of Event Permits.**

- (1) Authority. This rule is made pursuant to Section 32B-2-202.
- (2)(a) Before the director issues an event permit, the director may consider the recommendation of the local authority in determining whether the entity is conducting a civic or community enterprise.
- (b) The local authority may provide a recommendation as to whether an applicant is conducting a civic or community enterprise as part of the written consent of the local authority required under Section 32B-9-201.
- (3) Except as provided in Subsection (4), the director may not issue an event permit unless the applicant sufficiently demonstrates in the application the following control measures will be implemented at the event:
  - (a) the event will have at least one location where an individual authorized by the permittee will verify a patron's proof of age before the patron is able to purchase an alcoholic beverage;
  - (b) each individual authorized to verify a patron's proof of age will have completed the alcohol server training seminar described in Section 26B-5-205 within three years before the date of the event;
  - (c) at least one individual who is authorized to verify a patron's proof of age will be required to supervise each location where an alcoholic beverage is sold or dispensed;
  - (d) the event premises will:
    - (i) be secured and delineated by a fence, wall, gate, or other physical structure; and
    - (ii) have secured entryways and exits;
  - (e) security will be provided by at least one police officer, hired security guard, organization staff member, or security volunteer for every 50 individuals estimated to be in the designated alcohol consumption area at one time to reasonably prevent:
    - (i) minors being sold or furnished alcohol at the event;
    - (ii) patrons being overserved alcohol at the event; or
    - (iii) patrons removing alcohol from the designated alcohol consumption area at the event; and
  - (f) if the event is a public event with 1,000 or more attendees where minors will be present or an outdoor event:
    - (i) any alcoholic beverage will be served in a readily identifiable cup or container distinct from the cup or container used for a non-alcoholic beverage;
    - (ii) dispensing and consumption of an alcoholic beverage will be in a designated, confined, and restricted area where minors are not allowed without being accompanied by a parent or guardian;
    - (iii) a location where an individual is required to show proof of age before purchasing an alcoholic beverage will be separate from an alcoholic beverage sales and dispensing location; and
    - (iv) an individual authorized to verify proof of age at the event will issue a hand stamp or non-transferable wristband to an individual legally permitted to purchase an alcoholic beverage at the event.
- (4) The director may modify any of the control measures described in Subsection (3) to be more or less stringent as a condition of issuing the event permit if the director reasonably determines that the modification will not increase the likelihood of minors being sold or furnished alcohol or attendees being overserved alcohol at the event.
- (5) Notwithstanding Subsection (3), the director may not issue an event permit if the director determines that the event permit is being used to circumvent other applicable requirements of Title 32B, Chapter 9, Event Permit Act.
- (6) Failure of the event permittee to adhere to the control measures described in Subsection (3) at the event is grounds for the Department to take disciplinary action against the event permittee.

**KEY: alcoholic beverages, event permits**

**Date of Last Change: ~~2026~~November 22, 2024]**

**Notice of Continuation: August 5, 2025**

**Authorizing, and Implemented or Interpreted Law: 32B-2-202; 32B-9-101 through 32B-9-406**

<b>NOTICE OF SUBSTANTIVE CHANGE</b>	
<b>TYPE OF FILING:</b> New	<b>Filing ID:</b> 57965
<b>Rule or section number:</b>	<b>R82-14</b>

**1. Agency Information**

<b>Title catchline:</b>	Alcoholic Beverage Services, Administration
<b>Building:</b>	Administration building
<b>Street address:</b>	1625 S 900 W
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	1625 S 900 W

<b>City, state and zip:</b>	Salt Lake City, UT 84104
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## 2. Contact Persons

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Melissa Suarez	801-977-6811	melissasuarez@utah.gov

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

## 3. General Information

<b>A. Rule or section catchline:</b>
R82-14. Liquor Transport Licensees
<b>B. Purpose of the new rule or reason for the change:</b>
Rule R82-14 is established pursuant to Section 32B-2-202 and the Liquor Transport License Act, for the purpose of governing the qualifications, application process, and operational requirement for Title 32B, Chapter 17.
<b>C. Summary of the new rule or change:</b>
Rule R82-14 establishes the regulatory and operational framework for liquor transport licensees operating under Title 32B, Chapter 17.
This rule defines specific timelines for license application submissions and regulates how transporters can use retail or airport licensee funds to purchase alcoholic beverages, limiting payments to specific authorized methods and mandates that licensees maintain transaction records for a minimum of three calendar years.

## 5. Fiscal Information

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
No anticipated impact on the state budget.
The Liquor Transport License Act is already established in state statute. Rule R82-14 outlines the administrative and operational compliance procedures for private transport businesses operating under the existing act, generating no anticipated cost or savings to the state budget.
<b>B. Local governments:</b>
No anticipated impact on local governments.
The Liquor Transport License Act is already established in state statute. Rule R82-14 outlines the administrative and operational compliance procedures for private transport businesses operating under the existing act, generating no anticipated cost or savings to local governments.
<b>C. Small businesses ("small business" means a business employing 1-49 persons):</b>
No anticipated impact on small businesses.
The Liquor Transport License Act is already established in state statute. Rule R82-14 outlines the administrative and operational compliance procedures for private transport businesses operating under the existing act, generating no anticipated cost or savings to small businesses.
<b>D. Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
No anticipated impact on non-small businesses.
The Liquor Transport License Act is already established in state statute. Rule R82-14 outlines the administrative and operational compliance procedures for private transport businesses operating under the existing act, generating no anticipated cost 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**):

No anticipated impact on other persons.

The Liquor Transport License Act is already established in state statute. Rule R82-14 outlines the administrative and operational compliance procedures for private transport businesses operating under the existing act, generating no anticipated cost or savings to other persons.

**F. Compliance costs for affected persons:**

No anticipated impact on compliance costs for affected persons.

The Liquor Transport License Act is already established in state statute. Rule R82-14 outlines the administrative and operational compliance procedures for private transport businesses operating under the existing act, generating no anticipated cost or savings to compliance costs for affected persons.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

The Commissioner of the Department of Alcoholic Beverage Services, Ericka Evans, has reviewed and approved this regulatory impact analysis.

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**B. Summary of reasonable alternatives or modifications:**

No reasonable alternatives or modifications.

**9. Citation Information**

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 32B-17		
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**11. Public Notice Information**

<b>The public may submit written or oral comments to the agency identified in box 1.</b>
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<b>A. Comments will be accepted until:</b>	07/01/2026
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**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/30/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Melissa Suarez, Executive Assistant	<b>Date:</b>	05/04/2026
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**R82. Alcoholic Beverage Services, Administration.****R82-14. Liquor Transport Licensees.****R82-14-101. Definitions.**

Reserved.

**R82-14-102. Application for License or Change of Ownership.**

(1) Authority. This rule is made pursuant to Section 32B-2-202 and Title 32B, Chapter 17, Liquor Transport License Act.

(2) Application.

(a) Except as provided in Subsection (2)(a), an applicant for a liquor transport license or change of ownership of a liquor transport license shall file an application that meets all application requirements with the Department no later than the 10th day of the month in order for the application to be included on that month's Commission meeting agenda.

(b) If the 10th day of the month is a Saturday, Sunday, or state or federal holiday, an applicant for a liquor transport license or change of ownership of a liquor transport license shall file an application that meets all application requirements with the Department on the next business day after the 10th day of the month.

(c) An incomplete application will not be processed until any revisions required by the Department are made and resubmitted.

(d) An application that meets all application requirements and is filed after the day of the month described in Subsection (2) will not be considered by the Commission that month but will be included on the agenda of the Commission meeting the following month.

**R82-14-103. Operational Requirements.**

(1) Authority. This rule is made pursuant to Section 32B-2-202 and Title 32B, Chapter 17, Liquor Transport License Act.

(2)(a) Use of Funds. A liquor transport licensee that picks up liquor from a package agency or state store on behalf of a retail licensee or airport licensee using the retail licensee or airport licensee's funds may pay for the liquor only with:

(i) a check written and signed by the retail licensee or airport licensee;

(ii) a money order issued on behalf of the retail licensee or airport licensee; or

(iii) a credit card on which the retail licensee or airport licensee and the liquor transport licensee are both legally named.

(b) A retail licensee or airport licensee may pay a package agency or state store in advance for liquor that will be picked up by a liquor transport licensee on behalf of the retail licensee or airport licensee.

(3)(a) Recordkeeping. Before the day on which a liquor transport licensee picks up liquor on behalf of a retail licensee or airport licensee, the liquor transport licensee shall provide the package agency or state store with a written authorization to pick up the liquor signed by the retail licensee or airport licensee.

(b) A liquor transport licensee shall maintain the following records:

(i) any contract between the liquor transport licensee and a retail licensee or airport licensee;

(ii) a copy of a receipt provided by the liquor transport licensee and signed by a retail licensee or airport licensee that indicates the liquor was received;

(iii) a list of any product that is broken or lost while in the liquor transport licensee's possession; and

(iv) a transaction log documenting the purchases and transport of liquor between the liquor transport licensee and a retail licensee or airport licensee that includes:

(A) the date the liquor was purchased;

(B) which licensee paid for the liquor;

(C) the retail store address the liquor was purchased from;

(D) the date and time the liquor was picked up from the retail store; and

(E) the date and time the liquor was delivered to the retail licensee or airport licensee.

(c) A liquor transport licensee shall keep a record required under this rule current and available to the Department for auditing purposes for three calendar years.

(4)(a) Audits. The Department shall audit a liquor transport licensee at least once each fiscal year and may conduct additional audits if deemed necessary.

(b) A liquor transport licensee is subject to a Department audit at any time.

**KEY: alcoholic beverages, liquor transport**

**Date of Last Change: 2026**

**Authorizing, and Implementing or Interpreted Law: 32B-2-202**

<b>NOTICE OF SUBSTANTIVE CHANGE</b>	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 58001
<b>Rule or section number:</b>	<b>R151-5</b>

**1. Agency Information**

<b>Title catchline:</b>	Commerce, Administration
<b>Building:</b>	Heber M. Wells Building
<b>Street address:</b>	160 E 300 S
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 146702
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6702

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Rob Terry	801-530-6391	robterry@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R151-5. Administration of the Office of the Property Rights Ombudsman's Land Use Fund
<b>B. Purpose of the new rule or reason for the change:</b>
<p>The goal of the proposed change is to:</p> <p>1) improve alignment of the rules with current program operations, most notably the inclusion of a state-required grant agreement for all approved applications (which includes details for reporting, open use [posting on LUAU, etc.], acknowledgement, and ownership of materials, etc.);</p> <p>2) directly address Board feedback regarding funding eligibility by introducing three categories for deliverables with improved details and directives in the rules to support application reviews; and</p> <p>3) improve overall directives for staff to administer the program through all stages.</p>
<b>C. Summary of the new rule or change:</b>
<p>A Summary of changes per section is listed below:</p> <p>In Section R151-5-1: Language adjusted at the request of the Dept. of Commerce ALJ's Office.</p> <p>In Section R151-5-2: Various definitions added to improve consistency with application materials, to incorporate state-required agreement details, to incorporate reporting requirements, and note upfront funding allowance.</p> <p>In Section R151-5-3: Adjusted language to provide alignment with deliverable types proposed in Section R151-5-4.</p> <p>In Section R151-5-4: Language added to organize fund deliverables into three categories, improving organization and reporting of fund usage.</p> <p>Section R151-5-5 was Section R151-5-9, reorganized for better process flow and organization of the rule. Language was added to incorporate the state-required agreement process.</p> <p>Section R151-5-6 was Section R151-5-10, reorganized for better process flow and organization of the rule. Language was added to incorporate the state-required agreement process and improve staff directives for required review materials. Existing Section R151-5-6 was removed in its entirety, with relevant details incorporated into proposed Section R151-5-9.</p>

In Section R151-5-7: Contains slight modifications in layout and language, but is generally consistent with existing Section R151-5-5. Focus is on "Direct Land Use Training and Education Activities," which is one of the three categories now identified in Section R151-5-4.

Section R151-5-8 is a new section focusing on "Land Use Technical Support Resources," which is one of the three categories now identified in Section R151-5-4.

Section R151-5-9 was Section R151-5-7, reorganized for better process flow and organization of the rule, and placing the section as one of the three categories now identified in Section R151-5-4.

Section R151-5-10 was Section R151-5-8, reorganized for better process flow and organization of this rule.

In Section R151-5-11: Language added to specify that requests must be made in writing.

**5. Fiscal Information**

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

**A. State budget:**

The proposed amendments are procedural and designed to improve clarity within the program's application and administrative processes.

The amendments do not impact staffing levels, funding allocations, or service delivery requirements.

No fiscal impacts are anticipated from the proposed changes.

**B. Local governments:**

The proposed amendments are procedural and designed to improve clarity within the program's application and administrative processes.

The amendments do not impact staffing levels, funding allocations, or service delivery requirements.

No fiscal impacts are anticipated from the proposed changes.

While no direct fiscal impacts are anticipated from the proposed changes, improved access to and use of the existing funds should result in more land-use training tools and resources available to local agencies.

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

The proposed rule updates should improve access to funding for land-use training activities for stakeholders, including businesses, organizations, agencies, and individuals throughout the state.

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

The proposed rule updates should improve access to funding for land-use training activities for stakeholders, including businesses, organizations, agencies, and individuals throughout the state.

**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 updates should improve access to funding for land-use training activities for stakeholders, including businesses, organizations, agencies, and individuals throughout the state.

**F. Compliance costs for affected persons:**

No impacts are anticipated from the proposed changes.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$00	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 15A-1-209(5)(c)(iii)

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

**Agency head or designee and title:** Jordan Cullimore, Lead Attorney **Date:** 05/14/2026

**R151. Commerce Administration.**

**R151-5. Administration of the Office of the Property Rights Ombudsman's Land Use Fund.**

**R151-5-1. Purpose -- Office of the Property Rights Ombudsman's Land Use Fund.**

This ~~section~~ rule establishes the procedures, standards, and policies for the administration of the Office of the Property Rights Ombudsman's Land Use Fund in accordance with Subsection 15A-1-209(5)(c)(iii) and Section R156-15A-230.

**R151-5-2. Definitions.**

[~~As used under this section:~~]

Terms used in this rule are defined in Title 13, Chapter 43, Property Rights Ombudsman Act. In addition:

- (1) "Advisory board" means the Land Use and Eminent Domain Advisory Board in accordance with Section 13-43-201.
- ~~(2) "Agreement period" means the time covering the effective date through the termination date of the grant agreement.~~
- ~~(2)(3) "Application" or "grant application" means the application provided by the ombudsman for a land use training fund grant.~~
- ~~(4) "Application checklist" or "checklist" means the checklist provided by the ombudsman to support the submission of a complete and accurate land use training fund grant application.~~
- ~~(5) "Application Type" means the type of activity being proposed by the applicant, categorized as listed in Section R151-5-4.~~
- ~~(6) "Effective date" means the date identified as the first eligible date for expenditure listed within the grant agreement.~~
- ~~(3)(7) "Executive director" means the executive director of the Department of Commerce.~~
- ~~(4)(8) "Fund" or "land use training fund" means the land use fund administered by the Office of the Property Rights Ombudsman.~~
- ~~(9) "Grant agreement" or "agreement" means the State of Utah Agreement form used to formally award an applicant with land use training funds and document the requirements associated with the use of said funds.~~
- ~~(10) "Instructor" means the individuals who lead the main discussion or deliver the core content for direct land use training and education activities.~~
- ~~(5)(11) "Ombudsman" means the division director of the Office of the Property Rights Ombudsman or their designees.~~
- ~~(12) "Panelist" means a participant who supports an instructor as part of a direct land use training and education activity.~~
- ~~(13) "Period of performance" means the date range identified within the grant agreement in which the Grantee may use funds to cover eligible costs incurred within their approved application and associated executed grant agreement.~~
- ~~(6)(14) "Provider," "grantee," or "applicant," means the entity providing land use training or creating land use law resources when done by an agency, individual, or company other than the ombudsman.~~
- ~~(15) "Quarterly report" means timely activity reporting of grant activities required by an awarded land use training fund applicant as detailed within the grant agreement.~~
- ~~(7)(16) "Request" or "reimbursement request" means the application provided by the ombudsman for a fund reimbursement request.~~
- ~~(17) "Termination date" means the date the grant agreement expires. All reimbursement requests received beyond the termination date identified within the associated grant agreement may be denied.~~
- ~~(18) "Upfront funding" means funding requested in writing within an application allowing for fund availability for project-specific deliverables of a specified amount upon full execution of the grant agreement, as opposed to via reimbursement following delivery of said deliverables. The total amount or percentage of upfront funding allowed may change between funding cycles and is at the full discretion of the executive director or their designee.~~
- ~~(19) "Upfront funding disbursement" means the application provided by the ombudsman for a request to disperse land use training funds that have been approved for use immediately upon execution of a grant agreement.~~

### **R151-5-3. Reimbursements to the Office of the Property Rights Ombudsman.**

- (1) The ombudsman shall use the fund to pay or reimburse any expenses, including personnel salaries, course development costs, travel, and other related expenses, as agreed upon by the ombudsman and the executive director, that are incurred as a result of:
- administering the fund; or
  - conducting training activities under Subsection 13-43-203(1)(g); or
  - ~~[creating land use law resources.]~~engaging in activities categorized in Section R151-5-4.
- (2) Any payment made under this section shall first be approved by:
- the advisory board; and
  - the executive director.
- (3) The fact that an expenditure type is reimbursable to the ombudsman under this subsection has no impact on whether an item is reimbursable as a grant under Section R151-5-4.

### **R151-5-4. Grants to Providers -- Eligibility Criteria.**

- ~~(1) To be eligible to receive funds, the provider's program or resource shall primarily focus on the drafting, application, or explanation of land use laws and regulations or land use dispute resolution.~~
- ~~(2) Program training or resources may take the form of live or prerecorded seminars, lectures, continuing education programs, video productions, slide shows, websites, pamphlets, articles, books, or other methods approved by the advisory board.~~
- ~~(3) The following factors shall be considered when determining whether to approve, approve with conditions, or deny a grant application:~~
- ~~previous experience in providing training or resources;~~
  - ~~how well the education or resource fits in with the land use education and training objectives of Subsection 13-43-203(1)(i)(i);~~
  - ~~whether the training or resource addresses current Utah land use law, issues, and best practices;~~
  - ~~the target audience;~~
  - ~~the location or region of the state targeted by the education or resource;~~
  - ~~cost estimates, including cost per attendee or cost per use estimates;~~
  - ~~the expected number of students, hours of instruction, and the ratio of students per dollar spent, or the expected number of potential users of the resource;~~
  - ~~If a training, the percentage of training costs paid for by the student;~~
  - ~~any other considerations deemed important by the advisory board, the ombudsman, or the executive director; and~~
  - ~~available funds.]~~
- ~~(1) To be eligible to receive funds, the provider's program or resource shall primarily focus on:~~

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- (a) the drafting, application, maintenance or explanation of land use laws, and regulations; or
- (b) land use dispute resolution; or
- (c) the drafting, application, creation, maintenance, or implementation of resources focused on land use education, technical support, or planning best practices; or
- (d) collaborative or partnership training and educational activities focused on assisting citizens and government agencies in understanding and complying with property rights laws.
- (2) Program training or resource applications shall be categorized as:
  - (a) "direct land use training and education activities," which consist of live or prerecorded seminars, lectures, conference sessions, webinars, continuing or online education programs, video or audio productions, slide shows, or similar activity; or
  - (b) "land use technical support resources," which consist of the drafting, updating, creating, or maintaining pamphlets, articles, templates, guidebooks, websites, apps, models, or other technical deliverables approved by the advisory board; or
  - (c) "other," activities that the advisory board determines are supportive of land use training, education, or resource development.
- (3) An applicant must timely submit a complete application package to be considered for approval within the Land Use Fund program. A complete application package must include, at a minimum:
  - (a) a fully completed and signed Land Use Training Fund Grant Application Form;
  - (b) a comprehensive scope of work detailing the agenda or project deliverables being proposed;
  - (c) a roster listing the proposed project team;
  - (d) a timeline associated with the proposed activities; and
  - (e) a line-item budget detailing the proposed expenditures.
- (4) All final deliverables associated with a land use-funded project shall be provided to the state for open and free use at the conclusion of the project's agreement period. This includes copies, files, or recordings of presentations, seminars, tools, resources, guidebooks, documents, marketing materials, and non-proprietary data. The state reserves the right to market, publish, unpublish, disclose, distribute, and otherwise use, in whole or in part, any reports, data, or other materials prepared by an applicant under an associated agreement in any form at any time as they see fit.
- (5) The following factors should be considered when determining whether to approve, approve with conditions, or deny a grant application:
  - (a) timely submission of a complete application;
  - (b) previous experience in providing training or resources;
  - (c) how well the education or resource fits in with the land use education and training objectives of Subsection 13-43-203(1)(i)(i);
  - (d) whether the training or resource addresses current Utah land use law, planning issues, and best practices;
  - (e) the target audience;
  - (f) the location or region of the state targeted by the education or resource;
  - (g) cost estimates, including cost-per-attendee or cost-per-use estimates;
  - (h) the expected number of students, hours of instruction, and the ratio of students per dollar spent, or the expected number of potential users of the resource;
    - (i) if a training, the percentage of training costs paid for by the student;
    - (j) any other considerations deemed important by the advisory board, the ombudsman, or the executive director; and
    - (k) available funds.

**[R151-5-5. Grants to Providers — Reimbursement Guidelines for Seminars and Lectures.**

- (1) The reimbursement rate for instructor fees is generally limited to \$150 per instructor per instruction hour.
- (2) Reimbursement for preparation time by an instructor is generally limited to \$150 per hour, with a maximum of three hours of preparation per instructor per hour of instruction time produced.
- (3) Reimbursement for presentations is generally limited to two instructors at a time.
- (4) The reimbursement rate for panelist fees is generally limited to \$75 per hour per panelist.
- (5) Reimbursement for preparation time by a panelist is generally limited to \$75 per hour, with a maximum of one hour of preparation per hour of panel participation.
- (6) The reimbursement rate and total hours for those who assist in the training preparation or presentation shall be reasonable, appropriate to the task, and directly related to preparing for or providing the training.
- (7) A request for reimbursement for expenses such as workbooks, study guides, textbooks used in the education course, meeting rooms or facilities, audio and visual equipment rental costs if needed, actual printing costs, reasonable cost of advertising materials, mailing and postage costs, and similar training preparation expenses may be submitted for approval.
- (8) The ombudsman or executive director may require further justification from the provider for any grant applications in excess of these general guidelines.]

**R151-5-5. Grants to Providers -- Procedures for the Submission and Review of Grant Applications.**

- (1) A provider shall submit a completed grant application to the ombudsman on a form provided for that purpose.
- (2) The application deadlines may be subject to change from time to time.
- (3) Current application deadlines are published on the Office of the Property Rights Ombudsman website.
- (4) Submissions received after the deadline will be considered in the next review cycle.

(5) The ombudsman shall receive and review each grant application to ensure the required information has been included and conforms with this rule. A checklist is included within the application to assist applicants in identifying all the required information for a complete application submittal. Forms not fully completed will be returned to the applicant for revision and resubmittal.

(6) The ombudsman shall submit the completed grant application to the advisory board for review.

(7) The advisory board shall review each complete application according to the criteria set forth in Section R151-5-4.

(8) After review, the advisory board may approve, approve with modifications or conditions, or deny each application.

(9) The advisory board review may be done in person or by electronic means in accordance with Title 63G, General Government.

(10) A grant application approved by the advisory board shall then be reviewed by the ombudsman, the fund manager, and the executive director or their designees, who may jointly approve the application, approve the application with conditions, or deny the application.

(11) Providers will be notified of the status of their grant application once a decision has been made. All funding decisions are final.

(12) If approved, the applicant will need to enter into a fully executed grant agreement with the state before disbursement of any land use training funds.

(13) If denied, an applicant may choose to re-apply in a future round. All provisions for application submission and consideration in effect at that time will apply.

**[R151-5-6. Grants to Providers – Reimbursement Guidelines to Produce Video Training Resources.**

(1) The cost to produce a training video or electronic module accessible by internet or other remote means may generally be reimbursed up to \$7,500 in total actual costs.

(2) The \$7,500 maximum shall include all costs to produce the training including instructor, panelist, and personnel fees, equipment rental, facility fees, and editing.

(3) Grant applications for producing training videos seeking reimbursement in excess of these general guidelines shall require further justification by the provider.]

**R151-5-6. Grants to Providers – Procedures for Reimbursement.**

(1) Only approved grants with an associated executed grant agreement are eligible for expense reimbursement or upfront funding requests.

(2) A provider shall submit reimbursement or upfront funding requests on forms provided by the ombudsman for that purpose. Forms not fully completed will be returned to the applicant for revision and resubmittal.

(3) For any upfront funding included within an executed agreement, a provider shall submit both:

(a) a request for upfront funding disbursement aligning with the approved amount and activities noted within the grant agreement; and

(b) receipts, invoices, and other supporting documentation requested by the ombudsman or the executive director to validate use of the funds disbursed in accordance with the agreement period identified in the associated executed grant agreement.

(4) For reimbursements, a provider shall include receipts, invoices, and supporting documentation of expenditures, including proof of payment if requested by the ombudsman or the executive director.

(5) A provider shall submit the complete reimbursement request in accordance with Sections R151-5-7 through Sections R151-5-10, and the agreement period identified within the associated executed grant agreement following the approved event, class, seminar, or resource release date.

(6) The failure to submit a complete reimbursement request and all associated required documentation within the grant agreement period identified within the associated executed grant agreement shall result in the denial of reimbursement, or demand that any or all upfront funding amounts disbursed be returned.

(7) Reimbursement and upfront funding requests accepted by the ombudsman for review shall be reviewed by the ombudsman, the fund manager, and the executive director or their designees, and may be approved, approved with conditions, or denied.

(8) Reimbursement and upfront funding funds may be paid only:

(a) for eligible expenditures executed in good faith with the intent to ensure the best reasonable value; and

(b) pursuant to a reimbursement or upfront funding request form that has been signed and approved by the ombudsman, the fund manager, and the executive director, or their designees.

**[R151-5-7. Grants to Providers – Reimbursement Guidelines for Providing Other Training Programs or Land Use Law Resources.**

(1) Grant Applications for training methods other than standard seminars, lectures, or training videos shall include justification by the provider, including details of the proposed training purpose, required preparation time, and method of delivery.

(2) Grant Applications for creating land use law resources shall include justification by the provider including details of the proposed resource purpose, required preparation time, and method of delivery.

(3) The reimbursement rate and total hours of all personnel time requested to assist in the proposed training or resource preparation and presentation shall be reasonable, appropriate to the task, and directly related to preparing for or providing the training or resource.

(4) A request for reimbursement for expenses such as workbooks, study guides, textbooks used in the education course, meeting rooms or facilities, audio and visual equipment rental costs if needed, actual printing costs, reasonable cost of advertising materials, mailing and postage costs, and similar training preparation expenses may be submitted for approval.]

**R151-5-7. Grants to Providers – Reimbursement Guidelines Direct Land Use Training and Education Activities.**

(1) The reimbursement rates and details for personnel are as follows:

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(a) Instructor fees are generally limited to \$150 per instructor per instruction hour. Reimbursement for preparation time by an instructor is generally limited to \$150 per hour, with a maximum of three hours of preparation per instructor per hour of instruction time produced. Reimbursement for presentations is generally limited to two instructors at a time.

(b) The reimbursement rate for panelist fees is generally limited to \$75 per hour per panelist. Reimbursement for preparation time by a panelist is generally limited to \$75 per hour, with a maximum of one hour of preparation per hour of panel participation.

(c) The reimbursement rate for any administrative or support staff is generally limited to \$50 per hour.

(2) The reimbursement rate and total hours for all those participating in the training preparation or presentation shall be reasonable, appropriate to the task, and directly related to preparing for or providing the training.

(3) A request for reimbursement for expenses such as workbooks, study guides, textbooks used in the education course, meeting rooms or facilities, audio and visual equipment rental costs if needed, actual printing costs, reasonable cost of advertising materials, mailing and postage costs, and similar training preparation expenses may be submitted for approval.

(4) Proof of payment is required to substantiate all costs submitted for reimbursement or to account appropriately for any upfront funding provided, if applicable.

(5) The ombudsman or executive director may require further justification from the provider for any grant applications in excess of these general guidelines.

**[R151-5-8. Grants to Providers — Generally Applicable Reimbursement Guidelines.**

(1) Funds may be expended only as reimbursement for expenditures incurred in preparing for and providing land use training or preparing and making available land use law resources.

(2) If providing training, the reimbursement rate for all training participants are subject to a cap of \$3,000 total for each provider per day, including airfare, vehicle mileage, and meals.

(3) If a training provider is required to travel to or from a remote or rural Utah location, the provider may be compensated up to \$50 an hour for time traveling to and from the event venue in addition to mileage costs.

(4) Funds may not be paid to any state or local government employee for any time period in which the employee is also being paid wages.

(5) Reimbursements for meals, mileage, and lodging may not exceed current Utah rates for mileage and daily travel per diem.

(6) Gift cards, door prizes, and the cost of food and food services provided to training participants shall not be paid or reimbursed from the fund.

(7) Any items that do not qualify for state funding shall be paid for by the provider, participant, or sponsor of the program.

(8) Training programs or land use law resources which receive sponsorships or grants from other sources are eligible for reimbursement on a net cost basis after subtracting sponsorships or grants from other sources.

(9) If providing a training, the total reimbursement shall generally be the lesser of \$15 per student hour or the actual approved expenditures, with a minimum reimbursement limit of \$150 multiplied by the number of hours or instruction provided.

(10) Grant applications requesting funds in excess of these guidelines requires further justification by the provider in the grant application.]

**R151-5-8. Grants to Providers – Reimbursement Guidelines to Produce Land Use Technical Support Resources.**

(1) The reimbursement rates to produce land use technical support resources shall be determined on a project-by-project basis, taking into account the specific deliverables and products being presented for consideration. Only those costs and activities approved by the advisory board and executive director associated with a submitted application are eligible for reimbursement or upfront funding.

(2) Proof of payment is required to substantiate all costs submitted for reimbursement or to account appropriately for any upfront funding provided, if applicable.

(3) The ombudsman or executive director may require further justification and documentation from the provider for any grant applications within this category.

**[R151-5-9. Grants to Providers — Procedures for the Submission and Review of Grant Applications.**

(1) A provider shall submit a completed grant application to the ombudsman on a form provided for that purpose.

(2) The application deadlines may be subject to change from time to time.

(3) Current application deadlines are published on the Office of the Property Rights Ombudsman website.

(4) Submissions received after the deadline will be considered in the next review cycle.

(5) The ombudsman shall receive and review each grant application to ensure the required information has been included and conforms with these rules.

(6) The ombudsman shall submit the completed grant application to the advisory board for review.

(7) The advisory board shall review each complete application according to the criteria set forth in Section R151-5-4.

(8) After review, the advisory board may approve, approve with modifications or conditions, or deny each application.

(9) The advisory board review may be done in person or by electronic means in accordance with Title 63G, General Government.

(10) A grant application approved by the advisory board shall then be reviewed by the ombudsman, the fund manager, and the executive director or their designees, who may jointly approve the application, approve the application with conditions, or deny the application.

(11) Providers will be notified of the status of their grant application once a decision has been made.]

**R151-5-9. Grants to Providers -- Reimbursement Guidelines for Providing Other Training Programs or Land Use Law Resources.**

(1) Grant Applications for training methods other than standard seminars, lectures, or training videos shall include justification by the provider, including details of the proposed training purpose, required preparation time, and method of delivery.

(2) Grant Applications for creating land use law resources shall include justification by the provider including details of the proposed resource purpose, required preparation time, and method of delivery.

(3) The reimbursement rate and total hours of all personnel time requested to assist in the proposed training or resource preparation and presentation shall be reasonable, appropriate to the task, and directly related to preparing for or providing the training or resource.

(4) A request for reimbursement for expenses such as workbooks, study guides, textbooks used in the education course, meeting rooms or facilities, audio and visual equipment rental costs if needed, actual printing costs, reasonable cost of advertising materials, mailing and postage costs, and similar training preparation expenses may be submitted for approval.

**R151-5-10. Grants to Providers -- Procedures for Reimbursement.**

(1) Only approved grants are eligible for expense reimbursement requests.

(2) A provider shall submit reimbursement requests on forms provided by the ombudsman for that purpose.

(3) A provider shall include receipts, invoices, and supporting documentation of expenditures, including proof of payment if requested by the ombudsman or the executive director.

(4) A provider shall submit the complete reimbursement request within 60 days following the approved event, class, seminar or resource release date, unless an extenuating circumstance occurs.

(5) The failure to submit a complete reimbursement request within 60 days shall result in the denial of reimbursement, unless a written explanation of any extenuating circumstances has been submitted by the provider and approved by the ombudsman.

(6) Reimbursement requests accepted by the ombudsman for review shall be reviewed by the ombudsman, the fund manager, and the executive director or their designees, and may be approved, approved with conditions, or denied.

(7) Reimbursement funds may be paid only:

(a) for eligible expenditures executed in good faith with the intent to ensure the best reasonable value; and

(b) pursuant to a reimbursement request form that has been signed as approved by the ombudsman, the fund manager, and the executive director, or their designees.]

**R151-5-10. Grants to Providers -- Generally Applicable Reimbursement Guidelines.**

(1) Funds may be expended only as reimbursement or approved upfront funding for expenditures incurred in preparing for and providing eligible and approved activities. Funds may not be expended unless a fully executed grant agreement exists.

(2) If providing training, the reimbursement rate for all training participants are subject to a cap of \$3,000 total for each provider per day, including airfare, vehicle mileage, and meals.

(3) If a training provider is required to travel to or from a remote or rural Utah location, the provider may be compensated up to \$50 an hour for time traveling to and from the event venue in addition to mileage costs.

(4) Funds may not be paid to any state or local government employee for any time period in which the employee is also being paid wages.

(5) Reimbursements for meals, mileage, and lodging may not exceed current rates for mileage and daily travel per diem, as determined by the state.

(6) Gift cards, door prizes, and the cost of food and food services provided to training participants may not be paid or reimbursed from the fund.

(7) Any items that do not qualify for state funding shall be paid for by the provider, participant, or sponsor of the program.

(8) Training programs or land use law resources which receive sponsorships or grants from other sources are eligible for reimbursement on a net cost basis after subtracting sponsorships or grants from other sources.

(9) If providing a training, the total reimbursement shall generally be the lesser of \$15 per student hour or the actual approved expenditures, with a minimum reimbursement limit of \$150 multiplied by the number of hours or instruction provided.

(10) Grant applications requesting funds in excess of these guidelines requires further justification by the provider in the grant application.

**R151-5-11. Grants to Providers -- Reimbursement May Exceed Approved Grant Application Estimates When Warranted.**

(1) Understanding that it is difficult to foresee some expenses, and that prices may fluctuate, reimbursement requests may be approved up to 20% above an approved grant application amount if actual expenditures reasonably exceed estimated expenditures.

(2) Approval to exceed the approved grant amount is solely at the discretion of the ombudsman and executive director or their designees.

(3) A provider shall submit written justification for exceeding expected expenditures with the reimbursement request.

(4) A provider's justification shall include any efforts made to provide the training or resource within the approved grant amount.

**KEY: property rights**

**Date of Last Change: 2026[February 22, 2022]**

**Authorizing, and Implemented or Interpreted Law: 15A-1-209(5)(c)(iii)**

<b>NOTICE OF SUBSTANTIVE CHANGE</b>	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 58008
<b>Rule or section number:</b>	<b>R156-26a</b>

**1. Agency Information**

<b>Title catchline:</b>	Commerce, Professional Licensing
<b>Building:</b>	Heber M. Wells Building
<b>Street address:</b>	160 E 300 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 146741
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Tracy Taylor	801-530-6628	trtaylor@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R156-26a. Certified Public Accountant Licensing Act Rule
<b>B. Purpose of the new rule or reason for the change:</b>
<p>The Division of Professional Licensing (Division) is submitting changes to the Certified Public Accountant Licensing Act Rule in response to recent legislative changes relating to the educational requirements of candidates, timing of exam eligibility, and the Division's citation powers, as well as clarifying rules relating to the peer review process and other nonsubstantive changes to bring this rule into conformity with current Division standards.</p> <p>These changes either enact legislative intent or clarify, but do not change, the current regulation of the accounting profession.</p>
<b>C. Summary of the new rule or change:</b>
<p>The Division proposes amendments to this rule in response to legislative changes scheduled to take effect on 07/01/2026.</p> <p>Specifically, the proposed changes update this rule to accommodate changes made to Title 58, Chapter 26a, the Certified Public Accountant Licensing Act by SB 15 (2025 General Session) and SB 117 (2026 General Session).</p> <p><b>Educational Requirements.</b> The legislative changes allow an individual holding a bachelors degree or higher to become licensed as a certified public accountant provided the coursework undertaken has a concentration in accounting and business. The proposed rule establishes pathways whereby individuals with bachelors degrees may meet those statutory requirements.</p> <p><b>Examination Eligibility.</b> The legislative changes additionally clarify that an individual may sit for the required examination before completing the educational requirements provided certain minimal coursework has been completed.</p> <p><b>Citation Authority and Fee Schedule.</b> SB 15 (2025) granted the Division citation authority as a means of sanctioning certain unlawful acts. The proposed rule establishes procedures for citations and a fee schedule.</p> <p>In addition to these rule changes required by legislation, the proposed rule clarifies rules relating to the peer review process and other nonsubstantive changes to bring this rule into conformity with current Division standards.</p> <p>These changes clarify, but do not change, the current regulation of the accounting profession.</p>

**4. Legislative Action Information**

<b>A. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
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<b>B. If yes, any bill number and session:</b>	SB 15 (2025 General Session), SB 117 (2026 General Session)
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### 5. Fiscal Information

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
<p>The proposed amendment reflects changes required by new legislation. All costs relating to legislation (including the costs or savings of implementing necessary rule changes) are part of the fiscal notes to that legislation. The proposed changes to the rule, consequently, have no further fiscal impact on the state budget than was disclosed in the legislation's fiscal notes.</p> <p>The fiscal note for SB 15 (2025) can be found here: <a href="https://le.utah.gov/~2025/bills/static/SB0015.html">https://le.utah.gov/~2025/bills/static/SB0015.html</a>  The fiscal note for SB 117 (2026) can be found here: <a href="https://le.utah.gov/~2026/bills/static/SB0117.html">https://le.utah.gov/~2026/bills/static/SB0117.html</a></p>
<b>B. Local governments:</b>
<p>The proposed amendment reflects changes required by new legislation. All costs relating to legislation (including the costs or savings of implementing necessary rule changes) are part of the fiscal notes to that legislation. The proposed changes to the rule, consequently, have no further fiscal impact on local governments than was disclosed in the legislation's fiscal notes.</p> <p>The fiscal note for SB 15 (2025) can be found here: <a href="https://le.utah.gov/~2025/bills/static/SB0015.html">https://le.utah.gov/~2025/bills/static/SB0015.html</a>  The fiscal note for SB 117 (2026) can be found here: <a href="https://le.utah.gov/~2026/bills/static/SB0117.html">https://le.utah.gov/~2026/bills/static/SB0117.html</a></p>
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
<p>The proposed amendment reflects changes required by new legislation. All costs relating to legislation (including the costs or savings of implementing necessary rule changes) are part of the fiscal notes to that legislation. The proposed changes to the rule, consequently, have no further fiscal impact on small businesses than was disclosed in the legislation's fiscal notes.</p> <p>The fiscal note for SB 15 (2025) can be found here: <a href="https://le.utah.gov/~2025/bills/static/SB0015.html">https://le.utah.gov/~2025/bills/static/SB0015.html</a>  The fiscal note for SB 117 (2026) can be found here: <a href="https://le.utah.gov/~2026/bills/static/SB0117.html">https://le.utah.gov/~2026/bills/static/SB0117.html</a></p>
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
<p>The proposed amendment reflects changes required by new legislation. All costs relating to legislation (including the costs or savings of implementing necessary rule changes) are part of the fiscal notes to that legislation. The proposed changes to the rule, consequently, have no further fiscal impact on non-small businesses than was disclosed in the legislation's fiscal notes.</p> <p>The fiscal note for SB 15 (2025) can be found here: <a href="https://le.utah.gov/~2025/bills/static/SB0015.html">https://le.utah.gov/~2025/bills/static/SB0015.html</a>  The fiscal note for SB 117 (2026) can be found here: <a href="https://le.utah.gov/~2026/bills/static/SB0117.html">https://le.utah.gov/~2026/bills/static/SB0117.html</a></p>
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i> ):
<p>The proposed amendment reflects changes required by new legislation. All costs relating to legislation (including the costs or savings of implementing necessary rule changes) are part of the fiscal notes to that legislation. The proposed changes to the rule, consequently, have no further fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities than was disclosed in the legislation's fiscal notes.</p> <p>The fiscal note for SB 15 (2025) can be found here: <a href="https://le.utah.gov/~2025/bills/static/SB0015.html">https://le.utah.gov/~2025/bills/static/SB0015.html</a>  The fiscal note for SB 117 (2026) can be found here: <a href="https://le.utah.gov/~2026/bills/static/SB0117.html">https://le.utah.gov/~2026/bills/static/SB0117.html</a></p>
<b>F. Compliance costs for affected persons:</b>
<p>The proposed amendment reflects changes required by new legislation. All costs relating to legislation (including the costs or savings of implementing necessary rule changes) are part of the fiscal notes to that legislation. The proposed changes to the rule, consequently, have no further fiscal impact on affected persons than was disclosed in the legislation's fiscal notes.</p> <p>The fiscal note for SB 15 (2025) can be found here: <a href="https://le.utah.gov/~2025/bills/static/SB0015.html">https://le.utah.gov/~2025/bills/static/SB0015.html</a>  The fiscal note for SB 117 (2026) can be found here: <a href="https://le.utah.gov/~2026/bills/static/SB0117.html">https://le.utah.gov/~2026/bills/static/SB0117.html</a></p>

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Section 58-26a-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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**10. Incorporation by Reference Information**

<b>Incorporation by Reference:</b>	
<b>A. This rule adds or updates the following title of material incorporated by reference</b> (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i> ):	
<b>Official Title of Materials Incorporated (from title page)</b>	AICPA Code of Professional Conduct
<b>Publisher</b>	American Institute of Certified Public Accountants
<b>Issue Date</b>	Effective December 15, 2014
<b>Issue or Version</b>	Updated for all official releases through December 2025.

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**B. A public hearing (optional) will be held** (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time:	Place (physical address or URL):
06/16/2026	3:00 PM	Heber M. Wells Building Floor 4, Room 402 160 E 300 S Salt Lake City, UT  Google Meet joining info: Video call link: <a href="https://meet.google.com/bgh-jzwq-ygr">https://meet.google.com/bgh-jzwq-ygr</a> Or dial: (US) +1 252-524-2116 PIN: 896 461 212# More phone numbers: <a href="https://tel.meet/bgh-jzwq-ygr?pin=9591972746612">https://tel.meet/bgh-jzwq-ygr?pin=9591972746612</a>

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mark Steinagel, Division Director	<b>Date:</b>	05/13/2026
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**R156. Commerce, Professional Licensing.**

**R156-26a. Certified Public Accountant Licensing Act Rule.**

**R156-26a-102. Definitions.**

~~[In addition to the definitions]~~ Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 26a, Certified Public Accountant Licensing Act~~[, as used in this rule;].~~ In addition:

(1) "Academic Unit" means the number of semester or quarter credit hours awarded by a nationally or regionally accredited academic program.

(a) One semester or quarter hour awarded for upper division academic work shall be credited as one Academic Unit.

(b) One semester or quarter hour awarded for post graduate academic work shall be credited as 1.6 Academic Units.

(2) "Accounting Coursework Requirements" as used in Subsection R156-26a-302a(1)(b) means:

(a) 24 semester Academic Units or 36 quarter Academic Units in upper division or graduate-level accounting courses that includes at least one course in each of the following subjects:

(i) financial accounting;

(ii) auditing;

(iii) taxation;

(iv) managerial or cost accounting; and

(v) accounting information systems or data analytics.

(b) An accounting internship may satisfy up to six semester Academic Units or nine quarter Academic Units under Subsection R156-26a-102(2)(a).

~~[(4)]~~(3) "Administering organization" means an organization approved by the Division and the Board to administer peer reviews in the peer review program.

(4) "AICPA" means the Association of International Certified Professional Accountants.

(5) "AICPA Uniform CPA Examination" means the Uniform CPA Examination approved and administered by the AICPA and NASBA.

(6) "AICPA Examination of Professional Ethics for CPAs" means the professional ethics examination for CPA's approved and administered by the AICPA and NASBA.

(7) "Business Coursework Requirements" as used in Subsection R156-26a-302a(1)(b) means 12 semester or 18 quarter Academic Units in business-related coursework that:

(a) may be earned through lower division, upper division, or post graduate-level coursework;

(b) cannot be used to satisfy the Accounting Coursework Requirements under Subsection R156-26a-102(2); and

(c) focuses on business-related concepts, regardless of course name, including coursework in:

(i) accounting, subject to Subsection R156-26a-102(3)(b);

(ii) business administration;

(iii) business communications;

(iv) business ethics;

(v) business law;

(vi) business logistics and supply chain management;

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- ~~\_\_\_\_\_~~ (vii) business leadership and management;
- ~~\_\_\_\_\_~~ (viii) business project management;
- ~~\_\_\_\_\_~~ (ix) business information systems;
- ~~\_\_\_\_\_~~ (x) economics;
- ~~\_\_\_\_\_~~ (xi) finance;
- ~~\_\_\_\_\_~~ (xii) human resources;
- ~~\_\_\_\_\_~~ (xiii) introduction to financial or managerial accounting;
- ~~\_\_\_\_\_~~ (xiv) marketing;
- ~~\_\_\_\_\_~~ (xv) statistics and quantitative methods; or
- ~~\_\_\_\_\_~~ (xvi) taxation.
- ~~\_\_\_\_\_~~ (8) "Certified transcript" under Subsection 58-26a-302(1)(c) shall mean an applicant's official academic transcript which has been:
  - ~~\_\_\_\_\_~~ (a) Directly mailed, electronically sent, or otherwise delivered directly from the academic institution to the Division; or
  - ~~\_\_\_\_\_~~ (b) Delivered to the Division in an envelope sealed by the academic institution.
- ~~\_\_\_\_\_~~ (9) (CPAES) means the CPA Examination Services of the NASBA.
- ~~\_\_\_\_\_~~ (10) "CPE" means qualified continuing professional education as under Section 58-26a-304.
- ~~\_\_\_\_\_~~ ~~(2)~~(11) "CPE Audit Service" means the online continuing professional education reporting system administered by NASBA.
- ~~\_\_\_\_\_~~ (12) "Home jurisdiction" means the jurisdiction where a CPA or CPA firm is licensed and their principal place of business is located.
- ~~\_\_\_\_\_~~ (13) "Individual mobility" means an individual CPA licensee:
  - ~~\_\_\_\_\_~~ (a) meets the requirements of Subsection 58-26a-305(1)(a) to perform services through mobility in Utah; and
  - ~~\_\_\_\_\_~~ (b) does not need to obtain a Utah CPA license or otherwise register with the Division.
- ~~\_\_\_\_\_~~ (14) "Mobility" means a practice privilege included under Subsections 58-26a-305(1)(a) and (2) that generally permits a CPA who meets the requirements of Subsection 58-26a-305(1)(a)(i) to:
  - ~~\_\_\_\_\_~~ (a) practice as a CPA in Utah under Section 58-26a-305 without obtaining a Utah CPA license; and
  - ~~\_\_\_\_\_~~ (b) be subject to the conditions of Subsections 58-26a-305(1)(a)(ii) and (2) including Division discipline based on the mobility CPA's performance of services in Utah whether provided physically, electronically, or otherwise.
- ~~\_\_\_\_\_~~ (15) "Mobility tool" as used in Subsection R156-26a-305(6) means the online tool developed by the AICPA and NASBA to help CPAs and CPA firms understand mobility and determine their eligibility for mobility and is available at <https://cpamobility.nasba.org>.
- ~~\_\_\_\_\_~~ ~~(3) "Mobility," a practice privilege included in Section 58-26a-305 regarding exemptions from licensure, is defined and further clarified in Section R156-26a-305.]~~
- ~~\_\_\_\_\_~~ ~~(4)~~(16) "Nationally accredited" means an education program accredited by:
  - ~~\_\_\_\_\_~~ (a) the Association to Advance Collegiate Schools of Business (AACSB); or
  - ~~\_\_\_\_\_~~ (b) the Accreditation Council for Business Schools and Programs (ACBSP).
- ~~\_\_\_\_\_~~ ~~(5) "Non-duplicative" as used in Sections R156-26a-302a and R156-26a-302e means each course is counted only once and may not be used to simultaneously meet the requirements of multiple categories.]~~
- ~~\_\_\_\_\_~~ (17) NASBA means the National Association of State Boards of Accountancy.
- ~~\_\_\_\_\_~~ (18) "Peer review program" or "PRP" means the AICPA's quality control program through which a CPA firm is periodically audited or tested by an external peer organization using professional standards to:
  - ~~\_\_\_\_\_~~ (a) ensure the highest ethical and professional standards are being used to produce quality services;
  - ~~\_\_\_\_\_~~ (b) provide accountability and transparency; and
  - ~~\_\_\_\_\_~~ (c) protect the public.
- ~~\_\_\_\_\_~~ ~~(6)~~(19) "Qualified continuing professional education (CPE)" means continuing education that meets the standards in Section R156-26a-303b.
- ~~\_\_\_\_\_~~ ~~(7)~~(20) "Regionally accredited" means an education program accredited by:
  - ~~\_\_\_\_\_~~ (a) the Northwest Commission on Colleges and Universities (NWCCU);
  - ~~\_\_\_\_\_~~ (b) the North Central Association of Colleges and Schools (NCA);
  - ~~\_\_\_\_\_~~ (c) the Middle States Commission on Higher Education (MSCHE);
  - ~~\_\_\_\_\_~~ (d) the New England Commission on Higher Education (NECHE);
  - ~~\_\_\_\_\_~~ (e) the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC); or
  - ~~\_\_\_\_\_~~ (f) the Western Association of Schools and Colleges (WASC).
- ~~\_\_\_\_\_~~ ~~(8)~~(21) "Unprofessional conduct" is further defined, under Subsection 58-1-203(1)(e), in Section R156-26a-501.
- ~~\_\_\_\_\_~~ ~~(9)~~(22) "Year of review" means the calendar year during which a peer review is to be conducted.

**R156-26a-201. Advisory Peer Committees Created - Membership - Duties.**

- ~~\_\_\_\_\_~~ (1) ~~There is created under Subsection 58-1-203(1)(f) the Education Advisory Committee to the Board that shall: [consisting of one full time faculty member from each of five or more colleges or universities in Utah that has a nationally accredited or regionally accredited program, a majority of which shall be licensed CPAs.~~
- ~~\_\_\_\_\_~~ (2) ~~The Education Advisory Committee shall be appointed and serve under Section R156-1-205.~~
- ~~\_\_\_\_\_~~ (3) ~~The duties and responsibilities of the Education Advisory Committee are to assist the Division in collaboration with the Board in their duties, functions, and responsibilities, and include:~~
  - ~~\_\_\_\_\_~~ (a) ~~advising the Board as to the acceptability of an educational institution;~~
  - ~~\_\_\_\_\_~~ (b) ~~assisting the Board to make a final determination under Section R156-26a-302e of whether an applicant is qualified to sit for the AICPA Uniform CPA Examination; and~~

- ~~(c) advising the Board regarding proposed changes to rules.~~
- ~~(4) The Education Advisory Committee shall consider the following when advising the Board of the acceptability of the educational institution:~~
- ~~(a) the institution's accreditation;~~
- ~~(b) the acceptability by other state licensing boards;~~
- ~~(c) the faculty qualifications; and~~
- ~~(d) other educational resources.]~~
- ~~(a) consist of one full time faculty member from each college or university in Utah that has a nationally accredited or regionally accredited program, except the majority of these committee members shall be licensed CPAs;~~
- ~~(b) be appointed and serve under Section R156-1-205; and~~
- ~~(c) have the duty and responsibility to assist the Division in the Division's duties, functions, and responsibilities including:~~
- ~~(i) advising the Board on the acceptability of an educational institution including the institution's:~~
- ~~(A) accreditation;~~
- ~~(B) the acceptability by other state licensing boards;~~
- ~~(C) the faculty qualifications; and~~
- ~~(D) other educational resources;~~
- ~~(ii) assisting the Board to determine under Section R156-26a-306 if an applicant is qualified to sit for the AICPA Uniform CPA Examination; and~~
- ~~(iii) advising the Board regarding proposed rule changes.~~
- ~~[(5)](2) There is created under Subsection 58-1-203(1)(f)[7] the Advisory Peer Review Program Committee to the Board that shall[7]; consisting of not more than ten licensed CPAs.~~
- ~~(6) The Peer Review Committee shall be appointed and serve under Section R156-1-205.~~
- ~~(7) The duties and responsibilities of the Peer Review Committee are to advise the Board on peer review matters, and include:~~
- ~~(a) reviewing the results of peer reviews by administering organizations, and as the Peer Review Committee determines necessary, requiring corrective action of firms with significant deficiencies noted in the review in addition to any corrective actions required by the administering organization;~~
- ~~(b) evaluating compliance of CPE programs;~~
- ~~(c) performing random audits to determine compliance with the CPE requirements and the standards for CPE programs;~~
- ~~(d) reviewing complaints and recommending whether certain acts, practices, or omissions violate the ethical standards of the profession;~~
- ~~(e) providing technical assistance to the Division; and~~
- ~~(f) serving as expert witnesses at administrative hearings.]~~
- ~~(a) consist of up to ten licensed CPAs;~~
- ~~(b) be appointed and serve under Section R156-1-205; and~~
- ~~(c) have the duty and responsibility to advise the Board on peer review matters including:~~
- ~~(i) reviewing the results of peer reviews by administering organizations; and~~
- ~~(ii) as the Advisory Peer Review Program Committee determines necessary, requiring corrective action of a firm that:~~
- ~~(A) has significant deficiencies noted in the peer review under Subsection R156-26a-201(2)(c)(i); and~~
- ~~(B) is in addition to any corrective actions required by the administering organization;~~
- ~~(iii) evaluating compliance of CPE programs;~~
- ~~(iv) performing random audits to determine compliance with the CPE requirements and the standards for CPE programs;~~
- ~~(v) reviewing complaints made to the Division and recommending whether certain acts, practices, or omissions violate the ethical standards of the profession;~~
- ~~(vi) providing technical assistance to the Division; and~~
- ~~(vii) serving as expert witnesses at administrative hearings.~~

**R156-26a-302a. Qualifications for CPA Licensure - Education Requirements.**

- ~~(1) Under Subsection 58-26a-302(1)(c), an applicant shall submit certified transcripts from a nationally accredited or regionally accredited institution showing completion of the educational requirements under Subsection 58-26a-302(1)(c)(i).~~
- ~~(a) An applicant who has completed a bachelors or masters program with a major in accounting or taxation shall be deemed to have met the education requirements of Subsection 58-26a-302(1)(c)(i).~~
- ~~(b) An applicant who has completed a bachelors, masters or other equivalent program with a major in any area of study other than accounting shall be deemed to have met the education requirements of Subsection 58-26a-302(1)(c)(i) if the submitted transcript shows successful completion of all Accounting Coursework Requirements under Subsection R156-26a-102(2) and Business Coursework Requirements under Subsection R156-26a-102(4).~~
- ~~(c) An applicant may complete the Accounting Coursework Requirements and Business Coursework Requirements as part of the bachelors, masters or other equivalent degree described or in addition to applicant's bachelors masters or other equivalent degree.~~
- ~~(2) An applicant may request that the Division in collaboration with the Board or the Education Advisory Committee review the applicant's degree from an education program that is not nationally accredited or regionally accredited to determine the degree's equivalency to the educational requirement of Subsection R156-26a-302a(1).~~
- ~~(3) The Division, in collaboration with the Board or the Education Advisory Committee may accept an applicant's education if the applicant:~~

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- ~~\_\_\_\_\_ (a) is licensed or was licensed as a certified public accountant in the United States under Subsection 58-26a-302(2)(a); or~~
- ~~\_\_\_\_\_ (b) obtained;~~
- ~~\_\_\_\_\_ (i) licensure equivalent to Subsection 58-26a-302(2)(a) in a jurisdiction outside of the United States; and~~
- ~~\_\_\_\_\_ (ii) submits a verification from NASBA showing compliance with the terms of a current Mutual Recognition Agreement between the jurisdiction described in Subsection 302(3)(b)(i) and the International Qualifications Appraisal Board of NASBA.~~
- ~~\_\_\_\_\_ (4) The Division in collaboration with the Board or the Education Advisory Committee may make a written finding for cause that a particular nationally accredited, regionally accredited, or non-accredited institution or program is not acceptable.~~
- ~~\_\_\_\_\_ (5) Under Subsection 58-26a-306(1)(c), the Board designates CPAES as the organization that shall determine if an applicant has met the education requirements and is approved to sit for the AICPA Uniform CPA Examination. If an applicant disputes CPAES's determination, the Board shall make the final determination.~~
- ~~[\_\_\_\_\_ (1) Under Subsection 58-26a-302(1)(e), an applicant shall submit transcripts showing completion of course work consisting of a minimum of 150 semester hours or 225 quarter hours, and one of the following:~~
- ~~\_\_\_\_\_ (a) a graduate degree in accounting or taxation from a nationally accredited education program;~~
- ~~\_\_\_\_\_ (b) a Master of Business Administration degree from a nationally accredited education program that includes no less than:~~
- ~~\_\_\_\_\_ (i) 24 semester hours or 36 quarter hours in upper division or graduate level accounting courses covering at least one course in each of the following subjects, with one hour of credit counted for one hour of upper division course work, and 1.6 hours of credit counted for one hour of graduate level course work:~~
- ~~\_\_\_\_\_ (A) financial accounting;~~
- ~~\_\_\_\_\_ (B) auditing;~~
- ~~\_\_\_\_\_ (C) taxation;~~
- ~~\_\_\_\_\_ (D) managerial or cost accounting;~~
- ~~\_\_\_\_\_ (E) accounting information systems or data analytics; or~~
- ~~\_\_\_\_\_ (ii) 12 semester hours or 18 quarter hours in graduate level accounting courses covering the following subjects:~~
- ~~\_\_\_\_\_ (A) financial accounting;~~
- ~~\_\_\_\_\_ (B) auditing;~~
- ~~\_\_\_\_\_ (C) taxation;~~
- ~~\_\_\_\_\_ (D) managerial or cost accounting; and~~
- ~~\_\_\_\_\_ (E) accounting information systems or data analytics;~~
- ~~\_\_\_\_\_ (c) a baccalaureate degree in business or accounting from a nationally accredited education program that includes no less than:~~
- ~~\_\_\_\_\_ (i) 24 semester hours or 36 quarter hours in non duplicative upper division or graduate level accounting courses covering at least one course in each of the following subjects, with one hour of credit counted for one hour of upper division course work and 1.6 hours of credit counted for one hour of graduate level course work:~~
- ~~\_\_\_\_\_ (A) financial accounting;~~
- ~~\_\_\_\_\_ (B) auditing;~~
- ~~\_\_\_\_\_ (C) taxation;~~
- ~~\_\_\_\_\_ (D) managerial or cost accounting; and~~
- ~~\_\_\_\_\_ (E) accounting information systems or data analytics; and~~
- ~~\_\_\_\_\_ (ii) 30 additional semester hours or 45 quarter hours in upper division or graduate level accounting and business courses, with one hour of credit counted for one hour of upper division course work, and 1.6 hours of credit counted for one hour of graduate level course work;~~
- ~~or~~
- ~~\_\_\_\_\_ (d) a baccalaureate or graduate degree from a regionally accredited education program that includes no less than:~~
- ~~\_\_\_\_\_ (i) 24 semester hours or 36 quarter hours in non duplicative upper division or graduate level accounting courses, with a minimum of two semester hours or three quarter hours in each of the following subjects, and with one hour of credit counted for one hour of upper division course work and 1.6 hours of credit for one hour of graduate level course work:~~
- ~~\_\_\_\_\_ (A) financial accounting;~~
- ~~\_\_\_\_\_ (B) auditing;~~
- ~~\_\_\_\_\_ (C) taxation;~~
- ~~\_\_\_\_\_ (D) managerial or cost accounting; and~~
- ~~\_\_\_\_\_ (E) accounting information systems or data analytics; and~~
- ~~\_\_\_\_\_ (ii) 24 semester hours or 36 quarter hours in non-accounting business or related courses with a minimum of two semester hours or three quarter hours in each of the following subjects:~~
- ~~\_\_\_\_\_ (A) business law;~~
- ~~\_\_\_\_\_ (B) information systems;~~
- ~~\_\_\_\_\_ (C) economics;~~
- ~~\_\_\_\_\_ (D) business ethics;~~
- ~~\_\_\_\_\_ (E) finance;~~
- ~~\_\_\_\_\_ (F) statistics or quantitative methods;~~
- ~~\_\_\_\_\_ (G) written and oral business communications; and~~
- ~~\_\_\_\_\_ (H) business administration such as marketing, operations, management, policy, or organizational behavior; and~~
- ~~\_\_\_\_\_ (iii) 30 additional semester hours or 45 quarter hours in upper division or graduate level accounting and business courses, with one hour of credit counted for one hour of upper division course work, and 1.6 hours of credit for one hour of graduate level course work.~~

~~(2) The Division in collaboration with the Board or the Education Advisory Committee may accept a baccalaureate degree in business or accounting from an education program that is not nationally accredited or regionally accredited if the applicant:~~

~~(a)(i) has obtained a graduate degree in accounting or taxation or a Master of Business Administration from a nationally accredited education program; and~~

~~(ii) meets the requirements in Subsection R156-26a-302a(1)(b)(i) or (ii); or~~

~~(b)(i) has obtained a graduate degree in accounting, taxation, or a Master of Business Administration from a regionally accredited education program; and~~

~~(ii) meets the requirements in Subsection R156-26a-302a(1)(d).~~

~~(3) The Division in collaboration with the Board or the Education Advisory Committee may make a written finding for cause that a particular accredited institution or program is not acceptable.~~

~~(4) The Division in collaboration with the Board or the Education Advisory Committee may accept education of a person who is or has been licensed as a certified public accountant or equivalent designation in a jurisdiction outside of the United States, if the applicant has obtained from NASBA verification of compliance with the terms of a current Mutual Recognition Agreement between that jurisdiction and the International Qualifications Appraisal Board of NASBA.]~~

#### **R156-26a-302b. Qualifications for CPA Licensure - Experience Requirements.**

(1) An applicant under Subsection 58-26a-302(1)(d) shall submit evidence of two years of accounting experience meeting the requirements of Subsection 58-26a-102(9).

(2) A post graduate degree may be substituted for one year of experience under Subsection R156-26a-302b(1).

(3) An applicant by endorsement under Subsection 58-26a-302(2) shall submit evidence that the applicant:[Under Subsections 58-1-203(1)(b) and 58-1-301(3) and Section 58-26a-302, the Division in collaboration with the Board may accept experience of an applicant who is or was licensed as a certified public accountant or equivalent designation in a jurisdiction outside of the United States, if the applicant has obtained from NASBA verification of compliance with the terms of a current Mutual Recognition Agreement between that jurisdiction and the International Qualifications Appraisal Board of NASBA.]

(a) is licensed as a certified public accountant in the United States; or

(b) has obtained:

(i) licensure equivalent to Subsection R156-26a-302b(1) in a jurisdiction outside of the United States; and

(ii) a verification from NASBA showing compliance with the terms of a current Mutual Recognition Agreement between the jurisdiction in Subsection R156-26a-302b(2)(a) and the International Qualifications Appraisal Board of NASBA.

#### **R156-26a-302c. Qualifications for Licensure - Examinations.**

~~(1) Under Subsection 58-26a-306(1)(a), the form of application approved by the Division is the application that NASBA CPA Examination Services (CPAES) requires to sit for the AICPA Uniform CPA Examination.~~

~~(2) Under Subsection 58-26a-306(1)(b), the fee is the fee charged by CPAES. No additional fee is due to the Division.~~

~~(3) Under Subsection 58-26a-306(1)(c), the minimum 120 semester hours or 180 quarter hours of the education requirement that an applicant shall complete before sitting for the AICPA Uniform CPA Examination shall include 24 semester hours or 36 quarter hours in non-duplicative upper division or graduate level accounting courses covering at least one course in each of the following subjects, with one hour of credit counted for one hour of upper division course work and 1.6 hours of credit counted for one hour of graduate level course work:~~

~~(a) financial accounting;~~

~~(b) auditing;~~

~~(c) taxation;~~

~~(d) managerial or cost accounting; and~~

~~(e) accounting information systems or data analytics.~~

~~(4) Under Subsections 58-26a-306(1)(c) and (d), the Board designates CPAES as the organization that shall determine if an applicant has met the education requirements and is approved to sit for the AICPA Uniform CPA Examination. If an applicant disputes CPAES's determination, the Board shall make the final determination.~~

~~(5) An applicant for licensure as a certified public accountant shall also pass:~~

~~(a) the AICPA Examination of Professional Ethics for CPAs with a score of at least 90%; and~~

~~(b) the Utah (CPA) Laws and Rules Examination with a score of at least 75%.~~

~~(6) The Division in collaboration with the Board may accept testing of a person who holds a license as a certified public accountant or equivalent designation in a foreign country, if the applicant has obtained from NASBA verification of compliance with the terms of a current Mutual Recognition Agreement between the foreign country and the International Qualifications Appraisal Board of NASBA.]~~

This section describes the qualifications required by an applicant before taking the qualifying examination under Subsection 58-26-302(1)(e).

(1) Under Subsection 58-26a-306(1)(a), the form of application approved by the Division is the application that CPAES requires to sit for the AICPA Uniform CPA Examination.

(2) Under Subsection 58-26a-306(1)(b), the fee is the fee charged by CPAES. No additional fee is due to the Division.

(3) Under 306(1)(c), an applicant shall submit a certified transcript showing:

(a) completion of a bachelors, masters, or higher degree with a major in accounting or taxation; or

(b) completion of:

(i) the Accounting Coursework Requirements described in Subsection R156-26a-102(2); and

(ii) the Business Coursework Requirements described in Subsection R156-26a-102(4).

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- ~~(c) an applicant may fulfill any Accounting Coursework Requirements or Business Coursework Requirements as:~~
- ~~(i) part of a degree program;~~
- ~~(ii) separate from a degree program through a nationally accredited or regionally accredited institution; or~~
- ~~(iii) through an institution deemed equivalent to a nationally or regionally accredited institution under Subsection R156-26a-302a(2).~~
- ~~(4) Under Subsections 58-26a-306(1)(c) and (d), the Board designates CPAES as the organization that shall determine if an applicant has met the education requirements and is approved to sit for the AICPA Uniform CPA Examination. If an applicant disputes CPAES's determination, the Board shall make the final determination.~~
- ~~(5) An applicant for licensure as a certified public accountant shall also pass:~~
- ~~(a) the AICPA Examination of Professional Ethics for CPAs with a score of at least 90%; and~~
- ~~(b) the Utah (CPA) Laws and Rules Examination with a score of at least 75%.~~
- ~~(6) The Division in collaboration with the Board may accept testing of a person who holds a license as a certified public accountant or equivalent designation in a foreign country, if the applicant has obtained from NASBA verification of compliance with the terms of a current Mutual Recognition Agreement between the foreign country and the International Qualifications Appraisal Board of NASBA.~~

**R156-26a-303a. Renewal Requirements - Peer Review Program.**

- ~~(1)(a) Under Subsections 58-1-308(3)(b) and 58-26a-303(2)(b), a licensee shall meet the ~~there is created a~~ peer review program requirement as a condition for the renewal of a license[s] issued under Title 58, Chapter 26a, Certified Public Accountant Licensing Act, providing for review of the work products of CPA and CPA firm licensees.~~
- ~~(b) The purpose of the peer review is to monitor compliance with professional standards.~~
- ~~(c) The peer review shall emphasize education and may include other remedial actions when non-compliance is found.~~
- ~~(d)(b) If an administering organization performing a peer review of a licensee who is unwilling or unable to comply with or intentionally disregards professional standards, the administering organization shall refer the matter to the Division for consultation and to determine the determination of appropriate action.~~
- ~~(2) A firm engaged in the practice of public accounting shall undergo a peer review as defined in Subsection 58-26a-102(14) that is:~~
- ~~(a) performed at the firm's own expense;~~
- ~~(b) commensurate in scope with the firm's practice;~~
- ~~(c) performed at least once every three years; and~~
- ~~(d) administered by an accounting firm as the administering organization; and~~
- ~~(3)(a) The administering organization providing the peer review shall:~~
- ~~(i) assign the year of review for the licensee; and~~
- ~~(ii) as part of the peer review program:~~
- ~~(A) review the work product of the licensee; and~~
- ~~(B) monitor the licensee's compliance with professional standards.~~
- ~~(b) If the administering organization finds the licensee is non-compliant, then the administering organization shall:~~
- ~~(i) emphasize education; and~~
- ~~(iii) may include other remedial actions.~~
- ~~(2)(4) This subsection describes the timing of the initial peer review process and role of regulatory bodies performing peer review. A firm's initial peer review shall be assigned a due date to require that the initial review be started no later than 18 months after the date of the issuance of its initial report as defined in Subsection 58-26a-102(20).~~
- ~~(a) Within 18 months after the administering organization issues its initial report as defined in Subsection 58-26a-102(20), the administering organization shall assign a deadline to start the initial peer review.~~
- ~~(b) At least once every three years a firm engaged in the practice of public accounting shall undergo, at its own expense, a peer review commensurate in scope with its practice.~~
- ~~(c) The administering organization shall assign the year of review.~~
- ~~(d)(b) the role of regulatory bodies performing peer reviews shall be as follows:~~
- ~~(i) A regulatory body may perform a portion of the peer review [may be performed by a regulatory body] if the Board approves the regulatory body as an administering organization. This does not by itself satisfy the peer review requirement unless the other standards in this rule are fulfilled by the regulatory body.~~
- ~~(ii) The peer review performed by a regulatory authority under Subsection R156-26a-303(4)(b)(i) does not satisfy the peer review requirement unless the regulatory body fulfills the other standards in this rule.~~
- ~~(3)(5) This subsection describes the assignment of peer reviewers or inspectors.~~
- ~~(a) A firm scheduled for peer review as defined in Subsection 58-26a-102(14) shall engage a reviewer qualified to conduct the peer review. Regulatory bodies shall assign inspectors.~~
- ~~(b) A regulatory body shall assign the inspector.~~
- ~~(4)(6) This subsection describes the qualifications of a peer reviewer.~~
- ~~(a) A peer reviewer shall provide evidence [of one of the two following minimum qualifications] to the administering organization that the peer reviewer:~~
- ~~(i) [acceptance] has been accepted as a peer reviewer by the AICPA; or~~
- ~~(ii) [compliance with] meets the qualifications required by the AICPA to qualify as a peer reviewer.~~
- ~~(b) A peer reviewer shall be licensed or hold a permit to practice as a CPA in Utah [or another state] or in another jurisdiction of the United States.~~
- ~~(c) The administering organization shall approve each reviewer[s] for a peer review[s] that is not administered by the AICPA.~~

(d) ~~A [R]regulatory body[ies]~~ shall determine the qualifications of inspectors.

~~([5]7) This subsection describes the minimum standards for peer reviews.~~

~~(a)(i) A peer reviewer shall conduct [E]each peer review [shall be conducted] according to the Standards for Performing and Reporting on Peer Reviews promulgated by the AICPA, effective June 1, 2023, which are incorporated by reference, [and adopted as the minimum standards for peer reviews of firms. This requirement does not require any firm or licensee to become a member of the AICPA or any administering organization.]~~

~~(ii) The requirement under Subsection R156-26a-303a(7)(a) does not require a firm or licensee to become a member of the AICPA or another administering organization.~~

~~(b) The Board may review the standards used by the regulatory body to determine if those standards are sufficient to satisfy all or part of the peer review requirements. [those standards are sufficient to satisfy all or part of the peer review requirements, or what additional review may be required to meet the peer review requirements under this rule.]~~

~~([6]8) If an administering organization finds that a peer review was not performed in accordance with this rule or the peer review results in a pass with deficiencies or fail report, the Peer Review Committee may require remedial action to assure that the review or performance of the CPA or CPA firm being reviewed meets the objectives of the peer review program.~~

~~([7]9) This subsection describes the peer review standards for multi-state CPA firms.~~

~~(a) For a multi-state firm, the Division may accept a peer review based solely upon work conducted by a peer reviewer outside of [this state]Utah as satisfying the requirement to undergo peer review under this rule, if:~~

~~(i) the peer review is conducted during the year scheduled or rescheduled under Subsection R156-26a-303a(12);~~

~~(ii) the peer review is performed in accordance with requirements equivalent to those of [this state]Utah;~~

~~(iii) the peer review:~~

~~(A) studies, evaluates, and reports on the quality control system of the firm as a whole in the case of system reviews; or~~

~~(B) results in an evaluation and report on selected engagements in the case of engagement reviews;~~

~~(iv) the firm's internal inspection procedures require that the firm's personnel from another office outside the state perform the inspection of the office located in [this state]Utah not less than once in each three[-]year period; and~~

~~(v) at the conclusion of the peer review, the peer reviewer issues a report equivalent to that required by Subsection R156-26a-303a([5]7) or in the case of an approved regulatory body, a report is issued under their standards.~~

~~(b) A multi-state firm seeking approval under Subsection R156-26a-303a([7](9)(a)) shall submit an application to the administering organization by February 1 of the year of review [establishing]that establishes the peer review it proposes to undergo meets the requirements of Subsection R156-26a-303a([5](7)).~~

~~([8]10) This subsection describes the requirements for a firm to be exempt from peer review.~~

~~(a) A firm that does not perform services encompassed in the scope of minimum standards as set out in Subsection R156-26a-303a([5](7)(a) or (b)) is exempt from peer review and shall notify the Division of the exemption at the time of renewal of its registration. [A firm that begins providing these services shall begin a peer review within 18 months of the date of the issuance of its initial report as defined in Subsection 58-26a-102(16).]~~

~~(b) A firm exempt under Subsection R156-26a-303a(10)(a) that begins providing these services shall begin a peer review within 18 months of the date of the issuance of its initial report as defined in Subsection 58-26a-102(16).~~

~~(11) This subsection describes the peer review obligations of firms following consolidations, mergers, and divisions.~~

~~([9](a) If two or more firms are merged or sold and combined, the [surviving]new firm shall retain the year of review of the largest of the firms that are merged or sold and combined.~~

~~(b) [Dissolutions or separations:] If a firm is divided, each [the]new firm[s] shall retain the year of review of the [former]original firm [If this period], except if the year of review is less than 12 months after the original firm was divided, then a new year of review shall be assigned [so that the review occurs after 12 months of operation].~~

~~(c) Upon application to the administering organization and a showing of hardship caused solely by compliance with Subsection R156-26a-303a([40](12)), the Division may authorize a change in a firm's year of review.~~

~~([40]12) This subsection describes the process for extending the time for a peer review.~~

~~(a) If a firm can demonstrate that the time established for the conduct of a peer review will create an unreasonable hardship upon the firm, the Division may approve an extension [not to exceed]of up to 180 days from the date the peer review was originally scheduled. [as follows:]~~

~~(a)(b) A firm's request for extension under Subsection R156-26a-303a(12)(a) shall: [be addressed in writing by the firm to the Division with a copy to the administering organization responsible for administration of that firm's peer review.]~~

~~(i) be in writing;~~

~~(ii) be submitted to the Division; and~~

~~(ii) include a copy to the administering organization responsible for administering the firm's peer review;~~

~~(b)(c) The firm shall send the request under Subsection R156-26a-303a(12)(a) [written request for extension shall be received by both]to the Division and to the administering organization at least 30 days before the date of scheduled review or the request will not be considered[-]; and~~

~~(c)(d) [The]If the Division approves an extension, the Division shall [inform]notify the administering organization of the [approval of any]extension.~~

~~(11)(a) Documentation necessary to establish that each peer review was performed in conformity with peer review standards adopted by the Board, including the peer review working papers, the peer review report, comment letters and related correspondence indicating the firm's concurrence or nonconcurrence, and any proposed remedial actions and related implementation, shall be retained for the relevant administering organization's designated retention period or 120 days, whichever is longer.]~~

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- (13) This subsection describes the file retention requirements for the administering organization.
- (a) Peer review documentation necessary to establish that each peer review was performed in conformity with peer review standards adopted by the Board including:
- (i) the peer review working papers;
  - (ii) the peer review report;
  - (iii) comment letters and related correspondence indicating the firm's concurrence or nonconcurrence; and
  - (iv) any proposed remedial actions and related implementation; and
- (b) Peer review documentation under Subsection (13)(a) for the longer of:
- (i) 120 days; or
  - (ii) the administering organization's retention schedule.
- (14) This subsection describes the allocation of costs associated with peer reviews.
- (a) The [C]costs associated with a firm-on-firm review[s-will] shall be: [negotiated between the firm and the reviewer and paid directly to the reviewer. Costs associated with committee assigned review team (CART) reviews will be set by the administering organization. The administering organization will collect the fees associated with CART reviews and pay the reviewer.]
- (i) negotiated between the firm and the reviewer; and
  - (ii) paid directly to the reviewer.
- (b) The administering organization shall:
- (i) set the costs associated with committee assigned review team (CART);
  - (ii) collect the fees associated with committee assigned review team (CART) reviews; and
  - (iii) pay the reviewer.
- (b)c The [C]costs associated with the administration of the review process shall be: [paid from fees charged to the firms. The fees shall be collected by the administering organization. The schedule of fees shall be included in the administering organization's proposal. The fee schedule shall specify how much is to be paid each year and shall be based on the firm size.]
- (i) paid from fees charged to the firms;
  - (ii) collected by the administering organization; and
  - (ii) based on a fee schedule included in the administering organization's proposal which:
    - (A) specifies how much shall be paid each year; and
    - (B) is based on firm size.
- [ (13) Financial statements, working papers, or other documents reviewed are confidential. Access to those documents shall be limited to being made available, upon request, to the Peer Review Committee or the technical reviewer to assure that peer reviews are performed according to professional standards.]
- (15) If requested by the Peer Review Program Committee or the technical reviewer performing a peer review, a CPA or CPA firm shall allow access to confidential documents including financial statements, working papers, or other documents to verify that the peer review is performed according to professional standards.

**R156-26a-303b. Continuing Professional Education (CPE).**

This section describes the qualified CPE requirements under [The continuing professional education (CPE) requirements in] Section 58-26a-304 [are defined, clarified, or established as follows:]

- (1) A CPA shall complete at least 80 hours of CPE [hours in] during each two-year licensure cycle ending on December 31 of each even-numbered year, except that no CPE hours are required at [a] the first renewal after initial licensure.
- (2) [CPE hours shall include at least:] As part of a CPA's 80 hours of CPE, a CPA shall complete:
  - (a) at least one hour [of CPE] that covers Title 58, Chapter 26a, the Certified Public Accountant Licensing Act, and Rule R156-26a, the Certified Public Accountant Licensing Act Rule; and
  - (b) at least three hours of ethics education that covers at least one [or more] of the following areas:
    - (i) the AICPA Code of Professional Conduct;
    - (ii) case-based instruction focusing on real-life situational learning;
    - (iii) ethical dilemmas faced by accounting professionals; or
    - (iv) business ethics.
- (3) This subsection describes the duties of a CPA to maintain knowledge, skills, and abilities.
  - (a) A CPA shall maintain current knowledge, skills, and abilities in each area in which the CPA provides services to provide services in a competent manner. [To maintain or to obtain the knowledge, skills, and abilities to competently provide services, a CPA may be required to obtain CPE above and beyond the 80 minimum CPE credits specified in Section 58-26a-304.]
  - (b) A CPA may be required to obtain more than the 80 hours of CPE credits required under Section 58-26a-304 to meet the requirements of Subsection (3)(a).
- (4) The Division incorporates by reference the AICPA and NASBA Statement on Standards for Continuing Professional Education (CPE) Programs, revised January 2024. These standards have been broadly stated in recognition of the diversity of practice and experience among CPAs. They establish a framework for the development, presentation, measurement, and reporting of CPE programs and thereby help to ensure that CPAs maintain the required knowledge, skills, and abilities necessary to competently provide services and to enable the CPA to provide evidence of meeting the minimum CPE requirements. (4) A CPA licensed under this rule shall complete the 80 hours of CPE required under Subsection (2) through courses that meet the requirements of the Statement on Standards for Continuing Professional Education (CPE) Programs, revised January 2024, that is published by AICPA and NASBA, which is incorporated by reference.
- (5) This subsection describes CPE reporting requirements to the Division. [Reporting Requirements.]

(a) The license renewal deadline and the CPE hours reporting period deadline shall ~~[have the same date of]~~ be December 31 of each even-numbered year[s].

(b) Except as otherwise authorized by the Division, a licensee shall enter each earned CPE hour ~~[shall be entered]~~ into the CPE Audit Service for online reporting and auditing of CPE compliance.

(c) A licensee applying for license renewal shall ~~[report by December 31 of each even-numbered year, demonstrating completion of at least the minimum number of]~~ provide evidence to the Division that the licensee has met the CPE hours ~~[required]~~ requirements under Section 58-26a-304 and this section.

(d) ~~At the time of application for reinstatement, [Each person] an individual or firm applying for license reinstatement shall [report] provide evidence to the Division that the individual or firm has [at the time of application, demonstrating completion of]~~ met the CPE hour ~~[required]~~ requirements under Section R156-26a-307.

(e) If a licensee ~~[reports]~~ provides evidence to the Division that the licensee has met the CPE hour requirements under Section 58-26a-304 and this section ~~[required CPE]~~ and renews the ~~[is]~~ license before December 31 of an even-numbered year, then any additional CPE hour completed by that licensee through the remainder of the even-numbered year may be reported and carried forward toward the next succeeding CPE reporting period subject to Subsection (6).

(6) This subsection describes the carry forward provisions of the CPE program. ~~[Carry Forward Provision.]~~

(a) A licensee who completes more than the required hours of CPE during the reporting period may carry forward up to 40 hours to the next succeeding reporting period.

(b) CPE ~~[taken]~~ hours obtained in the current reporting period and CPE hours carried forward from the previous reporting period shall qualify as general CPE hours only for the current reporting period.

(7) This subsection describes the impact of a CPA to failing to comply with CPE requirements. ~~[Failure to comply with CPE requirements.]~~

(a) A licensee who fails to complete the required minimum CPE hours by the reporting deadline may not renew the ~~[is]~~ license until the licensee completes the required CPE hours and reports the CPE hours to the Division ~~[have been completed and reported]~~.

(b)(i) ~~[Pursuant to]~~ Under Subsection 58-26a-304(4), a licensee may request that the Division in collaboration with the Board ~~[to]~~ waive the CPE hours requirements or grant an extension for CPE hours on the basis that the licensee was not able to complete the continuing professional education due to medical condition or a related condition[s] confirmed in writing by a qualified health care provider.

(ii) ~~[Such]~~ The qualified health care provider under Subsection (7)(b)(i) shall include the following in the written medical confirmation: ~~[shall include the beginning and ending dates during which the medical condition would have prevented the licensee from completing the CPE, the extent of the medical condition and the effect that the medical condition had upon the ability of the licensee to continue to engage in the practice of accountancy.]~~

(A) the beginning and ending dates during which the licensee's medical condition would have prevented the licensee from completing the CPE hours;

(B) the extent of the licensee's medical condition; and

(C) the effect that the licensee's medical condition had upon the ability of the licensee to continue to engage in the practice of accountancy;

(iii) The Division in collaboration with the Board shall review the applicant's request for CPE waiver and shall ~~[in determining whether the waiver is appropriate shall]~~ consider whether ~~[or not]~~ the licensee continued to be engaged in the practice of accountancy ~~[practice]~~ on a full time or part time basis during the period specified by the medical confirmation ~~[under Subsections (7)(b)(i) and (ii).~~

~~[(iii) Granting a waiver of meeting the minimum CPE hours is not a waiver of a CPA being required to provide services in a competent manner with current knowledge, skill, and ability. When medical or other conditions prevent the CPA from providing services in a competent manner, the CPA shall refrain from providing such services.]~~

(iv) If the Division waives the minimum CPE hours for a licensee, the licensee shall still be required to provide services:

(A) in a competent manner; and

(B) with current knowledge, skill, and ability.

(v) If a medical condition or another condition prevents a licensee from providing services that meet the requirements of Subsections (7)(b)(iv)(A) and (B), the CPA shall refrain from providing such services.

**R156-26a-303c. Renewal Cycle.**

(1) Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle for licensees under Title 58, Chapter 26a, Certified Public Accountant Licensing Act is established in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Sections R156-1-308a through R156-1-308L.

~~**R156-26a-303d. Renewal Procedures.**~~

~~Renewal procedures shall be in accordance with Section R156-1-308e.]~~

**R156-26a-305. Exemptions from Licensure - Mobility.**

~~[The mobility practice privilege included in Section 58-26a-305 is further clarified, defined, and established as follows:~~

(1) As used in this section and for purposes of Section 58-26a-305:

(a) "Mobility" means a practice privilege that generally permits a licensed CPA in good standing from a substantially equivalent state or jurisdiction where their principal place of business is located, to practice outside of that state or jurisdiction without obtaining another license. CPA mobility is a uniform approach endorsed by the AICPA and NASBA through the AICPA and NASBA Uniform Accountancy Act (UAA), allowing no notification interstate practice by CPAs whose home jurisdiction or who individually are substantially equivalent where they meet

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the UAA licensure standard. The individual and firm automatically consent to the jurisdiction of the mobility state, and the mobility state's ability to discipline under the provision is based on the performance of services within the mobility state, whether physically, electronically, or otherwise.

(b) "Individual mobility" means an individual CPA meets the requirements of Subsection 58-26a-305(1)(a) and Section R156-26a-305 to perform services through mobility in Utah. A CPA with individual mobility does not need to obtain a Utah CPA license or otherwise register with the Division.

(c) "Firm mobility" means a CPA firm meets the requirements of Subsection 58-26a-305(1)(a) and Section R156-26a-305 to perform services through mobility in Utah. A CPA firm with firm mobility does not need to obtain a Utah CPA firm license or register with the Division.

(d) "Home jurisdiction" means the jurisdiction where a CPA or CPA firm is licensed and their principal place of business is located.

(e) "Mobility tool" means the online tool developed by the AICPA and NASBA to help CPAs and CPA firms understand mobility and determine their eligibility for mobility, available at <https://epamobility.org>.

(1) A CPA performing services in Utah through individual mobility shall hold a license in the home jurisdiction that is:

(a) active;

(b) unrestricted; and

(b) in good standing.

(2) A CPA or CPA firm performing services through mobility in Utah shall hold an active, unrestricted license in good standing in their home jurisdiction. An inactive or restricted CPA or CPA firm license is invalid pursuant to Subsection 58-26a-305(1)(a)(ii)(C).

(3) A CPA performing services through mobility shall only perform the same level of services, attest or non-attest, in the mobility jurisdiction as they are permitted to perform in their home jurisdiction.

(4) A CPA firm not licensed in Utah may perform services through mobility in Utah as a person exempt from licensure pursuant to Subsection 58-26a-305(1)(a), if:

(a) the CPA firm's principal place of business is not in Utah;

(b) the CPA firm holds an active, unrestricted CPA firm license in good standing in its home jurisdiction; and

(c) the CPA firm meets the ownership and peer review requirements of the mobility jurisdiction pursuant to Subsection 58-26a-302(3)(a)(iii) and Section R156-26a-303a.

(5) A licensed CPA or CPA firm may obtain information regarding their eligibility for mobility by using the mobility tool at <https://epamobility.org>.

**R156-26a-307. Reinstatement of Licenses.**

(1) Under Subsection 58-1-308(1), [A]an individual who held a Utah license that has expired for failure to renew for nonpayment of fees, or an individual applying for reinstatement from emeritus status, may be relicensed upon satisfactory completion of:

(a) submission of an application on [forms supplied by the]Division-approved forms that shall contain information as to why the individual allowed their license to lapse; and

(b) 80 hours of qualified CPE completed within the 12 months preceding the submission of the application for reinstatement, which shall include:

(i) at least 16 hours in accounting or auditing or both; and

(ii) successful completion of the AICPA Professional Ethics for [CPAs]Certified Public Accountants Examination; [and the Utah CPA Laws and Rules Examination with minimum scores of at least the minimum score required for initial licensure, which shall count as eight hours of CPE toward the 80-hour requirement.]

(A) with a score in each examination that meets the current minimum score for each examination that is required for initial licensure; and

(B) which shall count as eight hours of CPE toward the 80-hour CPE requirement.

(2) The Division may waive the requirements in Subsection R156-26-307(1)(b) [may be waived]if the [reinstatement]applicant for reinstatement:

(a) has not been practicing within Utah since the expiration of the license being reinstated;

(b) has continuously since the expiration been licensed and practicing in another state; and

(c) demonstrates that the applicant has met the CPE requirements that would have been applicable in Utah during the time the license was expired in Utah.

(3) The Division may waive the requirements in Subsection R156-26a-307(1)(b) [may be waived]for an applicant if:

(a) the applicant failed to renew because of inadvertent failure to: [pay the renewal fees, to sign application documents, or to meet similar technical application requirements;]

(i) pay the renewal fees;

(ii) sign application documents; or

(iii) meet similar technical application requirements;

(b) the application for reinstatement is filed with the Division within 24 months after expiration date of the license; and

(c) at the time of application for reinstatement, the applicant [demonstrates by proof of attendance at acceptable CPE courses that at all times the applicant was in full compliance with the CPE requirements.]provides evidence that the applicant:

(i) attended acceptable CPE courses; and

(ii) complied with the CPE requirements at all times.

(4) The number of hours required to reinstate a license may not satisfy [in whole or part any of the minimum hours of]any CPE hour that may be required for subsequent renewal of the license.

**R156-26a-501. Unlawful Conduct.**

Under Section 58-26a-501, the following citation fine schedule shall apply to a Division citation issued to an individual licensed under Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 26b, Certified Public Accountant Licensing Act:

TABLE 1 Fine Schedule			
Subsection	Violation	First Offense	Second Offense
(1)	58-1-501(1)(a)	\$500 - \$1,000	\$1,000 - \$2,000
(2)	58-1-501(1)(b)	\$500 - \$1,000	\$1,000 - \$2,000
(3)	58-1-501(1)(c)	\$500 - \$1,000	\$1,000 - \$2,000
(4)	58-1-501(1)(d)	\$500 - \$1,000	\$1,000 - \$2,000
(5)	58-1-501(1)(e)	\$500 - \$1,000	\$1,000 - \$2,000
(6)	58-1-501(1)(g)	\$500 - \$1,000	\$1,000 - \$2,000
(7)	58-26a-501(1)(a)	\$500 - \$1,000	\$1,000 - \$2,000
(8)	58-26a-501(1)(b)	\$500 - \$1,000	\$1,000 - \$2,000
(9)	58-26a-501(1)(c)	\$500 - \$1,000	\$1,000 - \$2,000
(10)	58-26a-501(1)(d)(i)	\$500 - \$1,000	\$1,000 - \$2,000
(11)	58-26a-501(1)(d)(ii)(A)	\$500 - \$1,000	\$1,000 - \$2,000
(12)	58-26a-501(1)(d)(ii)(B)	\$500 - \$1,000	\$1,000 - \$2,000
(13)	Other unlawful conduct	\$500 - \$1,000	\$1,000 - \$2,000
(14)	Subsequent offense	Up to \$2,000 for each day of the continued offense	

**R156-26a-501[4]2. Unprofessional Conduct.**

Under Section 58-1-203 and Subsection 58-26a-102(24), "[U]nprofessional conduct" includes:

(1) willfully failing to comply with continuing professional education requirements ~~or fraudulently reporting continuing professional education~~;

(2) fraudulently reporting CPE;

~~(2)3~~ failing to conform to the accepted and recognized standards and ethics of the profession including those in the AICPA Code of Professional Conduct, effective December 15, 2014, updated through ~~October 2023,~~ December 2025 which is incorporated by reference; or

~~(3)4~~ a CPA firm using the name of an individual ~~person~~ who is not a licensed certified public accountant as part of the CPA firm name, except that a CPA firm may continue to use the name of a former owner who was a CPA but who has retired or is no longer active in the CPA firm.

**KEY:** accountant[s], CPA, accounting firm, CPA firm, licensing, peer review, peer review program, continuing professional education

**Date of Last Change:** ~~July 29, 2024~~ 2026

**Notice of Continuation:** September 27, 2021

**Authorizing, and Implemented or Interpreted Law:** 58-26a-101; 58-1-106(1)(a); 58-1-202(1)(a)

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 57975
<b>Rule or section number:</b>	<b>R156-69</b>

**1. Agency Information**

<b>Title catchline:</b>	Commerce, Professional Licensing
<b>Building:</b>	Heber M. Wells Building
<b>Street address:</b>	160 E 300 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 146741
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Lisa Martin	801-530-7632	lmartin@utah.gov

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

**3. General Information****A. Rule or section catchline:**

R156-69. Dentist and Dental Hygienist Practice Act Rule

**B. Purpose of the new rule or reason for the change:**

The Division of Professional Licensing (Division) in collaboration with the Dentist and Dental Hygienist Licensing Board is filing this amendment to changes in response to HB 372 passed in the 2025 General Session that included three new expanded function certifications for dental auxiliaries under the indirect supervision of a dentist:

- 1) the administration of botulinum toxin by a dental hygienist;
- 2) the placement of direct restorations by a dental hygienist or dental assistant; and
- 3) the removal of coronal adhesive by a dental hygienist or dental assistant.

The amendments create the qualifications for each expanded function certification along with the initial scope of licensure which may be expanded in the future.

The amendments also clarify the educational requirements and parameters for a dentist who administers dermal fillers or botulinum toxin injections.

Additional nonsubstantive formatting changes are also made throughout this rule to streamline and update this rule, clarify and update definitions, and comply with the Rulewriting Manual for Utah.

**C. Summary of the new rule or change:**

The amendments make the following changes:

In Section R156-69-102: updates definitions to clarify terms used in the rule and to remove terms no longer used.

In Section R156-69-301a: clarifies the education standards and parameters for the administration of dermal fillers and botulinum toxin.

In Section R156-69-301d: clarifies the education requirements required for an entity providing hygienist education and updates the names of the organizations administering qualifying exams.

In Sections R156-69-302b and R156-69-302c: updates the names of the organizations administering qualifying exams.

In Section R156-69-303: adds language defining the terms of an expanded function certification for dental auxiliaries.

In Section R156-69-304a: clarifies and updates the continuing professional education (CPE) requirements for licensees and defines the CPE requirements for expanded function certification holders.

In Section R156-69-502: adds new examples of unprofessional conduct including those applicable to the new expanded function certifications for dental auxiliaries.

Section R156-69-603 is renumbered to Section R156-69-803a. Additional revisions update the restrictions on dental assistants for those dental assistants who obtain an expanded function certification.

Section R156-69-604 is renumbered to Section R156-69-803b.

In Section R156-69-801: updates the requirements for a dental hygienist engaging in the practice of dental hygiene in a public health setting without supervision.

The amendment also adds the following new sections:

1) Section R156-69-808a defines the minimum entry requirements and standards for a dental hygienist to obtain a certification for the administration of botulinum toxin; includes the education requirements the dental hygienist shall complete that aligns with the requirements for a dentist; defines the initial scope of practice for this certification including the limit on administering botulinum toxin injections only within the oral and maxillofacial areas of a patient; and defines the continuing professional education requirements to maintain certification.

2) Section R156-69-808b defines the minimum entry requirements and standards for a dental auxiliary to obtain a certification for the placement of direct restorations; includes the educational training requirements of the program that the dental auxiliary shall

complete; defines the initial scope of practice for this certification including the use of a dental or surgical magnification device and allowing the use of a slow-speed handpiece on direct restorations; and defines the continuing professional education requirements to maintain certification.

3) Section R156-69-808c defines the minimum entry requirements and standards for a dental auxiliary to obtain a certification for the removal of dental adhesive; includes the educational requirements of the program that the dental auxiliary shall complete; defines the initial scope of practice for this certification including the requirement to use a dental or surgical magnification device and allowing the use of a slow-speed handpiece while removing coronal adhesive; and defines the continuing professional education requirements to maintain certification.

4) Section R156-69-808d defines the consent requirements for a dental auxiliary while training to obtain an expanded function certification and a dental auxiliary who has an expanded function certification.

The remaining amendments also make nonsubstantive formatting changes for clarity, update the rule language for style and formatting consistent with the Rulewriting Manual for Utah, and update citation references.

**4. Legislative Action Information**

<b>A. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>B. If yes, any bill number and session:</b>	HB 372 (2025 General Session), SB 44 (2025 General Session)

**5. Fiscal Information**

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

**A. State budget:**

There is a one-time cost of \$199.93 for the Division to purchase the newest edition of Parameters of Care: AAOMS Clinical Practice Guidelines for Oral and Maxillofacial Surgery, 7th edition, which is incorporated by reference in this rule.

The proposed amendments to Section R156-69-301a will not affect any state practices or procedures, so the Division does not anticipate any fiscal impact on the state budget.

The remaining proposed amendments are made in accordance with the requirements of SB 372 (2025), so the Division does not anticipate additional costs or savings to the state budget beyond that determined by the fiscal note for SB 372 (2025) at: <https://le.utah.gov/%7E2025/bills/static/HB0372.html>.

**B. Local governments:**

The proposed amendments to Section R156-69-301a will not affect any local government's practices or procedures, so the Division does not anticipate any fiscal impact on any local government.

The remaining proposed amendments are made in accordance with the requirements of SB 372 (2025), so the Division does not anticipate additional costs or savings to any local government practices or procedures, the Division does not anticipate any fiscal impact to local governments.

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

The proposed amendments to Section R156-69-301a will not directly affect any small businesses' practices or procedures, so the Division does not anticipate any fiscal impact on any small businesses.

The remaining proposed amendments are made in accordance with the requirements of SB 372 (2025), so the Division does not anticipate additional costs or savings to small businesses beyond that determined by the fiscal note for SB 372 (2025) at: <https://le.utah.gov/%7E2025/bills/static/HB0372.html>.

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

The proposed amendments to Section R156-69-301a will not directly affect any non-small businesses' practices or procedures, so the Division does not anticipate any fiscal impact on non-small businesses.

The remaining proposed amendments are made in accordance with the requirements of SB 372 (2025), so the Division does not anticipate additional costs or savings to non-small businesses beyond that determined by the fiscal note for SB 372 (2025) at: <https://le.utah.gov/%7E2025/bills/static/HB0372.html>.

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

The proposed amendments to Section R156-69-301a clarify and update the training requirements for a dentist who provides botulinum toxin injections to match the training requirements for a dental hygienist with a certification for the administration of botulinum toxin injections.

Rather than completing an 8-hour course on botulinum toxin and dermal fillers, a dentist who provides botulinum toxin injections is now required to complete a 10-hour training course specific to the administration of botulinum toxin injections.

The proposed amendments to Section R156-69-301a also clarify and update the training requirements for a dentist who provides dermal fillers. A dentist who provides dermal fillers is now required to complete a 10-hour training course specific to dermal fillers. There are approximately 3,888 licensed dentists in Utah.

The proposed amendments to Section R156-69-301a may result in a fiscal impact on dental licensees, but quantifying any impact is not possible as it will vary widely depending on licensee choices and individual circumstances.

The remaining proposed amendments are made in accordance with the requirements of SB 372 (2025), so the Division does not anticipate additional costs or savings to persons other than small businesses, non-small businesses, state, or local government entities beyond that determined by the fiscal note for SB 372 (2025) at: <https://le.utah.gov/%7E2025/bills/static/HB0372.html>.

**F. Compliance costs for affected persons:**

As described in box 6E, quantifying any impact of proposed changes to Section R156-69-301a is not possible as it will vary widely depending on licensee choices and individual circumstances.

The remaining proposed amendments are made in accordance with the requirements of SB 372, so the Division does not anticipate additional compliance costs for affected persons beyond that determined by the fiscal note for SB 372 at <https://le.utah.gov/%7E2025/bills/static/HB0372.html>.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$199.93	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$199.93</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>(\$199.93)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Section 58-69-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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**10. Incorporation by Reference Information**

<b>Incorporation by Reference:</b>	
<b>A. This rule adds or updates the following title of material incorporated by reference</b> (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i> ):	
<b>Official Title of Materials Incorporated (from title page)</b>	Parameters of Care: AAOMS Clinical Practice Guidelines for Oral and Maxillofacial Surgery
<b>Publisher</b>	American Association of Oral and Maxillofacial Surgeons
<b>Issue Date</b>	2023
<b>Issue or Version</b>	7th edition

<b>B. This rule adds or updates the following title of material incorporated by reference</b> (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i> ):	
<b>Official Title of Materials Incorporated (from title page)</b>	American Society of Anesthesiologists
<b>Publisher</b>	Standards for Postanesthesia Care
<b>Issue Date</b>	October 23, 2024

<b>C. This rule adds or updates the following title of material incorporated by reference</b> (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i> ):	
<b>Official Title of Materials Incorporated (from title page)</b>	Principles of Ethics and Code of Conduct
<b>Publisher</b>	American Dental Association
<b>Issue Date</b>	October 2024

<b>D. This rule adds or updates the following title of material incorporated by reference</b> (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i> ):	
<b>Official Title of Materials Incorporated (from title page)</b>	ADHA Code of Ethics
<b>Publisher</b>	American Dental Hygienists Association
<b>Issue Date</b>	October 2024

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**B. A public hearing (optional) will be held** (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time:	Place (physical address or URL):
06/12/2026	1:00 PM	Anchor Meeting Location: Heber M. Wells Building Room 474 160 E 300 S Salt Lake City, UT  Video call link: <a href="https://meet.google.com/ffn-tgae-wym">https://meet.google.com/ffn-tgae-wym</a> Or dial: (US) +1 513-468-1160 PIN: 431 136 780# More phone numbers: <a href="https://tel.meet/ffn-tgae-wym?pin=2887063598876">https://tel.meet/ffn-tgae-wym?pin=2887063598876</a>

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	04/27/2026
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**R156. Commerce, Professional Licensing.**

**R156-69. Dentist and Dental Hygienist Practice Act Rule.**

**R156-69-101. Title.**

(1) This rule is known as the "Dentist and Dental Hygienist Practice Act Rule."

(2) This rule is adopted by the Division under Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-10[7]1.

**R156-69-102. Definitions.**

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act. [-]In addition:

(1) "AAOMS standards" as used in Subsections R156-69-301a(3)(d) and R156-69-301b(5)(d)(i) means the following American Association of Oral and Maxillofacial Surgeons (AAOMS) standards, which are incorporated by reference:

(a) Office Anesthesia Evaluation Manual, 2018, 9th edition; and

(b) Parameters of Care[-, 2017 6<sup>th</sup> edition-]; AAOMS Clinical Practice Guidelines for Oral and Maxillofacial Surgery, 2023, 7th edition.

~~(2) "AAPD" means the American Academy of Pediatric Dentistry.~~

~~(3) "ACLS" means Advanced Cardiac Life Support.~~

~~(4) "ADA" means the American Dental Association.~~

~~(5) "ADA CERP" means American Dental Association Continuing Education Recognition Program.~~

~~(6) "ADA [Sedation and General Anesthesia]SGA Policy Statement" means the ADA Policy Statement: The Use of Sedation and General Anesthesia by Dentists, 2007 edition, which is incorporated by reference.~~

~~(7) "ADA PCS Teaching Guidelines" as used in Section R156-69-301b and Subsection R156-69-301d(2)(b)(i)(A)(I) means the Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students published by the American Dental Association[-] as adopted by the ADA House of Delegates, October 2016, which is incorporated by reference.~~

~~(8) "ADA Use of SGA Guidelines" means the Guidelines for the Use of Sedation and General Anesthesia by Dentists published by the American Dental Association[-] as adopted by the ADA House of Delegates, October 2016, which is incorporated by reference.~~

~~(9) "ADEX" means American Board of Dental Examiners.~~

~~(10) "ADEX predecessor organization" as used in Subsections R156-69-301d(2)(c)(i), R156-69-302b(2), and R156-69-302c(1)(b), means:~~

~~(a) the Commission on Dental Competency Assessments (CDCA);~~

~~(b) the Council of Interstate Testing Agencies, Inc. (CITA); and~~

~~(c) the Western Regional Examining Board (WREB).~~

~~(11) "ADHA" as used in Subsections R156-69-304a(11)(a)(iii)(E) and R156-69-502(29) means the American Dental Hygienists' Association.~~

~~(11)~~<sup>[10]</sup> "Advertising or otherwise holding oneself out to the public as a dentist" as used in Subsection R156-69-502(2) means representing or promoting oneself as a dentist through ~~any of the following or similar methods~~:

- (a) a business name[s];
- (b) a business sign[s];
- (c) a door or window lettering;
- (d) a business card[s];
- (e) letterhead;
- (f) a business announcement[s];
- (g) a flyer[s];
- (h) a mailer[s];
- (i) a promotion[s];
- (j) an advertisement[s];
- (k) a radio or television commercial[s];
- (l) a listing[s] in printed or an online telephone directory;~~[ies; or]~~
- (m) a blog, podcast, social media, or other means of mass communication generally available; or  
~~(n) any other type of advertisement or promotional communication.~~

~~(12)~~<sup>[11]</sup> "Analgesia" ~~means the same as~~ is as defined in the ADA Use of SGA Guidelines.

~~(13)~~<sup>[12]</sup> "Anesthesiology" means the science of administration of anesthetics and the condition of the patient while under anesthesia.

~~(14)~~<sup>[13]</sup> "ASA standards" means the following American Society of Anesthesiologists (ASA) standards, which are incorporated by reference:

- (a) Basic Standards for Preanesthesia Care, 2020 edition;
- (b) Standards for Basic Anesthetic Monitoring, 2020 edition; and
- (c) Standards for Postanesthesia Care, ~~2019 edition~~ last amended October 23, 2024;

~~(15)~~<sup>[14]</sup> "BCLS" means Basic Cardiac Life Support.

~~(16)~~<sup>[15]</sup> "BLS" means Basic Life Support.

~~(17) "CDCA" means Commission on Dental Competency Assessments.~~

~~(18)~~<sup>[16]</sup> "CDEL" means the Council on Dental Education and Licensure.

~~(19) "CITA" means Council of Interstate Testing Agencies, Inc.~~

~~(20)~~<sup>[17]</sup> "CODA" means the Commission on Dental Accreditation of the ~~American Dental Association (ADA)~~ ADA.

~~(21)~~<sup>[18]</sup> "Competency" means displaying special skill or knowledge derived from training and experience.

~~(22)~~<sup>[19]</sup> "CPR" means cardiopulmonary resuscitation.

~~(23)~~<sup>[20]</sup> "CRDTS" means the Central Regional Dental Testing Service, Inc.

~~(24)~~<sup>[21]</sup> "DANB" means the Dental Assisting National Board, Inc.

~~(25)~~<sup>[22]</sup> "Deep sedation" as defined in Subsection 58-1-510(1)(b) is further defined in the ~~standards in Subsection R156-69-301b(3)~~ ADA Use of SGA Guidelines.

~~(26)~~<sup>[23]</sup> "Deep sedation and general anesthesia permit" means the dentist deep sedation and general anesthesia permit classification and scope of practice established in Section R156-69-301~~b~~<sup>a</sup> and Subsection R156-69-304a(3)~~(c)~~ under Subsection 58-69-301(4).

~~(24)~~<sup>(a)</sup> "Dental hygiene assessment" as used in Subsection 58-69-102(10)(c) includes:

~~(i) assessing a patient's dental hygiene status to identify an existing or potential oral health issue that a dental hygienist is educationally qualified and licensed to treat; and~~

~~(ii) formulating a dental hygiene treatment plan under Subsection 58-69-102(10)(d).~~

~~(b) "Dental hygiene assessment" does not include:~~

~~(i) providing a definitive treatment diagnosis; or~~

~~(ii) creating a treatment plan that includes:~~

~~(A) operative dentistry;~~

~~(B) botulinum toxin; or~~

~~(C) dermal fillers.~~

~~(27)~~<sup>[25]</sup> "Dental hygienist with local anesthesia and nitrous oxide analgesia permit" means the dental hygienist local anesthesia permit classification and scope of practice established in Sections R156-69-301c and R156-69-301d under Subsection 58-69-301(4).

~~(26) "Dental auxiliaries" as used in Section 58-69-808 means a dental hygienist or dental assistant.~~

~~(28)~~<sup>[27]</sup> "Discharge criteria" means the minimum requirements for a patient to be safely discharged from the care of a dentist.

~~(29)~~<sup>[28]</sup> "General anesthesia" as defined in Subsection 58-1-510(1)(c) is further defined in the ~~standards in Subsection R156-69-301b(3)~~ ADA Use of SGA Guidelines.

~~(30)~~<sup>[29]</sup> "Local anesthesia" ~~means the same as~~ is as defined in the ~~standards in Subsection R156-69-301b(3)~~ ADA Use of SGA Guidelines.

~~(31)~~<sup>[30]</sup> "Local anesthesia permit" means the dentist local sedation permit classification and scope of practice established in Section R156-69-301~~b~~<sup>a</sup> under Subsection 58-69-301(4).

~~(32) "Maximum recommended dose (MRD)" is the maximum FDA recommended dose of a drug, as printed in FDA approved labeling for unmonitored home use.~~

~~(33)~~<sup>[31]</sup> "Minimal sedation" as defined in Subsection 58-1-~~504~~<sup>510</sup>(1)(e) is further defined in the ~~standards in Subsection R156-69-301b(3)~~ ADA Use of SGA Guidelines.

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~~(32)~~ "Minimal sedation permit" means the dentist minimal sedation permit classification and scope of practice established in ~~Section~~ Subsections R156-69-301(a)(1)(b) and (2)(b) under Subsection 58-69-301(4).

~~(33)~~ "Moderate sedation" as defined in Subsection 58-1-510(1)(f) is further defined in the ~~standards in Subsection R156-69-301b(3)~~ ADA Use of SGA Guidelines.

~~(34)~~ "Moderate sedation permit" means the dentist moderate sedation permit classification and scope of practice established in ~~Section~~ Subsections R156-69-301(a)(1)(c) and (2)(c) under Subsection 58-69-301(4).

~~(35)~~ "PALS" means Pediatric Advanced Life Support.

~~(36)~~ "Pediatric dentistry" means the ~~age-defined~~ dental specialty area that provides both primary and comprehensive preventive and therapeutic oral health care for infants and children through adolescence, including those with special health care needs.

~~(37)~~ "Pediatric Sedation Guidelines" means the guidelines established in ~~[Cote CJ, Wilson S. American Academy of Pediatric Dentistry, American Academy of Pediatrics]~~ Guidelines for Monitoring and Management of Pediatric Patients Before, During, and After Sedation for Diagnostic and Therapeutic Procedures, [Pediatric Dent 2019; 41(4):E-26-E-52], published by the American Academy of Pediatrics and the American Academy of Pediatric Dentistry, June 2019, which is incorporated by reference.

~~(38)~~ "Practice of dental hygiene" ~~under~~ as defined in Subsection 58-69-102~~(7)(a)(ix)~~ (10) includes performing:

(a) laser bleaching; ~~and~~ or

(b) laser periodontal debridement.

~~(39)~~ "Prominent disclaimer" as used in Subsection 58-69-502(2)(b) means a disclaimer that:

(a) is in the same size ~~[of lettering]~~ as the largest lettering ~~[contained]~~ in ~~[the]~~ an advertisement, publication, or other communication in which the disclaimer appears; or

(b) is in the same volume and speed as the slowest speed and highest volume included in the advertisement, commercial, or other communication in which the disclaimer appears.

~~(40)~~ "Qualified continuing professional education" or "CPE" means continuing professional education under Section 58-69-304 that meets the requirements of Section R156-69-304a.

~~(41)~~ "Route of administration" means the technique of administering sedation agents, and includes the following, as defined in the ADA Use of SGA Guidelines:

(a) enteral;

(b) parenteral;

(c) transdermal;

(d) transmucosal; and

(e) inhalation.

~~(42)~~ "Specialty area" ~~[or "dental specialty"]~~ as used in Subsections R156-69-102(36) and R156-69-502(2) means an area of dentistry in which the dentist has successfully completed at least two full-time years in a specialty postdoctoral program accredited by CODA.

~~(43)~~ "SRTA" means the Southern Regional Testing Agency, Inc. which merged with CRDTS.

~~(44)~~ "TMD" as used in in Subsections R156-69-301a(5) and R156-69-808a(3)(f)(ii) means a temporomandibular disorder.

~~(45)~~ "UDA" means the Utah Dental Association.

~~(46)~~ "UDHA" means the Utah Dental Hygienists' Association.

~~(47)~~ "Unprofessional conduct" is further defined ~~[in accordance with Subsection 58-1-203(1)(e),]~~ in Section R156-69-502 under Subsection 58-1-203(1)(e).

~~(48)~~ "WREB" means the Western Regional Examining Board.

**R156-69-301a. Dentist Anesthesia and Analgesia - Permit Classifications and Scopes of Practice -- Dermal Filler -- Botulinum Toxin.**

(1) Under Section 58-1-510 and Subsection 58-69-301(4)(~~b~~ a), the classification of dentist anesthesia and analgesia permits are as follows:

- (a) local anesthesia permit;
- (b) minimal sedation permit;
- (c) moderate sedation permit; and
- (d) deep sedation and general anesthesia permit.

(2) Under ~~Subsections~~ Section 58-1-510~~(2) through (4)]~~ and Subsection 58-69-301(4)(~~a~~ b), the scope of practice for each dentist anesthesia and analgesia permit is established as follows:

(a) a dentist with a local anesthesia permit may administer local anesthesia and nitrous oxide analgesia and supervise the administration of local anesthesia and nitrous oxide analgesia in compliance with the standards in Subsection (3);

(b) a dentist with a minimal sedation permit may:

(i) exercise the privileges of a local anesthesia permit; and

(ii) administer and supervise the administration of minimal sedation via nitrous oxide ~~[oxygen]~~ analgesia and oxygen, with or without the administration of enteral medications, in compliance with the standards in Subsection (3);

(c) a dentist with a moderate sedation permit may:

(i) exercise the privileges of a minimal sedation permit;

(ii) administer and supervise the administration of moderate sedation in compliance with the standards in Subsection (3); and

(iii) when engaging in the administration of moderate sedation shall:

(A) use pulse oximetry; and

(B) have at least one ACLS or PALS trained individual present in-operatory during sedation; and

(d) a dentist with a deep sedation and general anesthesia permit may:

- (i) exercise the privileges of a moderate sedation permit;
- (ii) administer or supervise the administration of deep sedation or general anesthesia in compliance with the standards in Subsection (3); and

(iii) when engaging in the administration of deep sedation or general anesthesia, shall:

- (A) use pulse oximetry and end[-]-tidal carbon dioxide (CO<sub>2</sub>) monitoring with capnography; and
- (B) have at least one ACLS or PALS trained individual present in-operatory during sedation.

(3) Under ~~[Subsections]Section 58-1-510(3) and (4)~~ and ~~Subsections 58-69-102(8) and 58-69-807(2) and (5)~~, ~~Section 58-69-802:~~

~~(a)~~ a dentist shall possess the knowledge, skills, education, and training required by and shall comply with the following standards, as applicable to the dentist's permitted scope of practice:

- ~~(i)~~ ~~a~~ the ADA Use of SGA Guidelines;
- ~~(ii)~~ ~~b~~ the Pediatric Sedation Guidelines;
- ~~(iii)~~ ~~c~~ the ADA ~~[Sedation and General Anesthesia]~~ SGA Policy Statement;
- ~~(iv)~~ ~~d~~ the AAOMS standards;
- ~~(v)~~ ~~e~~ the ASA standards; and
- ~~(vi)~~ ~~f~~ Section 58-1-510; ~~and~~

~~(b)~~ a dentist who practices facial cosmetic dentistry using the neurotoxin clostridium botulinum or an injectable dermal filler shall demonstrate competency by having successfully completed a minimum of eight hours of training that:

- ~~(i)~~ is taught by properly trained and licensed individuals teaching within their scope of practice;
- ~~(ii)~~ includes a hands-on component; and
- ~~(iii)~~ includes the following topics:

- ~~(A)~~ treatment for temporomandibular joint dysfunction;
- ~~(B)~~ infection control; and

~~(C)~~ risk factors for administration of neurotoxin clostridium botulinum and dermal fillers.]

~~(4)(a)~~ A dentist who meets the requirements of Subsections (4)(b) and R156-69-304a(4) may administer a dermal filler:

- ~~(i)~~ within the oral and maxillofacial areas of a patient for cosmetic purposes; and
- ~~(ii)~~ in the dentist's regularly announced office location during standard business hours.

~~(b)~~ A dentist who provides treatment to a patient under Subsection (4)(a) shall demonstrate competency by successfully completing an approved ten-hour CPE course on dermal fillers that:

- ~~(i)~~ is taught by an instructor who:
  - ~~(A)~~ has an active and current license;
  - ~~(B)~~ is qualified by education, training, and experience to provide instruction on dermal fillers;
  - ~~(C)~~ has at least 4,000 hours of clinical experience;
  - ~~(D)~~ has successfully administered dermal fillers on at least 50 patients;
  - ~~(E)~~ is teaching within the scope of practice for the instructor's license; and
  - ~~(F)~~ meets the CPE requirements of Section R156-69-304a; and
- ~~(ii)~~ includes:
  - ~~(A)~~ a hands-on component on a live patient;
  - ~~(B)~~ infection control; and
  - ~~(C)~~ risk factors for administering dermal fillers.

~~(5)(a)~~ A dentist who meets the requirements of Subsections (5)(b) and R156-69-304a(5) may administer a botulinum toxin injection:

- ~~(i)~~ within the oral and maxillofacial areas of a patient:
  - ~~(A)~~ for cosmetic purposes; or
  - ~~(B)~~ as a therapeutic treatment to reduce the pain or discomfort of diagnosed TMD as defined in Subsection R156-69-102(44) and other medical conditions of the oral and maxillofacial areas including bruxism and migraines; and
- ~~(ii)~~ in the dentist's regularly announced office location during standard business hours.

~~(b)~~ A dentist who provides treatment to a patient under Subsection (5)(a) shall demonstrate competency by successfully completing an approved 20-hour CPE course on administering botulinum toxin injections that meets the following education requirements:

- ~~(i)~~ includes:
  - ~~(A)~~ didactic instruction;
  - ~~(B)~~ hands-on training on a live patient;
  - ~~(C)~~ at least ten hours of training on administering botulinum toxin for treating TMD and other medical conditions of the oral and maxillofacial areas including bruxism and migraines; and
  - ~~(D)~~ at least ten hours of training on administering botulinum toxin for cosmetic purposes;
- ~~(ii)~~ covers the following topics:
  - ~~(A)~~ anatomy;
  - ~~(B)~~ neurophysiology;
  - ~~(C)~~ pharmacology;
  - ~~(D)~~ risk factors for administration of botulinum;
  - ~~(E)~~ infection control;
  - ~~(F)~~ injection techniques;
  - ~~(G)~~ dental facial asymmetry and aesthetics;

- ~~(H) lip hypermobility;~~
- ~~(I) treatment for TMD as defined in Subsection R156-69-102(44) and other medical conditions of the oral and maxillofacial areas including bruxism and migraines;~~
- ~~(J) management of complications;~~
- ~~(K) indications and contraindications;~~
- ~~(L) long-term use of botulinum toxin; and~~
- ~~(M) risk factors for administering the neurotoxin botulinum toxin; and~~
- ~~(iii) except as provided in Subsection (5)(c), is taught by an instructor who:~~
  - ~~(A) has an active and current license;~~
  - ~~(B) is qualified by education, training, and experience to provide instruction on administering botulinum toxin injections;~~
  - ~~(C) has at least 4,000 hours of clinical experience;~~
  - ~~(D) has successfully administered botulinum toxin injections on at least 50 patients;~~
  - ~~(E) is teaching within the scope of practice for the instructor's license; and~~
  - ~~(F) meets the CPE requirements of Section R156-69-304a.~~
- ~~(c) A dental hygienist may not be an instructor under Subsection (5)(b)(iii).~~

**R156-69-301b. Dentist Anesthesia and Analgesia - Permit Qualifications.**

- (1) Under Sections 58-1-510 and 58-69-802 and Subsections ~~58-69-301(4)([b]c) and 58-69-807(2) and (5)~~, the qualifications and training and safety standards for each classification of dentist anesthesia and analgesia permit are established in this section.
- (2) A ~~[n]~~ dentist applicant for a local anesthesia permit shall:
- (a) hold current CPR or BCLS-BLS certification; and
  - (b) document successful completion of:
    - ~~(i) training in the administration of nitrous oxide analgesia that conforms to: [the ADA Teaching Guidelines, and if engaging in pediatric dentistry, the Pediatric Sedation Guidelines; or~~
    - ~~(A) the ADA PCS Teaching Guidelines; and~~
    - ~~(B) if engaging in pediatric dentistry, the Pediatric Sedation Guidelines; or~~
    - (ii) continuing professional education training provided by an ADA accredited school that is the substantial equivalent of the training in Subsection ~~([3]2)(b)(i)~~.
- (3) A ~~[n]~~ dentist applicant for a minimal sedation permit shall:
- (a) hold current BCLS-BLD certification;
  - (b) hold a current Utah controlled substance license in good standing;
  - (c) hold a current Drug Enforcement Administration (DEA) registration in good standing;
  - (d) document successful completion of:
    - ~~(i) training in the administration of nitrous oxide analgesia that conforms to: [the ADA Teaching Guidelines, and if engaging in pediatric dentistry, the Pediatric Sedation Guidelines; or~~
    - ~~(A) the ADA PCS Teaching Guidelines; and~~
    - ~~(B) if engaging in pediatric dentistry, the Pediatric Sedation Guidelines; or~~
    - (ii) continuing professional education training provided by an ADA accredited school that is the substantial equivalent of the training in Subsection ~~(3)(d)(i)~~; and
    - (e) document successful completion of:
      - ~~(i) training in pharmacological methods of minimal sedation that conforms to: [the ADA Teaching Guidelines, and if engaging in pediatric dentistry, the Pediatric Sedation Guidelines; or~~
      - ~~(A) the ADA PCS Teaching Guidelines; and~~
      - ~~(B) if engaging in pediatric dentistry, the Pediatric Sedation Guidelines; or~~
      - (ii) continuing professional education training provided by an ADA accredited school that is the substantial equivalent of the training in Subsection ~~(3)(e)(i)~~.
- (4) A ~~[n]~~ dentist applicant for a moderate sedation permit shall:
- (a) hold current ACLS or PALS certification, except if engaging in pediatric dentistry, the applicant shall hold current PALS certification;
  - (b) hold a current Utah controlled substance license in good standing;
  - (c) hold a current Drug Enforcement Administration (DEA) registration in good standing; and
  - (d) document successful completion, as evidenced by a letter from the course director, of:
    - (i) comprehensive predoctoral or postdoctoral training in the administration of moderate sedation that:
      - ~~(A) conforms to the ADA PCS Teaching Guidelines[, and if engaging in pediatric dentistry, the Pediatric Sedation Guidelines];~~
      - ~~(B) if engaging in pediatric dentistry, conforms to the Pediatric Sedation Guidelines;~~
      - ~~([B]C) includes at least 60 hours of didactic education in sedation; and~~
      - ~~([C]D) includes at least 20 sedation cases; or~~
      - (ii) continuing professional education training provided by an ADA accredited school that is substantial equivalent of the education and training in Subsection ~~(4)(d)(i)~~.
- (5) A ~~[n]~~ dentist applicant for a deep sedation and general anesthesia permit shall:
- (a) hold current ACLS or PALS certification, except if engaging in pediatric dentistry, the applicant shall hold current PALS certification;

- (b) hold a current Utah controlled substance license in good standing;
- (c) hold a current Drug Enforcement Administration (DEA) registration in good standing; and
- (d) document successful completion, as evidenced by a letter from the program director, of at least one full-time year in a program of advanced postdoctoral training in the administration of deep sedation and general anesthesia, that conforms to:
  - ~~\_\_\_\_\_ (i) the ADA Teaching Guidelines, and if engaging in pediatric dentistry, the Pediatric Sedation Guidelines; and~~
  - ~~\_\_\_\_\_ (ii) the ASA standards or the AAOMS standards;~~
  - \_\_\_\_\_ (i) the ASA Standards or the AAOMS standards;
  - \_\_\_\_\_ (ii) the ADA PCS Teaching Guidelines; and
  - \_\_\_\_\_ (iii) if engaging in pediatric dentistry, the Pediatric Sedation Guidelines.

**R156-69-301c. Dental Hygienist Anesthesia and Analgesia - Permit Classification.**

Under Subsections 58-69-102~~(4)(b)~~(10)(k) and 58-69-301(4)(a), the Division may issue a dental hygienist with local anesthesia and analgesia permit to a dental hygienist ~~[may be issued an anesthesia and analgesia permit]~~ in the classification of dental hygienist with local anesthesia and nitrous oxide analgesia.

**R156-69-~~204~~301d. Dental Hygienist Anesthesia and Analgesia -- Dental Hygienist With Local Anesthesia and Nitrous Oxide Analgesia Permit Qualifications.**

(1) Under Subsection 58-69-301(4)(~~b~~)c, the qualifications, training, and safety standards for the classification of ~~[for a]~~ dental hygienist with local anesthesia ~~[permit]~~ and nitrous oxide analgesia permit are ~~[the following]~~ established in this section.

(2) An applicant for a dental hygienist with local anesthesia and nitrous oxide analgesia permit shall:

~~[(4)](a)(i) hold~~ current Utah licensure as a dental hygienist; or

~~[(b)]ii~~ provide documentation ~~[of]~~ verifying that the applicant meets ~~[ing]~~ Utah requirements for licensure as a dental hygienist; and

~~\_\_\_\_\_ (2) completion of a program of training in the administration of local anesthesia, including nitrous oxide, that:~~

~~\_\_\_\_\_ (a)(i) is accredited by the CODA; or~~

~~\_\_\_\_\_ (ii) is the substantial equivalent of Subsection (2)(a)(i) provided in a continuing education format by an ADA accredited school; and~~

~~\_\_\_\_\_ (b) documentation of successful completion of the program by a letter from the program director, or equivalent; and]~~

~~\_\_\_\_\_ (b)(i) complete one of the following:~~

~~\_\_\_\_\_ (A) a training program on administering local anesthesia and nitrous oxide analgesia that is CODA accredited; or~~

~~\_\_\_\_\_ (B) a training course that is the substantial equivalent to Subsection (2)(b)(i)(A) that is approved by, conducted by, or under sponsorship of:~~

~~\_\_\_\_\_ (I) county, state, or federal agency;~~

~~\_\_\_\_\_ (II) an accredited institution of higher education;~~

~~\_\_\_\_\_ (III) a professional association, society, or organization representing a licensed profession whose program objectives relate to the practice of dental hygiene;~~

~~\_\_\_\_\_ (IV) the ADA or an ADA subgroup;~~

~~\_\_\_\_\_ (V) the ADHA or an ADHA subgroup; or~~

~~\_\_\_\_\_ (VI) the UDA or UDHA; and~~

~~\_\_\_\_\_ (ii) ensure that the training program director or the equivalent sends a letter directly to the Division verifying that the applicant successfully completed the training program under Subsection (2)(b)(i)(A) or the CPE requirement under Subsection (2)(b)(i)(B);~~

~~\_\_\_\_\_ (3)(a) a passing score on the WREB, CDCA, or SRTA written anesthesia examination; or]~~

~~\_\_\_\_\_ (c)(i) pass the written local anesthesia examination from:~~

~~\_\_\_\_\_ (A) ADEX or an ADEX predecessor organization;~~

~~\_\_\_\_\_ (B) CRDTS; or~~

~~\_\_\_\_\_ (C) SRTA; or~~

~~\_\_\_\_\_ [(b)]ii~~ provide proof of a current ~~[r]~~ and active license in good standing ~~[license]~~ to administer local anesthesia and nitrous oxide analgesia issued in another ~~[state]~~ jurisdiction in the United States; and

~~\_\_\_\_\_ [(4)]d~~ current CPR certification or BCLS-BLS certification.

**R156-69-302b. Qualifications for Licensure - Examination Requirements - Dentist.**

Under Subsections 58-69-302(1)(e) and (f), an applicant for licensure as a dentist shall pass the periodontics, endodontics, operative, class 2 restoration, class 3 restoration, and prosthodontics sections of ~~[any]~~ one of the following regional dental clinical licensure examinations:

~~\_\_\_\_\_ (1) the WREB examination, with a passing score as established by the WREB;~~

~~\_\_\_\_\_ (2) the CDCA examination, with a passing score as established by the CDCA;~~

~~\_\_\_\_\_ [(3)]1~~ the SRTA examination, with a passing score as established by the SRTA;

~~\_\_\_\_\_ [(4)]2~~ the CRDTS examination, with a passing score as established by the CRDTS; or

~~\_\_\_\_\_ (5) the CITA examination, with a passing score as established by the CITA;]~~

~~\_\_\_\_\_ (3) the ADEX examination or an ADEX predecessor organization's examination, with a passing score established by the organization.~~

**R156-69-302c. Qualifications for Licensure - Examination and Certification Requirements - Dental Hygienist.**

Under Subsections 58-69-302(3)(e) and (f), an applicant for licensure as a dental hygienist shall pass; ~~[the following examinations:]~~

(1) ~~[any]~~ one of the following examinations:

~~\_\_\_\_\_ (a) the WREB examination, with a passing score as established by the WREB;~~

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- ~~(b) the CDCA examination, with a passing score as established by the CDCA;~~
- ~~([e]a) the SRTA examination, with a passing score as established by the SRTA;~~
- ~~([d]b) the CRDTS examination, with a passing score as established by the CRDTS; or~~
- ~~(e) the CITA examination, with a passing score as established by the CITA; and~~
- ~~(c) the ADEX examination or an ADEX predecessor organization, with a passing score as established by the organization; and~~
- (2) the CPR-BLS examination or ACLS-PALS examination[?] as evidenced by current CPR-BLS certification or ACLS-PALS certification.

**R156-69-303. ~~Renewal Cycle - Procedures~~ Term of License, Permit, and Certification - Procedures.**

- (1)(a) Under Subsection 58-1-308(1) and Section 58-69-303, the renewal date for the two-year renewal cycle for ~~[licensees]~~each license or permit under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act is established in Section R156-1-308a.
- ~~([2]b) Renewal procedures shall be in accordance with Sections R156-1-308[b]a through R156-1-308l.~~
- (2) An expanded function certification issued to a dental auxiliary under Section 58-69-808:
  - ~~(a) is a one-time certificate; and~~
  - (b) does not expire unless the Division revokes, suspends, restricts, places on probation, or otherwise acts upon the certification for a dental auxiliary who no longer meets the qualifications for certification or who has engaged in unlawful or unprofessional conduct, including:
    - ~~(i) failing to comply with CPE requirements;~~
    - ~~(ii) failing to keep active and in good standing a license that qualifies the dental auxiliary to perform the expanded function under the certification;~~
    - ~~(iii) failing to confine practice to the parameters permitted by law and rule for performing the expanded function; or~~
    - ~~(iv) failing to confine the dental auxiliary's practice to those acts permitted by law and rule and in which the dental auxiliary is competent by education, training, or experience.~~
  - (3) A dental auxiliary whose expanded function certification has expired may apply to obtain a new certification by submitting:
    - ~~(a) a new application for certification;~~
    - ~~(b) payment of the application fee; and~~
    - ~~(c) documentation showing completion of or compliance with the requirements provided by statute and rule for a new certification.~~

**R156-69-304a. Continuing Professional Education (CPE) and Certification - Dentist and Dental Hygienist -- Expanded Function Dental Auxiliaries Certification.**

- (1) Under Subsections 58-1-203(1)(g) and 58-1-308(3)(b) and Sections 58-69-304, 58-69-803, and 58-69-808, the CPE requirements for a license, permit, or certification under this rule are established in this section.
- ~~([1]2) [Under Section 58-69-304, each] During each two-year renewal cycle, a licensed dentist [and] or a licensed dental hygienist shall complete at least 30 hours of qualified [continuing professional education during each two-year licensure period, to include:] CPE that meet the requirements of this section.~~
- (3) A licensed dentist with a sedation permit shall complete the following:
  - (a) for a minimal sedation permit holder, at least two hours of CPE specific to the administration of enteral anesthesia-pharmacology and minimal sedation;
  - (b) for a moderate sedation permit holder:
    - (i) at least four didactic hours of CPE specific to moderate sedation and anesthesia; and
    - (ii) attestation of successful completion of at least ten sedation cases; and
  - (c) for a deep sedation and general anesthesia permit holder:
    - (i) at least eight didactic hours of CPE specific to general anesthesia; and
    - (ii) attestation of successful completion of at least 30 sedation cases.
- (4) A dentist who administers dermal fillers under Subsection R156-69-301a(4) shall complete at least one hour of CPE that is specific to dermal fillers.
- (5) A dentist who administers botulinum toxin under Subsection R156-69-301a(5) shall complete at least one hour of CPE that is specific to botulinum toxin.
- (6) A dental hygienist with a certification for:
  - (a) the delegated maxillofacial administration of botulinum toxin under Section R156-69-808a shall complete at least one hour of CPE that is specific to the maxillofacial administration of botulinum toxin; and
  - (b) the placement of direct restorations under Section R156-69-808b shall complete at least three hours of didactic CPE that is specific to for the placement of direct restorations.
- (7)(a) Every two years, a dental assistant with a certification for:
  - (i) the placement of direct restorations under Section R156-69-808b shall complete at least three hours of didactic CPE that is specific to for the placement of direct restorations; and
  - (ii) the removal of coronal dental adhesive under Section R156-69-808c shall complete at least one hour of CPE that is related to the removal of coronal dental adhesive.
- (b) The two-year CPE cycle in Subsection (7)(a) for a dental assistant with a certification for an expanded function shall match the two-year renewal cycle for a license or permit under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act as established in Section R156-1-308a.
- ~~([2]8)(a) Under Subsections 58-1-203(1)(g) and 58-69-301(4), an applicant for renewal or reinstatement of dentist licensure or dental hygienist licensure shall hold current CPR-BLS, ACLS, or PALS certification as required by the license and permit classification. [to qualify]~~

for reinstatement or renewal, but the applicant's recertification hours do not count toward the applicant's 30 required hours of continuing professional education.]

(b) An applicant's recertification hours under Subsection (8)(a) may not count toward the applicant's 30 hours of CPE.

[~~(3) Qualified continuing professional education hours for licensees who have not been licensed for the entire two-year period shall be prorated from the date of licensure.~~]

(9) If an individual first becomes licensed, permitted, or certified during the two-year renewal cycle, the individual's required number of continuing professional education hours shall be increased or decreased proportionately according to the date of licensure.

(4)10) [Continuing education] A CPE course under this section shall meet the following requirements:

(a) have learning objectives that are clearly stated in the course material that are directly related to the licensee's professional practice;

(a) be relevant to the licensee's professional practice;

(b) be prepared and presented by individuals who are qualified by education, training, and experience to provide dental and dental hygiene continuing professional education; ~~and~~

(d) be presented in a competent, well-organized, and sequential manner consistent with the stated purpose and objective of the program; and

(e) have ~~a method of verification~~ records of attendance and completion available for review.

(5)11) Credit for continuing professional education during each two-year renewal cycle shall be recognized as follows:

(a) unlimited hours for continuing professional education that: ~~completed in blocks of time of not less than 50 minutes in formally established classroom courses, seminars, lectures, conferences, or training sessions that comply with Subsection (4) and are approved by, conducted by or under sponsorship of;~~

(i) is completed in blocks of time of at least 50 minutes;

(ii)(A) completed in one of the following formats:

(I) college or university lecture and discussion;

(II) professional conference;

(III) seminar; or

(IV) training session; and

(B) complies with Subsection (10);

(iii) is approved by, conducted, by or under sponsorship of:

[~~(i) a government agency, including the Division of Professional Licensing;~~]

(A) county, state, or federal agency;

[~~(ii) recognized universities and colleges, or an accredited dental, dental hygiene, or dental postgraduate program;~~]

(B) an accredited institution of higher education;

(~~iii~~)C) a professional association[s], society[ies], ~~and~~ or organization[s] representing a licensed profession whose program objectives relate to the practice of dentistry ~~and~~ or dental hygiene; ~~or~~

[~~(iv) the ADA or any subgroup, the ADHA or any subgroup, a recognized health care professional association or a peer study club;~~]

(D) the ADA or an ADA subgroup;

(E) the ADHA or an ADHA subgroup;

(F) the UDA or UDHA;

(G) a recognized health care professional association; or

(H) a peer study club; and

(iv) is verified by a certificate of course completion that includes:

(A) the name of the attendee;

(B) the name of course provider;

(C) the name of instructor;

(D) the date of the course;

(E) the title of the course;

(F) the number of course hours; and

(G) the format of professional development under Subsection (11)(a)(ii)(A);

(b) up to 15 hours of continuing professional education may be recognized for a course that is taken online or through home study that:

(i) includes an examination; and

(ii) meets the requirements of Subsections (11)(a)(i), (iii), and (iv);

(b) ~~c) [a maximum of ten] up to ten hours [per two-year period] may be recognized for teaching continuing professional education relevant to dentistry ~~and~~ or dental hygiene; ~~and~~~~

[~~(c) a maximum of 15 hours per two-year period may be recognized for continuing education that is provided online or through home study with an examination and a completion certificate; and~~]

(d) ~~[a maximum of] up to three hours [per two-year period] may be recognized for continuing professional education ~~on~~ practice and office management.~~

(6)12) [A] Under Subsection 58-13-3(8), a licensee may fulfill up to 15% of the licensee's continuing professional education requirement by providing direct patient care as a volunteer. ~~services at a qualified location under Section 58-13-3. For every four documented hours of volunteer services, the licensee may earn one hour of continuing education.~~

(7)13) A licensee shall maintain documentation sufficient to prove compliance with this section for two years after the end of the renewal cycle for which the continuing professional education is due.

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(~~8~~14) The Division may defer or waive continuing professional education requirements ~~[for a licensee under]~~as provided in Section R156-1-308d.

**R156-69-502. Unprofessional Conduct.**

Under Subsection 58-1-203(1)(c), "~~[U]~~unprofessional Conduct" includes the following:

- (1) for a ~~[ny]~~ patient under any level of sedation~~[;]~~ including nitrous oxide analgesia:
  - (a) failing to provide continuous in-operatory observation by a trained dental patient care staff member until the patient continuously and independently maintains their airway and may be safely discharged; or
  - (b) failing to record the discharge time and the person discharging the patient in the patient's records;
- (2) under Subsections 58-69-502(1)(b) and (2), advertising or otherwise holding oneself out to the public as a dentist or dental group that practices in a specialty area, if:
  - (a) the dentist, or each dentist in the dental group, has not successfully completed an advanced educational program accredited by CODA; or
  - (b) as specified in Subsection 58-69-502(2)(b), the advertisement or other method of holding oneself out to the public as a dentist or dental group does not include a prominent disclaimer under Subsection R156-69-102(~~[4]~~39) that the dentist or dentists performing services are licensed as general dentists or that the specialty services:
    - (i) is or are licensed as general dentists or that the specialty services will be provided by a general dentist; or
    - (ii) is or are specialists, but not qualified as a specialist in the specialty area being advertised;
- (3) advertising in a ~~[ny]~~ form that is misleading, deceptive, or false, including the display of a ~~[ny]~~ credential, education, or training that is inaccurate, or making an~~[y]~~ unsubstantiated claim of superiority in education, certification, training, skill, experience, or ~~[any]~~ another quantifiable aspect;
  - (4) prescribing treatments and medications outside the scope of dentistry;
  - (5) prescribing for oneself a ~~[ny]~~ Schedule II or III controlled substance;
  - (6) engaging in practice as a dentist or dental hygienist without prominently displaying a copy of the current Utah license;
- (7)(a) failing to personally maintain current CPR, BCLS-BLS, ACLS, or PALS certification as required by the licensee's anesthesia permit; or
  - (b) employing patient care staff who fail to maintain current CPR or BCLS-BLS certification;
  - (8) providing consulting or other dental services under anonymity;
  - (9) engaging in unethical or illegal billing practices or fraud, including:
    - (a) reporting an incorrect treatment date for obtaining payment;
    - (b) reporting charges for services not provided;
    - (c) incorrectly reporting services provided for obtaining payment; or
    - (d) generally representing a charge to a third party that is different from that charged to the patient;
  - (10) failing to establish and maintain appropriate dental records;
  - (11) failing to maintain patient records for seven years;
  - (12) failing to provide copies of x-rays, reports, or records to a patient or the patient's designee upon written request and payment of a nominal fee for copies, regardless of the payment status of the services in the record;
  - (13) failing to discuss the risks of using an opiate with a patient or the patient's guardian before issuing an initial opiate prescription ~~[in accordance with] under Section 58-37-~~[49]~~306;~~
  - (14) violating Section R156-69-301a or R156-69-301b;
  - (15) violating Section R156-69-301d;
  - (16) administering a product that is not approved by the Food and Drug Administration (FDA);
  - (17) as a dentist, failing to properly administer:
    - (a) a dermal filler; or
    - (b) a botulinum toxin injection;
  - (18) as a dentist, administering a dermal filler or botulinum toxin injection outside of the dentist's:
    - (a) regularly announced office location; or
    - (b) standard business hours;
  - (19) as a dentist supervising a dental hygienist with a certification for delegated maxillofacial administration botulinum toxin, failing to:
    - (a) adequately supervise the dental hygienist; or
    - (b) provide a final evaluation of the patient and the injection before the patient leaves;
  - (20) as a dental hygienist with a certification for delegated maxillofacial administration of botulinum toxin:
    - (a) failing to properly administer a botulinum toxin injection; or
    - (b) administering a botulinum toxin injection:
      - (i) without the supervision of a dentist who meets the requirements of Subsection R156-69-301a(5); or
      - (ii) outside of the supervising dentist's:
        - (A) regularly announced office location; or
        - (B) standard business hours;
  - (21) as a dentist, failing to adequately supervise a dental auxiliary in accordance with the requirements of statute or rule;
  - (22) violating Section R156-69-808a, R156-69-808b, or R156-69-808c;

~~(15)23~~ for a dental hygienist working in a public health setting, violating Subsection ~~[58-69-801(4) or]~~ 58-69-801(~~5~~3) or Section R156-69-801~~(-)~~;

~~(24) failing to obtain consent under Subsection R156-69-808d(1);~~

~~(25) failing to obtain written informed consent under Subsection R156-69-808d(2);~~

~~(26) as a supervising dentist, failing to obtain or maintain professional liability insurance covering a dental auxiliary employee performing an expanded function service under Section R156-69-808a, R156-69-808b, or R156-69-808c;~~

~~(27) as a dental auxiliary who has certification to perform an expanded function under Section R156-69-808a, R156-69-808b, or R156-69-808c, performing an expanded function knowing that the supervising dentist has failed to obtain or maintain professional liability insurance covering the dental auxiliary to perform the expanded function;~~

~~(28) failing as a dentist to follow the ADA's Principles of Ethics and Code of Professional Conduct, revised October 2024, which is incorporated by reference; or~~

~~(29) failing as a dental hygienist to follow the ADHA Code of Ethics, adopted October 2024, which is incorporated by reference.~~

**R156-69-801. Dental Hygienist Notification to Division of Practice in Public Health Setting.**

~~(1)(a) Under Subsection 58-69-801(3), a dental hygienist who will engage in the practice of dental hygiene in a public health setting without the general supervision of a dentist shall notify the Division on a one-time basis under Subsections 58-69-801(3)(b) and 58-1-308(3) by submitting to the Division the Public Health Setting Practice Notification form that is available on the Division's website at <https://commerce.utah.gov/dopl/dentistry/>.~~

~~(b) The dental hygienist shall submit a completed Dental Hygienist Notice to Division of Practice in a Public Health Setting form to the Division:~~

~~(i) before the day the dental hygienist first engages in the practice of dental hygiene in a public health setting;~~

~~(ii) when the dental hygienist no longer engages in the practice of dental hygiene in a public health setting; and~~

~~(iii) when the dental hygienist applies to renew or reinstate the dental hygienist's license.~~

~~(2) A dental hygienist shall maintain a copy of each of the dental hygienist's submitted Public Health Setting Practice Notification form:~~

~~(a) for two years after the end of the license cycle during which the dental hygienist submitted the form; and~~

~~(b) to make a copy of each form available for inspection by the Division upon request.~~

**R156-69-~~603~~803a. Use of ~~[Unlicensed Individuals as]~~ Dental Assistants.**

~~(1) Under Section 58-69-803, the standards regulating the use of ~~[unlicensed individuals as]~~ dental assistants as defined in Subsection 58-69-102(3) are ~~[that an unlicensed individual may not, under any circumstance;]~~ established, defined, and clarified in this section.~~

~~(2) Under Section 58-69-803, a dental assistant may not:~~

~~(1)a) provide a definitive treatment diagnosis;~~

~~(2)b) place, condense, carve, finish, or polish restorative materials~~[- or perform final cementation;]~~ unless the dental assistant has a certification for the placement of direct restorations under Section R156-69-808b;~~

~~(c) perform final restorative cementation;~~

~~(3)d) cut hard tissue or soft tissue~~[- or extract teeth];~~~~

~~(e) extract teeth;~~

~~(4)f) remove stains, deposits, or accretions, except as is incidental to polishing teeth coronally with a rubber cup;~~

~~(5)g) initially introduce nitrous oxide analgesia and oxygen to a patient for establishing and recording a safe plane of analgesia for the patient, except under the direct supervision of a licensed dentist who: ~~[after a baseline percentage and flow rate suitable for the patient is established and documented by a licensed dentist holding the appropriate permit;]~~~~

~~(i) holds the appropriate sedation permit; and~~

~~(ii) has established and documented a baseline percentage and flow rate suitable for the patient;~~

~~(6)h) remove bonded materials from teeth with a rotary dental instrument or use ~~[any]~~ a rotary dental instrument within the oral cavity~~[- except to polish teeth coronally with a rubber cup;]~~;~~

~~(i) except to polish teeth coronally with a rubber cup; or~~

~~(ii) unless the dental assistant has a certification for the removal of coronal adhesive under Section R156-69-808c;~~

~~(7)i) take jaw registrations or oral impressions for supplying artificial teeth as substitutes for natural teeth, including electronic imaging, except for diagnostic or opposing models for the fabrication of temporary or provisional restorations or appliances;~~

~~(8)j) correct or attempt to correct the malposition or malocclusion of teeth, or make an adjustment that will result in the movement of teeth upon an appliance that is worn in the mouth;~~

~~(9)k) perform sub-gingival instrumentation;~~

~~(10)l) provide decisions concerning the use of drugs, including their dosage or prescription;~~

~~(11)m) expose radiographs without meeting the following qualifications:~~

~~(a)i) completing a dental assisting course accredited by ~~[the ADA Commission on Dental Accreditation]~~ CODA; or~~

~~(b)ii) passing one of the following examinations:~~

~~(i)A) the DANB Radiation Health and Safety Examination (RHS); or~~

~~(ii)B) a radiology exam approved by the Board that covers the topics in Section R156-69-~~604~~803b;~~

~~(12)n) work without a current CPR or BCLS certification;~~

~~(13)o) provide injection of any substance;~~

~~(14)p) start an intravenous (IV) line or administer medication in an ~~[IV]~~ intravenous line;~~

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- (~~15~~)q) convert a denture into a fixed implant prosthesis, also known as performing a conversion; or
- (~~16~~)r) adjust a permanent or final prosthetic, removable or fixed, that is worn by a patient or will be worn by a patient.

**R156-69-~~604~~803b. Radiology Course for ~~Unlicensed Individuals as~~ Dental Assistants.**

Under Section 58-69-803 and Subsection 58-54-306(2), the radiology certification course in Subsection R156-69-~~603~~(~~11~~)803a(2)(m) for a dental assistant shall include radiology theory consisting of the following:

- (1) orientation to radiation technology;
- (2) terminology;
- (3) basic radiographic dental anatomy and pathology[~~— cursory~~];
- (4) basic radiation physics[~~— basic~~];
- (5) radiation protection to patient and operator;
- (6) radiation biology including interaction of ionizing radiation on cells, tissues and matter;
- (7) factors influencing biological response to cells and tissues to ionizing radiation and cumulative effects of x-radiation;
- (8) intraoral and extraoral radiographic techniques;
- (9) processing techniques including proper disposal of chemicals;
- (10) infection control in dental radiology; and
- (11) use of portable and handheld x-ray devices.

**R156-69-807. Teledentistry Requirements and Parameters.**

[~~Under Subsections 58-69-802(2) and 58-69-807(4), t~~]The requirements and parameters for teledentistry to ensure the safe use of teledentistry are established in [~~Title 26, Chapter 60, Telehealth Act and~~]Sections 58-69-807 and R156-1-602[ ~~and R156-1-603~~].

**~~R156-69-801. Dental Hygienist Notification to Division of Practice in Public Health Setting.~~**

~~(1)(a) Under Subsection 58-69-801(5), a dental hygienist who will engage in the practice of dental hygiene in a public health setting without general supervision and without a collaborative practice agreement with a dentist, shall notify the Division on a one-time basis under Subsections 58-69-801(5)(b) and 58-1-308(3) by submitting to the Division the Public Health Setting Practice Notification form that is available on the Division's website at <https://dopl.utah.gov/dentistry>.~~

~~(b) The dental hygienist shall submit a completed Public Health Setting Practice Notification form:~~

- ~~(i) before the day the dental hygienist first engages in the practice of dental hygiene in a public health setting; and~~
- ~~(ii) thereafter, on each day that the dental hygienist applies to renew or reinstate the dental hygienist's license.~~

~~(2) If a dental hygienist will cease to engage in the practice of dental hygiene in a public health setting under Subsection 58-69-801(5), the dental hygienist shall notify the Division by submitting to the Division the Public Health Setting Practice Notification form.~~

~~(3) A dental hygienist shall maintain a copy of the dental hygienist's submitted Public Health Setting Practice Notification form for two years after the end of the license cycle during which the dental hygienist submitted the form, and make a copy available for inspection by the Division upon request.~~

**R156-69-808a. Expanded Functions of Dental Auxiliaries -- Dental Hygienist -- Certification for Delegated Maxillofacial Administration of Botulinum Toxin -- Parameters -- CPE.**

(1) Under Subsections 58-69-808(1)(a) and (2), the qualifications, training, and safety standards for a dental hygienist to obtain a certification for the delegated maxillofacial administration of botulinum toxin are established in this section.

(2) Under Subsection 58-69-808(2)(a), a dental hygienist applying for the delegated maxillofacial administration of botulinum toxin certification shall:

- (a) hold the Utah dental hygienist with local anesthesia license for at least two years;
- (b) have actively practiced as a dental hygienist with local anesthesia for at least 3,500 hours within the six years immediately preceding the application for the certification;

(c) complete and pass an approved course on administering botulinum toxin injections that meets the educational requirements of Subsection R156-69-301a(5)(b); and

(d) demonstrate clinical competency:

(i) by successfully performing at least eight botulinum toxin injections:

(A) under the direct supervision of a licensed dentist who:

(I) meets the requirements of Subsection R156-69-301a(5); and

(II) is approved by the Division;

(B) after obtaining written informed consent from each patient that meets the requirements of Subsection R156-69-808d(2);

(C) that meets the parameters of Subsections (3)(b) through (h); and

(D) within a one-year period; and

(ii) that is confirmed by the supervising dentist under Subsection (2)(d)(i)(A) who submits a letter directly to the Division that:

(A) verifies the applicant competently completed the requirements of Subsection (2)(d)(i); and

(B) endorses the applicant's competence in administering botulinum toxin injections.

(3) Under Subsections 58-69-808(1)(a) and (2)(b), a dental hygienist with a certification under this section shall only provide botulinum toxin injections to a patient under the following parameters:

(a) after obtaining consent from each patient that meets the requirements of Subsection R156-69-808d(1);

(b) as part of a dentist's comprehensive dental treatment plan;

- (c) the supervising dentist obtains and maintains professional liability insurance for the dental hygienist for work performed while engaging in the practice of injecting botulinum toxin;
  - (d) when a dentist who meets the requirements of Subsection R156-69-301a(5):
    - (i) delegates the procedure; and
    - (ii) supervises the procedure;
  - (e) in the regularly announced office location of the supervising dentist who meets the requirements of Subsection R156-69-301a(5);
  - (f) within the oral and maxillofacial areas of a patient for one of the following purposes:
    - (i) for cosmetic purposes; or
    - (ii) as a therapeutic treatment to reduce the pain or discomfort for a diagnosis of TMD or other medical conditions of the oral and maxillofacial areas including bruxism and migraines;
  - (g) the supervising dentist completes a final evaluation of the patient and the injection before the patient leaves; and
  - (h) the patient's record specifies that the dental hygienist completed the injection.
- (4) Under Subsection 58-69-808(2)(b), a dental hygienist with certification for the delegated maxillofacial administration of botulinum toxin shall complete the CPE requirements for the practice of injecting botulinum toxin under Subsection R156-69-304a(6)(a).

**R156-69-808b. Expanded Functions of Dental Auxiliaries -- Certification for the Placement of Direct Restorations -- Parameters -- CPE.**

- (1) Under Subsections 58-69-808(1)(b) and (2), the qualifications, training, and safety standards for a dental hygienist or dental assistant to obtain a certification for the placement of direct restorations are established in this section.
- (2) Under Subsection 58-69-808(2)(a), an applicant for a certification under this section shall:
  - (a) meet one of the following requirements:
    - (i) currently hold a dental hygienist license; or
    - (ii) provide evidence that the applicant is a dental assistant:
      - (A) with at least 3,500 hours of dental assisting in the last six years; and
      - (B) who holds current CPR or BCLS-BLS certification;
    - (b) complete and pass an approved education program of at least 172 hours that:
      - (i) is:
        - (A) CODA accredited;
        - (B) recognized by DANB; or
        - (C) approved by the Division in collaboration with the Board and is listed on the Division website at <https://commerce.utah.gov/dopl/dentistry/>;
      - (ii) includes a hands-on component that requires obtaining written informed consent from each patient that meets the requirements of Subsection R156-69-808d(2);
        - (iii) is taught by an instructor who:
          - (A) has an active and current license as a dentist;
          - (B) is qualified by education, training, and experience to provide instruction on the placement of direct restorations;
          - (C) has at least 4,000 hours of clinical experience;
          - (D) is teaching within the scope of practice for the instructor's license;
          - (E) meets the CPE requirements of Section R156-69-304a; and
          - (F) may be assisted by a licensed hygienist who is certified in direct restorations, when:
            - (I) in a non-patient lab setting; and
            - (II) under the direct supervision of the instructor dentist; and
        - (iv) meets the requirements of Subsection (3); and
      - (c) pass an examination that:
        - (i) includes:
          - (A) a written component; and
          - (B) a clinical component; and
        - (ii) is approved by the Division in collaboration with the Board as listed on the Division website at <https://commerce.utah.gov/dopl/dentistry/>;
    - (3) Under Subsection 58-69-808(2)(a), a dental hygienist or dental assistant applying for a certification under this section shall complete an education program on the placement of direct restorations with a curriculum that meets the following requirements:

<b>TABLE 1</b>			
<b>Curriculum for the Placement of Direct Restorations Certification</b>			
<u>Topics</u>	<u>Subtopics</u>	<u>Minimum didactic clock hours</u>	<u>Minimum clinical patient care clock hours</u>
<u>Foundational anatomy, physiology, morphology, and occlusion</u>	<u>Including: morphology; interproximal contact of primary teeth and permanent teeth; occlusal concepts including malocclusion;</u>	<u>6 hours</u>	<u>12 hours</u>

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	<p><u>centric contacts, excursions, and how they relate to restorative contours;</u>  <u>marginal ridge form;</u>  <u>embrasures;</u>  <u>anatomical principles supporting restorative outcomes; and</u>  <u>poor outcomes of restorations including incorrect restoration occlusal adjustment, poor interproximal contour, and improper placement or bonding techniques</u></p>		
<p><u>Restorative materials, armamentarium, and instrumentation</u></p>	<p><u>Restorative materials and armamentarium including:</u>  <u>amalgam;</u>  <u>hybrid or nano-hybrid composite including filler types, monomer composition, viscosity, and selection;</u>  <u>flowable composite;</u>  <u>packable composite;</u>  <u>resin-modified glass ionomer (RMGI);</u>  <u>conventional glass ionomers (GI);</u>  <u>intermediate restorative material (IRM);</u>  <u>bonding agents including etching and rinsing, self-etch technique, and different bonding generations; and</u>  <u>selecting appropriate materials</u></p> <p><u>Instrumentation including:</u>  <u>hand instruments;</u>  <u>handpiece ergonomics;</u>  <u>dental bur selection;</u>  <u>matrix systems including Tofflemire, sectional matrices, wedges selection, and correct size for proper contour;</u>  <u>a slow-speed handpiece for restorative material; and</u>  <u>dental or surgical magnification devices such as dental loupes or a microscope</u></p>	<p><u>8 hours</u></p>	<p><u>20 hours</u></p>
<p><u>Adhesive dentistry and tooth isolation</u></p>	<p><u>Including:</u>  <u>adhesive systems;</u>  <u>bonding strategies;</u>  <u>curing protocols;</u>  <u>rubber dam placement including clamp selection, punch patterns, and inversion techniques;</u>  <u>moisture control and contamination including saliva, sulcular fluid management, and bonding inhibition;</u>  <u>management of oxygen-inhibited layer and smear layer; and</u>  <u>infection control</u></p>	<p><u>6 hours</u></p>	<p><u>16 hours</u></p>
<p><u>Direct restoration placement and finishing for Class I through VI</u></p>	<p><u>Including:</u>  <u>contacts;</u>  <u>occlusion;</u>  <u>occlusal adjustment including marking and adjusting an occlusion post-placement;</u>  <u>occlusal adjustment including interpretation and functional occlusal contact adjustments;</u>  <u>shade matching including hue, chroma, value, metamerism, and layering;</u>  <u>matrix band placement including Tofflemire retainer setup, band contouring, and wedge technique for proximal contact and seal;</u>  <u>condensation technique for amalgam;</u>  <u>managing condensation timing with setting characteristics;</u>  <u>carving and finishing amalgam;</u>  <u>smoothing margins and removing flash without ditching;</u>  <u>amalgam safety and mercury hygiene;</u>  <u>composite placement techniques including bonding, incremental fill, anatomical shaping, and light curing strategies;</u>  <u>finishing and polishing including contouring, surface texture, margins, polishing, and retention; and</u>  <u>identify potential restorative complications and mitigation of</u></p>	<p><u>10 hours</u></p>	<p><u>40 hours</u></p>

	<u>complications including patient factors and procedures</u>		
<u>Caries removal, liners, and bases</u>	<u>Including:</u> <u>selective caries removal;</u> <u>liner placement;</u> <u>bases;</u> <u>interim therapeutic restorations (ITR) principles; and</u> <u>temporizations</u>	<u>4 hours</u>	<u>10 hours</u>
<u>Law and rule</u>		<u>1 hour</u>	<u>N/A</u>
<u>Professional ethics</u>	<u>Including consent</u>	<u>1 hour</u>	<u>N/A</u>
<u>Clinical integration and simulated patient care</u>	<u>Including:</u> <u>comprehensive treatment sequencing;</u> <u>full treatment sequencing, time management, and patient positioning;</u> <u>case management including recognizing when isolation fails and managing complications;</u> <u>provider and patient ergonomics;</u> <u>one Class II posterior composite;</u> <u>one Class III anterior composite; and</u> <u>one Class II posterior amalgam</u>	<u>8 hours</u>	<u>30 hours</u>
<u>Comprehensive knowledge-based written exam</u>		<u>N/A</u>	<u>N/A</u>
<u>Competency examinations</u>	<u>Summative evaluations on performance that is judged with calibrated rubrics</u>	<u>N/A</u>	<u>N/A</u>

(4)(a) Under Subsection 58-69-808(2)(b), a dental hygienist or dental assistant with a current certification under this section shall perform direct restoration services as follows:

(i) provide one or more of the following services:

(A) place, condense, carve, or polish restorative materials on a direct restoration; and

(B) use a hand instrument or a slow-speed handpiece on the direct restoration under Subsection (4)(a)(i)(A); and

(ii) under the following parameters:

(A) after obtaining consent from the patient that meets the requirements of Subsection R156-69-808d(1);

(B) have magnification tools available and use when necessary;

(C) the supervising dentist obtains and maintains professional liability insurance covering the certification holder for work performed while engaging in the expanded function;

(D) the supervising dentist completes a final evaluation of the direct restoration placement including fit, contact, finish, and occlusion before the patient leaves; and

(E) the patient's record documents that the dental hygienist or dental assistant completed the direct restoration placement.

(b) A dental hygienist or dental assistant with a current certification under this section may not use pulp capping materials.

(5) Under Subsection 58-69-808(2)(b), a dental hygienist or dental assistant with certification under this section shall complete the CPE requirements for the placement of direct restorations under Subsection R156-69-304a(6)(b) or (7)(a)(i).

**R156-69-808c. Expanded Functions of Dental Auxiliaries – Certification for the Removal of Coronal Dental Adhesive -- Parameters - CPE.**

(1) Under Subsections 58-69-808(1)(c) and (2), the qualifications, training, and safety standards for a dental hygienist or dental assistant to obtain certification for the removal of coronal dental adhesive are established in this section.

(2) Under Subsection 58-69-808(2)(a), an applicant for a certification under this section shall:

(a) meet one of the following requirements:

(i) currently hold a dental hygienist license; or

(ii) provide evidence that the applicant is a dental assistant:

(A) with at least 3,500 hours of dental assisting in the last six years; and

(B) who holds current CPR or BCLS-BLS certification; and

(b) complete and pass an approved education program of at least 22 hours that:

(i) is:

(A)(I) CODA accredited;

(II) recognized by DANB; or

(III) a course recognized by the Utah Association of Orthodontists (UAO); and

(B) approved by the Division in collaboration with the Board, as listed on the Division website at

<https://commerce.utah.gov/dopl/dentistry/>.

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(ii) includes a hands-on component that requires obtaining written informed consent from each patient in accordance with Subsection R156-69-808d(2);

(iii) is taught by an instructor who:

(A) has an active and current license as a dentist;

(B) is qualified by education, training, and experience to provide instruction on the removal of coronal adhesive;

(C) has at least 4,000 hours of clinical experience;

(D) is teaching within the scope of practice for the instructor's license; and

(E) meets the CPE requirements of Section R156-69-304a; and

(iv) meets the requirements of Subsection (3).

(3) Under Subsection 58-69-808(2)(a), a dental hygienist or dental assistant applying for a certification under this section shall complete an education program on the removal of coronal adhesive that meets the following requirements:

**TABLE 2**  
**Curriculum for the Removal of Coronal Adhesive Certification**

<u>Topics</u>	<u>Subtopics</u>	<u>Didactic Hours</u>
<u>Foundational knowledge of anatomy, physiology, and morphology</u>	<u>Including:</u> <u>dental anatomy including tooth structures, locations, classifications, and terminology of primary and permanent teeth;</u> <u>tooth morphology including the shape, size, surfaces, and features of primary teeth and permanent teeth;</u> <u>supportive tissues and structures including gingiva, periodontal ligament, alveolar bone, cementum, frenums, mucosa, and tongue;</u> <u>orthodontic terminology; and</u> <u>enamel composition and properties, and abnormalities including attrition, abrasion, erosion, discoloration, pitting, cracks, chips, and decalcifications</u>	<u>3 didactic hours</u>
<u>Appliances, restorations, and materials</u>	<u>Including:</u> <u>orthodontic brackets;</u> <u>bonding adhesives;</u> <u>dental restorations including crowns, bridges, veneers, implants, composite, and amalgam; and</u> <u>use of dental radiographs in identification of dental restorations</u>	<u>2 didactic hours</u>
<u>Dental Instruments</u>	<u>Including:</u> <u>hand instruments, band-removing pliers, and bracket removing pliers;</u> <u>a slow-speed handpieces and configuration for safe coronal adhesive removal;</u> <u>handpiece components including bur retention mechanism, size, shape, lighting, and water;</u> <u>dental bur selection;</u> <u>dental or surgical magnification devices including dental loupes;</u> <u>maintenance including sanitation, sterilization, and decontamination; and</u> <u>demonstrate competency on typodont teeth</u>	<u>4 didactic hours</u>
<u>Techniques for coronal adhesive polishing</u>	<u>Including:</u> <u>handpiece grip and ergonomics;</u> <u>tooth isolation;</u> <u>infection control</u> <u>safety of enamel, tooth, and supportive structures; and</u> <u>adhesive removal sequence including bracket removal, fine adhesive removal, enamel polishing, and differentiation between adhesive and enamel and dental restoration materials and enamel abnormalities;</u>	<u>3 didactic hours</u>

<u>Case management</u>	<u>Including:</u> <u>identifying potential complications, and mitigating and managing complications</u> <u>including patient factors and procedures;</u> <u>prevention strategies; and</u> <u>poor outcomes of improper techniques</u>	<u>1 didactic hour</u>
<u>Law and rule, and Professional Ethics</u>	<u>Including:</u> <u>scope limitations;</u> <u>supervision requirements; and</u> <u>record keeping</u>	<u>1 didactic hour</u>
<u>Clinical integration and simulated patient care</u>	<u>Including:</u> <u>recognizing common errors and prevention;</u> <u>comprehensive treatment sequencing, and time management;</u> <u>case management including recognizing when isolation fails and managing complications;</u> <u>provider and patient ergonomics; and</u> <u>removal and enamel polishing of a minimum of 55 tooth surfaces under direct supervision</u>	<u>2 didactic hours and 6 clinical hours</u>
<u>Comprehensive knowledge-based written exam</u>	<u>Including:</u> <u>law and rule including scope of practice;</u> <u>professional ethics; and</u> <u>all aspects of didactic and simulated training</u>	<u>N/A</u>
<u>Competency examinations</u>	<u>Summative evaluations on performance of at least 24 teeth on a live patient and that is judged with calibrated rubrics</u>	<u>N/A</u>

(4) Under Subsection 58-69-808(2)(b), a dental hygienist or dental assistant certified under this section shall provide services to remove coronal adhesive under the following parameters:

- (a) after obtaining consent from each patient that meets the requirements of Subsection R156-69-808d(1);
- (b) the supervising dentist obtains and maintains professional liability insurance covering the certification holder for work performed while engaging in the expanded function;
- (c) using a hand instrument or a slow-speed handpiece to remove the coronal adhesive;
- (d) have magnification tools available and use the magnification tools when necessary;
- (e) the supervising dentist completes a final evaluation of the removal of coronal dental adhesive after the removal of coronal adhesive is completed; and
- (f) record in the patient's file that the dental hygienist or dental assistant completed the removal of coronal dental adhesive.

(5) Under Subsection 58-69-808(2)(b), a dental assistant with certification under this section shall complete the CPE requirements for the removal of coronal dental adhesive under Subsection R156-69-304a(7)(a)(ii).

**R156-69-808d. Consent for Expanded Functions.**

(1) Under Subsection 58-69-808(2), the supervising dentist and the dental auxiliary who has certification to perform an expanded function under Section R156-69-808a, R156-69-808b, or R156-69-808c shall obtain consent from each patient that includes:

- (a) a statement that the dental auxiliary:
  - (i) has Division certification to perform the expanded function service; and
  - (ii) shall perform the expanded function service under a dentist's indirect supervision under Subsection 58-69-808(1); and
- (b) a description of each expanded function service the dental auxiliary will perform.

(2) Under Subsection 58-69-808(2), the supervising dentist and the dental auxiliary who is training to obtain certification to perform an expanded function under Section R156-69-808a, R156-69-808b, or R156-69-808c shall obtain written informed consent from each patient that includes:

- (a) a statement that the dental auxiliary:
  - (i) is training to receive Division certification for the expanded function service; and
  - (ii) shall perform the expanded function service under a dentist's direct supervision; and
- (b) a description of each expanded function service the dental auxiliary will perform.

**KEY:** licensing, dentists, dental hygienists, dental assistants, dental auxiliaries, permit, certification, expanded function

Date of Last Change: ~~November 24, 2025~~ 2026

Notice of Continuation: October 22, 2025

Authorizing, and Implemented or Interpreted Law: 58-69-101; 58-1-106(1)(a); 58-1-202(1)(a)

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Repeal	<b>Filing ID:</b> 57966
<b>Rule or section number:</b>	<b>R156-79</b>

**1. Agency Information**

<b>Title catchline:</b>	Commerce, Professional Licensing
<b>Building:</b>	Heber M. Wells Building
<b>Street address:</b>	160 E 300 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 146741
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Matthew Johnson	801-503-6628	mmjohnson@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>	R156-79. Hunting Guides and Outfitters Registration Act Rule
<b>B. Purpose of the new rule or reason for the change:</b>	The legislature has repealed the underlying statute this rule interprets. The Division of Professional Licensing (Division) no longer regulates hunting guides and outfitters.
<b>C. Summary of the new rule or change:</b>	SB 149 (2025 General Session) repeals Title 58, Chapter 79. Because of this repeal, the existing rule no longer has a statutory basis and must be repealed in its entirety.

**4. Legislative Action Information**

<b>A. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>B. If yes, any bill number and session:</b>	SB 149 (2025 General Session)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The repeal of Title 58, Chapter 79, removed the statutory basis of this rule rendering it unenforceable.  The Division believes repealing this unenforceable rule will not result in costs or savings to the state budget.
<b>B. Local governments:</b>
The repeal of Title 58, Chapter 79, removed the statutory basis of this rule rendering it unenforceable.

The Division believes repealing this unenforceable rule will not result in costs or savings to local governments.

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

The repeal of Title 58, Chapter 79, removed the statutory basis of this rule rendering it unenforceable.

The Division believes repealing this unenforceable rule will not result in costs or savings to small businesses.

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

The repeal of Title 58, Chapter 79, removed the statutory basis of this rule rendering it unenforceable.

The Division believes repealing this unenforceable rule will not result in 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**):

The repeal of Title 58, Chapter 79, removed the statutory basis of this rule rendering it unenforceable.

The Division believes repealing this unenforceable rule will not result in costs or savings to persons other than small businesses, non-small businesses, state, or local government entities.

**F. Compliance costs for affected persons:**

The repeal of Title 58, Chapter 79, removed the statutory basis of this rule rendering it unenforceable.

The Division cannot identify any affected persons and does not know of any compliance costs triggered by the repeal of this rule.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Section 58-79-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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**11. Public Notice Information**

<b>The public may submit written or oral comments to the agency identified in box 1.</b>	
<b>A. Comments will be accepted until:</b>	07/01/2026

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Adam Watson, Assistant Division Director	<b>Date:</b>	04/13/2026
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**R156. Commerce, Occupational and Professional Licensing.**  
~~[R156-79. Hunting Guides and Outfitters Registration Act Rule.~~  
~~R156-79-101. Title.~~

~~This rule is known as the "Hunting Guides and Outfitters Registration Act Rule".~~

~~**R156-79-102. Definitions.**~~

~~In addition to the definitions in Sections 58-1-102 and 58-79-102, that apply to this rule:~~

- ~~(1) "Client" means an individual who engages the professional services of a registered outfitter.~~
- ~~(2) "Packing" means transporting for hire or compensation hunters, game animals, or equipment in the field.~~
- ~~(3) "Protecting" means the hunting guide or outfitter protects any clientele.~~
- ~~(4) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 79, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-79-502.~~

~~**R156-79-103. Authority Purpose.**~~

~~This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 79.~~

~~**R156-79-104. Organization Relationship to Rule R156-1.**~~

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

~~**R156-79-302. Qualifications for Registration Application Requirements.**~~

~~In accordance with Subsection 58-1-301(3) and Section 58-79-302, an application for registration as a hunting guide or outfitter shall be accompanied by a current liability insurance policy protecting against injury or damage as a result of negligence by the registrant, which has at least the following minimum limits of coverage:~~

- ~~(1) \$25,000 for property damage;~~
- ~~(2) \$100,000 for bodily injury or death of one individual in a single accident; and~~
- ~~(3) \$300,000 for bodily injury or death to all individuals in a single accident.~~

~~**R156-79-303. Renewal Cycle Procedures.**~~

- ~~(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to registrants under Title 58, Chapter 79 is established by rule in Section R156-1-308a.~~
- ~~(2) Renewal procedures shall be in accordance with Sections R156-1-308b through R156-1-308l.~~

~~**R156-79-502. Unprofessional Conduct.**~~

~~"Unprofessional conduct" includes:~~

- ~~(1) engaging in fraud in advertising when soliciting hunting guide or outfitter services to the public;~~
- ~~(2) intentionally obstructing, hindering, or attempting to obstruct or hinder lawful hunting by a person who is not a client or an employee of the registrant;~~
- ~~(3) failing to report to the Division within 20 days any violation of a state or federal wildlife, big game, or guiding statute by a client or by an employee of the registrant;~~
- ~~(4) materially breaching a contract with a person using the hunting guide or outfitting services of the registrant;~~

- ~~\_\_\_\_\_ (5) failing to provide any animal used in the conduct of business with proper food or drink, or otherwise subjecting any animal used in the conduct of business to abuse or cruel and inhumane treatment;~~
- ~~\_\_\_\_\_ (6) failing to allow the Division or its agents access at any time to inspect hunting camps, whether or not the registrant is present;~~
- ~~\_\_\_\_\_ (7) failing to provide a hunting guide for every two hunters in wilderness areas and for up to six hunters in any other areas of the state;~~
- ~~\_\_\_\_\_ (8) failing to maintain a neat, orderly, and sanitary camp by not disposing of garbage, debris, or human waste appropriately;~~
- ~~\_\_\_\_\_ (9) failing to provide clean drinking water or failing to protect food from contamination;~~
- ~~\_\_\_\_\_ (10) failing to separate livestock facilities and camp facilities, or to protect streams from contamination;~~
- ~~\_\_\_\_\_ (11) failing to report any serious injury or fatality of a client or outfitter staff to a federal, state, county, or local law enforcement authority;~~
- ~~\_\_\_\_\_ (12) failing to comply with state or federal laws and rules regarding hunting guides and outfitters;~~
- ~~\_\_\_\_\_ (13) failing to comply with state or federal wildlife laws and rules;~~
- ~~\_\_\_\_\_ (14) failing to adequately maintain general liability insurance coverage as required by the United States Forest Service or the Bureau of Land Management;~~
- ~~\_\_\_\_\_ (15) providing outfitter services to a person who is not properly licensed to hunt for the species sought by that person; and~~
- ~~\_\_\_\_\_ (16) failing to conform to the generally accepted and recognized standards and ethics of the profession.~~

**KEY: ~~licensing, hunting guides, outfitters~~**

**Date of Last Change: ~~September 8, 2020~~**

**Notice of Continuation: ~~June 3, 2024~~**

**Authorizing, and Implemented or Interpreted Law: ~~58-79-101; 58-1-106(1)(a); 58-1-202(1)(a)~~**

<b>NOTICE OF SUBSTANTIVE CHANGE</b>	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 58002
<b>Rule or section number:</b>	<b>R277-320</b>

**1. Agency Information**

<b>Title catchline:</b>	Education, Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 144200
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R277-320. Grow Your Own Educator Pipeline Program
<b>B. Purpose of the new rule or reason for the change:</b>
The amendments are necessary due to the passage of HB 162, Grow Your Own Educator Program Amendments, and SB 34, Public Education Revisions, during the 2026 General Session).
<b>C. Summary of the new rule or change:</b>
The amendments provide clarification that only apprentices qualify for four semesters of Full Time Equivalency (FTE) assistance.  The amendments also provide updated language regarding the amount of mentor stipends the Superintendent may award per candidate mentored.

**4. Legislative Action Information**

<b>A. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>B. If yes, any bill number and session:</b>	HB 163 (2026 General Session), SB 34 (2026 General Session)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
<p>This rule change is not expected to have fiscal impacts on state government revenues or expenditures.</p> <p>Because the program operates within a fixed legislative appropriation, the rule change does not require additional state funds. The Superintendent will continue to determine awards based on the number of applicants and available funds in each cohort.</p> <p>The rule change allows for a different internal allocation of the existing budget (prioritizing higher mentor compensation) but does not result in an incremental cost or savings to the state's overall General Fund budget.</p>
<b>B. Local governments:</b>
<p>This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.</p> <p>The stipends are funded entirely by the state grant. While Local Education Agencies (LEAs) will process the stipends through their payroll systems to mentors, these costs are reimbursed/covered by the grant award.</p> <p>There are no new administrative requirements or matching fund mandates introduced by this amendment. Therefore, there is no incremental fiscal impact on local governments.</p>
<b>C. Small businesses ("small business" means a business employing 1-49 persons):</b>
<p>This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.</p> <p>This rule applies exclusively to the administration of a grant program for public school educators and candidates within the public K-12 system. It does not regulate, tax, or provide funding to private small businesses.</p>
<b>D. Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
<p>There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.</p>
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
<p>Mentors within the Grow Your Own program can receive more money per candidate.</p> <p>This is not a cost to the program or the mentor but an impact in potentially increased personal income for mentors. The Utah State Board of Education (USBE) is unable to quantify an exact impact as mentor participation varies.</p> <p>There are no impacts to other persons or entities.</p>
<b>F. Compliance costs for affected persons:</b>
<p>There are no compliance costs for affected persons. Participation in the Grow Your Own Educator Pipeline Program is voluntary.</p> <p>This amendment modifies the compensation amount for mentors; it does not introduce new fees, mandatory training costs, or additional reporting burdens for the individual candidates or mentors.</p>

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-5-218
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**11. Public Notice Information**

**The public may submit written or oral comments to the agency identified in box 1.**  
**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	05/15/2026
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**R277. Education, Administration.**

**R277-320. Grow Your Own Educator Pipeline Program.**

**R277-320-1. Authority and Purpose.**

(1) This rule is authorized by:

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

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

(c) Section 53F-5-218, which directs the Board to make rules to implement the Grow Your Own Educator Pipeline Program.

NOTICES OF PROPOSED RULES

- (2) The purpose of this rule is to establish requirements for administration of the grant program.

**R277-320-2. Definitions.**

- (1) "Grant program" means the Grow Your Own Educator Program established in Section 53F-5-218.
- (2) "Grant program candidate" or "candidate" means:
- (a) for a school counselor, a student who is:
    - (i) enrolled in an accredited school counseling master's degree program; or
    - (ii) completing the candidate's hours of a supervised practicum or internship by applying appropriate school counseling practices under the supervision of a licensed school counselor;
  - (b) for a school psychologist, a student who is:
    - (i) enrolled in an accredited school psychology degree program; or
    - (ii) completing the candidate's hours of a supervised practicum or internship by applying appropriate school psychology practices under the supervision of a licensed school psychologist;
  - (c) for a school social worker, a student who is:
    - (i) enrolled in an accredited social work master's degree program; or
    - (ii) completing the candidate's hours of a supervised practicum or internship by applying appropriate school social work practices under the supervision of a licensed social worker; or
  - (d) for a teacher, meets the requirements of Section 53F-5-218.
- (3) "High leverage" means critical instructional practices that research has demonstrated can impact student achievement and be used across different content areas and grade levels, including:
- (a) collective efficacy;
  - (b) student engagement;
  - (c) systematically designed instruction;
  - (d) feedback; and
  - (e) learning environment.
- (4) "Mentor" means an educator selected in consultation with a candidate's principal who:
- (a) has a professional educator license and license area in the field for which the educator is mentoring;
  - (b) has no less than three years full-time experience in the appropriate license area;
  - (c) has effective or highly effective evaluations in accordance with Rule R277-~~533~~323;
  - (d) has proven successful in positively improving student outcomes;
  - (e) follows all applicable supervision and mentoring requirements from a candidate's educator preparation program and Rule R277-308; and
- (f) for a mentor teacher:
    - (i) models the use of high leverage teaching practices that meets the needs of diverse learners;
    - (ii) demonstrates content and grade level expertise; and
    - (iii) effectively collaborates with colleagues, families, and the broader community.
- (5) "Regional Education Service Agency or "RESA" has the same meaning as the term is defined in Section 53G-4-410.
- (6) "School counselor assistant" has the same meaning as defined in Section 53F-5-218.

**R277-320-3. Program Administration.**

- (1) The Superintendent shall prepare an application for participation in the grant program and post the application on the Board website.
- (2)(a) An LEA shall submit an application, based upon the recommendation of a principal, to the Superintendent by the third Monday in May annually.
- (b) A RESA may submit an application, based upon the recommendation of a principal, on behalf of one or more of its member LEAs.
- (3) The Superintendent shall determine awards under the grant program taking into consideration the number of applicants and the needs of LEAs for grant program funds in each cohort and subject to the following:
- (a) The Superintendent may allocate funds to an LEA or RESA annually as follows, subject to Subsection 53F-5-218(6)(a):
    - (i) up to \$12,000 for a candidate in an undergraduate program; and
    - (ii) up to \$14,000 for a candidate in a graduate program;
  - (b) The Superintendent may annually allocate FTE costs up to \$9,000 per candidate per eligible semester subject to the internship limits established in Subsection 53F-5-218(6)(c);
  - (c) The Superintendent may award mentor stipends up to \$2000 per candidate mentored.~~[as follows:~~
    - ~~(i) \$500 for mentors serving 1-2 candidates;~~
    - ~~(ii) \$750 for mentors serving 3-4 candidates; and~~
    - ~~(iii) \$1,000 for mentors serving 5 candidates;]~~
  - (d) The Superintendent may award stipends for school counselor assistants up to \$7,000 annually.
  - (e) The Superintendent may annually allocate up to \$150,000 for RESA administrative costs.
- (5) An LEA applicant shall provide documentation of efforts by each candidate to maximize financial aid opportunities and programs, including the Free Application for Federal Student Aid.
- (6) The Superintendent shall disburse approved funds to an LEA by July 1 annually.

- (7) The Superintendent shall monitor LEA expenditures of program funds consistent with Rule R277-113:
  - (a) to ensure compliance with Section 53F-5-218 and this rule; and
  - (b) to collect data required for performance measures and required legislative reporting.
- (8) An LEA shall maintain documentation of information required in Subsection (7) consistent with Rule R277-113.
- (9) The Superintendent may reallocate any funds not expended by an LEA by the end of the fiscal year in which the funds were disbursed.

**R277-320-4. Candidate Learning Pathways.**

- (1) A grant program candidate's educator preparation pathway:
  - (a) shall result in a Utah professional educator license in accordance with Rule R277-303 and Section R277-306-6;
  - (b) shall provide courses outside of the candidate's LEA work hours;
  - (c) shall incorporate opportunities, where available, for candidates to demonstrate competency in lieu of course completion, assignments, and other preparation requirements for the institution and;
  - (d) may not require qualifying exams or prerequisites for program admission.
- (2) A majority of a grant program candidate's clinical experiences, required by the candidate's educator preparation program, shall be at the site of the candidate's school of employment.

**KEY: school counselor program, grant program**

**Date of Last Change: 2026[July 11, 2023]**

**Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4), 53F-5-218**

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 58003
<b>Rule or section number:</b>	<b>R277-488</b>

**1. Agency Information**

<b>Title catchline:</b>	Education, Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 144200
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R277-488. Dual Language Immersion Program
<b>B. Purpose of the new rule or reason for the change:</b>
The amendments are needed to reduce the number of endorsements as requested from the Utah State Board of Education (USBE), eliminating the Dual Language Immersion (DLI) endorsement.
<b>C. Summary of the new rule or change:</b>
The amendments remove the requirement that a school receiving DLI program funds must hire qualified world language teachers who have a world language endorsement in the language of instruction and a DLI endorsement.
The amendments also remove the specific date that the Superintendent must disburse DLI program funds each fiscal year.
In addition, the amendments clarify what Local Education Agencies (LEAs) may not use DLI programs funds for.

**5. Fiscal Information**

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

**A. State budget:**

This rule change is not expected to have fiscal impact on state government revenues or expenditures.

The amendments to Rule R277-488 clarify the timing of fund disbursements (striking the specific July 1 deadline to provide administrative flexibility), update educator licensing terminology to align with current USBE nomenclature, and explicitly define prohibited uses of program funds (overnight travel, incentives, etc.).

These changes do not alter the total legislative appropriation for the Dual Language Immersion (DLI) program under Section 53F-2-502. The USBE will continue to administer the program within existing staff resources and budget.

**B. Local governments:**

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

LEAs will receive the same amount of DLI program funding based on the legislative allocation.

While Subsection R277-488-3(8) introduces new restrictions on the use of funds (prohibiting overnight travel, incentives, and capital expenditures), this clarifies intent for the funds to be used directly towards classroom expenditures.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This rule governs the internal distribution of state funds to public school districts and charter schools. It does not regulate, tax, or impose requirements on private small businesses.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The "affected persons" in this class are primarily DLI students, parents, and educators.

Students/Parents: The rule ensures that grant funds are focused on classroom equipment and instruction, which may provide a qualitative benefit but no direct fiscal impact on families.

Educators: The change in licensing language in Subsection R277-488-3(7) is a technical update to ensure consistency with Rule R277-301 and does not change the requirements or costs for an individual educator to obtain an endorsement.

There are no fees or costs imposed on individuals by these changes.

**F. Compliance costs for affected persons:**

There are no compliance costs for affected persons.

The amendments primarily focus on fund-use restrictions and technical terminology updates that do not require new equipment, fees, or additional staff time beyond current program management.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Article X, Section 3	Section 53F-2-502	Section 53E-3-401
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**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	05/15/2026
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**R277. Education, Administration.**

**R277-488. Dual Language Immersion Program.**

**R277-488-1. Authority and Purpose.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
- (b) Section 53F-2-502, which requires the Board to establish a Dual Language Immersion program; and

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

NOTICES OF PROPOSED RULES

(2) The purpose of this rule is to:

- (a) establish criteria and procedures for distributing funds to elementary and secondary schools participating in the Dual Language Immersion Program;
- (b) increase the number of students who reach proficiency in world languages;
- (c) build overall world language capacity in ~~the state of~~ Utah; and
- (d) increase the number of biliterate and bilingual students.

**R277-488-2. Definitions.**

- (1) "Dual language immersion" or "DLI" means a distinctive dual language education program in which native English speakers and active speakers of another language are integrated for academic content.
- (2) "Secondary school" means grades 7-12 in whatever schools the grade levels exist.

**R277-488-3. Dual Language Immersion Program Requirements.**

- (1) The Superintendent shall disburse DLI program funds ~~by July 1 of~~ each fiscal year subject to state appropriation.
- (2) The DLI program shall support world languages approved by the Superintendent.
- (3) The Superintendent shall provide an initial application for an LEA to receive funding for DLI programs.
- (4) An LEA shall submit an application described in Subsection (3) no later than the deadline specified in the application to be considered for elementary school DLI program funding in the subsequent school year.
- (5) An application for DLI program funds shall include a plan that includes:
  - (a) a world language approved by the Superintendent;
  - (b) a timeline that begins the instructional model in kindergarten or grade 1, adds an additional grade each year; and
  - (c) a plan and procedure in place to notify students and parents of the availability of at least one DLI course.
- (6) The Superintendent shall give priority in DLI program funding to an LEA that:
  - (a) does not currently teach the requested language choice;
  - (b) demonstrates adequate local funding and infrastructure to begin a program or expand existing programs;
  - (c) demonstrates community interest and students committed and prepared to participate in a new or expanded program, including prepared instructors for the program;
  - (d) has adequate interest, resources, and infrastructure, but does not presently have a DLI program; and
  - (e) has a demonstrated community need for improved or expanded world language instruction in a specific school or community.
- (7) A school receiving DLI program funds shall hire qualified world language teachers who:
  - ~~(a) have a world language endorsement in the language of instruction and a DLI endorsement; and~~
  - ~~(b) are Utah licensed elementary or secondary educators.~~
  - (a) have a Utah educator license with an elementary education or secondary education license area of concentration; and
  - (b) an appropriate endorsement for the assignment.
- (8) An LEA may not use DLI program funds for:
  - (a) overnight travel;
  - (b) incentives;
  - (c) capital expenditures; or
  - (d) non-classroom equipment.

**R277-488-4. Proficiency Assessment Requirements.**

- (1) The Superintendent shall select a proficiency assessment through an appropriate procurement process.
- (2) The proficiency assessment described in Subsection (1) shall assess the following areas of proficiency:
  - (a) listening;
  - (b) speaking;
  - (c) reading; and
  - (d) writing.
- (3) An LEA DLI program shall administer the proficiency assessment selected by the Superintendent as described in Subsection (1) ~~[for certain areas of proficiency listed in subsection (2)]~~ at each grade level starting at Grade 3 and through Grade 9.

**R277-488-5. International Guest Teacher Requirements.**

~~[(1)]~~An LEA may offer world languages through the DLI program using an international guest teacher as outlined in Rule R277-310.

**R277-488-6. Dual Language Immersion Funds.**

- (1) Elementary schools shall be selected for funding for the DLI program based on an evaluation of applications by the Superintendent.
  - (a) Secondary schools shall receive funding as recipients of DLI students through the regular school feeder system.
- (2) The Superintendent shall make an award to an individual elementary or secondary school and allocate funds to the school's LEA to be fully distributed to the school based on the annual legislative funding allocation.
- (3) The Superintendent shall notify a new school eligible for funding of a funds award for the subsequent fiscal year by June 1 annually.

**R277-488-7. Evaluation and Reports.**

- (1) Each school selected for funding shall submit an evaluation report to the Superintendent by June 30 annually.
- (2) The Superintendent may request additional data from a secondary or elementary school that receives funding.

**KEY: critical languages, dual language immersion**

**Date of Last Change: 2026[January 17, 2023]**

**Notice of Continuation: August 19, 2021**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53F-2-502; 53E-3-401**

<b>NOTICE OF SUBSTANTIVE CHANGE</b>	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 58004
<b>Rule or section number:</b>	<b>R277-731</b>

**1. Agency Information**

<b>Title catchline:</b>	Education, Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 144200
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R277-731. Catalyst Center Grant Program Policy
<b>B. Purpose of the new rule or reason for the change:</b>
The amendments are needed due to the passage of SB 34 during the 2026 General Session.
<b>C. Summary of the new rule or change:</b>
The amendments specifically change the name of the grant program from "Catalyst Center Grant Program" to "The Applied Education Experience Grant Program" (APEX).
The amendments also update provisions of the grant program regarding eligibility for and use of program funds.
In addition, the amendments update a statutory reference for the grant program and remove an oversight "Category 4" for this rule.

**4. Legislative Action Information**

<b>A. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>B. If yes, any bill number and session:</b>	SB 34 (2026 General Session)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
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<p><b>A. State budget:</b></p> <p>This rule change is not expected to have fiscal impact on state government revenues or expenditures.</p> <p>This change is a result of SB 34 (2026) and the Utah State Board of Education (USBE) believes the rule change does not add any additional impacts outside the fiscal note to SB 34 (2026).</p>
<p><b>B. Local governments:</b></p> <p>This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.</p> <p>This change is a result of SB 34 (2026) and the USBE believes the rule change does not add any additional impacts outside the fiscal note to SB 34 (2026).</p>
<p><b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.</p> <p>This rule applies to Local Education Agencies (LEAS -- public school districts and charter schools).</p> <p>While small businesses may participate in advisory boards or act as industry partners, their participation is voluntary and this rule does not impose any regulatory fees, taxes, or mandatory compliance costs on them.</p>
<p><b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.</p>
<p><b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</p> <p>This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The "affected persons" in this category are students and parents.</p> <p>The program is designed to enhance career readiness and align skills with workforce needs, which provides a qualitative educational benefit. However, there are no fees or costs imposed on individuals, nor are there direct financial transfers to persons other than LEAs.</p>
<p><b>F. Compliance costs for affected persons:</b></p> <p>There are no compliance costs for affected persons.</p> <p>This change is a result of SB 34 (2026) and the USBE believes the rule change does not add any additional impacts outside the fiscal note to SB 34 (2026).</p>

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0

<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-507.1
Section 53F-9-204		

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	05/15/2026
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**R277. Education, Administration.**

**R277-731. [~~Catalyst Center~~] Applied Professional Education Experience (APEX) Grant Program Policy.**

**R277-731-1. Authority, and Purpose, and Oversight Category.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
  - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law;
  - (c) Section [~~53E-3-507.1~~]53F-5-224, which;
    - (i) establishes the [~~Catalyst Center~~] Applied Professional Education Experience (APEX) Grant Program; and
    - (ii) requires the State Board of Education to make rules to implement the program; and
  - (d) Section 53F-9-204, which describes legislative appropriation for the program.
- (2) The purpose of this rule is to establish standards and procedures for Local Education Agencies (LEAs) to qualify for and administer funds from the [~~Catalyst Center~~] APEX Grant Program to create new or expand existing catalyst centers to enhance career readiness and align students' skills with Utah's workforce needs.
- (3) ~~This Rule R277-731 is categorized as Category 4 as described in Rule R277-111.~~

## NOTICES OF PROPOSED RULES

### R277-731-2. Definitions.

- (1) "Advisory board" means a group of individuals composed of industry, postsecondary, and community representatives that review program direction and ensure alignment with workforce needs.
- (2) "Consortium" means two or more LEAs located within the same CTE geographic planning region.
- (3) "Profession-based learning center" means an ~~Catalyst~~APEX ~~Model C~~center as defined in Section ~~53E-3-507.1~~53F-5-224.
- (4) "Program" means the ~~Catalyst Center~~APEX Grant Program defined in Section ~~53E-3-507.1~~53F-5-224.
- (5) "Unwarranted duplication" means the overlap of resources that lead to inefficiencies, wasted resources, or a lack of coordination in providing comprehensive CTE programs.

### R277-731-3. LEA Grant Requirements.

- (1) An LEA or LEA consortium may annually apply for grant funding beginning with the 2025-2026 school year.
- (2) An LEA or LEA consortium may not apply for an additional grant that would overlap with an existing award.
- ~~(a) An LEA or LEA consortium may not apply for an implementation grant that overlaps with a planning grant.~~
- (3) An LEA shall apply for a grant by submitting an application to the state board that includes:
  - (a) a general plan, including a proposed timeline for the project;
  - (b) a detailed budget, identifying proposed expenditures and any matching funds used for the project;
  - (c) justification for any capital expenditures, including plans for building use, cost analyses, and estimates;
  - (d) a description of how the grant will be used to improve student outcomes;
  - (e) a description of the well-defined metrics that will be used to establish and measure student proficiency;
  - (f) evidence of any existing partnerships with industry, including letters of collaboration;
  - (g) evidence of alignment with the LEA's strategic plan;
  - (h) evidence of alignment with local labor market and industry needs;
  - (i) an explanation of how awarded funds will be used within the defined performance period without unnecessary carryforward;
  - (j) as applicable, a description of how the ~~catalyst center~~APEX center programming will align with or enhance programs funded by the weighted pupil unit add-on described in Section 53F-2-311;
  - (k) for applications submitted by a consortium of LEAs, a description of:
    - (i) which LEA will be the fiscal agent;
    - (ii) how the ~~catalyst~~APEX center will serve students across the consortium;
    - (iii) how costs and resources will be shared; and
    - (iv) how economies of scale will be achieved;
  - (l) a description of any proposed planning activities, including expected timelines and outcomes;
  - (m) evidence of collaboration with the LEA CTE Director; and
  - (n) if applicable, an explanation of the LEA's process for employing an individual with industry experience as an educator who is not a licensed teacher through Subsection 53E-6-204(3), including how the LEA will:
    - (i) determine and verify the individual's industry expertise; and
    - (ii) provide any required training to the individual before or during the teaching assignment.
- (4) Grant funding shall not be used for the unwarranted duplication of existing resources, including physical assets and programmatic offerings, provided by other state or local entities.
- (5) To maximize resources and impact, LEAs may apply for funding as a consortium.

### R277-731-4. Superintendent Responsibilities and Award Prioritization.

- (1) Beginning with the 2026-2027 fiscal year, dependent on available funds, the Superintendent shall make the application available beginning May 15.
- (2) Prioritization for grant funding will be given to an LEA that:
  - (a) proposes innovative programming supported by local labor market data;
  - (b) collaborates with local postsecondary institutions and industry;
  - (c) demonstrates the ability to sustain the ~~catalyst~~APEX center after the grant period;
  - (d) demonstrates a strong focus on student outcomes and workforce alignment;
  - (e) addresses gaps in high-demand, high-skill career pathways;
  - (f) ensures funds are used to enhance programming quality before expansion; and
  - (g) provides for a large number of students to participate in ~~catalyst~~APEX center programs without limiting participation to students based on socioeconomic challenges.
- (3) For the purposes of ~~[s]~~Subsection (2)(b):
  - (a) coordination with local postsecondary institutions and industry shall be ~~directed~~ by the LEA in a manner that the LEA determines is in the best interest of ~~the program~~; and
  - (b) the level of collaboration may be tailored to the individual needs of ~~each program~~, and each offering within the program.
- (4) Subsection (2)(g) shall not be interpreted to mean that LEAs with more ~~students~~ are prioritized over LEAs with fewer students.
- (5) Grant funds may be distributed through smaller planning grants.
- (6) The Superintendent may use up to 1% of the funds appropriated by the Legislature to administer the program.

**R277-731-5. Program Requirements.**

(1) An LEA receiving a grant shall utilize funds to plan for, create, establish, enhance, or expand profession-based learning programs that:

- (a) provide learning experiences and instruction that:
  - (i) replicates professional environments and workplace practices;
  - (ii) builds leadership skills;
  - (iii) builds durable professional skills;
  - (iv) allows students to advance as they demonstrate proficiency through well-defined metrics;
  - (v) utilizes student projects that address the specific needs or objectives of industry partners;
  - (vi) incorporates industry-standard tools, technologies, and methods;
  - (vii) provides opportunities for students to develop a product or presentation that is shared with an audience; and
  - (viii) facilitates mentorship by industry professionals to guide and evaluate the student's work;

(b) align programming with labor market needs and local industry demands;

(c) establish or enhance partnerships with:

(i) local industries and employers to ensure workforce relevance; or

(ii) as determined by the LEA, technical colleges, degree-granting institutions, or other postsecondary entities to support postsecondary transitions for students;

(d) address gaps in regional workforce training or opportunities;

(e) incorporate:

(i) career and technical student organizations as the LEA determines relevant;

(ii) advisory boards with representation from local industries and workforce experts;

(iii) professional learning opportunities for instructors to improve workforce-focused skills; and

(iv) strategies for using labor market data to refine and improve program offerings;

(f) is tailored to the unique needs and circumstances of the local student body, community, and industry partners; and

(g) align with CTE Quality Standards.

(2) LEAs or LEA consortiums shall use any equipment or capital purchased with awarded funds for the purposes outlined in the application.

(3) If the award includes a portion of the grant as a lump sum payment, the LEA shall work with the Superintendent to establish a payment timeline requiring milestones and documentation;

(4) ~~[Catalyst]~~APEX centers may be collocated on the campus of an institution of higher education with an agreement between the LEA and the institution of higher education.

**R277-731-6. Oversight, Monitoring, and Reports.**

(1) An LEA that receives a grant shall submit an annual report to the state board no later than September 15.

(a) An LEA that receives an implementation grant shall submit an annual report during each year they receive funding and for three years following the last year the LEA receives funding.

(2) The annual report shall include:

(a) the use of grant funds;

(b) progress in meeting proposed goals and benchmarks, including student proficiency measurements using the well-defined metrics described in the application;

(c) updates on partnerships with industry and postsecondary institutions;

(d) a demonstration of the alignment of programming with labor market data; and

(e) a description of applicable student participation and outcomes.

(3) An LEA receiving funds will be monitored to ensure that awarded funds are used in accordance with an LEA's application.

(a) An LEA receiving funds shall participate in scheduled desk monitoring and onsite monitoring visits.

(b) An LEA receiving funds shall submit quarterly reimbursement requests.

(4) If requesting a portion of the grant as an initial lump sum payment, the LEA must provide evidence of achieved benchmarks before receiving the remainder of the awarded funds on a reimbursement basis.

(5) Annually, funds that are not used within the defined performance period will be recaptured for reallocation.

(6) An LEA that does not comply with the requirements of this Rule R277-731, including not providing evidence of adherence to program standards or misuse of funds, may be subject to a corrective action plan and potential reduction of funds or penalty in accordance with Rule R277-114.

(7) Upon request, the Superintendent shall submit a report on the program to the Education Interim Committee and the Public Education Appropriations Subcommittee.

**KEY: catalyst center, grant program, career readiness, workforce development, profession-based learning**

**Date of Last Change: [January 7,] 2026**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-507.1; 53F-9-204**

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 58005
<b>Rule or section number:</b>	<b>R277-800</b>

**1. Agency Information**

<b>Title catchline:</b>	Education, Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 144200
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>	R277-800. Utah Schools for the Deaf and the Blind
<b>B. Purpose of the new rule or reason for the change:</b>	The amendments are needed as a result of the passage of HB 448 during the 2026 General Session.
<b>C. Summary of the new rule or change:</b>	<p>The amendments make updates to ensure alignment with current statute governing Utah Schools for the Deaf and the Blind (USDB) operations, reporting requirements, and oversight responsibilities.</p> <p>Changes included updates to statutory citations for accuracy and consistency with current law; incorporating provisions related to Board oversight of capital facilities planning; clarifying reporting requirements in alignment with statutory directives; adding and revising definitions for clarity; and making technical and conforming changes to improve clarity and consistency throughout this rule.</p> <p>The amendments also remove an oversight "Category 4" for this rule.</p>

**4. Legislative Action Information**

<b>A. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>B. If yes, any bill number and session:</b>	HB 448 (2026 General Session)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
The Utah State Board of Education (USBE) believes that any fiscal impact was captured in the fiscal note to HB 448 (2026) and this rule does not add any additional impacts for state agencies, Local Education Agencies (LEAs), or other persons.
<b>B. Local governments:</b>
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

The USBE believes that any fiscal impact was captured in the fiscal note to HB 448 (2026) and this rule does not add any additional impacts for state agencies, LEAs, or other persons.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

The USBE believes that any fiscal impact was captured in the fiscal note to HB 448 (2026) and this rule does not add any additional impacts for state agencies, LEAs, or other persons.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

The USBE believes that any fiscal impact was captured in the fiscal note to HB 448 (2026) and this rule does not add any additional impact for state agencies, LEAs, or other persons.

**F. Compliance costs for affected persons:**

There are no compliance costs for affected persons. The USBE believes that any fiscal impact was captured in the fiscal note to HB 448 (2026) and this rule does not add any additional impact for state agencies, LEAs, or other persons.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53E-8-204
Section 53E-8-402	Section 53E-8-409	

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	05/15/2026
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**R277. Education, Administration.**

**R277-800. Utah Schools for the Deaf and the Blind.**

**R277-800-1. Authority<sup>[5]</sup> and Purpose<sup>[5]</sup> and Oversight Category.**

(1) This rule is authorized by:

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

(b) Section 53E-8-204 which authorizes the Board to make rules regarding the administration of the Utah Schools for the Deaf and the Blind;

(c) Section 53E-8-402, which directs the Board to establish entrance policies and procedures to be considered, consistent with the IDEA, for student placement recommendations at the USDB;

(d) Section 53E-8-409, which directs the Board to establish the USIMAC and outline collaboration and operating procedures for USIMAC and USDB resources; and

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

(2) The purpose of this rule is to provide standards and procedures for the operation of the USDB and the USDB outreach programs and services.

~~[(3) This Rule R277-800 is categorized as Category 4 as described in Rule R277-111.]~~

**R277-800-2. Definitions.**

(1) "Accessible media producer" means a company or agency that ~~creates fully accessible, specialized, student-ready formats for curriculum materials~~ converts educational materials into formats that are accessible to individuals who require alternative formats, such as:

- (a) Braille;
- (b) large print;
- (c) audiobooks; or
- (d) digital books.

(2) "Advisory Council" means the advisory council for the Utah Schools for the Deaf and the Blind described in Section 538-E-206.

~~[(2)](3)(a)~~ "Assessment" means the process of documenting, usually in measurable terms, knowledge, skills, attitudes, and abilities pertaining to the fields of vision and hearing.

(b) An assessment may include the following areas of focus:

- (i) a valid, reliable and appropriate assessment given to determine eligibility for placement and services by a team of qualified professionals and a student's parent or guardian;

(ii) a functional assessment accomplished by observation and measurement of daily living skills and functional use of vision or hearing, or both; and

(iii) academic evaluations as part of the Statewide School Accountability System, including an alternate assessment with appropriate accommodations as indicated on a student's IEP.

~~[(3)](4)(a)~~ "Campus-based program" means a program provided by USDB that offers an alternative to an outreach program for students, ages three to 22, who are blind or visually impaired, deaf or hard of hearing, or deafblind.

(b) Under a campus-based program, services are provided by qualified USDB staff at a USDB site.

~~[(4)](5)(a)~~ "The Chafee Amendment to the Copyright Act" or the "Chafee Amendment" is a federal law, 17 U.S.C. 121, that allows an authorized entity to reproduce or distribute copyrighted materials in ~~[specialized]~~accessible formats for eligible students who are blind or have other print disabilities without the need to obtain permission of the copyright owner.

(b) Authorized entities under the Chafee Amendment include governmental agencies or nonprofit organizations that have a primary mission to provide copyrighted works in ~~[specialized]~~accessible formats for students who are blind or have other print disabilities.

~~[(5)](6)~~ "Child Find" means activities and strategies designed to locate, evaluate, and identify individuals eligible for services under the IDEA.

~~[(6)](7)~~ "Consultation" means a meeting for discussion or seeking advice.

~~[(7)]~~ "Designated LEA" means the local education agency assigned by a student's IEP or Section 504 team to have primary responsibility for ensuring that all rights and requirements regarding individual student assessment, eligibility services, and procedural safeguards are satisfied consistent with the IDEA.]

(8) "Deafblindness" or "deafblind" means written verification provided by a medical professional stating that an individual has concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

(9) "Deafness" is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, and that adversely affects a student's educational performance.

(10) "Designated LEA" means the local education agency assigned by a student's IEP or Section 504 team to have primary responsibility for ensuring that all rights and requirements regarding individual student assessment, eligibility services, and procedural safeguards are satisfied consistent with the IDEA.

~~[(10)](11)~~ "Educational Resource Center" or "ERC" is a center under the direction of the USDB that:

(a) provides information, technology, and instructional materials to assist children who are deaf, hard of hearing, blind, visually impaired, and deafblind in progressing in the curriculum; and

(b) facilitates access to materials, information, and training for teachers and parents of children who are deaf, hard of hearing, blind, visually impaired, and deafblind.

~~[(11)](12)~~ "Extension classroom" means a classroom provided by an LEA where USDB provides a full-time classroom teacher and related services to students who remain enrolled in the LEA's general education programs.

~~[(12)](13)~~ "Hearing loss" is an impairment in hearing, whether permanent or fluctuating, that adversely affects a student's educational performance, but that is not included under the definition of deafness.

~~[(13)](14)~~ "National Instructional Materials Access Center" or "NIMAC" is a central national repository that receives file sets in the NIMAS from publishers to maintain, catalog, and house for future reference file sets for states to use with students who have print disabilities and require educational materials in accessible alternate formats.

~~[(14)](15)~~ "National Instructional Materials Accessibility Standard" or "NIMAS" means the electronic standard that enables all producers of alternate formats for students with print disabilities to work from one standard format available from publishers for this purpose.

~~[(15)](16)(a)~~ "Outreach program" is a program provided by the USDB that offers an alternative to a campus-based program for students ages three to 22 who are blind or visually impaired, deaf or hard of hearing, or deafblind.

(b) In an outreach program, services are provided at a student's resident school or at a designated school by a qualified teacher of the blind or visually impaired, deaf or hard of hearing, or deafblind.

~~[(16)](17)(a)~~ "Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a student with disability to benefit from special education.

(b) Related services may include:

(i) speech-language pathology services;

(ii) audiology services;

(iii) interpreting services;

(iv) psychological services;

(v) physical and occupational therapy;

(vi) recreation, including therapeutic recreation;

(vii) early identification and assessment of disabilities in students;

(viii) counseling services, including rehabilitation counseling;

(ix) orientation and mobility services;

(x) health services and school nursing services;

(xi) social work services in schools;

(xii) parent counseling and training; or

(xiii) low vision services.

NOTICES OF PROPOSED RULES

~~[(17)](18)~~ "Section 504 accommodation plan" means a plan required by Section 504 of the Rehabilitation Act of 1973, which is designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

~~[(18)](19)~~ "Technical assistance" means assistance to public education employees, licensed educators, parents, and families in significant areas of need by someone who has the expertise necessary to give council and training in designated areas.

~~[(19)](20)~~ "Utah State Instructional Materials Access Center" or "USIMAC" means a ~~[center]~~center housed at USDB that receives NIMAS electronic file sets and other non-SBN educational materials provided by LEAs in Utah, and produces them in the accessible alternate format required by students with print disabilities.

~~[(20)](21)~~(a) "Visual impairment," is an impairment in vision that, even with correction, adversely affects a student's educational performance.

(b) "Visual impairment" includes both partial sight and blindness that adversely affect a student's educational performance.

~~[(21)](22)~~ "Weighted pupil unit" or "WPU" means the basic unit used to calculate the amount of state funds for which a school district or charter school is eligible.

**R277-800-3. Operation of USDB.**

(1) Consistent with Section 53E-8-204, the Board is the governing board of the USDB.

~~[(2)]~~ ~~[The USDB superintendent, appointed consistent with Subsection 53E-8-204(2), is subject to the direction of the Board and the Superintendent.]~~ The Superintendent with the approval of the Board, shall appoint and supervise the USDB superintendent, who reports directly to the Superintendent.

~~[(3)]~~ ~~[The USDB superintendent shall serve subject to the following:~~

- ~~\_\_\_\_\_ (a) the USDB superintendent's term of office is for two years and until a successor is appointed;~~
- ~~\_\_\_\_\_ (b) the Board shall set the USDB superintendent's compensation for services;~~
- ~~\_\_\_\_\_ (c) the USDB superintendent shall have, at a minimum, an annual evaluation, as directed by the Board;~~
- ~~\_\_\_\_\_ (d) the USDB superintendent qualifications shall be established by the Board; and~~
- ~~\_\_\_\_\_ (e) the duties of the USDB superintendent shall be established by the Board.]~~

In accordance with Section 53E-8-201, USDB is created as an agency of the Board and a single public school agency which includes:

- (a) the Utah School for the Deaf;
- (b) the Utah School for the Blind;
- (c) programs for students who are deafblind; and
- (d) the Parent Infant Program.

(4) The Superintendent shall ~~[support,]~~ provide assistance, and work cooperatively with the USDB in providing services to designated Utah students.

~~[(5)]~~ ~~[The Superintendent shall assign a liaison to provide appropriate supervision to the USDB to ensure compliance with the law.]~~

~~[(6)](5)~~ The Superintendent shall assist the USDB, its superintendent, and associate superintendents in adopting policies and preparing an annual budget that are consistent with the law.

~~[(7)](6)~~ The Board shall approve the annual budget and expenditures of USDB.

~~[(8)](7)~~(a) The USDB superintendent shall, subject to the approval of the Board, appoint an associate superintendent to administer the Utah School for the Deaf and an associate superintendent to administer the Utah School for the Blind.

(b) Qualifications of a USDB associate superintendent shall be aligned with the requirements of Section 53E-8-204.

~~[(9)](8)~~(a) The USDB superintendent and associate superintendents may hire staff and teachers as needed for the USDB.

(b) Educators and related service providers shall be appropriately licensed and credentialed for their specific assignments.

~~[(10)](9)~~ In employment practices and decisions, the USDB superintendent shall maintain the accreditation of the USDB school and programs.

~~[(11)](10)~~ The USDB superintendent and associate superintendents shall communicate regularly and effectively with the Board and provide a written report to the Board ~~[at least] annually in [adequate time before the November legislative interim meeting,]~~ sufficient time for inclusion in the Superintendent's Annual Report, or at such other time as requested by the Board.

~~[(12)](11)~~ The USDB report shall include the data required by Subsection 53E-8-204~~[(6)](5)(b) and Section 53E-8-207.~~

~~[(13)](12)~~ USDB shall ensure that each child or student served by USDB is assigned a unique student identifier (SSID) to allow for annual data collection and reporting of achievement of current and past students.

~~[(14)](13)~~ USDB shall provide the Superintendent with a listing of past and current children or students, including the assigned unique student identifier, served by USDB by September 1 of each year to facilitate the required data collection.

~~[(15)](14)~~ ~~[The USDB Advisory Council shall fulfill the role of a school community council in accordance with Section R277-477-3.]~~ Consistent with Section 53E-8-206, the USDB Advisory Council shall:

- (a) serve as a school community council;
- (b) make recommendations to the Board regarding USDB programs and services;
- (c) consult on entrance policies and procedures; and
- (d) in accordance with Section 53E-8-407 make recommendations regarding educational enrichment programs for the Blind and Visually Impaired and Deaf and Hard of Hearing students.

(15)(a) USDB shall, on October 1 of each year, determine the number of students:

- (i) for whom USDB serves as the designated LEA;
- (ii) who receive services in the student's LEA of record with support from USDB;
- (iii) who receive services from both USDB and the student's LEA of record; and

- (iv) who participate in any other program provided or facilitated by USDB.
- (b) USDB shall annually report to the Board.
- (c) the Board shall ensure reconciliation and consistency of data reported under this subsection:
  - (i) student counts described in Subsection (15)(a), categorized by eligibility type and LEA of record;
  - (ii) the type and extent of services provided; and
  - (iii) for students receiving mixed services, the division of educational time between service delivery systems.

**R277-800-4. USDB or Student's District of Residence or Charter School as Designated LEA.**

- (1) To be eligible to receive free services from the USDB, a student must meet the requirements of Section 53E-8-401.
- (2)(a) A student's IEP or Section 504 accommodation plan shall determine a student's placement at the USDB, in a district school or charter school.
- (b) For students who are school-age as defined in Section 53G-6-201, USDB shall limit its services[~~for students who are school-age~~] to those on an IEP or Section 504 accommodation plan except as otherwise provided for the enrollment of hearing siblings under Section R277-800-9.
- (3) Consistent with Subsection 53E-8-401(3), an IEP team or Section 504 team shall determine the appropriate placement for each blind, deaf, or deafblind student consistent with Board Special Education Rules incorporated by reference in Section R277-750-2.
- (4)(a) It is the responsibility of the student's district of residence or charter school to conduct Child Find, and to convene the initial IEP or Section 504 team meeting to determine a student's placement.
- (b) A student's initial IEP or Section 504 accommodation plan meeting shall include a representative from the student's district of residence or charter school and a representative from the USDB.
- (5)(a) If USDB is the designated LEA for a student, USDB has full responsibility for all services defined in the student's IEP or Section 504 accommodation plan.
- (b) Notwithstanding USDB's designation as LEA for a student, a representative from the district of residence or charter school remains a required member of the IEP or Section 504 accommodation plan team.
- (c) when USDB is designated as the LEA for a student consistent with Subsection 53E-8-201(2)(b), USDB and the student's LEA of record shall enter into an educational partnership agreement that:
  - (i) provides for USDB to report academic performance to the LEA of record; and
  - (ii) ensures that the LEA of record monitors the student's academic performance.
- (6) If a district of residence or charter school is the LEA designated to provide services to a student with an IEP or Section 504 accommodation plan, the district of residence or charter school has the responsibility for providing instruction and services for the student except that the USDB:
  - (a) may be designated by the team as a related service provider; and
  - (b) remains a required member of the student's IEP or 504 accommodation plan team.
- (7) A student's IEP or Section 504 accommodation plan shall clearly define what services are to be provided by a related service provider.
- (8) The IEP or Section 504 accommodation plan team shall determine the designated LEA for student placement.
- (9) If a parent is dissatisfied with a student's placement at USDB, the student's district of residence, or charter school, the parent may access dispute resolution procedures, consistent with Utah State Board of Education Special Education Rules, adopted by the Board in Section R277-750-2.
- (10) If a student's IEP or Section 504 accommodation plan provides for services to be provided by both the USDB and the student's district of residence, or for the USDB and district of residence to share responsibility for serving a student, a parent may access dispute resolution procedures consistent with Utah State Board of Education Special Education Rules, adopted by the Board in Section R277-750-2.
- (11) Beginning July 1, 2027, if USDB is designated as the LEA for a student, the student's LEA of record shall:
  - (i) include the student in the LEA's average daily membership; and
  - (ii) remit 95% of applicable per pupil state and federal funding associated with the student to USDB.

**R277-800-5. Assessment of USDB Students Served in LEAs of Residence.**

- (1) An appropriate specialist shall assess a student who may be deaf, hard of hearing, blind, visually impaired, or deafblind using statewide assessment results and in compliance with Board rule and state and federal law.
- (2) The USDB shall establish an assessment policy and guidelines to implement required assessments, which address:
  - (a) appropriate, complete, and timely evaluations of students;
  - (b) procedures for administration of assessments in addition to those required by the law, as determined by IEPs, Section 504 accommodation plans, and individual teachers;
  - (c) complete and accurate required assessments available to eligible students consistent with state and LEA assessment timelines and availability of materials for non-disabled students;
  - (d) staff professional development and preparation on appropriate administration of assessments and reporting of assessment results; and
  - (e) procedures to ensure appropriate interpretation and use of assessments and results for parents and USDB personnel.

**R277-800-6. Extension Classrooms.**

- (1) The USDB and an LEA may negotiate to share the costs for providing more efficient, cost-effective, and convenient services to students who are deaf, blind, or deafblind in extension classrooms in locations other than the USDB campus.

## NOTICES OF PROPOSED RULES

- (2) If the USDB and an LEA enter into an agreement in accordance with Subsection (1), the LEA shall provide:
- (a) classrooms;
  - (b) basic instructional materials;
  - (c) physical education, music, media, school lunch, and other programs and services, consistent with those programs and services provided to other students within the LEA;
  - (d) administrative support;
  - (e) basic secretarial services;
  - (f) special education and related services; and
  - (g) IT support.
- (3) If the USDB and an LEA enter into an agreement in accordance with Subsection (1), the USDB shall provide:
- (a) classroom instructors, including aides; and
  - (b) instructional materials specific to the disability of the students.
- (4) An agreement pursuant to Subsection (1) may reassign the responsibilities of the USDB and a school district or charter school as negotiated between the LEA and the USDB.
- (5) An LEA shall claim the state WPU if the LEA provides all items or services identified in Subsection (2).

### **R277-800-7. USDB Fiscal Procedures.**

- (1) The USDB shall keep fiscal, program, and accounting records as required by the Board and shall submit reports required by the Board.
- (2) The USDB shall follow state standards for fiscal procedures, auditing, and accounting, consistent with Subsection 53E-8-203(3).
- (3) The USDB is an ~~public state entity~~ agency under the direction of the Board and as such is subject to state laws and exemptions consistent with Section 53E-8-203.
- (4)(a) The Superintendent shall recover federal reimbursement funds, IDEA, and Medicaid quarterly during the year.
- (b) The Superintendent shall identify reimbursement amounts in the current year's budget, but in no event later than the subsequent year's budget.
- (5)(a) The USDB shall use the revenue from the federal trust land grant designated for the benefit of the blind and the deaf, solely for the benefit of deaf, blind, and deafblind students.
- (b) The recommended or designated use of federal trust land funds is subject to review by the Board.
- (6) USDB and LEAs shall comply with funding transfer requirements described in Subsection R277-800-4(11).

### **R277-800-8. Utah State Instructional Materials Access Center.**

- (1) USIMAC shall ~~acquire or~~ produce core educational materials, including print and digital textbooks and related core materials, in accessible formats to ensure that all students eligible under the Chafee Amendment receive ~~their~~ these materials in a timely manner.
- (2) The Superintendent shall oversee the operations of the USIMAC.
- (3) The USDB is the fiscal agent and operates the USIMAC to the extent of funds received annually from budgetary appropriations.
- (4) An LEA may purchase or provide accessible educational materials from another source using the LEA's own funding or request the production of accessible educational materials in accessible formats from USIMAC in accordance with established procedures to ensure timely access for eligible students.
- (5)(a) USIMAC shall provide a textbook and related core educational materials in an accessible format by the beginning of the school year if requested no later than April 1 of the preceding school year by an LEA.
- (b) Notwithstanding Subsection (5)(a), if an LEA requests educational materials in Braille, USIMAC will provide the first three volumes of a textbook by the beginning of the school year, and will provide additional volumes ahead of the pacing guide submitted by the LEA.
- (6) The USDB Educational Resource Center shall serve as the repository and distribution center for USIMAC.
- (7) A student is eligible for accessible educational materials from USIMAC, including Braille, audio, large print, or accessible PDFs, following an LEA determination that the student is eligible in accordance with:
- (a) the Chafee Amendment;
  - (b) IDEA; or
  - (c) Section 504 of the Rehabilitation Act.
- (8) An LEA may request textbooks consisting of static text and images for eligible students served by the USDB or the LEA consistent with a student's IEP or Section 504 accommodation plan.
- (9) When an LEA requests a core instructional textbook, USIMAC may:
- (a) provide the textbook to the LEA from its existing inventory;
  - (b) purchase the textbook and provide the textbook to the LEA from another source, which may include;
  - (i) the American Printing House for the Blind using state acquired federal funds designated specifically for USIMAC materials; or
  - (ii) another accessible media producer; or
  - (c)(i) require the LEA to provide a regular hard print copy of the textbook, or equivalent digital file in PDF format for digital print textbooks; and
  - (ii) produce and distribute the textbook in the needed accessible format.
- (10)(a) An LEA ~~or~~ shall require a publisher ~~shall~~ to send hard copy and digital textbooks and related core educational materials adopted by the LEA to the NIMAC in a valid XML-based NIMAS format for use in the production of accessible formats such as Braille, large print, and digital text.

(b)(i) Teacher-created educational materials, other than textbooks and related educational materials approved by an LEA, are not eligible for submission to USIMAC.

(ii) An LEA is responsible to make materials described in Subsection (b)(i) accessible and to provide the materials to students in a timely manner.

(11)(a) All approved textbook and digital textbook contracts for the [state of]Utah for educational materials, textbooks, and related core printed materials shall include a provision for making NIMAS file sets available through the NIMAC in accordance with the IDEA and Board Instructional Materials Contract timelines.

~~\_\_\_\_\_ (b) If USIMAC cannot obtain the NIMAS file set from the NIMAC because the publisher fails to timely provide the NIMAS file set to the NIMAC in accordance with the IDEA and Board Instructional Materials Contract timelines, USIMAC may:~~

~~\_\_\_\_\_ (i) bill the textbook publisher the difference in the cost of producing the alternate format textbook without the benefit of the NIMAS file set; or~~

~~\_\_\_\_\_ (ii) request authorization from the Board to seek damages from the publisher for failure to meet contract provisions.~~

~~\_\_\_\_\_ (c) The Superintendent shall advise publishers of the provisions of this Subsection (11).]~~

~~[(d)](b) The Utah Instructional Materials Commission created under Rule R277-469 may not approve textbooks and materials from publishers that have a pattern of not providing materials and textbooks for students with disabilities in a timely manner, consistent with the law and Board rules.~~

(12)(a) An LEA may request and access audiobooks through USIMAC, as appropriate, or through other sources.

(b) Membership required for other sources is the responsibility of the LEA designated as the responsible entity for serving the student in the IEP or Section 504 accommodation plan.

**R277-800-9. Enrollment of Siblings.**

(1) Subject to available funding, USDB may enroll the sibling of a student who is deaf subject to the considerations set forth in this Section R277-800-9.

(2) A hearing sibling attending USDB retains all rights of a traditional public school student.

(3) Enrollment of a hearing sibling is limited to:

(a) siblings of students who are enrolled in a campus program; and

(b) one hearing sibling per class.

(4) The USDB Superintendent shall evaluate the enrollment of a hearing sibling, including:

(a) whether enrollment of the hearing sibling would be a benefit to:

(i) the student who is deaf;

(ii) the hearing sibling; and

(iii) the other students in the deaf program; and

(b) whether the hearing sibling has a record of behavior problems or other conditions that would impede the development of the students who are deaf or hard of hearing.

(5) If a parent enrolls a hearing sibling at USDB, the parent shall agree at the time of registration:

(a) that enrollment for the hearing sibling is within the discretion of the school and may be rescinded at any time with or without cause; and

(b) that the hearing sibling knows or is willing to learn American Sign Language and embrace the Deaf culture while at school.

**R277-800-10. Capital Facilities.**

(1) The Board shall oversee the long-term planning, development, and review of capital facilities for USDB in coordination with the Division of Facilities Construction and Management, in accordance with Section 53E-8-205.

(2) Before seeking funding for new capital facilities, the Board shall conduct an exhaustive review of available LEA facilities and consider opportunities for shared space.

(3) The Board shall review and approve capital facility requests in a public meeting before submission to the Legislature.

**KEY: educational administration**

**Date of Last Change: 2026[November 7, 2025]**

**Notice of Continuation: August 19, 2021**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-8-204; 53E-8-402; 53E-8-409**

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58006
Rule or section number:	R277-925

**1. Agency Information**

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S

<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 144200
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7500	Elisse.newey@schools.utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R277-925. Effective Teachers in High Poverty Schools Incentive Program
<b>B. Purpose of the new rule or reason for the change:</b>
The amendments remove an oversight categorization of this rule.
<b>C. Summary of the new rule or change:</b>
The amendments remove an oversight "Category 2" for this rule.

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
The rule strikes the reference to "Oversight Category" and removes the internal categorization under Rule R277-111 (Section R277-925-1(3)).
These changes align with internal Board policy regarding how rules are classified but do not alter the administration of the incentive program itself and there is no impact to Local Education Agencies (LEAs), businesses, agencies, or other persons.
<b>B. Local governments:</b>
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
The rule strikes the reference to "Oversight Category" and removes the internal categorization under Rule R277-111 (Section R277-925-1(3)).
These changes align with internal Board policy regarding how rules are classified but do not alter the administration of the incentive program itself and there is no impact to LEAs, businesses, agencies, or other persons.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.
The rule strikes the reference to "Oversight Category" and removes the internal categorization under Rule R277-111 (Section R277-925-1(3)).
These changes align with internal Board policy regarding how rules are classified but do not alter the administration of the incentive program itself and there is no impact to LEAs, businesses, agencies, or other persons.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased

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

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

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

The rule strikes the reference to "Oversight Category" and removes the internal categorization under Rule R277-111 (Section R277-925-1(3)).

These changes align with internal Board policy regarding how rules are classified but do not alter the administration of the incentive program itself and there is no impact to LEAs, businesses, agencies, or other persons.

**F. Compliance costs for affected persons:**

There are no compliance costs for affected persons.

The rule strikes the reference to "Oversight Category" and removes the internal categorization under Rule R277-111 (Section R277-925-1(3)).

These changes align with internal Board policy regarding how rules are classified but do not alter the administration of the incentive program itself and there is no impact to LEAs, businesses, agencies, or other persons.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53F-2-513
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**11. Public Notice Information**

<b>The public may submit written or oral comments to the agency identified in box 1.</b>	
<b>A. Comments will be accepted until:</b>	07/01/2026

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	05/15/2026
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**R277. Education, Administration.**

**R277-925. Effective Teachers in High Poverty Schools Incentive Program.**

**R277-925-1. Authority<sup>[5]</sup> and Purpose<sup>[5]</sup> and Oversight Category<sup>[5]</sup>.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
  - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
  - (c) Subsection 53F-2-513(2)(b), which requires the Board to make rules for the administration of the Effective Teachers in High Poverty Schools Incentive Program.
- (2) The purpose of this rule is to provide standards and procedures for the administration of the Effective Teachers in High Poverty Schools Incentive Program.
- ~~[(3) This Rule R277-925 is categorized as Category 2 as described in Rule R277-111.]~~

**R277-925-2. Definitions.**

- (1) "Benchmark assessment" means the same as that term is defined in Section 53F-2-513.
- (2) "Eligible teacher" means:
  - (a) the same as that term is defined in Section 53F-2-513; and
  - (b) a teacher who is a regular or special education classroom teacher.
- (3) "High poverty school" means the same as that term is defined in Section 53F-2-513.
- (4) "Local education agency" or "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- (5) "Median growth percentile" or "MGP" means the same as that term is defined in Section 53F-2-513.
- (6) "Program" means the Effective Teachers in High Poverty Schools Incentive Program.
- (7) "Standards assessment" means the assessment described in Section 53E-4-303.
- (8) "State-assessed course" means a course in English language arts, mathematics, or science.

**R277-925-3. Administration of the Program.**

- (1) On or before December 1, the Superintendent shall:
  - (a) identify high poverty schools and eligible teachers in accordance with Subsection (2);
  - (b) distribute a list of eligible teachers to LEAs; and
  - (c) inform LEAs of:
    - (i) program requirements and the timeline for applying on behalf of an eligible teacher; and
    - (ii) the date on which the Superintendent will provide notice to each teacher who the Superintendent estimates achieved the eligibility criteria to qualify for a bonus, as required in Subsection 53F-2-513(5)(d).
- (2) The Superintendent shall identify:
  - (a) high poverty schools based on the proportion of students who:
    - (i) qualify for free or reduced lunch in the current school year, based on:
      - (A) the most recent end of school year enrollment headcounts for existing schools; or
      - (B) the October 1 enrollment headcounts for new schools; and
    - (ii) are classified as children affected by intergenerational poverty, as determined by the Utah Department of Workforce Services, for the most recent year data is available; and
  - (b) eligible teachers by determining:

- (i) whether the teacher's MGP was greater than or equal to 70:
  - (A) for at least one state-assessed course taught by the teacher;
  - (B) as measured by student performance on a standards assessment restricted to those students who were taught by the teacher for a full academic year;
    - (C) two years before the current school year; and
    - (D) excluding courses or teachers who failed to meet accountability eligibility as described in Rule R277-497; or
  - (ii) for a teacher in kindergarten or grade 1, 2, or 3, whether at least 85% of the teacher's students assess as typical or better on an end of year benchmark assessment.
- (3) An eligible teacher who is part-time in a regular or special education classroom assignment in the current year shall receive a partial salary bonus based on the number of hours worked in the classroom assignment.
- (4) To receive matching funds for the program, on or before January 15, an LEA shall:
  - (a) apply on behalf of an eligible teacher; and
  - (b) provide assurances that the LEA will pay half of the:
    - (i) teacher salary bonus; and
    - (ii) employer-paid benefits described in Section 53F-2-513.
- (5)(a) Subject to legislative appropriations, on or before June 1, the Superintendent shall:
  - (i) ensure that a teacher who was determined eligible under Subsections (1) and (2) taught at a high poverty school for the full school year; and
    - (ii) distribute to an LEA that meets the criteria described in Subsection (4) half of the:
      - (A) teacher salary bonus; and
      - (B) employer-paid benefits described in Section 53F-2-513.
  - (b) Consistent with Section 53F-2-513, the Superintendent may distribute the funds on a pro rata basis if the number of eligible applicants exceeds the amount of available funds.
- (6)(a) An LEA or an eligible teacher may appeal eligibility to the Superintendent on the basis that the teacher:
  - (i) is teaching at a high poverty school;
  - (ii) is an eligible teacher; or
  - (iii) has less than ten tested students, but can demonstrate extenuating circumstances that merit an exception.
- (b) An LEA or eligible teacher shall provide documentation to the Superintendent to assist the Superintendent in deciding on the appeal.

**KEY: teachers, poverty schools, incentives, student growth**

Date of Last Change: ~~2026~~**2024** ~~October 8, 2024~~

Notice of Continuation: November 5, 2021

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-513

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 57974
<b>Rule or section number:</b>	<b>R357-29</b>

**1. Agency Information**

<b>Title catchline:</b>	Governor, Economic Opportunity
<b>Building:</b>	World Trade Center
<b>Street address:</b>	60 E South Temple, Suite 300
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	60 E South Temple, Suite 300
<b>City, state and zip:</b>	Salt Lake City, UT 84111

**2. Contact Persons**

Name:	Phone:	Email:
Greg Jeffs	801-368-1957	gjeffs@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R357-29. Rural County Grant Rule

<b>B. Purpose of the new rule or reason for the change:</b>
The purpose of this change is to improve the Governor's Office of Economic Opportunity's (Office) ability to manage and oversee the use of Rural County Grant funds.
This change was determined necessary after an internal agency review.
<b>C. Summary of the new rule or change:</b>
This change requires grant applications to include additional information regarding how grant funds are used when the funds are used for third-party consultants or employees.
It also changes the latest closing date to August 1.
Finally, it makes nonsubstantive edits in order to comply with the Rulewriting Manual for Utah.

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
None -- There is no anticipated costs or savings to the state budget because this change only changes what documents must be submitted for grant applications. It does not change the grant itself.
<b>B. Local governments:</b>
None -- There is no anticipated costs or savings to local governments because this change only changes what documents must be submitted for grant applications. It does not change the grant itself.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
None -- There is no anticipated costs or savings to small businesses because they are not eligible for the grant.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
None -- There is no anticipated costs or savings to non-small businesses because they are not eligible for the grant.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i> ):
None -- There is no anticipated costs or savings to other persons because they are not eligible for the grant.
<b>F. Compliance costs for affected persons:</b>
None -- There are no compliance costs because the only additional requirement is to submit documentation that applicants should already have in their possession.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Section 63N-4-802

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

**Agency head or designee and title:** Jefferson Moss, Commissioner **Date:** 05/07/2026

**R357. Governor, Economic Opportunity.**

**R357-29. Rural County Grant Rule.**

**R357-29-101. Title.**

This rule is known as the "Rural County Grant Rule."

**R357-29-102. Definitions.**

The following terms are defined as follows:

- (1) "CEO board" means a County Economic Opportunity Advisory Board as described in ~~defined under~~ Section 63N-4-803[+].
- (2) "GOED[Ø]" means the Governor's Office of Economic Development~~[Opportunity]~~.

**R357-29-103. Authority.**

This rule is adopted by the office under the authority of Section 63N-4-802.

**R357-29-104. Content of Applications.**

- (1) The following content shall, at a minimum, be included in each application:
  - (a) name of applying county;
  - (b) tax ID;
  - (c) name of fiscal agent;
  - (d) amount of grant funding requested;~~and~~
  - (e) responsible contact's:

NOTICES OF PROPOSED RULES

- (i) name;
- (ii) full mailing address;
- (iii) telephone number; and
- (iv) email address;
- (f) a scope of work with descriptions of projects and activities for which funds will be used;
- (g) a description of expected deliverables and outcomes;
- (h) a budget narrative describing proposed fund usage; and
- (i) any other information requested by the office.

(2) The following documentation shall, at a minimum, be included in each application for a Rural County Grant:

- (a) the entity's W9 form, or the county's state vendor number if the county is currently a state vendor;
- (b) a letter of support from the CEO board; ~~and~~
- (c) a list of CEO board members including:

- (i) names;
- (ii) titles;
- (iii) organization each member represents;
- (iv) terms of appointments; and
- (v) contact information; ~~and~~

(d) a line-item budget describing proposed uses of grant funds ~~and~~

~~(e) if the county uses Rural County Grant funds for any third-party consultant or county employee:~~

~~(i) a scope of work describing the projects and activities expected from the consultant or employee;~~

~~(ii) a description of expected deliverables and outcomes from the consultant or employee;~~

~~(iii) a budget narrative describing proposed fund usage by the consultant or employee;~~

~~(iv) a line-item budget describing proposed uses of grant funds for each project with a calculation of the value of each against the consultant's fee or employee's salary;~~

~~(v) a copy of the contract or agreement between the county and any consultant or employee for services to be provided;~~

~~(vi) contact information of the consultant or employee; and~~

~~(vii) any other information requested by the office.~~

**R357-29-105. Grant Administration and Reporting.**

(1) The application for the Rural County Grant will become available to counties:

- (a) on or before July 1; and
- (b) after approval of the previous year's annual report.

(2) The application will close:

- (a) at the discretion of the office; and
- (b) no later than ~~October 1~~ August 1.

(3) Each grant recipient shall submit an annual report for the previous year containing:

- (a) a description of the projects for which the grant funding was used or encumbered;
- (b) the effectiveness of the award in improving economic development in the county;
- (c) how much matching money was utilized by the county;
- (d) an explanation for why funding was not used or encumbered;
- (e) where unused funds are being held;
- (f) a letter from the CEO board attesting that:
  - (i) it participated in advising the county's governing body throughout the year;
  - (ii) it approves of the content submitted in the annual report; and
  - (iii) it helped prepare the annual report;
- ~~(iv) it complied with Title 52, Chapter 4, Open and Public Meetings Act;~~

~~(g) minutes from each meeting of the CEO board where the Rural County Grant was discussed; and~~

~~(h) any other information requested by the office.~~

~~(4) If the county used Rural County Grant funds for any third-party consultant or county employee:~~

~~(a) the grant recipient will provide the office with a report from the third-party consultant or county employee:~~

~~(i) describing services provided and projects and activities they worked on;~~

~~(ii) describing the deliverables and outcomes of their work and services; and~~

~~(iii) how much time in approximate hours spent for work and services provided to the county;~~

~~(b) the grant recipient will provide a letter reporting the effectiveness of grant funds paid to the third-party consultant or county employee in improving economic development in the county;~~

~~([4]5) Failure to ~~ex~~pend or encumber funding from this grant program during the fiscal year for which it was awarded may result in the withholding or denial of future funding.~~

**R357-29-106. Funding Distribution.**

After GOEO approval of a Rural County Grant the county may receive up to 100% of the total grant amount.

**KEY:** Rural County Grant, economic development  
**Date of Last Change:** 2026[June 9, 2025]  
**Notice of Continuation:** June 20, 2025  
**Authorizing, and Implemented or Interpreted Law:** 63N-4-802; 63N-4-104

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 57976
<b>Rule or section number:</b>	<b>R649-2-4</b>

### 1. Agency Information

<b>Title catchline:</b>	Natural Resources; Oil, Gas and Mining; Oil and Gas
<b>Building:</b>	Department of Natural Resources
<b>Street address:</b>	1594 W North Temple, Suite 1210
<b>City, state:</b>	Salt Lake City, UT 84116

### 2. Contact Persons

Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov

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

### 3. General Information

<b>A. Rule or section catchline:</b>
R649-2-4. Designation of Operator
<b>B. Purpose of the new rule or reason for the change:</b>
The Division of Oil, Gas and Mining (division) is updating their bond requirements for Oil and Gas wells and has added a new form, Form 0 Registration Form.
<b>C. Summary of the new rule or change:</b>
This rule filing introduces a new form, Form 0 Registration Form, so there will be an agent responsible for operations who will also receive and accept all communications, notices, and orders from the division and board.

### 5. Fiscal Information

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There will be no fiscal impact to the agency as these changes are purely administrative.
<b>B. Local governments:</b>
No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. There is no fiscal impact to small businesses as these changes are purely administrative.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. There is no fiscal impact to non-small businesses as these changes are purely administrative.

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

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

**F. Compliance costs for affected persons:**

There will be no compliance costs as this rule change is purely administrative.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Section 40-6-1 et seq.

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

## 13. Agency Authorization Information

<b>Agency head or designee and title:</b>	Mick Thomas, Director	<b>Date:</b>	05/11/2026
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**R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.****R649-2. General Rules.****R649-2-4. Designation of Operator.**

(1)~~[-]~~ Subject to~~[-the provision of]~~ Subsections R649-2-4(3) and (4), the designated operator of a drilling unit for oil and gas operations shall be the owner which, in the applicable drilling unit:

(a)~~[1-1-]~~ owns more than an undivided 50% of the working interest;

(b)~~[1-2-]~~ owns 50% or less of the working interest, and has the written authorization and designation by additional owners to operate on their behalf which, combined with the designated operator's interest, totals more than an undivided 50% of the working interest; or

(c)~~[1-3-]~~ is the designated owner selected by the consenting parties to a JOA if:

~~(i)[a]~~ a JOA has been entered by owners owning more than an undivided 50% of the working interest;

~~(ii)[b]~~ the operator designated under the JOA has elected to go non-consent to the proposed operation;~~[-]~~ and

~~(iii)[e]~~ the terms of the JOA allow the designation.

(2)~~[-]~~ Subject to ~~[the provision of]~~ Subsections R649-2-4(3) and (4)~~[-below]~~, in the absence of a board order establishing a drilling unit for oil and gas operations, the designated operator of a well shall be the owner that:

(a)~~[2-1-]~~ owns more than the aggregate of the undivided 50% of:

~~(i)[a]~~ the working interest in the lease covering the lands which the well will physically penetrate and in the targeted formations from which the well will produce; and

~~(ii)[b]~~ the working interest derived from oil and gas owned in fee in the lands which the well will physically penetrate and in the targeted formations from which the well will produce; or

(b)~~[2-2-]~~ owns the aggregate of the undivided 50% or less of:

~~(i)[a]~~ the working interest in the lease covering the lands which the well will physically penetrate and in the targeted formations from which the well will produce; and

~~(ii)[b]~~ the working interest derived from oil and gas owned in fee in the lands which the well will physically penetrate and in the targeted formations from which the well will produce; and

~~(iii)[e]~~ has the written authorization and designation by additional owners to operate on their behalf which, combined with the designated operator's interest totals more than the aggregate of an undivided 50%:

(A)~~[2-2-1-]~~ the working interest attributable to the lease covering the lands which the well will physically penetrate and in the targeted formations from which it will produce; and

(B)~~[2-2-2-]~~ the working interest derived from oil and gas owned in fee in the lands which the well will physically penetrate and in the targeted formations from which it will produce; or

(c)~~[2-3-]~~ the designated owner selected by consenting parties to a JOA if:

~~(i)[a]~~ a JOA has been entered by owners owning more than the aggregate of an undivided 50% of:

~~(A)[i]~~ the working interest in the lease covering the lands which the well will physically penetrate and in the targeted formations from which the well will produce; and

~~(B)[ii]~~ the working interest derived from oil and gas owned in fee in the lands which the well will physically penetrate and in the targeted formations from which the well will produce;

~~(ii)[b]~~ the operator designated under the JOA has elected to go non-consent to an operation; and

~~(iii)[e]~~ the terms of the JOA allow the designation.

(3)~~[-]~~ If the criteria set forth in Subsection R649-2-4(1) or (2) cannot be met, or if any owner desires to challenge whether any of the required criteria have been satisfied, or if any owner desires to challenge the designation of the operator on any other good faith basis, including those specified in Subsection R649-3-4(4), the owner may file a request for agency action seeking board review and designation of a different operator provided that no challenge may be asserted after the protest period specified in Subsection R649-3-4(4) has elapsed and, if the division has determined that good cause exists for shortening the ten day period under Subsection R649-3-4(4), preparation for drilling has commenced.

(a)~~[3-1-]~~ The board may elect to consider the provisions of the applicable JOA regarding change of operatorship in determining which owner shall be the operator rather than designating an operator under this rule.

(b)~~[3-2-]~~ The board may elect to take the designation of an operator under advisement or continue the request until additional information is provided to the board.

(4)~~[-]~~ If a request for agency action is filed as provided in Subsection R649-2-4(3), and after opportunity for a hearing, the board may consider any of the following factors in its deliberations and ruling:

(a)~~[4-1-]~~ experience, prudence and competence as an operator in other similarly situated wells;

(b)~~[4-2-]~~ multi-well expenditures already made for infrastructure that involve the applicable well or drilling unit;

(c)~~[4-3-]~~ good faith negotiations ~~before~~~~prior to~~ the board's consideration of the operator designation;

(d)~~[4-4-]~~ whether drainage of the spacing or drilling unit has occurred or is likely to occur in the immediate future and whether an owner has committed to drill a well in a timely fashion;

(e)~~[4-5-]~~ project complexity and geology;

(f)~~[4-6-]~~ contractual obligations including those arising under a drilling contract, surface use agreement, or an expiring lease; and

(g)~~[4-7-]~~ any other factors the board may ~~consider~~~~deem~~ material to its decision.

NOTICES OF PROPOSED RULES

(5) Subject to Subsection R649-2-4(5)(c) the designated operator has the right to request the division revoke any other approved APDs for any wells where preparation for drilling has not yet commenced relating to:

(a) the applicable drilling unit; or

(b) in the absence of a board order establishing a drilling unit, any approved APDs for any wells approved under the criteria specified in Subsection R649-2-4(2).

(c) The division may not revoke APDs approved pursuant to Subsection R649-3-4(5).

(6) The operator of a drilling unit shall designate, on Form 0 Registration Form, an agent responsible for operations in the state who will receive and accept service of all communications, notices, and orders of the division and board.

(a) An operator shall provide the division written notice within five business days of any change to the designated agent or its contact information.

(b) Services of any notice or order under Title R649 shall be sufficient if sent to the designated agent at the last address or email address furnished to the division by the operator.

(7) The designated operator of a well shall notify the division in writing when a party, other than the designated operator, is on site operating a well.

(a) Written notice to the division should include the on site party's name, address, telephone number, and email address.

(b) Providing the division with notice of the on site party's contact information does not relieve the designated operator of responsibility for the well or the resolution of any compliance issues.

**KEY: consenting, nonconsenting, oil, pooling**

**Date of Last Change: 2026 [July 27, 2020]**

**Notice of Continuation: June 30, 2025**

**Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.**

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 57977
<b>Rule or section number:</b>	<b>R649-2-4a</b>

**1. Agency Information**

<b>Title catchline:</b>	Natural Resources; Oil, Gas and Mining; Oil and Gas
<b>Building:</b>	Department of Natural Resources
<b>Street address:</b>	1594 W North Temple, Suite 1210
<b>City, state:</b>	Salt Lake City, UT 84116

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Natasha Ballif	801-589-5486	natashaballif@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R649-2-4a. Request for Change of Operator
<b>B. Purpose of the new rule or reason for the change:</b>
The Division of Oil, Gas and Mining (Division) is updating their bond requirements for Oil and Gas wells and has added a new form, Form 16 Operator Change Form.
<b>C. Summary of the new rule or change:</b>
This rule filing introduces a new form, Form 16 Operator Change Form, so the Division will know when a sale, assignment, transfer, conveyance, or other disposition is finalized.

**5. Fiscal Information**

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

<b>A. State budget:</b>
There is a total of one state agency, the Division, that will be associated with this proposed rule change.
There will be no fiscal impact to the agency as these changes are purely administrative.
<b>B. Local governments:</b>
No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There is no fiscal impact to small businesses as these changes are purely administrative.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There is no fiscal impact to non-small businesses as these changes are purely administrative.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i> ):
This rule change will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.
<b>F. Compliance costs for affected persons:</b>
There will be no compliance costs as this rule change is purely administrative.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Section 40-6-1 et seq.

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mick Thomas, Director	<b>Date:</b>	05/11/2026
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**R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.**

**R649-2. General Rules.**

**R649-2-4a. Request for Change of Operator.**

(1) The operator of a well shall notify the division, in writing, on Form 16, Operator Change Form, of the sale, assignment, transfer, conveyance, exchange, or other disposition of the well by the operator of the well as soon as reasonably possible, but in no event no later than 90 days after the date that the sale, assignment, transfer, exchange, or other disposition becomes final.

(2) The Operator Change form shall include the following:

(a) the name and address of the person to whom the well was or will be sold, assigned, transferred, conveyed, exchanged, or otherwise disposed;

(b) the well name, API number, and location as described by the section, township, range, and county;

(c) a description of the well's current status;

(d) the date that the sale, assignment, transfer, conveyance, exchange or other disposition was or becomes final; and

(e) the proposed effective date for the operator change.

(3) The Operator Change form shall be signed by the current operator and the new operator. In lieu of the signature of the current operator, the new operator may submit a court order or other legal document evidencing ownership of the well to be transferred if the current operator cannot be located or refuses to sign the Operator Change form.

(4) Before the division approving the operator change, the new operator shall:

(a) be authorized to do business within Utah;

(b) be registered as an operator with the division; and

(c) furnish a performance bond for the well or wells as required by Rule R649-13.

(5) If the proposed operator refuses or cannot provide an acceptable performance bond for the well, the division shall deny the operator change and the original operator shall remain responsible for the well.

(6) Except as set forth in Subsection (7), if the division determines that the requirements of this rule have been met and has approved the form and amount of the proposed operator's performance bonds, the division shall issue a notice of approval of the operator change.

(7) The division's approval of an operator change is conditioned upon both operators' compliance with the Act, rules, and orders of the division and board.

(8) Except as set forth in Subsection (8), the division may not approve an operator change where information available to the division indicates that either the current operator or proposed operator:

(a) has an existing liability with the division; or

(b) has an owner, officer, director, partner, member or manager of a limited liability company, or other person with a controlling interest in the entity, who has or previously had, a controlling interest in another entity with an existing liability with the division.

(9) The division may approve an operator change for an operator with an existing liability if the operator provides proof that the existing liability has been resolved or is in the process of being resolved to the division's satisfaction.

(10) The current operator may not be relieved of responsibility for the well and will be responsible for resolving all compliance issues until the division approves the operator change.

(11) The denial of an operator change by the division may be appealed by filing a request for agency action with the division pursuant to Rule R649-10.

(12) Upon request, the current and new operators shall provide the division copies of documents involving the sale, assignment, transfer, conveyance, exchange, or other disposition of the well.

(13) The division's decision to approve or deny the operator change shall be made within 60 days of submittal of a complete Operator Change form, and to the extent possible, conform with approvals of operator changes made by federal agencies. An Operator Change form is determined to be complete once the division receives the information necessary to process and approve the request.

**KEY: consenting, nonconsenting, oil, pooling**

**Date of Last Change: 2026~~July 27, 2020~~**

**Notice of Continuation: June 30, 2025**

**Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.**

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 57978
<b>Rule or section number:</b>	<b>R649-3-1</b>

**1. Agency Information**

<b>Title catchline:</b>	Natural Resources; Oil, Gas and Mining; Oil and Gas
<b>Building:</b>	Department of Natural Resources
<b>Street address:</b>	1594 W North Temple, Suite 1210
<b>City, state:</b>	Salt Lake City, UT 84116

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Natasha Ballif	801-589-5486	natashaballif@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R649-3-1. Bonding
<b>B. Purpose of the new rule or reason for the change:</b>
The Division of Oil, Gas and Mining (Division) is updating their bond requirements for Oil and Gas wells and is moving the bonding section from R649-3-1 to its own rule, R649-13.
<b>C. Summary of the new rule or change:</b>
This rule filing removes the old Section R649-3-1 language. New language will be located in Rule R649-13.  (EDITOR'S NOTE: The second change in proposed rule (CPR) for Rule R649-13, ID 57716, is in this issue, June 1, 2026, of the Bulletin.)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
There is a total of one state agency, the Division, that will be associated with this proposed rule change.  There will be no fiscal impact to the agency as these changes are purely administrative.

<b>B. Local governments:</b>
No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There is no fiscal impact to small businesses as these changes are purely administrative.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There is no fiscal impact to non-small businesses as these changes are purely administrative.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
This rule change will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.
<b>F. Compliance costs for affected persons:</b>
There will be no compliance costs as this rule change is purely administrative.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
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Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Section 40-6-1 et seq.

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mick Thomas, Director	<b>Date:</b>	05/11/2026
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**R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.**

**R649-3. Drilling and Operating Practices.**

~~**R649-3-1. Bonding.**~~

~~1. An owner or operator shall furnish a bond to the division prior to approval of a permit to drill a new well, reenter an abandoned well or assume responsibility as operator of existing wells.~~

~~1.1. An owner or operator shall furnish a bond to the division on Form 4, for wells located on lands with fee or privately owned minerals.~~

~~1.2. An owner or operator shall furnish evidence to the division that a bond has been filed in accordance with state, federal or Indian lease requirements and approved by the appropriate agency for any wells located on state, federal or Indian leases.~~

~~2. A bond furnished to the division shall be payable to the division and conditioned upon the faithful performance by the operator of the duty to plug each dry or abandoned well, repair each well causing waste or pollution, and maintain and restore the well site.~~

~~3. Bond liability shall be for the duration of the drilling, operating and plugging of the well and restoration of the well site.~~

~~3.1. The bond for drilling or operating wells shall remain in full force and effect until liability thereunder is released by the division.~~

~~3.2. Release of liability shall be conditioned upon compliance with the rules and orders of the board.~~

~~4. For any drilling or operating wells, the bond amounts for individual wells and blanket bonds required in Subsections (5) and (6) represent base amounts adjusted to year 2002 average costs for well plugging and site restoration. The base amounts are effective immediately upon adoption of this bonding rule, subject to division notification as described in Subsection (4.1).~~

~~4.1. The division shall provide written notification to each operator of the need to revise or establish bonds in amounts required by this bonding rule.~~

~~4.2. Within 120 days of such notification by the division, the operator shall post a bond with the division in compliance with this bonding rule.~~

~~4.3. If the division finds that a well subject to this bonding rule is in violation of Section R649-3-36, Shut-in and Temporarily Abandoned Wells, the division shall require a bond amount for the applicable well in the amount of actual plugging and site restoration costs.~~

~~4.4. The division shall provide written notification to an operator found in violation of Section R649-3-36, and identify the need to establish increased bonding for shut-in wells.~~

~~4.4.1. Within 30 days of notification by the division, the operator shall submit to the division an estimate of plugging and site restoration costs for division review and approval.~~

~~4.4.2. Upon review and approval of the cost estimate, the division will provide a notice of approval back to the operator specifying the approved bond amount for shut-in wells.~~

~~4.4.3. Within 120 days of receiving such notice of approval, the operator shall post a bond with the division in compliance with this bonding rule.~~

~~5. The bond amount for drilling or operating wells located on lands with fee or privately owned minerals shall be one of the following:~~

~~5.1. For wells of less than 1,000 feet in depth, an individual well bond in the amount of at least \$1,500, for each such well.~~

~~5.2. For wells of more than 1,000 feet in depth but less than 3,000 feet in depth, an individual well bond in the amount of at least \$15,000 for each such well.~~

~~5.3. For wells of more than 3,000 feet in depth but less than 10,000 feet in depth, an individual well bond in the amount of at least \$30,000 for each such well.~~

~~5.4. For wells of more than 10,000 feet in depth, an individual well bond in the amount of at least \$60,000 for each such well.~~

NOTICES OF PROPOSED RULES

- 6. If, prior to the July 1, 2003 revision of this bonding rule, an operator is drilling or operating more than one well on lands with fee or privately owned minerals, and a blanket bond was furnished and accepted by the division in lieu of individual well bonds, that operator shall remain qualified for a blanket bond with the division subject to the amounts described by this bonding rule.
- 6.1. A blanket bond shall be conditioned in a manner similar to individual well bonds and shall cover any wells that the operator may drill or operate on lands with fee or privately owned minerals within the state.
- 6.2. For wells of less than 1,000 feet in depth, a blanket bond in the amount of at least \$15,000 shall be required.
- 6.3. For wells of more than 1,000 feet in depth, a blanket bond in the amount of at least \$120,000 shall be required.
- 6.4. Subsequent to the July 1, 2003 revision of this rule, operators who desire to establish a new blanket bond that consists either fully or partially of a collateral bond as described in subsection 10.2. shall be qualified by the division for such blanket bond.
- 6.4.1. Operators who elect to establish a surety bond as a blanket bond shall not require qualification by the division.
- 6.4.2. In those cases where operator qualification for blanket bond is required, the division will review the following criteria and make a written finding of the operator's adequacy to meet the criteria before accepting a new blanket bond:
- 6.4.3. The ratio of current assets to current liabilities shall be 1.20 or greater, as evidenced by audited financial statements for the previous two years and the most current quarterly financial report.
- 6.4.4. The ratio of total liabilities to stockholder's equity shall be 2.50 or less, as evidenced by audited financial statements for the previous two years and the most current quarterly financial report.
- 7. If an operator desires bond coverage in a lesser amount than required by these rules, the operator may file a request for agency action with the board for a variance from the requirements of these rules.
- 7.1. Upon proper notice and hearing and for good cause shown, the board may allow bond coverage in a lesser amount for specific wells.
- 8. If after reviewing an application to drill or reenter a well or when reviewing a change of operator for a well, the division determines that bond coverage in accordance with these rules will be insufficient to cover the costs of plugging the well and restoring the well site, the division may require a change in the form or the amount of bond coverage. In such cases, the division will support its case for a change of bond coverage in the form of written findings to the operator of record of the well and provide a schedule for completion of the requisite changes.
- 8.1 Appeals of mandated bond amount changes will follow procedures established by Section R649-10, Administrative Procedures.
- 9. The bond shall provide a mechanism for the surety or other guarantor of the bond, to provide prompt notice to the division and the operator of any action alleging the insolvency or bankruptcy of the surety or guarantor, or alleging any violations that would result in suspension or revocation of the surety's or guarantor's charter or license to do business.
- 9.1. Upon the incapacity of the surety or guarantor to guarantee payment of the bond by reason of bankruptcy, insolvency, or suspension or revocation of a charter or license, the operator shall be deemed to be without bond coverage.
- 9.2. Upon notification of insolvency or bankruptcy, the division shall notify the operator in writing and shall specify a reasonable period, not to exceed 90 days, to provide bond coverage.
- 9.3. If an adequate bond is not furnished within the allowed period, the operator shall be required to cease operations immediately, and shall not resume operations until the division has received an acceptable bond.
- 10. The division shall accept a bond in the form of a surety bond, a collateral bond or a combination of these bonding methods.
- 10.1. A surety bond is an indemnity agreement in a sum certain payable to the division, executed by the operator as principal and which is supported by the performance guarantee of a corporation authorized to do business as a surety in Utah.
- 10.1.1. A surety bond shall be executed by the operator and a corporate surety authorized to do business in Utah that is listed in "A.M. Best's Key Rating Guide" at a rating of A or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". Surety companies also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. Operators who do not have a surety bond with a company that meets the standards of subsection 10.1.1. will have 120 days from the date of division notification after enactment of the changes to subsection 10.1.1., or face enforcement action. When the division in the course of examining surety bonds notifies an operator that a surety company guaranteeing its performance does not meet the standards of Subsection (10.1.1), the operator has 120 days after notice from the division by mail to correct the deficiency, or face enforcement action.
- 10.1.2. Surety bonds shall be noncancellable during their terms, except that surety bond coverage for wells not drilled may be canceled with the prior consent of the division.
- 10.1.3. The division shall advise the surety, within 30 days after receipt of a notice to cancel a bond, whether the bond may be canceled on an undrilled well.
- 10.2. A collateral bond is an indemnity agreement in a sum certain payable to the division, executed by the operator that is supported by one or more of the following:
- 10.2.1. A cash account.
- 10.2.1.1. The operator may deposit cash in one or more accounts at a federally insured bank authorized to do business in Utah, made payable upon demand only to the division.
- 10.2.1.2. The operator may deposit the required amount directly with the division.
- 10.2.1.3. Any interest paid on a cash account shall be retained in the account and applied to the bond value of the account unless the division has approved the payment of interest to the operator.
- 10.2.1.4. The division shall not accept an individual cash account in an amount in excess of \$100,000 or the maximum insurable amount as determined by the Federal Deposit Insurance Corporation.
- 10.2.2. Negotiable bonds of the United States, a state, or a municipality.
- 10.2.2.1. The negotiable bond shall be endorsed only to the order of and placed in the possession of the division.
- 10.2.2.2. The division shall value the negotiable bond at its current market value, not at face value.
- 10.2.3. Negotiable certificates of deposit.

- ~~10.2.3.1. The certificates shall be issued by a federally insured bank authorized to do business in Utah.~~
- ~~10.2.3.2. The certificates shall be made payable or assigned only to the division both in writing and upon the records of the bank issuing the certificate.~~
- ~~10.2.3.3. The certificates shall be placed in the possession of the division or held by a federally insured bank authorized to do business in Utah.~~
- ~~10.2.3.4. If assigned, the division shall require the banks issuing the certificates to waive any rights of setoff or liens against those certificates.~~
- ~~10.2.3.5. The division shall not accept an individual certificate of deposit in an amount in excess of \$100,000 or the maximum insurable amount as determined by the Federal Deposit Insurance Corporation.~~
- ~~10.2.4. An irrevocable letter of credit.~~
- ~~10.2.4.1. Letters of credit shall be placed in the possession of and payable upon demand only to the division.~~
- ~~10.2.4.2. Letters of credit shall be issued by a federally insured bank authorized to do business in Utah.~~
- ~~10.2.4.3. Letters of credit shall be irrevocable during their terms.~~
- ~~10.2.4.4. Letters of credit shall be automatically renewable or the operator shall ensure continuous bond coverage by replacing letters of credit, if necessary, at least 30 days before their expiration date with other acceptable bond types or letters of credit.~~
- ~~11. The required bond amount specified in Subsections (5) and (6) of any collateral posted as assurance under this section shall be subject to a margin determined by the division which is the ratio of the face value of the collateral to market value, as determined by the division.~~
- ~~11.1. The margin shall reflect legal and liquidation fees, as well as value depreciation, marketability and fluctuations that might affect the net cash available to the division to complete plugging and restoration.~~
- ~~12. The market value of collateral may be evaluated at any time, and in no case shall the market value of collateral be less than the required bond amount specified in Subsections (5) and (6).~~
- ~~12.1. Upon evaluation of the market value of collateral by the division, the division will notify the operator of any required changes in the amount of the bond and shall allow a reasonable period, not to exceed 90 days, for the operator to establish acceptable bond coverage.~~
- ~~12.2. If an adequate bond is not furnished within the allowed period the operator shall be required to cease operations immediately and shall not resume operations until the division has received an acceptable bond.~~
- ~~13. Persons with an interest in collateral posted as a bond, and who desire notification of actions pursuant to the bond, shall request the notification in writing from the division at the time collateral is offered.~~
- ~~14. The division may allow the operator to replace existing bonds with other bonds that provide sufficient coverage.~~
- ~~14.1. Replacement of a bond pursuant to this section shall not constitute a release of bond under Subsection (15).~~
- ~~14.2. The division shall not allow liability to cease under an existing bond until the operator has furnished, and the division has approved, an acceptable replacement bond.~~
- ~~14.3. When the operator of wells covered by a blanket bond changes, the division will review the financial eligibility of a new operator for blanket bonding as described in Subsection (6.4), and the division will make a written finding concerning the applicability of blanket bonding to the prospective new operator.~~
- ~~14.4. Transfer of the ownership of property does not cancel liability under an existing bond until the division reviews and approves a change of operator for any wells affected by the transfer of ownership.~~
- ~~14.5. If a transfer of the ownership of property is made and an operator wishes to request a change to a new operator of record for the affected wells, then the following requirements shall be met:~~
- ~~14.5.1. The operator shall notify the division in writing when ownership of any well associated with the property has been transferred to a named transferee, and the operator shall request a change of operator for the affected wells.~~
- ~~14.5.2. The request shall describe each well by reference to its well name and number, API number, and its location, as described by the section, township, range, and county, and shall also include a proposed effective date for the operator change.~~
- ~~14.5.3. The request shall contain the endorsement of the new operator accepting such change of operator.~~
- ~~14.5.4. The request shall contain evidence of the new operator's bond coverage.~~
- ~~14.5.5. The request may include a request to cancel liability for the well included in the operator change that are listed under the existing operator's bond upon approval by the division of an adequate replacement bond in the name of the new operator.~~
- ~~14.6. Upon receipt of a request for change of operator, the division will review the proposed new operator's bond coverage, and if bond coverage is acceptable, the division will issue a notice of approval of the change of operator.~~
- ~~14.6.1. If the division determines that the new operator's bond coverage will be insufficient to cover the costs of plugging and site restoration for the applicable well, the division may deny the change of operator, or the division may require a change in the form and amount of the new operator's bond coverage in order to approve the change of operator. In such cases, the division will support its case for a change of the new operator's bond coverage in the form of written findings, and the division will provide a schedule for completion of the requisite changes in order to approve the operator change. The written findings and schedule for changes in bond coverage will be sent to both the operator of record of the applicable well and the proposed new operator.~~
- ~~14.7. If the request for operator change included a request to cancel liability under the existing operator's bond in accordance with Subsection (14.5.5), and the division approves the operator change, then the division will issue a notice of approval of termination of liability under the existing bond for the wells included in the operator change. When the division has approved the termination of liability under a bond, the original operator is relieved from the responsibility of plugging or repairing any wells and restoring any well site affected by the operator change.~~
- ~~14.8. If any of the wells covered by a bond are affected by an operator change, the bond may be released by the division in accordance with Subsection (15).~~

NOTICES OF PROPOSED RULES

- ~~15. Bond release procedures are as follows:~~
- ~~15.1. Requests for release of a bond held by the division may be submitted by the operator at any time after a subsequent notice of plugging of a well has been submitted to the division or the division has issued a notice of approval of termination of liability for well covered by an existing bond.~~
- ~~15.1.1. Within 30 days after a request for bond release has been filed with the division, the operator shall submit signed affidavits from the surface landowner of any previously plugged well site certifying that restoration has been performed as required by the mineral lease and surface agreements.~~
- ~~15.1.2. If such affidavits are not submitted, the division shall conduct an inspection of the well site in preparation for bond release as explained in Subsection (15.2).~~
- ~~15.1.3. Within 30 days after a request for bond release has been filed with the division, the division shall publish notice of the request in a daily newspaper of general circulation in the city and county of Salt Lake and in a newspaper of general circulation in the county in which the proposed well is located.~~
- ~~15.1.4. If a written objection to the request for bond release is not received by the division within 15 days after publication of the notice of request, the division may release liability under the bond as an administrative action.~~
- ~~15.1.5. If a written objection to the request for bond release is received by the division within 15 days after publication of the notice of request, the request shall be set for hearing and notice thereof given in accordance with the procedural rules of the board.~~
- ~~15.2. If affidavits supporting the bond release application are not received by the division in accordance with Subsection (15.1.1), the division shall within 30 days or as soon thereafter as weather conditions permit, conduct an inspection and evaluation of the well site to determine if restoration has been adequately performed.~~
- ~~15.2.1. The operator shall be given notice by the division of the date and time of the inspection, and if the operator is unable to attend the inspection at the scheduled date and time, the division may reschedule the inspection to allow the operator to participate.~~
- ~~15.2.2. The surface landowner, agent or lessee shall be given notice by the operator of such inspection and may participate in the inspection; however, if the surface landowner is unable to attend the inspection, the division shall not be required to reschedule the inspection in order to allow the surface landowner to participate.~~
- ~~15.2.3. The evaluation shall consider the adequacy of well site restoration, the degree of difficulty to complete any remaining restoration, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution.~~
- ~~15.2.4. Upon request of any person with an interest in bond release, the division may arrange with the operator to allow access to the well site or sites for the purpose of gathering information relevant to the bond release.~~
- ~~15.2.5. The division shall retain a record of the inspection and the evaluation, and if necessary and upon written request by an interested party, the division shall provide a copy of the results.~~
- ~~15.3. Within 60 days from the filing of the bond release request, if a public hearing is not held pursuant to Subsection (15.1.5), or within 30 days after such public hearing has been held, the division shall provide written notification of the decision to release or not release the bond to the following parties:~~
- ~~15.3.1. The operator.~~
- ~~15.3.2. The surety or other guarantor of the bond.~~
- ~~15.3.3. Other persons with an interest in bond collateral who have requested notification under Subsection R649-3-1.13.~~
- ~~15.3.4. The persons who filed objections to the notice of application for bond release.~~
- ~~15.4. If the decision is made to release the bond, the notification specified in Subsection (15.3) shall also state the effective date of the bond release.~~
- ~~15.5. If the division disapproves the application for release of the bond or portion thereof, the notification specified in Subsection (15.3) shall also state the reasons for disapproval, recommending corrective actions necessary to secure the release, and allowing an opportunity for a public hearing.~~
- ~~15.6. The division shall notify the municipality in which the well is located by certified mail at least 30 days prior to the release of the bond.~~
- ~~16. The following guidelines will govern the forfeiture of bonds:~~
- ~~16.1. The division shall take action to forfeit the bond if any of the following occur:~~
- ~~16.1.1. The operator refuses or is unable to conduct plugging and site restoration.~~
- ~~16.1.2. Noncompliance as to the conditions of a permit issued by the division.~~
- ~~16.1.3. The operator defaults on the conditions under which the bond was accepted.~~
- ~~16.2. In the event forfeiture of the bond is necessary, the matter will be considered by the board.~~
- ~~16.3. For matters of bond forfeiture, the division shall send written notification to the parties identified in Subsection (15.3), in addition to the notice requirements of the board procedural rules.~~
- ~~16.4. After proper notice and hearing, the board may order the division to do any of the following:~~
- ~~16.4.1. Proceed to collect the forfeited amount as provided by applicable laws for the collection of defaulted bonds or other debts.~~
- ~~16.4.2. Use funds collected from bond forfeiture to complete the plugging and restoration of the well to which bond coverage applies.~~
- ~~16.4.3. Enter into a written agreement with the operator or another party to perform plugging and restoration operations in accordance with a compliance schedule established by the division as long as such party has the ability to perform the necessary work.~~
- ~~16.4.4. Allow a surety to complete the plugging and restoration, if the surety can demonstrate an ability to complete the plugging and restoration.~~
- ~~16.4.5. Any other action the board deems reasonable and appropriate.~~

~~16.5. In the event the amount forfeited is insufficient to pay for the full cost of the plugging and restoration, the division may complete or authorize completion of plugging and restoration and may recover from the operator any costs of plugging and restoration in excess of the amount forfeited.~~

~~16.6. In the event the amount of bond forfeited was more than the amount necessary to complete plugging and restoration, the unused funds shall be returned by the division to the party from whom they were collected.~~

~~16.7. In the event the bond is forfeited and there exists any unplugged well or wells previously covered under the forfeited bond, then the operator must establish new bond coverage in accordance with these rules.~~

~~16.8. If the operator requires new bond coverage under the provisions of Subsection (16.7), then the division will notify the operator and specify a reasonable period, not to exceed 90 days, to establish new bond coverage.]~~

**KEY:** oil and gas law

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

Notice of Continuation: **June 30, 2025**

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

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 57979
Rule or section number:	R649-3-26

**1. Agency Information**

Title catchline:	Natural Resources; Oil, Gas and Mining; Oil and Gas
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 1210
City, state:	Salt Lake City, UT 84116

**2. Contact Persons**

Name:	Phone:	Email:
Natasha Ballif	801-589-5486	natashaballif@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R649-3-26. Seismic Exploration
<b>B. Purpose of the new rule or reason for the change:</b>
The Division of Oil, Gas and Mining (Division) is updating their bond requirements for Oil and Gas wells, including bond amounts for seismic exploration.
<b>C. Summary of the new rule or change:</b>
This rule filing added a performance bond amount of \$10,000 for any seismic exploration conducted in the state.

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
There is a total of one state agency, the Division of Oil, Gas and Mining, that will be associated with this proposed rule change. There will be a fiscal impact of \$10,000 per seismic exploration, however, the Division cannot estimate how many operators will conduct seismic exploration activities.
<b>B. Local governments:</b>
No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.

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

There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.

There will be a fiscal impact of \$10,000 per seismic exploration, however, the Division cannot estimate how many operators will conduct seismic exploration activities.

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

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

There will be a fiscal impact of \$10,000 per seismic exploration, however, the Division cannot estimate how many operators will conduct seismic exploration activities.

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

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

**F. Compliance costs for affected persons:**

There will be a compliance cost of \$10,000, however, the Division cannot estimate how many operators will conduct seismic exploration activities.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Section 40-6-1 et seq.	
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**11. Public Notice Information**

<b>The public may submit written or oral comments to the agency identified in box 1.</b>	
<b>A. Comments will be accepted until:</b>	07/01/2026

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mick Thomas, Director	<b>Date:</b>	05/11/2026
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**R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.****R649-3. Drilling and Operating Practices.****R649-3-26. Seismic Exploration.**

(1)[~~-~~] Form 1, Application for Permit to Conduct Seismic Exploration shall be submitted to the division by the seismic contractor at least seven days ~~before~~[~~prior to~~] commencing any type of seismic exploration operations. In cases of emergency, approval may be obtained either verbally or by telegraphic communication.

(a)[~~1-1~~] Changes of plans or line locations may be implemented in an emergency situation without division approval.

(b)[~~1-2~~] Within five days after the change is performed, the seismic contractor shall submit written notice of the change to the division.

(c)[~~1-3~~] The permit may be revoked at any time by the division for failure to comply with the rules and orders of the board.

(d)[~~1-4~~] Any request to deviate from the general plugging and operations procedures of Title R649[~~these rules~~] shall be included on the permit application.

(e)[~~1-5~~] The name, address, and telephone number of the seismic contractor's local contact shall be submitted to the division as soon as determined if not available when the permit application is submitted.

(f)[~~1-6~~] After review of the application for a seismic permit, the division may require written permission of the owner of the surface of the affected land if it is determined that the seismic operation may significantly impact any building, pipeline, water well, flowing spring, or other cultural or natural feature in the area.

(g)[~~1-7~~] The permit will be in effect for six months from the date of approval. The permit may be extended upon application to and approval by the division.

(2)[~~-~~] Before beginning any geophysical operations or seismic exploration, the applicant must provide the division a performance bond in the amount of \$10,000.[~~Bonding shall not be required for seismic exploration requiring the drilling of shot holes.~~]

(3)[~~-~~] Seismic contractors shall give the division at least 24 hours advance notice of the plugging of seismic holes. The notice shall include the date and time the plugging activities are expected to ~~begin~~[~~commence~~], the name and address of the seismic contractor responsible for the holes, and, if different, the name and address of the hole plugging company.

(4)[~~-~~] Unless the seismic contractor can prove to the satisfaction of the division that another method will provide adequate protection to ground water resources and other ~~artificial~~[~~man-made~~] or natural features and will provide long-term land stability, the following procedures shall be required for the conduct of seismic operations and hole plugging:

(a)[~~4-1~~] Seismic contractors shall take reasonable precautions to avoid conducting shot hole operations closer than 1,320 feet to any building, pipeline, water well, flowing spring, or other cultural[~~l~~] or natural feature, such as[~~e.g.~~], a historical monument, marker, or structure, that may be adversely affected by the seismic operations.

(b)[~~4-2~~] When nonartesian water is encountered while drilling seismic shot holes, the holes shall be filled from the bottom up with a high grade bentonite/water slurry mixture.

(c)[~~4-3~~] The slurry shall have a density that is at least 4%[~~four percent~~] greater than the density of fresh water and shall have a marsh funnel viscosity of at least 60 seconds per quart.

(d)[~~4-4~~] The density and viscosity of the slurry are to be measured ~~before~~[~~prior to~~] adding cuttings. Cuttings not added to the slurry are to be disposed of in accordance with Subsection (4)(f)[~~R649-3-26-4.6~~].

(e)[~~4-5~~] Upon approval by the division, any other suitable plugging material commonly used in the industry may be substituted for the bentonite/water slurry as long as the physical characteristics of the substitute plugging material are at least comparable to those of the bentonite/water slurry.

(f)[~~4-6~~] The hole shall be filled with the substitute plugging material from the bottom up to a depth of three feet below ground level.

NOTICES OF PROPOSED RULES

(g)[4-7-] A nonmetallic permaplug shall be set at a depth of three feet. The remaining hole shall be filled and tamped to the surface with cuttings and native soil.

(h)[4-8-] The permaplug shall be imprinted with an approved identification number or mark.

(i)[4-9-] When drilling with air only, and in completely dry holes, plugging may be accomplished by returning the cuttings to the holes, tamping the returned cuttings to the depth of three feet below ground level, and setting the permaplug topped with more cuttings and soil. A small mound shall be left over the hole for settling allowance.

(j)[4-10-] If artesian flow, water flowing at the surface, is encountered in the drilling of any seismic hole, cement shall be used to seal off the water flow to prevent cross-flow, erosion, or contamination of fresh water supplies.

(k)[4-11-] Unless severe weather conditions prevent access, the holes shall be cemented immediately.

(l)[4-12-] Approval may be granted to seismic operator to plug a flowing hole in another manner, if it is proved to this division that the alternate method will provide adequate protection to ground water resources and provide long term land stability.

(m)[4-13-] The owner of the surface of the land affected may assume liability for a seismic hole capable of conversion to a water well by sending a letter assuming such liability to the division and by filing an application with and obtaining approval for appropriation of underground water from the Division of Water Rights.

(n)[4-14-] Shotholes shall be properly plugged and abandoned as soon as practical after the shot has been fired.

(o)[4-15-] No shothole shall be left unplugged for more than 30 days without approval of the division.

(p)[4-16-] Until properly plugged, shotholes shall be covered with a tin hat or other similar cover.

(q)[4-17-] The hats shall be imprinted with the seismic contractor's name or initials.

(r)[4-18-] Any slurry, drilling fluids, or cuttings that are deposited on the surface around the seismic hole shall be raked or otherwise spread out to a height of not more than one inch above the surface, so that the growth of the natural grasses or foliage will not be impaired.

(s)[4-19-] Restoration plans required by the Title 40, Chapter 8, Mined Land Reclamation Act~~[Mined Land Reclamation Act, Section 40-8]~~, or by any other surface management agency will be accepted by the division.

(t)[4-20-] The surface area around each seismic shothole shall be reclaimed and reseeded to its original condition insofar as such restoration is practical and is required by the surface management agency.

(u)[4-21-] Any flagging, stakes, cables, cement, or mud sacks shall be removed from the drill site and disposed of in an acceptable manner.

(5)[-] Upon application to the division, approval may be obtained for preplugging of shotholes using coarse bentonite material or a suitable alternative used in the industry. Preplugging of holes in this manner shall be performed according to the following procedures:

(a)[5-1-] A sales receipt indicating proof of purchase of an adequate amount of coarse bentonite to properly plug any shotholes shall be submitted to the division upon request.

(b)[5-2-] For shotholes drilled with air that are completely dry, the seismic contractor shall have the option of preplugging with the coarse bentonite material or of using an alternate plugging material under Subsection ~~(4)(c)[R649-3-26-4.3]~~.

(c)[5-3-] For conventionally drilled, wet holes, enough approved material shall be used to cover the initial water level, for example~~[i.e.]~~, the depth of the initial water level in the hole before~~[prior]~~ to adding coarse bentonite material shall be equal to the final plug depth.

(d)[5-4-] An additional ten feet of approved material shall be placed above this depth and hole cuttings shall be used to fill the remainder of the hole to a depth of three feet below ground level.

(e)[5-5-] A nonmetallic plug imprinted with an approved identification number or mark shall be installed at this depth.

(f)[5-6-] The remaining three feet of hole shall be filled and tamped to the surface with cuttings and native soil.

(g)[5-7-] The remaining cuttings shall be raked or spread to a height not to exceed one inch above ground level.

(h)[5-8-] When using heliportable drills and insufficient cuttings are available, the hole shall be preplugged with bentonite plugging material or an approved alternate material to a depth of three feet below ground level.

(i)[5-9-] Installation of a nonmetallic plug and filling the remainder of the hole shall be performed as required by Subsection R649-3-26(5)(c)~~[-5-3]~~.

(j)[5-10-] The coarse bentonite plugging material shall have the following specifications - chemically unaltered sodium bentonite, coarse ground, three quarter inch maximum size, not more than 19% moisture content and not more than 15% inert solids by volume.

(6)[-] Form 2, Seismic Exploration Completion Report shall be submitted to the ~~[D]~~division within 60 days after completion of each seismic exploration project. The report shall include: Certification by the seismic contractor that any shot holes have been plugged as prescribed by the division.

**KEY:** oil and gas law

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

**Notice of Continuation:** June 30, 2025

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

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 57980
<b>Rule or section number:</b>	<b>R649-8</b>

**1. Agency Information**

<b>Title catchline:</b>	Natural Resources; Oil, Gas and Mining; Oil and Gas
<b>Building:</b>	Department of Natural Resources
<b>Street address:</b>	1594 W North Temple, Suite 1210
<b>City, state:</b>	Salt Lake City, UT 84116

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Natasha Ballif	801-589-5486	natashaballif@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R649-8. Reporting and Report Forms
<b>B. Purpose of the new rule or reason for the change:</b>
The Division of Oil, Gas and Mining (Division) is updating their bond requirements for Oil and Gas wells, including the forms needed and used.
<b>C. Summary of the new rule or change:</b>
This rule filing introduces two new forms, Form 0 Registration Form and Form 16 Operator Change Form.

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
There is a total of one state agency, the Division, that will be associated with this proposed rule change.
There will be no fiscal impact to the agency as these changes are purely administrative.
<b>B. Local governments:</b>
No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There will be no fiscal impact to small businesses as these changes are purely administrative.
<b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.
There will be no fiscal impact to non-small businesses as these changes are purely administrative.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
This rule change will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division.

**F. Compliance costs for affected persons:**

There will be no fiscal impact to the agency as these changes are purely administrative.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Section 40-6-1 et seq.

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

**Agency head or designee and title:** Mick Thomas, Director **Date:** 05/11/2026

**R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.****R649-8. Reporting and Report Forms.****R649-8-1. General Report Forms.**

(1)[-] The forms in this section [~~listed below~~], as modified by the [D]division from time to time shall be used for the purpose indicated in accordance with the instructions and the applicable rule.

Form 0 Registration Form Section R649-8-2

Form 1 Application for Permit to Conduct Seismic Exploration Section R649-8-3[2]

Form 2 Seismic Exploration Completion Report Section R649-8-4[3]

Form 3 Application for Permit to Drill, Deepen, or Plug Back (APD) Section R649-8-5[4]

Form 4 Bond Section R649-8-6[5]

Form 5 Designation of Agent or Operator Section R649-8-7[6]

Form 6 Entity Action Form Section R649-8-8[7]

Form 7 Report of Water Encountered During Drilling Section R649-8-9[8]

Form 8 Well Completion or Recompletion Report and Log Section R649-8-10[9]

Form 9 Sundry Notices and Reports on Wells Section R649-8-11[0]

Form 10 Monthly Oil and Gas Production Report Section R649-8-12[1]

Form 11 Monthly Oil and Gas Disposition Report Section R649-8-13[2]

Form 12 Report of Transferred Oil Section R649-8-14[3]

Form 13-A Monthly Summary Report of Gas Processing Plant Operations Section R649-8-15[4]

Form 13-B Monthly Report of Gas Processing Plant Product Allocations Section R649-8-16[5]

Form 14 Monthly Report of Waste Crude Oil Treatment Facility Operations Section R649-8-17[6]

Form 15 Designation of Workover or Recompletion Section R649-8-18[7]

Form 16 Operator Change Form Section R649-8-19

UIC Form 1 Application for Injection Well Section R649-8-20[18]

UIC Form 2 Monthly Report of Enhanced Recovery Project Section R649-8-21[19]

UIC Form 3 Monthly Injection Report Section R649-8-22[0]

UIC Form 4 Annual Fluid Injection Report Section R649-8-23[1]

UIC Form 5 Transfer of Authority to Inject Section R649-8-24[2]

(2)[-] Any permitted well which is referenced on a report form, correspondence, or well log should be identified by its assigned API number.

**R649-8-2. Form 0, Registration Form.**

The operator of a drilling unit shall designate an agent responsible for operations in the state who will receive and accept service of all communications, notices, and orders of the division and board.

**R649-8-3[2]. Form 1, Application for Permit to Conduct Seismic Exploration.**

At least seven days before [~~prior to~~] commencing any type of seismic exploration operations, an Application for Permit to Conduct Seismic Exploration shall be submitted in duplicate to the division by the seismic contractor in accordance with Section R649-3-26.

**R649-8-4[3]. Form 2, Seismic Exploration Completion Report.**

Within 60 days of the completion of each seismic exploration project, a Seismic Exploration Completion Report shall be submitted to the division by the seismic contractor in accordance with Section R649-3-26.

**R649-8-5[4]. Form 3, Application for Permit to Drill, Deepen, or Plug Back (APD).**

Before [~~Prior to~~] the commencement of drilling, deepening, or plugging back any well or the commencement of exploratory drilling such as core holes and stratigraphic test holes, and before [~~prior to~~] the commencement of any surface disturbance associated with such activity, the operator shall submit in duplicate an Application for Permit to Drill, Deepen, or Plug Back in accordance with Section R649-3-4.

**R649-8-6[5]. Form 4, Bond.**

Except where a bond in satisfactory form has been filed by the operator in accordance with state, federal, or Indian lease requirements and evidence has been furnished to the division that such bond has been approved by the appropriate agency, the division shall require from the operator a good and sufficient bond in accordance with Rule R649-13[-1].

**R649-8-7[6]. Form 5, Designation of Agent or Operator.**

Before [~~Prior to~~] the commencement of operations, a Designation of Agent or Operator shall be filed with the division in accordance with Section R649-2-4.

**R649-8-8[7]. Form 6, Entity Action Form.**

(1)[-] To [~~For the purpose of~~] accurately establish [~~ing~~] the division's computerized oil and gas production accounting system and properly maintain [~~ing~~] division of interest data for each well in the system, the operator shall file an Entity Action Form with the division within five working days of any of the following actions:

(a)[1-1-] Spudding of a well, Section R649-3-6.

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- (b)[1-2-] A change in operations which requires adding or removing a well from a group of wells that have identical division of interests, produce from the same formation, have product sales from a common tank, LACT meter, or gas meter, and have the same operator.
  - (c)[1-3-] A change in operations when a service well is converted to a producing oil or gas well.
  - (d)[1-4-] A change in operations when a well is recompleted and is capable of producing from another formation, Section R649-3-
- 23.

- (e)[1-5-] A change in interest which requires adding or removing a well from a participating area of a properly designated unit.
- (2)[-] Upon receipt of an Entity Action Form, the division will assign an entity number to a new well or change the entity number as needed for an existing well.
- (a)[2-1-] This number identifies the well on the operator's monthly oil and gas production and disposition reports.
- (b)[2-2-] Entity numbers are used by the State Tax Commission and other state government agencies to properly account for all production taxes and the divisions of royalty interest on state leases.
- (3)[-] This form does not take the place of Form 9, Sundry Notices and Reports on Wells, which is to be used to provide detailed accounts of physical operations on wells.

**R649-8-9[8]. Form 7, Report of Water Encountered During Drilling.**

The operator shall report to the division all fresh water sands encountered during drilling in accordance with Section R649-3-6. The report shall be filed with the Well Completion or Recompletion Report and Log, Form 8.

**R649-8-10[9]. Form 8, Well Completion or Recompletion Report and Log.**

In accordance with Sections R649-3-11, R649-3-21, R649-3-23, and R649-3-24, the operator shall file a Well Completion or Recompletion Report and Log and a copy of the electric and radioactivity logs, if run, within 30 days after completing, recompleting, or plugging a well.

**R649-8-11[10]. Form 9, Sundry Notices and Reports on Wells.**

- (1)[-] This report form shall be used to notify the division of the intention to do miscellaneous work on any well for which a specific report form is not provided, and to report the subsequent results of that work.
- (a)[1-1-] A notice of intention to do work on a well located on lands with state, fee or privately owned minerals or to change plans previously approved shall be submitted in duplicate and must be received and approved by the division before the work is commenced.
- (b)[1-2-] The operator is responsible for receipt of the notice by the division in ample time for proper consideration and action. In cases of emergency the operator may obtain verbal approval to begin[commence] work.
- (c)[1-3-] Within five days after receiving verbal approval, the operator shall submit a Sundry Notice describing the work and acknowledging the verbal approval.
- (2)[-] In addition to the types of work listed on the form, a Sundry Notice is required for the following:
  - (a)[2-1-] Monthly status report for each drilling well in accordance with Section R649-3-6.
  - (b)[2-2-] Application for permit to complete a well into more than one pool in accordance with Section R649-3-22.
  - (c)[2-3-] Notice of intent to plug and abandon a well in accordance with Section R649-3-24.
  - (d)[2-4-] Notice of intent to pull casing in accordance with Section R649-3-24.
  - (e)[2-5-] Notice of change of operator. The report form should be submitted by both the previous operator and the new operator.

**R649-8-12[11]. Form 10, Monthly Oil and Gas Production Report.**

- (1)[-] Each operator shall electronically submit Form 10 monthly to properly account for all oil, gas, and water produced from each well. The form may be found on the division's oil and gas website.
- (2)[-] This form may be submitted in conjunction with Form 11, Monthly Oil and Gas Disposition Report before the fifteenth day of the second calendar month following the month of production.

**R649-8-13[2]. Form 11, Monthly Oil and Gas Disposition Report.**

- (1)[-] All oil and gas well operators shall complete this form monthly to account for all oil and gas dispositions from each entity.
- (a)[1-1-] The report should account for the physical dispositions of all oil and gas produced during the report month from each well or group of wells (entity).
- (b)[1-2-] Only the initial disposition of each product as it leaves the well site or is used at the well site should be reported.
- (c)[1-3-] Residue gas ~~and~~ or load oil, or both, received from another well, plant, or field should not be shown on this report.
- (2)[-] This report shall be submitted in conjunction with Form 10, Monthly Oil and Gas Production Report and Form 12, Report of Transferred Oil on or before the fifteenth day of the second calendar month following the month of production.

**R649-8-14[13]. Form 12, Report of Transferred Oil.**

- (1)[-] This report is to be used only in accounting for oil that is transferred from one entity to another entity or oil that is acquired and used during remedial operations on a well.  
This includes situations such as the following:
  - (a)[1-1-] Oil that is produced at one entity or is acquired from another company, is then used as load oil at a "second" entity, and is then recovered and sold;[-] or
  - (b)[1-2-] Oil that is produced and then transferred to a "second" entity for treatment and sale due to mechanical problems at the producing entity.

(2)[~~7~~] Load oil that is recovered at the "second" entity and non-load oil that is transferred to the "second" entity should be excluded from all reported production, dispositions, and stocks of the "second" entity on Form 11, Monthly Oil and Gas Disposition Report. This allows the reporting of the "second" entity's true production and sales on Form 11, while the remainder of any sales is accounted for on this form.

(a)[~~2.1~~] The transported volumes reported on this form plus the transported volume for the "second" entity on Form 11 should equal the total run ticket volume as reported by the trucking or pipeline company serving this entity.

(b)[~~2.2~~] This report is to be filed as an attachment to Form 11, Monthly Oil and Gas Disposition Report during the month in which recovered load oil or any other transferred oil (non-load oil) is sold from the "second" entity.

**R649-8-~~15~~[14]. Form 13-A, Monthly Summary Report of Gas Processing Plant Operations.**

(1)[~~7~~] Gas processing plant operators shall complete and submit a monthly report in accordance with Section R649-6-1, to account for the receipt, processing and disposition of all gas by the plant.

(2)[~~7~~] The report is due on or before the fifteenth day of the second calendar month following the operations month covered by the report.

**R649-8-~~16~~[15]. Form 13-B, Monthly Report of Gas Processing Plant Product Allocations.**

(1)[~~7~~] Gas processing plant operators that are required by contractual arrangements to allocate residue gas and extracted liquids to the individual producing wells must complete and submit this form monthly in accordance with Section R649-6-1.

(2)[~~7~~] The report is to be filed as an attachment to Form 13-A, Monthly Summary Report of Gas Processing Plant Operations on or before the fifteenth day of the second calendar month following the operations month covered by the report.

**R649-8-~~17~~[16]. Form 14, Monthly Report of Waste Crude Oil Treatment Facility Operations.**

(1)[~~7~~] Each operator of treatment or reclaiming facilities handling tank bottoms, oil from pits or ponds, or any other waste crude oil, shall complete and submit this report monthly in accordance with Section R649-6-2 to account for stocks, receipts, and deliveries of processed and unprocessed waste crude oil.

(2)[~~7~~] The report is due on or before the fifteenth day of the second calendar month following the operations month covered by the report.

**R649-8-~~18~~[17]. Form 15, Designation of Workover or Recompletion.**

(1)[~~7~~] In accordance with Section R649-3-23, each operator desiring to claim a tax credit for workover or recompletion work performed must submit this report within 180 days after the workover or recompletion work is completed. Upon determination and notification by the division that the described work qualifies for a tax credit under this rule, the operator may claim the tax credit on reports submitted to the Tax Commission during the third quarter after completion of the work.

(2)[~~7~~] The following workover and recompletion operations qualify for a tax credit:

(a)[~~2.1~~] perforating;

(b)[~~2.2~~] stimulation, acid jobs, frac jobs, solvent treatments, nitrogen cleanouts;

(c)[~~2.3~~] sand control;

(d)[~~2.4~~] water control or shut-off;

(e)[~~2.5~~] wellbore cleanout;

(f)[~~2.6~~] casing or liner repair;

(g)[~~2.7~~] well deepening;

(h)[~~2.8~~] initiation of enhanced recovery, excluding surface equipment and associated costs;

(i)[~~2.9~~] change of lift system, excluding surface equipment and associated costs;

(j)[~~2.10~~] gas well tubing changes, down-sizing; and

(k)[~~2.11~~] thief zone identification and elimination.

(3)[~~7~~] The following workover and recompletion operations do not qualify for a tax credit:

(a)[~~3.1~~] pump changes;

(b)[~~3.2~~] rod string fishing and repair or replacement;

(c)[~~3.3~~] tubing repair or replacement;

(d)[~~3.4~~] surface equipment installation and repair; and

(e)[~~3.5~~] operations generally classified as routine maintenance or repair.

(4)[~~7~~] Division approval is conditional subject to audit, and actual final expenses may be disallowed if they are not appropriate workover or recompletion expenses.

**R649-8-19. Form 16, Operator Change Form.**

(1) The operator of a well shall notify the division of the sale, assignment, transfer, conveyance, exchange, or other disposition of the well by the operator of the well by filing an operator change form with the division.

(2) The operator change form shall be filed as soon as reasonably possible, but in no event later than 90 days after the date of the sale, assignment, transfer, exchange, or other disposition of a well becomes final.

**R649-8-~~20~~[18]. UIC Form 1, Application for Injection Well.**

Before[~~Prior to~~] the commencement of operations for injecting any fluid into a well for[~~the purpose of~~] enhanced recovery, disposal, or storage, the operator shall submit an Application for Injection Well and obtain division approval in accordance with Section R649-5-2.

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**R649-8-21[19]. UIC Form 2, Monthly Report of Enhanced Recovery Project.**

(1)[-] The operator shall submit this report monthly to report the injection pressure, rate, and volume for each enhanced recovery injection well or project.

(2)[-] The report is due within 30 days following the end of the month of operations.

**R649-8-22[20]. UIC Form 3, Monthly Injection Report.**

(1)[-] The operator shall submit this report monthly to report the daily injection pressure, rate, and volume for each disposal well [and] or storage well.

(2)[-] The report is due within 30 days following the end of the month of operations.

**R649-8-23[24]. UIC Form 4, Annual Fluid Injection Report.**

(1)[-] The operator of disposal wells, storage wells, or enhanced recovery projects shall file an annual report with the division using this form.

(2)[-] The report is due within 60 days following the end of the year.

**R649-8-24[22]. UIC Form 5, Transfer of Authority to Inject.**

(1)[-] The authority to inject for any injection well ~~may~~ shall not be transferred from one operator to another without the approval of the division. The transfer of authority to inject for any injection well from one operator to another shall be submitted to the division on this form ~~before~~ prior to the date of the proposed transfer.

(2)[-] The division shall, within 30 days after receipt of a properly completed form, return a copy of the form to each operator indicating approval or denial of the transfer of authority to inject. If approved, a copy of the order authorizing injection shall be attached to the form returned to the new operator.

**KEY: oil and gas conservation, reporting**

**Date of Last Change: 2026[February 24, 2022]**

**Notice of Continuation: June 30, 2025**

**Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.**

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 57968
<b>Rule or section number:</b>	<b>R657-3c</b>

**1. Agency Information**

<b>Title catchline:</b>	Natural Resources, Wildlife Resources
<b>Building:</b>	DNR Complex
<b>Street address:</b>	1594 W North Temple
<b>City, state:</b>	Salt Lake City, UT 84416
<b>Mailing address:</b>	PO Box 146301
<b>City, state and zip:</b>	Salt Lake City, UT 84414-6301

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Staci Coons	801-450-3093	stacicoons@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R657-3c. Certification of Registration – Fish, Mollusks, and Crustaceans
<b>B. Purpose of the new rule or reason for the change:</b>
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) rules pursuant to regulating Fish, Mollusks, and Crustaceans.

<b>C. Summary of the new rule or change:</b>
The proposed amendments to this rule: 1) reclassify New Zealand Mud Snails from prohibited to controlled; and 2) technical corrections as needed.

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The amendments to Rule R657-3c 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>B. Local governments:</b>
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.
<b>C. Small businesses ("small business" means a business employing 1-49 persons):</b>
The proposed rule amendments will not directly impact small businesses because a service is not required of them.
<b>D. Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
The proposed rule amendments do not have the potential to impact other persons that have private ponds in Utah, nor is a service required of them.
<b>F. Compliance costs for affected persons:</b>
The DWR has determined that this amendment may not create additional costs for those individuals wishing to stock private ponds in Utah because it simply expands an existing opportunity for those whose facilities contain New Zealand Mudsnails.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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 Department the of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Riley Peck, Director	<b>Date:</b>	05/07/2026
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**R657. Natural Resources, Wildlife Resources.**

**R657-3c. Certification of Registration -- Fish, Mollusks, and Crustaceans.**

**R657-3c-1. Purpose and Authority.**

Under Title 23A, Wildlife Resources Code of Utah, this rule governs the collection, importation, possession, and propagation of aquatic animals in Utah.

**R657-3c-2. Definitions.**

- (1) Terms used for purposes of this rule are defined in Section 23A-1-101, Section R657-3a-2, and Subsection (2) through Subsection (10).
- (2) "Aquaculture" means the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions.
- (3) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture as defined under Title 4, Chapter 37, the Aquaculture Act and the rules promulgated there under.
- (4) "Aquatic animal" means a member of any species of fish, mollusk, or crustacean, including their eggs or sperm.
- (5) "Baitfish" means aquatic animal species authorized for use as bait in Section R657-13-12.
- (6) "Fee fishing facility" means a body of water used for holding or rearing fish to provide fishing for a fee or for pecuniary consideration or advantage as described in Title 4, Chapter 37, the Aquaculture Act.
- (7) "Food fish" means aquatic animal species cultured or harvested from the wild for human consumption.
- (8)(a) "Marine aquatic animal" means a member of any species of fish, mollusk, or crustacean, including their eggs and sperm, that spends its entire life cycle in a marine environment.
  - (b) "Marine aquatic animal" does not include:
    - (i) anadromous aquatic animal species;
    - (ii) species that temporarily or permanently reside in brackish water; and
    - (iii) species classified as invasive or nuisance by state or federal law.
- (9)(a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is sold for display.
  - (b) "Ornamental aquatic animal species" does not mean:

- (i) Sport fish;
  - (ii) Baitfish;
  - (iii) Aquatic animal species that are native to Utah;
  - (iv) Aquatic animals and marine aquatic animals prohibited for importation or possession under federal law; or
  - (v) Aquatic animals and marine aquatic animals listed as prohibited or controlled in Subsection R657-3c-5(1).
- ~~\_\_\_\_\_~~ (10) "Private fish pond" means a standing body of water or any fish culture system which:
- ~~\_\_\_\_\_~~ (a) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;
  - ~~\_\_\_\_\_~~ (b) is contained entirely on privately owned land; and
  - ~~\_\_\_\_\_~~ (c) is used for holding or rearing fish for a private, non-commercial purpose.
- ~~\_\_\_\_\_~~ (11) "Sport fish" means aquatic animal species regulated for angling and harvest for recreation or sport from any state in the United States, excluding Peacock Bass (*Cichla ocellaris*).

**R657-3c-5. Noncontrolled, Controlled, and Prohibited Species.**

- (1)(a) The noncontrolled, controlled, and prohibited aquatic animal species classification table entitled Aquatics Species Classification Table 3c-1, dated May 1, 2023 is incorporated by reference.
- (b) Table 3c-1 can be accessed in person or by contacting the Salt Lake division office located at 1594 West North Temple, Salt Lake City, Utah 84114, and on the division's Certificates of Registration web page at <https://wildlife.utah.gov/licenses/certificates-of-registration.html>.
- (2) A person may collect and possess live aquatic animals of controlled species if:
- (a) They possess a valid certificate of registration;
  - (b) Successfully complete the Fish, Mollusk, and Crustacean education course;
  - (c) Satisfy the mandatory reporting requirements established in Section R657-3c-6; and
  - (d) The number of individuals of a species in a person's possession may not exceed the limits established under that person's certificate of registration.
- (3) All native species and naturalized sportfish species are classified as controlled except those species that are classified as prohibited.
- (4) Some species are classified as noncontrolled when stocked in a private fish pond, short-term fishing event, or aquaponics facility, as allowed in Rule R657-59.
- (5) Triploid Grass Carp can be stocked as allowed in Rule R657-~~[59]~~59a.
- (6)(a) Exemptions may be granted to educational, scientific, and commercial organizations.
- (b) An individual or entity must acquire a certificate of registration before engaging in an educational, scientific, or commercial use activity involving the collection or possession of a controlled or prohibited species.
- (i) A scientific use certificate of registration is valid for the time-period identified in the research proposal and approved by the division.
  - (ii) An educational use certificate of registration is valid for 3 years and authorize wildlife related instructional activities identified on the certificate of registration.
  - (iii) A commercial use certificate of registration is valid for 3 years and authorize commercial use activities identified on the certificate of registration.

**R657-3c-9. Collection, Transportation, Possession, and Propagation of Aquatic Animal Species.**

- (1) A person shall obtain a certificate of registration before collecting, transporting, possessing, or propagating any aquatic animal species or aquatic animal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.
- (2) A certificate of registration is not required to collect, transport, possess, or propagate any aquatic animal species classified as noncontrolled.
- ~~\_\_\_\_\_~~ (3) Possessed live aquatic animals must be housed where:
- ~~\_\_\_\_\_~~ (a) there is no risk that the aquatic animals can escape into a public waterway or waterbody; and
  - ~~\_\_\_\_\_~~ (b) all effluent from holding tanks must be managed to eliminate the potential for discharge into public waters. Private ponds, licensed aquaculture facilities, and licensed fee fishing facilities are exempt from this requirement.
- ~~\_\_\_\_\_~~ (4) Possessed aquatic animal species cannot be released into the wild regardless of whether they are classified as noncontrolled, controlled or prohibited.

**R657-3c-11. ~~Transportation of Aquatic Animal Species.~~**

- ~~\_\_\_\_\_~~ (1) ~~A person shall obtain a certificate of registration before transporting any aquatic animal species or aquatic animal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.~~
- ~~\_\_\_\_\_~~ (2) ~~A certificate of registration is not required to transport any aquatic animal species classified as noncontrolled.~~

**R657-3c-12. ~~Possession of Aquatic Animal Species.~~**

- ~~\_\_\_\_\_~~ (1) ~~A person shall obtain a certificate of registration before possessing any aquatic animal species or aquatic animal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.~~
- ~~\_\_\_\_\_~~ (2) ~~A certificate of registration is not required to possess any aquatic animal species classified as noncontrolled.~~

**~~R657-3e-13. Propagation of Aquatic Animal Species.~~**

- ~~(1) A person shall obtain a certificate of registration before propagating any aquatic animal species classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.~~
- ~~(2) A certificate of registration is not required to propagate any aquatic animal species classified as noncontrolled.~~

**~~R657-3e-14. Brine Shrimp and Brine Shrimp Eggs.~~**

- (1) A certificate of registration is not required to collect, transport, or possess brine shrimp and brine shrimp eggs for personal use, provided:
  - (a) the brine shrimp and brine shrimp eggs are collected, transported, and possessed together with water in a container no larger than one gallon;
  - (b) no more than a one gallon container of brine shrimp and brine shrimp eggs, including water, is collected during any consecutive seven day period; and
  - (c) the brine shrimp or brine shrimp eggs following possession are not released live into the Great Salt Lake, Sevier River, or any of their tributary waters.

**KEY:** wildlife, animal protection, import restrictions, zoological animals

**Date of Last Change:** ~~2026~~**[October 1, 2023]**

**Authorizing, and Implemented or Interpreted Law:** 23A-2-304; 23A-2-305; 23A-5-309; 23A-5-305; 63G-7-101 et seq.

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 57969
<b>Rule or section number:</b>	<b>R657-59a</b>

**1. Agency Information**

<b>Title catchline:</b>	Natural Resources, Wildlife Resources
<b>Building:</b>	DNR Complex
<b>Street address:</b>	1594 W North Temple
<b>City, state:</b>	Salt Lake City, UT 84416
<b>Mailing address:</b>	PO Box 146301
<b>City, state and zip:</b>	Salt Lake City, UT 84414-6301

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Staci Coons	801-450-3093	stacicoons@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R657-59a. Private Fish Ponds
<b>B. Purpose of the new rule or reason for the change:</b>
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) rules pursuant to regulating private fish ponds.
<b>C. Summary of the new rule or change:</b>
The proposed amendments to this rule: <ul style="list-style-type: none"> <li>1) reclassify New Zealand Mud Snails from prohibited to controlled;</li> <li>2) adds fish from private aquaculture facilities that have New Zealand mud snails to the established protocol for private pond owners to purchase;</li> <li>3) clarifies where Redear Sunfish will be approved in Utah;</li> <li>4) clarifies process for issuing and renewing Certificates of Registration; and</li> <li>5) technical corrections as needed.</li> </ul>

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
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>B. Local governments:</b>
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.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
The proposed rule amendments may directly impact a fish production hatchery that currently have New Zealand Mud snail in the facility, however the cost or savings benefits are impossible to estimate.
<b>D. Non-small businesses</b> ("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.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
The proposed rule amendments do not have the potential to impact other persons that have private ponds in Utah, nor is a service required of them.
<b>F. Compliance costs for affected persons:</b>
The DWR has determined that this amendment may not create additional costs for those individuals wishing to stock private ponds in Utah because it simply expands existing criteria.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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.

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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-9-305	Section 23A-9-202	
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**10. Incorporation by Reference Information**

<b>Incorporation by Reference:</b>	
<b>A. This rule adds or updates the following title of material incorporated by reference</b> (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i> ):	
<b>Official Title of Materials Incorporated (from title page)</b>	Locations where Fertile Rainbow Trout and Brown Trout Stocking Requires a COR
<b>Publisher</b>	Division of Wildlife Resources
<b>Issue Date</b>	August 14, 2023

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Riley Peck, Director	<b>Date:</b>	05/07/2026
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**R657. Natural Resources, Wildlife Resources.**

**R657-59a. Private Fish Ponds.**

**R657-59a-1. Purpose and Authority.**

- (1) Under the authority of Sections 23A-9-305 and 23A-9-202, this rule provides the standards and procedures for private fish ponds.
- (2) Fee fishing facility and private aquaculture facility licensing is regulated by the Utah Department of Agriculture and Food under Title 4, Utah Agricultural Code, Chapter 37, Aquaculture Act, and Rule R58-17.
- (3) A person operating a private fish pond must also comply with all requirements established by Title 4, the Utah Agricultural Code and all rules promulgated by the Utah Department of Agriculture and Food, including:
  - (a) requirements for the importation of aquaculture products into Utah; and
  - (b) requirements for fish health approval for aquaculture products.
- (4) Any violation of, or failure to comply with Title 23A, the Wildlife Resources Code of Utah, this rule, or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for suspension of the certificate of registration or denial of future certificates of registration, as determined by the division.

**R657-59a-2. Definitions.**

- (1) "Aquaculture" means the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions.
- (2) "Aquaculture facility" means any facility used for the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions that holds a valid aquaculture facility license from the Utah Department of Agriculture and Food.

- (3)(a) "Aquaculture product" means privately purchased, domestically produced aquatic organisms, or their gametes.
- (b) "Aquaculture product" does not mean aquatic wildlife obtained from the wild, aquatic wildlife produced by the state or federally owned aquaculture facilities, or ornamental aquatic animal species.
- (4) "Aquaponics facility" means a facility that combines fish and plant culture for a non-commercial purpose where:
- (a) all water flowing into or through the facility is completely isolated from any other water source via a self-contained water transport system;
- (b) all water and waste flowing from the facility is discharged into a permitted sewer or septic system or there is no risk that water and waste discharged from the facility can enter a public waterway or waterbody;
- (c) the aquatic animals held within the facility are used for non-commercial purposes only;
- (d) no aquatic animals or their gametes are transported from the facility alive; and
- (e) the primary use of the facility is for food production and not for the general display of fish in aquaria.
- (5) "Aquatic wildlife" for the purposes of this chapter means:
- (a) fish, mollusk, or crustacean species that are spawned and hatched in public waters, state or federal aquaculture facilities, and;
- (b) fish, mollusk, or crustacean species that escape a private fish pond into a public water.
- (6) "Certified sterile aquaculture product" means any fish or gamete that originates from a health certified source, as described in Title 4, Utah Agricultural Code, Chapter 37, Aquaculture Act and is incapable of reproduction due to triploidy or hybridization, and is confirmed as sterile using the protocol described in ~~[Sections R657-59-7 and]~~ Section R657-59a-5.
- (7) "Division" means the Utah Division of Wildlife Resources.
- (8) "FEMA" means Federal Emergency Management Administration.
- (9) "HUC" or "Hydrologic Unit Code" means a cataloging system developed by the U.S. Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States.
- (10) "Institutional aquaculture" means aquaculture engaged in by a school, college, university, or other educational program, or public agency other than the division.
- (11) "Lake" means a naturally formed, perennial or intermittent, non-flowing waterbody that collects and keeps water in quantity for use.
- (12) "Lot" means fish of the same species that are subject to a health inspection under the Aquatic Animal Health Inspection Policy in Subsection R58-17-2(26), which establishes guidelines for lot designation for salmonid and non-salmonid fish.
- (13) "Natural stream channel" means a body of water that maintains continuous, seasonal or potential flow, as determined by the division.
- (14)(a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is cultured for display and then sold in the United States' aquarium industry for display.
- (b) "Ornamental aquatic animal species" does not include:
- (i) fresh water;
- (A) sport fish - aquatic animal species regulated for angling or harvest for recreation or sport;
- (B) baitfish - aquatic animal species authorized for use as bait in Section R657-13-12, or any other species used by anglers as bait in sporting fishing;
- (C) food fish - aquatic animal species cultured or harvested from the wild for human consumption; or
- (D) native species; or
- (ii) aquatic animals and marine aquatic animals prohibited for importation or possession by any state, federal, or local law; or
- (iii) aquatic animals and marine aquatic animals listed as prohibited or controlled in Sections R657-3-22 and R657-3-23.
- (15) "Private fish pond" means a standing body of water or any fish culture system which:
- (a) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;
- (b) is contained entirely on privately owned land; and
- (c) is used for holding or rearing fish for a private, non-commercial purpose.
- (16) "Purchase" means to buy, or otherwise acquire or obtain through barter, exchange, or trade for monetary consideration or advantage.
- (17) "Reservoir" means an artificially constructed, non-flowing waterbody that is used to collect and keep water in quantity for use built by damming a natural stream channel.
- (18) "Salmonid" means any fish belonging to the trout or salmon family.
- (19) "Short-term fishing event" means an event where:
- (a) privately acquired fish are held or confined for a period not to exceed ten days in a temporary event tank;
- (b) for the purposes of providing a recreational opportunity; and
- (c) no fee is charged as a requirement to fish.
- (20) "Sterile" means the inability to reproduce.

### **R657-59a-3. Aquaculture Facility Requirements.**

(1) An aquaculture facility that possesses a valid license from the Utah Department of Agriculture and Food may stock aquatic wildlife into private fish ponds in Utah, provided:

- (a)(i) The purchaser of the aquatic wildlife possesses a valid private fish pond certificate of registration as issued by the division; or

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- (ii) the species being stocked meets the criteria where a certificate of registration is not required as described in Section R657-59a-5;
- (b) Any triploid aquaculture product that are stocked originate from a lot that has been tested and meet the requirements specified in Subsection R657-59a-~~[9]~~10(3); and
- (c) The aquaculture facility provides the purchaser of any triploid fish a copy of the letter issued by the division certifying that the stocked fish originate from a lot that meets the requirements specified in Subsection R657-59a-~~[9]~~10(3).
- (2) The division may collect aquatic wildlife from private fish ponds to verify that the species and ploidy meet the requirements of this rule.
- (3)(i) It is unlawful for an aquaculture facility to release aquatic wildlife that violates the terms of Rule R657-59a or other rules established under Title 23A, the Wildlife Resources Code of Utah, and the Wildlife Board.
- (ii) Violation of this rule may result in a violation of Sections 23A-5-305 and 4-37-601.

**R657-59a-4. Certificate of Registration Not Required.**

- (1) A certificate of registration is not required to receive and stock an aquaculture product in a private fish pond, provided:
  - (a) the pond is not a natural lake, natural flowing stream, or reservoir constructed on a natural flowing stream;
  - (b) the private fish pond satisfies the screening requirements established in Section R657-59a-~~[7]~~9;
  - (c) the species, sub-species, and sterility of the aquaculture product received is authorized for stocking in the area where the private fish pond is located consistent with the requirements in Section R657-59a-~~[9]~~10;
  - (d) the aquaculture product is:
    - (i) delivered to the private fish pond by a licensed aquaculture facility as defined in Title 4, Utah Agricultural Code, Chapter 37, Aquaculture Act; or
    - (ii) the owner, lessee, or operator of the private fish pond:
      - (A) possesses documentation from the aquaculture facility verifying the information itemized in Subsection R657-59a-~~[6]~~7(4)(b) during transport; and
      - (B) assumes legal responsibility for directly transporting the fish from the aquaculture facility to the private fish pond;
    - (e) the owner, lessee, or operator of the private fish pond obtains from the aquaculture facility providing the aquaculture product a valid health approval number issued by the Utah Department of Agriculture and Food pursuant to Title 4, Utah Agricultural Code, Chapter 37, Aquaculture Act; and
    - (f) the owner or operator of the private fish pond provides the aquaculture facility a signed written statement that the pond and aquaculture product received are in compliance with this section.
  - (2) A certificate of registration is required to receive and stock an aquaculture product in a private fish pond when the criteria described in Subsection (1) are not met.

**R657-59a-5. Certified Sterile Aquaculture Product.**

- (1) For the purposes of this rule, the following hybrid fish species are considered certified sterile aquaculture product:
  - (a) Splake;
  - (b) Tiger Muskellunge;
  - (c) Tiger Trout; and
  - (d) Wiper.
- (2) ~~[Triloid]~~ Triploid grass carp ~~[is]are only considered [a certified]~~ sterile aquaculture product if documentation is submitted by an aquaculture facility to the division that demonstrates that each fish is tested individually and meets the standards of the U.S. Fish and Wildlife Service National Triploid Grass Carp Inspection and Certification Program. In addition, the same documentation must be provided by the aquaculture facility to customers who purchase triploid grass carp.
- (3) All other species not specified in Subsections R657-59a-5(1) and (2) may be considered certified sterile aquaculture product if they are triploid and the following procedures are followed:
  - (a) fish samples from each lot of triploid fish at an aquaculture facility are collected, prepared, and submitted to a certified laboratory by an independent veterinarian, certified fish health professional, or other professional approved by the division or Utah Department of Agriculture and Food;
  - (b) certified laboratories shall be limited to independent, professional laboratories capable of reliably testing fish sterility and approved by the division;
  - (c) sterility shall be determined by sampling and testing 60 fish from each lot using either flow cytometry, particle analysis, or karyotyping;
  - (d) at least 95% of the fish test triploid; and
  - (e) the professional laboratory submitted the testing results directly to the division and the division ~~[issued]~~will issue the aquaculture facility a letter verifying that the lot meets the criteria established in Subsections R657-59a-5~~[-]~~(3)(a) through (d). A copy of this letter must be provided to all customers who purchase triploid fish.
- (4) An aquaculture facility that receives certified sterile aquaculture product from another aquaculture facility is not required to conduct additional sterility testing before stocking the aquaculture product, provided the division is given documentation demonstrating that the fish meet the requirements of Subsection R657-59a-5(3) and the sterile fish are kept segregated from other fertile fish.

**R657-59a-9. Species and Reproductive Capabilities of Aquaculture Product Authorized by Area for Stocking in Private Fish Ponds.**

(1) Aquaculture product may be stocked into a private fish pond without a certificate of registration provided the pond stocked with aquaculture product is outside the Virgin River drainage or the 100 year floodplain of the Colorado River and its tributaries; and the aquaculture product stocked belongs to one of the following species:

~~\_\_\_\_\_ (a) In all drainages except the Virgin River drainage:~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ (a) any species defined as certified sterile aquaculture product as established in Subsection R657-59a-5(1); and~~

~~(e)\_\_\_\_\_ (b) triploid individuals from the following species, provided the stocked aquaculture product is from a lot that meets the requirements specified in [Subsection]Subsections R657-59a-5(2), R657-59a-5(3) and R657-59a-5(4):~~

~~(i) -Bluegill;~~

~~(ii) -Black Crappie;~~

~~(iii) Yellow Perch;~~

~~(iv) Grass Carp;~~

~~(v) Brook Trout;~~

~~(~~vi~~)vi) Brown Trout;~~

~~(~~vii~~)vii) Lake Trout; and~~

~~(~~viii~~)viii) Rainbow Trout.~~

~~(1) In the Virgin River Drainage, only Triploid Rainbow Trout may be stocked without a certificate of registration, Black Crappie, Wiper, Tiger Trout, Largemouth Bass, triploid Grass Carp, and fertile Rainbow Trout may be stocked if a certificate of registration is obtained from the division pursuant to Section R657-59a-12.~~

(2) Fertile rainbow trout and brown trout may be stocked into all waters without a certificate of registration except those identified in a table entitled Table 59-~~[+]~~2, dated August 14, 2023 is incorporated by reference. Table 59-~~[+]~~2 can be accessed in person or by contacting the Salt Lake division office located at 1594 West North Temple, Salt Lake City, Utah 84114, and on the division's Certificates of Registration webpage at

<https://wildlife.utah.gov/licenses/certificates-of-registration.html>, copy currently available at:

[https://docs.google.com/document/d/16KMRMSp5pZnvZforuCdWwzF9tRdiEObqFW-mvTqAsWE/edit?usp=sharing\[+\]](https://docs.google.com/document/d/16KMRMSp5pZnvZforuCdWwzF9tRdiEObqFW-mvTqAsWE/edit?usp=sharing[+]).

~~\_\_\_\_\_ (2)\_\_\_\_\_ (3) Redear sunfish may only be stocked with a certificate of registration into waters within the watersheds identified in a table entitled Table 59-2, dated (insert date) and is incorporated by reference. Table 59-2 can be accessed in person or by contacting the Salt Lake division office located at 1594 West North Temple, Salt Lake City, Utah 89414, and on the division's Certificates of Registration webpage at: [heeps://wildlife.utah.gov/licenses/certificates-of-registration.html](https://wildlife.utah.gov/licenses/certificates-of-registration.html).~~

~~\_\_\_\_\_ (4) A certificate of registration must be obtained from the division pursuant to Section R657-59a-11 before stocking any private fish pond with any species or sterility of aquaculture product not specifically authorized in this Section.~~

~~\_\_\_\_\_ (b)\_\_\_\_\_ (i)~~

**R657-59a-10. Stocking from Hatcheries with New Zealand Mud Snails.**

~~\_\_\_\_\_ (1) A certificate of registration [application to stock triploid grass carp for control of aquatic weeds will be evaluated based upon:~~

~~(1) adequacy of screening] must be obtained from the division before stocking any aquaculture product that originates from an aquaculture facility that is known to contain [the grass carp; and] New Zealand mud snails (*Potamopyrgus antipodarum*).~~

~~\_\_\_\_\_ (2) potential for conflict with division management objectives or detrimental interactions with other species of fish or wildlife.~~

~~\_\_\_\_\_ (ii) To import, transport, or stock live grass carp, each fish must be verified as being sterile triploid by the U.S. Fish and Wildlife Service.~~

~~\_\_\_\_\_ (2) Provided all other provisions of this rule are met, an additional certificate of registration is not required to stock aquaculture products from facilities that are free from New Zealand mud snails.~~

**R657-59a-~~[40]~~11. Fishing License and Transportation of Dead Aquaculture Product.**

~~[(+)\_\_\_\_\_] A fishing license is not required to:~~

~~[(a)\_\_\_\_\_] 1) take fish from a legally recognized private fish pond; or~~

~~[(b)\_\_\_\_\_] 2) to transport dead aquaculture product from a private fish pond, provided that the person in possession of the dead aquaculture product can provide the name, address, and phone number of the owner of the private fish pond if requested by the division.~~

**R657-59a-~~[44]~~12. Application for a Fish Stocking Certificate of Registration; Application Criteria; Amendment of Certificate of Registration.**

(1) The following persons may apply for a certificate of registration for a private fish pond:

(a) The owner of the private fish pond;

(b) The president of a homeowners association, if the pond is on homeowners association property; or

(c) An individual who is a full-time employee of the private pond owner, who represents the pond owner or is a property manager.

(2)(a) A person may apply for a certificate of registration for a fish stocking activity by submitting an application with the required handling and inspection fee following the instructions provided at: <https://wildlife.utah.gov/private-ponds.html>

(b) The application may require up to 30 days for processing.

(c) The division may require a site inspection of the stocking location be performed to confirm compliance with the provisions found in this rule.

(d) The division may deny an application when:

(i) the application is incomplete, filled out incorrectly, or submitted without the appropriate fee;

(ii) receiving or stocking the aquaculture product or aquatic wildlife may:

NOTICES OF PROPOSED RULES

- (A) violate any federal, state or local law or any agreement between the state and another party;
- (B) negatively impact native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;
- (C) pose an identifiable adverse threat to other wildlife species or their habitat;
- (D) pose an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives; or
- (iii) the applicant has violated Title 23A, the Wildlife Resources Code of Utah, Title R657, a guidebook of the Wildlife Board, a certificate of registration, an order of the Wildlife Board, or any other law related to the applicant's ability to responsibly carry out the stocking activity.

(3) A certificate of registration for a private fish pond is effective 5 years from the date of issuance as identified on the certificate of registration. Certificates of registration cannot be renewed after the expiration date identified on the certificate of registration has passed and a new certificate of registration must be granted after the expiration date. During the effective period of the certificate of registration, the certificate of registration holder may stock any of the aquaculture products approved by the certificate of registration at the locality identified on the certificate of registration so long as all stipulations under Rule R657-59a are adhered to, unless the certificate of registration is:

- (a) amended by the division at the request of the certificate of registration holder. The division cannot amend certificates of registration to add additional species. The addition of species requires the issuance of a new certificate of registration. Amendments do not change the expiration date of a certificate of registration and the original expiration date will remain after an amendment;
- (b) terminated or modified by the division pursuant to Section R657-59-13; or
- (c) suspended by the division or a court pursuant to Section 23A-4-1106.

**R657-59a-[12]13. Expiration and Termination of Certificates of Registration.**

If a certificate of registration expires or the division suspends or terminates the certificate of registration, all live aquaculture products permitted under the certificate of registration shall be disposed of in a manner that complies with all federal, state, and local laws.

**R657-59a-[13]14. Prohibited Activities.**

- (1) Live aquatic wildlife may not be collected from the wild and used in stocking activities unless authorized by the Wildlife Board and Fish Health Policy Board.
- (2) A person may not release or transport any live aquaculture product received or held under this rule without prior written authorization of the division and the Fish Health Policy Board.

**R657-59a-[14]15. Administrative Appeal Procedures.**

- (1) An aggrieved party to a final division action under this rule may file a request for agency action with the division under Rule R657-2.
- (2) The Director or a designee appointed by the Director shall be the presiding officer for any adjudicative proceedings initiated under this rule.

**KEY: wildlife, aquaculture, fish**

**Date of Last Change: 2026[November 21, 2023]**

**Authorizing, and Implemented or Interpreted Law: 23A-9-305; 23A-9-202**

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 57970
<b>Rule or section number:</b>	<b>R657-59b</b>

**1. Agency Information**

<b>Title catchline:</b>	Natural Resources, Wildlife Resources
<b>Building:</b>	DNR Complex
<b>Street address:</b>	1594 W North Temple
<b>City, state:</b>	Salt Lake City, UT 84416
<b>Mailing address:</b>	PO Box 146301
<b>City, state and zip:</b>	Salt Lake City, UT 84414-6301

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Staci Coons	801-450-3093	stacicoons@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R657-59b. Short-Term Fishing Events
<b>B. Purpose of the new rule or reason for the change:</b>
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) rules pursuant to regulating short-term fishing events.
<b>C. Summary of the new rule or change:</b>
The proposed amendments to this rule: 1) reclassify New Zealand Mud Snails from prohibited to controlled; 2) adds fish from private aquaculture facilities that have New Zealand mud snails to the established protocol for private pond owners to purchase; and 3) technical corrections as needed.

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
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>B. Local governments:</b>
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.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
The proposed rule amendments may directly impact a fish production hatchery that currently have New Zealand Mud snail in the facility, however, the cost or savings benefits are impossible to estimate.
<b>D. Non-small businesses</b> ("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.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
The proposed rule amendments do not have the potential to impact other persons that have private ponds in Utah, nor is a service required of them.
<b>F. Compliance costs for affected persons:</b>
The DWR has determined that this amendment may not create additional costs for those individuals wishing to stock private ponds in Utah because it simply expands existing criteria.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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.

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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-9-305	Section 23A-9-203	
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**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Riley Peck, Director	<b>Date:</b>	05/07/2026
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**R657. Natural Resources, Wildlife Resources.**

**R657-59b. Short-Term Fishing Events.**

**R657-59b-1. Purpose and Authority.**

- (1) Under the authority of Sections 23A-9-305 and 23A-9-203, this rule provides the standards and procedures for short-term fishing events.
- (2) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Utah Agricultural Code, Chapter 37, Aquaculture Act and Rule R58-17.
- (3) A person operating a short-term fishing event must also comply with all requirements established by Title 4, the Utah Agricultural Code and all rules promulgated by the Utah Department of Agriculture and Food, including:
  - (a) requirements for the importation of aquaculture products into Utah; and
  - (b) requirements for fish health approval for aquaculture products.
- (4) Any violation of, or failure to comply with, Title 23A, the Wildlife Resources Code of Utah, this rule, or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for suspension of the certificate or denial of future certificates, as determined by the division.

**R657-59b-2. Definitions.**

(1)(a) "Aquaculture product" means privately purchased, domestically produced aquatic organisms, or their gametes.

(b) "Aquaculture product" does not mean aquatic wildlife obtained from the wild, aquatic wildlife produced by the state or federally owned aquaculture facilities, or ornamental aquatic animal species.

(2) "Aquaponics facility" means a facility that combines fish and plant culture for a non-commercial purpose where:

(a) all water flowing into or through the facility is completely isolated from any other water source via a self-contained water transport system or there is no risk that water and waste discharged from the facility can enter a public waterway or waterbody;

(b) all water and waste flowing from the facility is discharged into a permitted sewer or septic system;

(c) the aquatic animals held within the facility are used for non-commercial purposes only;

(d) no aquatic animals or their gametes are transported from the facility alive; and

(e) the primary use of the facility is for food production and not for the general display of fish in aquaria.

(3)(a) "Event tank" means a tank, container, or vessel used to hold fish during a short-term fishing event.

(b) "Event tank" does not mean a tank, container, or vessel that is mounted to a vehicle and used to transport fish to a destination.

(4) "Institutional aquaculture" means aquaculture engaged in by a school, college, university, or other educational program, or public agency other than the division.

(5) "Lake" means a naturally formed, perennial or intermittent, non-flowing waterbody that collects and keeps water in quantity for use

(6) "Natural stream channel" means a body of water that maintains continuous, seasonal or potential flow, as determined by the division.

(7)(a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is cultured for display and then sold in the United States' aquarium industry for display.

(b) "Ornamental aquatic animal species" does not include:

(i) fresh water;

(A) sport fish - aquatic animal species regulated for angling or harvest for recreation or sport;

(B) baitfish - aquatic animal species authorized for use as bait in Section R657-13-12, or any other species used by anglers as bait in sporting fishing;

(C) food fish - aquatic animal species cultured or harvested from the wild for human consumption; or

(D) native species; or

(ii) aquatic animals and marine aquatic animals prohibited for importation or possession by any state, federal, or local law; or

(iii) aquatic animals and marine aquatic animals listed as prohibited or controlled in Sections R657-3-22 and R657-3-23.

(8) "Private fish pond" means a standing body of water or any fish culture system which:

(a) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;

(b) is contained entirely on privately owned land; and

(c) is used for holding or rearing fish for a private, non-commercial purpose.

(9) "Reservoir" means an artificially constructed, non-flowing waterbody that is used to collect and keep water in quantity for use built by damming a natural stream channel.

(10) "Short-term fishing event" means any event where:

(a) privately acquired fish are held or confined for a period not to exceed ten days in a temporary event tank;

(b) for the purposes of providing a recreational opportunity; and

(c) no fee is charged as a requirement to fish.

**R657-59b-3. Aquaculture Facility Requirements.**

(1) An aquaculture facility that possesses a valid license from the Utah Department of Agriculture and Food may stock aquatic wildlife for short-term fishing events in Utah, provided:

(a)(i) The purchaser of the aquatic wildlife possesses a valid short-term fishing event certificate of registration as issued by the division; or

(ii) the species being stocked meets the criteria where a certificate of registration is not required as described in Section R657-59a-4;

(b) Any triploid aquaculture product that are stocked originate from a lot that has been tested and meet the requirements specified in Subsection R657-59a-5(3); and

(c) The aquaculture facility provides the purchaser of any triploid fish a copy of the letter issued by the division certifying that the stocked fish originated from a lot that meets the requirements specified in Subsection R657-59a-5(3[~~7~~]); and

(d) Any aquaculture product that originates from an aquaculture facility that have New Zealand mud snails must be stocked in accordance to the procedures described in Section R657-59a-10.

(2) The division may collect aquatic wildlife at short-term fishing events to verify that the species and ploidy meet the requirements of Rule R657-59a.

(3)(i) It is unlawful for an aquaculture facility to stock aquatic wildlife that violates the terms of Rule R657-59b or other rules established under Title 23A, the Wildlife Resources Code of Utah, and the Utah Wildlife Board.

(ii) Violation of this rule may result in a violation of Sections 23A-5-305 and 4-37-6.

**KEY:** wildlife, aquaculture, fish  
**Date of Last Change:** 2026[November 21, 2023]  
**Authorizing, and Implemented or Interpreted Law:** 23A-9-305; 23A-9-203

<b>NOTICE OF SUBSTANTIVE CHANGE</b>	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 57971
<b>Rule or section number:</b>	<b>R657-59c</b>

**1. Agency Information**

<b>Title catchline:</b>	Natural Resources, Wildlife Resources
<b>Building:</b>	DNR Complex
<b>Street address:</b>	1594 W North Temple
<b>City, state:</b>	Salt Lake City, UT 84416
<b>Mailing address:</b>	PO Box 146301
<b>City, state and zip:</b>	Salt Lake City, UT 84414-6301

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Staci Coons	801-450-3093	stacicoons@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R657-59c. Aquaponics
<b>B. Purpose of the new rule or reason for the change:</b>
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) rules pursuant to regulating aquaponics.
<b>C. Summary of the new rule or change:</b>
The proposed amendments to this rule: 1) reclassify New Zealand Mud Snails from prohibited to controlled; 2) add fish from private aquaculture facilities that have New Zealand mud snails to the established protocol for private pond owners to purchase; 3) add black crappie, wiper, and tiger trout to the list of species that can be stocked to aquaponic facilities in the Virgin River drainage; and 4) make technical corrections as needed.

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
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>B. Local governments:</b>
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.

<p><b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>The proposed rule amendments may directly impact a fish production hatchery that currently have New Zealand Mud snail in the facility, however, the cost or savings benefits are impossible to estimate.</p>
<p><b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.</p>
<p><b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("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>The proposed rule amendments do not have the potential to impact other persons that have private ponds in Utah, nor is a service required of them.</p>
<p><b>F. Compliance costs for affected persons:</b></p> <p>The DWR has determined that this amendment may not create additional costs for those individuals wishing to stock private ponds in Utah because it simply expands existing criteria.</p>

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

<p>After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.</p> <p>The Commissioner of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.</p>
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**8. Family Impact Information**

<p><b>A. The agency has considered this rule's impact on family health, stability, and formation:</b> <input checked="" type="checkbox"/></p>
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**9. Citation Information**

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-9-305	Section 23A-9-203	
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**11. Public Notice Information**

<b>The public may submit written or oral comments to the agency identified in box 1.</b>	
<b>A. Comments will be accepted until:</b>	07/01/2026

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	07/08/2026
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**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Riley Peck, Director	<b>Date:</b>	05/07/2026
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**R657. Natural Resources, Wildlife Resources.**

**R657-59c. Aquaponics.**

**R657-59c-1. Purpose and Authority.**

- (1) Under the authority of Sections 23A-9-305 and 23A-9-203, this rule subpart provides the standards and procedures for private fish stocking.
- (2) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Utah Agricultural Code, Chapter 37, Aquaculture Act and Rule R58-17.
- (3) A person engaging in private fish stocking must also comply with all requirements established by Title 4, the Utah Agricultural Code and all rules promulgated by the Utah Department of Agriculture and Food, including:
  - (a) requirements for the importation of aquaculture products into Utah; and
  - (b) requirements for fish health approval for aquaculture products.
- (4) Any violation of, or failure to comply with, Title 23A, the Wildlife Resources Code of Utah, this rule, or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for suspension of the certificate or denial of future certificates, as determined by the division.

**R657-59c-2. Definitions.**

- (1)(a) "Aquaculture product" means privately purchased, domestically produced aquatic organisms, or their gametes.
- (b) "Aquaculture product" does not mean aquatic wildlife obtained from the wild, aquatic wildlife produced by the state or federally owned aquaculture facilities, or ornamental aquatic animal species.
- (2) "Aquaponics facility" means a facility that combines fish and plant culture for a non-commercial purpose where:
  - (a) all water flowing into or through the facility is completely isolated from any other water source via a self-contained water transport system or there is no risk that water and waste discharged from the facility can enter a public waterway or waterbody;
  - (b) all water and waste flowing from the facility is discharged into a permitted sewer or septic system;
  - (c) the aquatic animals held within the facility are used for non-commercial purposes only;
  - (d) no aquatic animals or their gametes are transported from the facility alive; and
  - (e) the primary use of the facility is for food production and not for the general display of fish in aquaria.
- (3) "Institutional aquaculture" means aquaculture engaged in by a school, college, university, or other educational program, or public agency other than the division.
- (4) "Lake" means a naturally formed, perennial or intermittent, non-flowing waterbody that collects and keeps water in quantity for use
- (5) "Natural stream channel" means a body of water that maintains continuous, seasonal or potential flow, as determined by the division.
- (6) "Private fish pond" means a standing body of water or any fish culture system which:
  - (a) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;
  - (b) is contained entirely on privately owned land; and
  - (c) is used for holding or rearing fish for a private, non-commercial purpose.
- (7) "Reservoir" means an artificially constructed, non-flowing waterbody that is used to collect and keep water in quantity for use built by damming a natural stream channel.
- (8) "Short-term fishing event" means an event where:

- (a) privately acquired fish are held or confined for a period not to exceed ten days in a temporary event tank;
- (b) for the purposes of providing a recreational opportunity; and
- (c) no fee is charged as a requirement to fish.

**R657-59c-3. Aquaculture Facility Requirements.**

(1) An aquaculture facility that possesses a valid license from the Utah Department of Agriculture and Food may stock aquatic wildlife into aquaponics facilities within Utah, provided:

- (a)(i) The purchaser of the aquatic wildlife possesses a valid aquaponics facility certificate of registration as issued by the division;
- or
- (ii) the species being stocked meets the criteria where a certificate of registration is not required as described in Section R657-59a-4;

(b) Any triploid aquaculture product that are stocked originate from a lot that has been tested and meet the requirements specified in Subsection R657-59a-5(3); and

(c) The aquaculture facility provides the purchaser of any triploid fish a copy of the letter issued by the division certifying that the stocked fish originated from a lot that meets the requirements specified in Subsection R657-59a-5(3~~+~~); and

(d) Any aquaculture product that originates from an aquaculture facility that have New Zealand mud snails must be stocked in accordance to the procedures described in Section R657-59a-10.

(2) The division may collect aquatic wildlife from aquaponics facilities to verify that the species and ploidy meet the requirements of Rule R657-59a.

(3)(i) It is unlawful for an aquaculture facility to release aquatic wildlife that violates the terms of Rule R657-59c or other rules established under Title 23A, the Wildlife Resources Code of Utah, and the Utah Wildlife Board.

- (ii) Violation of this rule may result in a violation of Sections 23A-5-305 and 4-37-6.

**R657-59c-4. Certificate of Registration Not Required.**

(1) A certificate of registration is not required to stock an aquaculture product in an aquaponics facility, provided:

(a) the aquaculture product stocked are accompanied by a valid health approval number issued by the Utah Department of Agriculture and Food under Title 4, Utah Agricultural Code, Chapter 37, Aquaculture Act;

(b) The facility is located outside the 100 year floodplain of the Colorado River and its tributaries;

(c) In the Virgin River drainage, only the following species may be stocked:

(i) Largemouth Bass;

(ii) Bluegill;~~and~~

(iii) Black Crappie;

(iv) Wiper;

(v) Tiger Trout; and

(vi) Rainbow Trout.

(d) In all other drainages, the following species may be stocked:

(i) bluegill;

(ii) hybrid bluegill (bluegill x green sunfish);

(iii) redear sunfish;

(iv) green sunfish;

(v) striped bass;

(vi) white bass;

(vii) hybrid striped bass or wiper (white bass x striped bass);

(viii) largemouth bass;

(ix) smallmouth bass;

(x) channel catfish;

(xi) yellow perch;

(xii) fathead minnow;

(xiii) black crappie;

(xiv) white crappie;

(xv) rainbow trout;

(xvi) cutthroat trout;

(xvii) brown trout;

(xviii) brook trout;

(xix) tiger trout;

(xx) walleye;

(xxi) white sturgeon; and

(xxii) any aquatic animal species classified as non-controlled for possession and importation under Section R657-3c-5.

(3) A certificate of registration must be obtained from the division under Section R657-59c-7 before stocking in any facility that does not meet the definition of an aquaponics facility in Subsection R657-59c-2(2), or meet the criteria in Subsection R657-59c-4(1).

NOTICES OF PROPOSED RULES

**R657-59c-7. Application for a Aquaponics Certificate of Registration; Application Criteria; Amendment of Certificate of Registration.**

- (1) The following persons may apply for a certificate of registration for an aquaponics facility:
  - (a) The owner of the aquaponics facility; and
  - (b) An individual who is a full-time employee of the aquaponics facility owner and represents the owner as a facility manager.
- (2)(a) A person may apply to receive a certificate of registration for an aquaponics facility by submitting an application with the required handling and inspection fee following the instructions provided at: <https://wildlife.utah.gov/private-ponds.html>
- (b) The application may require up to 30 days for processing.
- (c) The division may require a site inspection of the stocking location be performed to confirm compliance with the provisions found in this rule.
  - (d) The division may deny an application where:
    - (i) the application is incomplete, filled out incorrectly, or submitted without the appropriate fee;
    - (ii) receiving or stocking the aquaculture product or aquatic wildlife may:
      - (A) violate any federal, state or local law or any agreement between the state and another party;
      - (B) negatively impact native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;
      - (C) pose an identifiable adverse threat to other wildlife species or their habitat;
      - (D) pose an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives;
    - (iii) the applicant has violated Title 23A, the Wildlife Resources Code of Utah, Title R657, a guidebook of the Wildlife Board, a certificate of registration, an order of the Wildlife Board, or any other law related to the applicant's ability to responsibly carry out the stocking activity.
- (3) A certificate of registration for an aquaponics facility may remain effective for up to 5 years from the date of issuance as identified on the certificate of registration. Certificates of registration cannot be renewed after the expiration date identified on the certificate of registration and a new certificate of registration must be granted after the expiration date. During the effective period of the issued certificate of registration, the certificate of registration holder may stock any of the aquaculture products approved on the certificate of registration at the locality identified on the certificate of registration as long as all stipulations under Rule R657-59c are adhered to, unless the certificate of registration is:
  - (a) amended by the division at the request of the certificate of registration holder. The division cannot amend certificates of registration to add additional species. The addition of species requires the issuance of a new certificate of registration;
  - (b) terminated or modified by the division pursuant to Section R657-59c-8; or
  - (c) suspended by the division or a court pursuant to Section 23-19-9.

**KEY: wildlife, aquaculture, fish**

**Date of Last Change: 2026[November 21, 2023]**

**Authorizing, and Implemented or Interpreted Law: 23A-9-305; 23A-9-203**

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> Amendment	<b>Filing ID:</b> 57972
<b>Rule or section number:</b>	<b>R657-59d</b>

**1. Agency Information**

<b>Title catchline:</b>	Natural Resources, Wildlife Resources
<b>Building:</b>	DNR Complex
<b>Street address:</b>	1594 W North Temple
<b>City, state:</b>	Salt Lake City, UT 84416
<b>Mailing address:</b>	PO Box 146301
<b>City, state and zip:</b>	Salt Lake City, UT 84414-6301

**2. 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.**

**3. General Information**

<b>A. Rule or section catchline:</b>
R657-59d. Institutional Aquaculture

<b>B. Purpose of the new rule or reason for the change:</b>
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) rules pursuant to regulating aquaculture.
<b>C. Summary of the new rule or change:</b>
The proposed amendments to this rule: 1) reclassify New Zealand Mud Snails from prohibited to controlled; 2) add fish from private aquaculture facilities that have New Zealand mud snails to the established protocol for private pond owners to purchase; and 3) make technical corrections as needed.

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
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>B. Local governments:</b>
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.
<b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):
The proposed rule amendments may directly impact a fish production hatchery that currently have New Zealand Mud snail in the facility, however, the cost or savings benefits are impossible to estimate.
<b>D. Non-small businesses</b> ("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.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
The proposed rule amendments do not have the potential to impact other persons that have private ponds in Utah, nor is a service required of them.
<b>F. Compliance costs for affected persons:</b>
The DWR has determined that this amendment may not create additional costs for those individuals wishing to stock private ponds in Utah because it simply expands existing criteria.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

NOTICES OF PROPOSED RULES

Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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.

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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-9-305	Section 23A-9-203	
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**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Riley Peck, Director	<b>Date:</b>	05/07/2026
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**R657. Natural Resources, Wildlife Resources.**

**R657-59d. Institutional Aquaculture.**

**R657-59d-1. Purpose and Authority.**

- (1) Under the authority of Sections 23A-9-305 and 23A-9-203, this rule provides the standards and procedures for institutional aquaculture.
- (2) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Utah Agricultural Code, Chapter 37, Aquaculture Act and Rule R58-17.
- (3) A person engaging in institutional aquaculture must also comply with all requirements established by Title 4, the Utah Agricultural Code and all rules promulgated by the Utah Department of Agriculture and Food, including:
  - (a) requirements for the importation of aquaculture products into Utah; and
  - (b) requirements for fish health approval for aquaculture products.
- (4) Any violation of, or failure to comply with, Title 23A, the Wildlife Resources Code of Utah, this rule, or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for suspension of the certificate or denial of future certificates, as determined by the division.

**R657-59d-2. Definitions.**

- (1)(a) "Aquaculture product" means privately purchased, domestically produced aquatic organisms, or their gametes.

- (b) "Aquaculture product" does not mean aquatic wildlife obtained from the wild, aquatic wildlife produced by the state or federally owned aquaculture facilities, or ornamental aquatic animal species.
- (2) "Aquaponics facility" means a facility that combines fish and plant culture for a non-commercial purpose where:
- (a) all water flowing into or through the facility is completely isolated from any other water source via a self-contained water transport system;
- (b) all water and waste flowing from the facility is discharged into a permitted sewer or septic system or there is no risk that water and waste discharged from the facility can enter a public waterway or waterbody;
- (c) the aquatic animals held within the facility are used for non-commercial purposes only;
- (d) no aquatic animals or their gametes are transported from the facility alive; and
- (e) the primary use of the facility is for food production and not for the general display of fish in aquaria.
- (3) "Institutional aquaculture" means aquaculture engaged in by a school, college, university, or other educational program, or public agency other than the division.
- (4) "Lake" means a naturally formed, perennial or intermittent, non-flowing waterbody that collects and keeps water in quantity for use
- (5) "Natural stream channel" means a body of water that maintains continuous, seasonal or potential flow, as determined by the division.
- (6) "Private fish pond" means a standing body of water or any fish culture system which:
- (a) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;
- (b) is contained entirely on privately owned land; and
- (c) is used for holding or rearing fish for a private, non-commercial purpose.
- (7) "Reservoir" means an artificially constructed, non-flowing waterbody that is used to collect and keep water in quantity for use built by damming a natural stream channel.
- (8) "Short-term fishing event" means any event where:
- (a) privately acquired fish are held or confined for a period not to exceed ten days in a temporary event tank;
- (b) for the purposes of providing a recreational opportunity; and
- (c) no fee is charged as a requirement to fish.

#### **R657-59d-3. Aquaculture Facility Requirements.**

- (1) An aquaculture facility that possesses a valid license from the Utah Department of Agriculture and Food may stock aquatic wildlife into institutional aquaculture facilities within Utah, provided:
- (a)(i) The purchaser of the aquatic wildlife possesses a valid institutional aquaculture facility Certificate of Registration as issued by the division; or
- (ii) the species being stocked meets the criteria where a certificate of registration is not required as described in Section R657-59a-4;
- (b) Any triploid aquaculture product that are stocked originate from a lot that has been tested and meet the requirements specified in Subsection R657-59a-5(3);~~and~~
- (c) The aquaculture facility provides the purchaser of any triploid fish a copy of the letter issued by the division certifying that the stocked fish originated from a lot that meets the requirements specified in Subsection R657-59a-5(3~~);~~ and
- (d) Any aquaculture product that originate from an aquaculture facility that have New Zealand mud snails must be stocked in accordance to the procedures described in Section R657-59a-10.
- (2) The division may collect aquatic wildlife from institutional aquaculture facilities to verify that the species and ploidy meet the requirements of Rule R657-59a.
- (3)(i) It is unlawful for an aquaculture facility to release aquatic wildlife that violates the terms of Rule R657-59d or other rules established under Title 23A, the Wildlife Resources Code of Utah, and the Utah Wildlife Board.
- (ii) Violation of this rule may result in a violation of Sections 23A-5-305 and 4-37-6.

#### **R657-59d-7. Application for a Fish Stocking Certificate of Registration; Application Criteria; Amendment of Certificate of Registration.**

- (1) Only persons who are full-time employees of the institution of higher learning, school, or other educational program, or public agency seeking to engage in institutional aquaculture may apply for a certificate of registration.
- (2)(a) A person may apply to receive a certificate of registration for an ~~aquaponics~~institutional aquaculture facility by submitting an application with the required handling and inspection fee following the instructions provided at: <https://wildlife.utah.gov/private-ponds.html>
- (b) The application may require up to 30 days for processing.
- (c) The division may require a site inspection of the stocking location be performed to confirm compliance with the provisions found in this rule.
- (d) The division may deny an application where:
- (i) the application is incomplete, filled out incorrectly, or submitted without the appropriate fee;
- (ii) receiving or stocking the aquaculture product or aquatic wildlife may:
- (A) violate any federal, state or local law or any agreement between the state and another party;
- (B) negatively impact native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;

NOTICES OF PROPOSED RULES

(C) pose an identifiable adverse threat to other wildlife species or their habitat;  
 (D) pose an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives; or  
 (iii) the applicant has violated Title 23A, the Wildlife Resources Code of Utah, Title R657, a guidebook of the Wildlife Board, a certificate of registration, an order of the Wildlife Board, or any other law related to the applicant's ability to responsibly carry out the stocking activity.

(2) A certificate of registration for an institutional aquaculture facility may remain effective for up to 5 years from the date of issuance as identified on the certificate of registration~~[, unless]~~. Certificates of registration cannot be renewed after the expiration date identified on the certificate of registration and a new certificate of registration must be granted after the expiration date. During the effective period of the issued certificate of registration, the certificate of registration holder may stock any of the aquaculture products approved on the certificate of registration at the locality identified on the certificate of registration as long as all stipulations under Rule R657-59d are adhered to, unless the certificate of registration is:

- (a) amended by the division at the request of the certificate of registration holder. The division cannot amend certificates of registration to add additional species. The addition of species requires the issuance of a new certificate of registration;
- (b) terminated or modified by the division pursuant to Section R657-59d-8; or
- (c) suspended by the division or a court pursuant to Section 23-19-9.

**KEY:** wildlife, aquaculture, fish

**Date of Last Change:** ~~2026~~**[November 21, 2023]**

**Authorizing, and Implemented or Interpreted Law:** 23A-9-305; 23A-9-203

<b>NOTICE OF SUBSTANTIVE CHANGE</b>	
<b>TYPE OF FILING:</b> Repeal	<b>Filing ID:</b> 58000
<b>Rule or section number:</b>	<b>R765-803</b>

**1. Agency Information**

<b>Title catchline:</b>	Higher Education (Utah Board of), Administration
<b>Building:</b>	Utah Board of Higher Education Building, The Gateway
<b>Street address:</b>	60 S 400 W
<b>City, state:</b>	Salt Lake City, UT 84101

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R765-803. Institutional Policy Review
<b>B. Purpose of the new rule or reason for the change:</b>
The purpose of this filing is to repeal Rule R765-803.  The Utah Board of Higher Education (Board) repealed Rule R765-803 and replaced it with Rule R765-263 to align with the Board's policy numbering scheme. As the substance of Rule R765-803 can now be found in Rule R765-263, Rule R765-803 is no longer necessary.
<b>C. Summary of the new rule or change:</b>
This filing repeals Rule R765-803 in its entirety based on action taken by the Utah Board of Higher Education, following a determination that this rule is no longer necessary.

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
The repeal of Rule R765-803 will not have any fiscal impact on the state budget.  Because this rule concerns only the process by which students enrolled in institutions of higher education may petition the Utah Board of Higher Education to review policies which affect their civil liberties, and therefore has no impact on the state budget, the repeal of this rule will likewise have no impact on the state budget.
<b>B. Local governments:</b>
The repeal of Rule R765-803 will not have any fiscal impact on local governments.  Because this rule concerns only the process by which students enrolled in institutions of higher education may petition the Utah Board of Higher Education to review policies which affect their civil liberties, and therefore has no impact on local governments, the repeal of this rule will likewise have no impact on local governments.
<b>C. Small businesses ("small business" means a business employing 1-49 persons):</b>
The repeal of Rule R765-803 will not have any fiscal impact on small businesses.  Because this rule concerns only the process by which students enrolled in institutions of higher education may petition the Utah Board of Higher Education to review policies which affect their civil liberties, and therefore has no impact on small businesses, the repeal of this rule will likewise have no impact on small businesses.
<b>D. Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
The repeal of Rule R765-803 will not have any fiscal impact on non-small businesses.  Because this rule concerns only the process by which students enrolled in institutions of higher education may petition the Utah Board of Higher Education to review policies which affect their civil liberties, and therefore has no impact on non-small businesses, the repeal of this rule will likewise have no impact on non-small businesses.
<b>E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</b>
The repeal of Rule R765-803 will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.  Because this rule concerns only the process by which students enrolled in institutions of higher education may petition the Utah Board of Higher Education to review policies which affect their civil liberties, and therefore has no impact on persons other than small businesses, non-small businesses, state, or local government entities, the repeal of this rule will likewise have no impact on persons other than small businesses, non-small businesses, state, or local government entities.
<b>F. Compliance costs for affected persons:</b>
The repeal of Rule R765-803 does not impose any compliance costs on affected persons as there is no fiscal impact from the repeal of this rule and there are no costs associated with repealing this rule.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0

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Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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 53H-7-302

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

**Agency head or designee and title:** Alison Adams, Board Secretary and Designee  
**Date:** 05/14/2026

**R765. Higher Education (Utah Board of), Administration.**

~~[R765-803. Institutional Policy Review.~~

~~R765-803-1. Purpose.~~

~~\_\_\_\_\_ This rule establishes a procedure whereby a student enrolled in a public institution of higher education may petition the Utah Board of Higher Education to review a policy that directly affects the student's enumerated civil liberties, which the student believes the institution adopted without first establishing an administrative rule governing the enumerated civil liberty.~~

~~R765-803-2. Authority.~~

~~\_\_\_\_\_ This rule is authorized by Subsection 53B-27-303(1).~~

~~R765-803-3. Review Process.~~

~~\_\_\_\_\_ (1) Any students enrolled at a public institution of higher education who believes the institution has adopted a policy that directly impacts one of the the the student's enumerated civil liberties but which is not governed by an existing administrative rule may petition the Utah Board of Higher Education for a review.~~

~~\_\_\_\_\_ (2) To file a petition for review, the student shall send a written request that identifies the policy for which a review is requested to: review@ushe.edu. Within 30 days of receiving the complaint, the Office of the Commissioner of Higher Education, on behalf of the Utah Board of Higher Education, shall:~~

~~\_\_\_\_\_ (a) review the petition to determine if it is made in good faith;~~

- ~~\_\_\_\_\_ (b) dismiss the petition if it is made in bad faith;~~
- ~~\_\_\_\_\_ (c) determine if the institution has established an administrative rule that adopts or governs the policy; and~~
- ~~\_\_\_\_\_ (d) if the institution lacks a governing administrative rule, direct the institution to initiate rulemaking within 60 days of the decision.~~

~~**KEY: civil liberties, Board of Regents review**~~

~~**Date of Last Change: October 19, 2019**~~

~~**Notice of Continuation: August 16, 2024**~~

~~**Authorizing, and Implemented or Interpreted Law: 53B-27-302]**~~

**End of the Notices of Proposed Rules Section**

## NOTICES OF CHANGES IN PROPOSED RULES

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After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends July 01, 2026.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (. . . . .) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through September 29, 2026, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

**CHANGES IN PROPOSED RULES** are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

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**The Changes in Proposed Rules Begin on the Following Page**

<b>NOTICE OF SUBSTANTIVE CHANGE</b>	
<b>TYPE OF FILING:</b> CPR (Change in Proposed Rule)	<b>Filing ID:</b> 57747
<b>Rule or section number:</b>	<b>R500-4</b>
<b>Date of previous publication (only for CPRs):</b>	<b>01/15/2026</b>

**1. Agency Information**

<b>Title catchline:</b>	Health and Human Services, Ombudsman (Office of)
<b>Building:</b>	Multi-Agency State Office Building
<b>Street address:</b>	195 N 1950 W
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 142003
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2003

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Sofia Latham	801-440-6775	slatham1@utah.gov
Angie McCourt	385-505-3502	amccourt@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R500-4. Congregate Care Ombudsman Program
<b>B. Purpose of the new rule or reason for the change:</b>
<p>HB 383, passed in the 2026 General Session, amended Section 26B-2-124.2 to give rulemaking authority to the Department of Health and Human Services (department) to implement and enforce that section.</p> <p>Therefore, it is appropriate to file this change in proposed rule (CPR) to reflect the updated statutory authority.</p> <p>Additionally, based on public comment from the initial filing, the department determined it is appropriate to clarify the definition of a guardian, provider resolution exceptions, implementation plans after an ombudsman recommendation investigation timeline, and the ombudsman recommendation appeal process through this CPR.</p> <p>Furthermore, based on internal discussion and direction from department leadership, this filing removes executive director involvement from the appeals process and clarifies that the Division of Customer Experience director will receive appeals, rather than the Office of Ombudsman director.</p>
<b>C. Summary of the new rule or change:</b>
<p>This CPR updates the statutory authority for this rule to Section 26B-2-124.2.</p> <p>Additionally, this filing clarifies the definition of a guardian, provider resolution exceptions, implementation plans after an ombudsman recommendation investigation timeline, and the ombudsman recommendation appeal process.</p> <p>This filing also removes executive director involvement from the appeals process and replaces "office director" with "division director" in Section R500-4-5.</p> <p>(EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the January 15, 2026, issue of the Utah State Bulletin, on page 34. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must</p>

view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**4. Legislative Action Information**

<b>A. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>B. If yes, any bill number and session:</b>	HB 383 (2026 General Session)

**5. Fiscal Information**

**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 department as a result of this filing because changes to the rule text clarify existing processes and do not add to, modify, or remove responsibilities or restrictions for the Office of Licensing and the Office of Ombudsman.

While this filing removes the involvement in the appeals process of the department's executive director, whose title was updated to commissioner by HB 384 of the 2026 General Session, and updates the recipient of appeals from "office director" to "division director" in Section R500-4-5, this change is not anticipated to result in a cost or savings to the department.

**B. Local governments:**

This filing is not anticipated to impact local governments' revenues or expenditures because local governments do not provide congregate care services and, therefore, are not affected by this rule.

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

This filing is not anticipated to result in a cost or savings for small businesses providing congregate care services because changes to the rule text clarify existing processes and do not add to, modify, or remove responsibilities or restrictions for small businesses providing congregate care services.

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

This filing is not anticipated to result in a cost or savings for non-small businesses providing congregate care services because changes to the rule text clarify existing processes and do not add to, modify, or remove responsibilities or restrictions for non-small businesses providing congregate care 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*):**

This filing is not anticipated to result in a cost or savings to persons other than small businesses, non-small businesses, state, or local governments, as it applies only to the department and congregate care providers.

There are no other persons affected by this rule filing.

**F. Compliance costs for affected persons:**

There are no anticipated compliance costs for affected persons, identified as the department and small and non-small businesses providing congregate care services, because changes to the rule text clarify existing processes and do not add to, modify, or remove responsibilities or restrictions for affected persons.

While this filing removes department executive director involvement in the appeals process and updates the recipient of appeals from "office director" to "division director" in Section R500-4-5, that change is not anticipated to result in any compliance cost.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

The Commissioner of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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-2-124.2	
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**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Commissioner	<b>Date:</b>	05/13/2026
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**R500. Health and Human Services, Ombudsman (Office of).**

**R500-4. Congregate Care Ombudsman Program.**

**R500-4-1. Authority and Purpose.**

(1) Sections 26B-1-202 and 26B-2-124.2 authorize[s] this rule[, and Section 26B-2-124.2 establishes the congregate care ombudsman].

## NOTICES OF CHANGES IN PROPOSED RULES

- (2) This rule outlines the structure, roles, functions, and operational procedures for the Congregate Care Ombudsman Program.

### **R500-4-2. Definitions.**

- (1) "Complaint" means the same as "report" is defined in Subsection 26B-2-124.2(1)(b).
- (2) "Complainant" means a person who initiates a complaint.
- (3) "Department" means the Department of Health and Human Services.
- (4) "Division" means the Division of Customer Experience under the department.
- (5) ~~["Executive director" means the executive director of the department, or a designee.]~~ "Guardian" means a person or entity including a legal custodian or designee or placing authority or designee, legally responsible for the care and management of a child.
- (6) "Ombudsman" means the congregate care ombudsman, described in Section 26B-2-124.2, or a designee.
- (7) "Office" means the Office of the Ombudsman within the division under the department.
- (8) "Office director" means the director of the office.
- (9) "Preliminary investigative review" means the second phase of the ombudsman complaint resolution process, which is initiated if a complaint has merit and remains unresolved after the complainant has attempted to resolve the issue directly with the provider.
- (10) "Provider" means an entity that provides a congregate care program, as defined in Subsection 26B-2-101(12).

### **R500-4-3. Receiving and Processing Complaints.**

- (1)(a) For a complaint to be accepted by the ombudsman, a complainant must file a complaint with the ombudsman no later than nine months from the date of any alleged circumstance that led to the complaint.
- (b) If the office director determines that there is a legitimate complaint filed more than nine months after the alleged circumstance, the office director may direct the ombudsman to accept and investigate the complaint.
- (2) The complainant may file a complaint by:
  - (a) filling out and submitting the online complaint form at [dhs.utah.gov/office-of-ombuds/congregate%20care%20ombuds/](https://dhs.utah.gov/office-of-ombuds/congregate%20care%20ombuds/);
  - (b) emailing the complaint to [dhscustomerexp@utah.gov](mailto:dhscustomerexp@utah.gov);
  - (c) calling the ombudsman at 801-538-4580; or
  - (d) mailing the complaint to:  
Multi-Agency State Office Building, Utah Department of Health and Human Services, Office of Ombudsman - 1st Floor  
195 N. 1950 West, Salt Lake City, UT 84116
- (3) Each complaint shall include:
  - (a) a summary of any alleged circumstance that led to the complaint;
  - (b) the name of any person involved in the complaint;
  - (c) a summary of any action already taken by the complainant to resolve the complaint; and
  - (d) the anticipated outcome the complainant is seeking.
- (4) If a complaint does not include the information in Subsection (3), the ombudsman shall attempt to contact the complainant to request more information.
- (5) The ombudsman shall prioritize any complaint alleging any:
  - (a) act or omission that places a child's health or safety at risk; or
  - (b) behavior that could cause serious emotional or bodily harm to any person.

### **R500-4-4. Conducting an Investigation.**

- (1) The ombudsman shall make an effort to contact the complainant within three business days of receiving a properly filed complaint to confirm receipt of the complaint and gather additional information as needed.
- (2) If the complainant has not attempted to resolve the complaint with the provider before filing the complaint, the ombudsman may refer the complainant back to the provider to attempt to resolve the complaint before the ombudsman takes further action, except when the complaint alleges:
  - (a) abuse, neglect, sexual misconduct, or trafficking;
  - (b) retaliation or intimidation;
  - (c) risk to a child's health or safety; or
  - (d) any circumstance where referring the complainant back to the provider could reasonably deter reporting or compromise safety.
- (3) If the complaint remains unresolved after the complainant attempts to resolve the complaint with the provider and the complaint has merit, the ombudsman may initiate a preliminary investigative review and contact the provider to discuss the complaint.
- (4) If the complaint remains unresolved after the ombudsman's efforts to facilitate resolution during the preliminary investigative review, the ombudsman shall determine whether further investigation is warranted based on the merits of the complaint.
  - (a) If the ombudsman decides to escalate the complaint and conduct a formal investigation, the ombudsman shall provide written notification of that decision to:
    - (i) the provider;
    - (ii) the complainant; and
    - (iii) the parent or guardian of any child mentioned in the complaint, including the complainant if the complainant is a child.

- (b) If the ombudsman determines that further investigation is not warranted, the ombudsman shall notify the complainant and the provider of the reason for the decision.
- (5) If the ombudsman determines a formal investigation is warranted, the investigation may include the ombudsman:
  - (a) interviewing the complainant and gathering information necessary to determine the validity of the complaint;
  - (b) interviewing any child admitted to the provider;
  - (c) interviewing a parent or guardian of a child admitted to the provider;
  - (d) interviewing any provider staff member;
  - (e) accessing, copying, or inspecting a provider's records related to the complaint;
  - (f) entering, inspecting, or observing any physical area of a provider's facility.
- (6) At the end of the formal investigation, the ombudsman shall:
  - (a) document the findings of the investigation; and
  - (b) make recommendations as needed to the provider to address any complaint found to be valid.
- (7)(a) The ombudsman shall complete any investigation within ~~180~~90 days from the date the complaint was filed, unless there are extenuating circumstances, such as the complexity of a case or workload.
- (b) If the ombudsman cannot complete the investigation within ~~180~~90 days, the ombudsman shall notify the complainant in an accessible format suitable to the complainant, of the reason why the final decision is delayed and the additional time needed to reach a final decision.
- (8) The ombudsman shall provide written notification of the completion of an investigation and any recommendations to:
  - (a) the provider;
  - (b) the complainant; and
  - (c) the parent or guardian of any child mentioned in the complaint, including the complainant if the complainant is a child.

**R500-4-5. Recommendation Compliance or Appeal.**

- (1) If the ombudsman makes recommendations upon completion of an investigation, the provider shall, within ten business days of receipt of the written recommendations:
  - (a) agree to comply with the recommendations by submitting a written implementation plan that includes:
    - (i) each specific step the provider will take to implement each recommendation;
    - (ii) the timeline for completion; and
    - (iii) staff responsible; or
  - (b) if the provider does not agree with the recommendations, file a written appeal with the ~~office~~division director that:
    - (i) includes why the provider does not agree with the recommendations; and
    - (ii) requests that the recommendations be amended.
- (2)(a) The ~~office~~division director shall issue a written final decision to the provider on any appeal no later than 15 business days after receiving the provider's appeal.
- (b) If the ~~office~~division director's final decision on an appeal amends the original recommendations, the ~~office~~division director shall also provide written notification of the final decision to:
  - (i) the complainant; and
  - (ii) the parent or guardian of any child mentioned in the complaint, including the complainant if the complainant is a child.
- ~~(3) The provider may submit a written appeal of the office director's decision to the executive director within ten business days of receiving the office director's decision.~~
- ~~(4)(a) The executive director shall issue a written final decision to the provider within 15 business days of receiving the appeal.~~
- ~~(b) If the executive director's final decision on an appeal amends recommendations, the executive director shall also provide written notification of the final decision to:~~
  - ~~(i) the complainant; and~~
  - ~~(ii) the parent or guardian of any child mentioned in the complaint, including the complainant if the complainant is a child.~~
- ~~(5) If the executive director cannot reach a final decision within 15 business days, the executive director shall notify the provider in writing and inform the provider the additional time needed to reach a final decision.]~~

**R500-4-6. Processing Records Requests.**

- (1) In accordance with Subsection 26B-2-124.2(4)(e), the ombudsman may access, copy, or inspect a program's records that are relevant to a complaint, investigation, or review concerning a child, including any:
  - (a) clinical file;
  - (b) medical records;
  - (c) educational records;
  - (d) progress notes;
  - (e) incident report;
  - (f) audio file;
  - (g) video file;
  - (h) behavioral plans; and

## NOTICES OF CHANGES IN PROPOSED RULES

- (i) other records that pertain to the care, treatment, or well-being of the child in the provider's program.
- (2) The ombudsman shall submit a written request for records to the provider and specify in the request:
  - (a) the purpose of the request;
  - (b) the name of any child whose records are being requested; and
  - (c) the nature of the information requested.
- (3)(a) Upon receipt of the ombudsman's written request, the provider shall provide the requested records to the ombudsman within three business days, unless a shorter timeframe is required for an urgent or expedited investigation, as described in Subsection (3)(d).
- (b) The provider shall give the ombudsman access to the requested records without requiring a release of information or consent from the child or the child's legal guardian when:
  - (i) the ombudsman requests the records as part of the ombudsman's official duties; and
  - (ii) the records are related to a specific complaint or investigation.
- (c) The provider shall deliver the records to the ombudsman in a secure, confidential manner to protect the child's privacy, such as through a secure electronic portal, encrypted email, or secure physical delivery.
- (d) If the ombudsman determines that a delay in receiving records would jeopardize the child's health, safety, or welfare, the ombudsman may make an expedited request for records.
  - (i) The ombudsman shall clearly mark any expedited request as "Expedited" and include an explanation of the immediate need for the records.
  - (ii)(A) Upon receipt of an expedited request, the provider shall provide the requested records within 24 hours.
  - (B) If the request is received after regular business hours, the 24-hour period shall begin at the start of the next business day.
- (4)(a) If a provider cannot provide the requested records to the ombudsman within the timeframe specified in this section, the provider shall immediately contact the ombudsman to explain the reason for the delay and provide a firm date by which the records will be provided.
- (b) Any provider's delay in providing requested records, as described in Subsection (4)(a), may only be the result of unforeseen and exceptional circumstances and may not be a matter of routine practice.

### **R500-4-7. Child Access to Contact with the Ombudsman.**

- (1) A provider shall ensure that each child in the provider's program has reasonable and confidential access to the ombudsman.
- (2) A provider shall promptly accommodate a child's request to contact the ombudsman and may not impede or discourage a child from contacting the ombudsman.
- (3)(a) If a child requests to contact the ombudsman during a scheduled program activity, including an educational class, group therapy, or recreational activity, the provider shall make a reasonable effort to facilitate contact between the child and the ombudsman without undue delay.
- (b) If the child expresses an urgent or immediate need to speak with the ombudsman, the provider shall facilitate contact between the child and the ombudsman as soon as it is safe and practical to do so.
- (4) A child's ability to contact the ombudsman may not be contingent on the child's behavior, therapeutic progress, or any other factor.
- (5) If a child requests to contact the ombudsman after the posted business hours, the provider shall allow the child to call the ombudsman and leave a voicemail.

### **R500-4-8. Confidentiality.**

- (1) The office may only disclose records maintained by the Congregate Care Ombudsman Program in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.
- (2) The ombudsman may not disclose the identity of a complainant or entity named in the complaint unless:
  - (a) the complainant or the legal representative of the complainant consents verbally or in writing;
  - (b) a court orders disclosure; or
  - (c) the ombudsman approves the disclosure, as part of an investigation involving the complainant, to an agency that:
    - (i) has statutory responsibility:
      - (A) for the complainant;
      - (B) over the action alleged in the complaint; or
      - (C) for another entity named in the complaint;
    - (ii) can assist the ombudsman to achieve resolution of the complaint; or
    - (iii) can provide expertise that would benefit the complainant.
- (3) The ombudsman may only be required to testify in court with respect to confidential matters when a court finds the ombudsman's testimony necessary to enforce this section.

### **R500-4-9. Complaints Regarding the Congregate Care Ombudsman Program.**

- (1) If a complaint is made to the ombudsman about the ombudsman, the ombudsman shall immediately notify the office director.
- (2)(a) The office director, or a designee, shall investigate the complaint within ten business days of the office director receiving the complaint.
- (b) The office director, or a designee, shall document the nature of the complaint and investigation.

(3)(a) The office director, or a designee, shall provide a response to the complainant within ten business days of completing the investigation.

(b) The office director, or a designee, shall document that response.

(4)(a) A complainant may file a written request for reconsideration of findings or recommendations with the division director.

(b) The division director shall review the request and investigative findings within ten business days.

(c) The division director shall provide a written response within ten business days of completing the review.

**KEY: residential treatment**

**Date of Last Change: 2026**

**Authorizing, and Implemented or Interpreted Law: 26B-1-202; 26B-2-124.2**

NOTICE OF SUBSTANTIVE CHANGE	
<b>TYPE OF FILING:</b> CPR (Change in Proposed Rule)	<b>Filing ID:</b> 57748
<b>Rule or section number:</b>	<b>R501-19A</b>
<b>Date of previous publication (only for CPRs):</b>	<b>01/15/2026</b>

**1. Agency Information**

<b>Title catchline:</b>	Health and Human Services, Human Services Program Licensing
<b>Building:</b>	Multi-Agency State Office Building
<b>Street address:</b>	195 N 1950 W
<b>City, state:</b>	Salt Lake City, UT

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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.**

**3. General Information**

<b>A. Rule or section catchline:</b>
R501-19A. Residential Treatment, Congregate Care
<b>B. Purpose of the new rule or reason for the change:</b>
Based on feedback received during original filing's public comment period, this change in proposed rule (CPR) updates the proposed new rule, Rule R501-19A, to further clarify health and safety requirements for congregate care residential treatment programs for Office of Licensing (OL) staff, providers, and the public.
<b>C. Summary of the new rule or change:</b>
This CPR updates the definition of "child in crisis" to use "or" instead of "and" and updates the definition of "confidential communication" to clarify the meaning and align with statutory requirements.
Additionally, this CPR refines provider requirements for use of any body cavity or strip search on a client to align with statute, clarifies provider requirements for a description of the program in marketing material, removes unnecessary details and clarifies "high level of care program or setting" under the disruption plan requirement section, and removes a duplicative requirement for staff training regarding suicide prevention.
This CPR also 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).

(EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the January 15, 2026, issue of the Utah State Bulletin, on page 39. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**5. Fiscal Information**

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

**A. State budget:**

This CPR is not anticipated to result in a cost or savings to the state budget, as the OL already regulates congregate care providers under other human services rules. The original filing for this new Rule R501-19A was intended to create a rule specific to congregate care residential treatment providers and include only requirements applicable to this type of residential treatment program.

The minor updates included in this CPR are intended to clarify the health and safety requirements for congregate care providers offering residential treatment services. However, these additional requirements have already been enforceable under Rules R501-1 and R501-19 and are not anticipated to introduce any new procedure to the licensing review by OL staff, so they are not anticipated to result in a cost or savings to the state budget.

Other updates in this filing that refine definitions, clarify wording, or make style and formatting changes are not anticipated to change any licensing review procedure or result in a fiscal impact to the state budget.

**B. Local governments:**

This CPR is not anticipated to impact local governments' revenues or expenditures because congregate care providers are regulated by OL and not local governments.

There will be no change in local business licensing or any other item with which local government is involved.

Before the proposal of this standalone rule for congregate care residential treatment programs, this provider type was already regulated by OL under Rules R501-1 and R501-19, and this CPR filing further clarifies the health and safety requirements for congregate care providers offering residential treatment services.

This CPR does not introduce any new requirement for congregate care residential treatment providers. Therefore, it is not anticipated to result in a cost or savings to local governments.

Updates in this filing that refine definitions, clarify wording, or make style and formatting changes are also not anticipated to change any licensing review procedure or result in any fiscal impact to local governments.

Additionally, OL has not identified any congregate care residential treatment providers that qualify as local governments.

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

The original filing for this new Rule R501-19A was intended to create a rule specific to congregate care residential treatment programs and include only requirements applicable to this type of residential treatment program.

Before the proposal of this standalone rule for congregate care residential treatment programs, this provider type was already regulated by OL under Rules R501-1 and R501-19, and this CPR filing further clarifies the health and safety requirements for congregate care providers offering residential treatment services.

This CPR does not introduce any new requirement for congregate care residential treatment providers. Therefore, it is not anticipated to result in a cost or savings to small businesses.

Updates in this filing that refine definitions, clarify wording or make style and formatting changes are also not anticipated to change any licensing review procedure or result in a fiscal impact to small businesses.

<p><b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>The original filing for this new Rule R501-19A was intended to create a rule specific to congregate care residential treatment programs and include only requirements applicable to this type of residential treatment program.</p> <p>Before the proposal of this standalone rule for congregate care residential treatment programs, this provider type was already regulated by OL under Rules R501-1 and R501-19, and this CPR filing further clarifies the health and safety requirements for congregate care providers offering residential treatment services.</p> <p>This CPR does not introduce any new requirement for congregate care residential treatment providers. Therefore, it is not anticipated to result in a cost or savings to non-small businesses.</p> <p>Updates in this filing that refine definitions, clarify wording or make style and formatting changes are also not anticipated to change any licensing review procedure or result in a fiscal impact to non-small businesses.</p>
<p><b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("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>The original filing for this new Rule R501-19A was intended to create a rule specific to congregate care residential treatment programs and include only requirements applicable to this type of residential treatment program.</p> <p>Before the proposal of this standalone rule for congregate care residential treatment programs, this provider type was already regulated by OL under Rules R501-1 and R501-19, and this CPR filing further clarifies the health and safety requirements for congregate care providers offering residential treatment services.</p> <p>This CPR does not introduce any new requirement for congregate care residential treatment providers. Therefore, it is not anticipated to result in a cost or savings to persons other than small businesses, non-small businesses, state, or local government.</p> <p>Updates in this filing that refine definitions, clarify wording, or make style and formatting changes are also not anticipated to change any licensing review procedure or result in fiscal impact to persons other than small businesses, non-small businesses, state, or local government.</p>
<p><b>F. Compliance costs for affected persons:</b></p> <p>Affected persons would be the small businesses, non-small businesses, and other persons, including nonprofit entities, operating congregate care residential treatment programs.</p> <p>Additionally, OL, as the regulatory body for health and safety standards for human services providers, is affected by the CPR.</p> <p>The original filing for this new Rule R501-19A was intended to create a rule specific to congregate care residential treatment programs and include only requirements applicable to this type of residential treatment program.</p> <p>This CPR to the new proposed rule will clarify the health and safety requirements for congregate care providers offering residential treatment services under this new standalone rule that were already enforceable under Rule R501-1 and Rule R501-19.</p> <p>This CPR does not introduce any new requirement for congregate care residential treatment providers or procedure to the licensing review by OL staff. Therefore, it is not anticipated to result in compliance costs for affected persons.</p> <p>Updates in this filing that refine definitions, clarify wording, or make style and formatting changes are also not anticipated to change any licensing review procedure or result in compliance costs for affected persons.</p>

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0

NOTICES OF CHANGES IN 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

The Commissioner of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Section 26B-2-104	Section 26B-2-124	Section 26B-2-124.1
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**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Commissioner	<b>Date:</b>	05/13/2026
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**R501. Health and Human Services, Human Services Program Licensing.**

**R501-19A. Residential Treatment, Congregate Care.**

**R501-19A-1. Authority and Purpose.**

- (1) Sections 26B-2-104, 26B-2-124, and 26B-2-124.1 authorize this rule.
- (2) This rule provides the basic health and safety standards for congregate care residential treatment licensure.

**R501-19A-2. Definitions.**

Terms used in this rule are defined in Sections 26B-2-101, 26B-2-120, 26B-2-124, and 26B-2-124.1 and Rule R380-600. Additionally:

- (1)(a) "Body cavity search" means a visual or manual inspection of a body cavity in search of prohibited material.
- (b) Body cavity search does not mean an inspection of a client's mouth after the client takes[ing] medication.
- (2) "Chemical restraint" means any drug that:

- (a) is administered to manage a client's behavior in a way that reduces the safety risk to the resident or another person;
  - (b) has the temporary effect of restricting the client's freedom of movement; and
  - (c) is not a standard treatment for a client's medical or psychiatric condition.
- (3)(a) "Child in crisis" means a child who is experiencing a situation where the child's mental health or safety is at immediate risk.
- (b) A child in crisis may exhibit extreme behaviors or emotions that require immediate intervention and support, including:
- (i) destruction of property;
  - (ii) engaging in self-injurious behavior;
  - (iii) experiencing severe aggression, agitation, or hostility;
  - (iv) expressing suicidal thoughts;
  - (v) extreme emotional changes including intense anger, irritability, or sadness;
  - (vi) hallucinating or experiencing delusions; ~~and~~or
  - (vii) withdrawal or isolation.
- (c) A child in crisis is a reportable critical incident.
- (4) "Clinical" means the type of treatment or services delivered by a mental health or medical professional who is licensed by the Division of Professional Licensing.
- (5) "Clinical director" means a professionally licensed individual responsible for the oversight of a program's clinical processes who is appropriately qualified to supervise the program's professional staff.
- (6)(a) "Confidential communication" means the unsupervised and unmonitored communication between a client in a congregate care program and the individuals referenced in Subsection 26B-2-123(6).
- (b) Confidential communication does not allow for any outside entity to have access to view or hear information contained in the confidential exchange.
- (c) Confidential communication shall align with the requirements described in Subsection 26B-2-123(6).
- (7) "~~[DACCS" means the ]~~Direct Access Clearance System" or "DACCS" means~~[-and is]~~ the online system used by Office of Background Processing (OBP) for processing and monitoring background checks for any ~~[individual]~~applicant with direct access to a client in a human services program.
- (8) "Direct care staff" means staff that works directly with a client.
- (9) "Direct supervision" means when staff actively supervises a client in close physical proximity and with uninterrupted auditory surveillance and can immediately respond to the client if necessary.
- (10) "Education entitled children" means the same as defined in Section 26B-2-116.
- (11) "Individual treatment" means individualized therapy involving a client and a clinician that may include one or more family members as clinically indicated.
- (12) "Intake assessment" means a formal review process following every new intake of a client into the program as described in Subsection R501-19A-7(4).
- (13) "Mechanical restraint" means the use of a device, material, or equipment attached or adjacent to a person's body that restricts freedom of movement and normal access to the body.
- (14) "On-duty" means an individual counted in a supervision ratio who is charged with supervising one or more clients as a primary job requirement.
- (15) "Program" means the same as "program or facility" is defined in Section 26B-2-701.
- (16) "Program director" means an individual responsible for day-to-day operations of a program.
- (17)(a) "Restraint" means the use of a device, material, or equipment that physically restricts a client's freedom of movement, physical activity, or normal access to the body, including a chemical, mechanical, or passive restraint used as a last resort as a means to prevent harm to the client or ~~[a]~~another person.
- (b) A restraint does not mean an escort used to direct, guide, or lead a client.
- (18)(a) "Seclusion" means the same as defined in Section 26B-2-101 and applies to a client.
- (b) Seclusion does not include a medically approved quarantine.
- (19) "Settings final rule" means the Home and Community-Based Services Final Rule as established in 79 FR 2948 (2014).
- (20) "Significant criminal activity" means any unlawful activity by or against any client of a provider or on-duty staff that poses a serious threat to the health, safety, or well-being of the client or staff, including:
- (a) any criminal activity that involves law enforcement;
  - (b) illegal physical or sexual misconduct or assault;
  - (c) riot;
  - (d) suspected exploitation; and
  - (e) suspected fraud.
- (21) "Significant medical emergency" means an acute injury or illness which poses an immediate risk to a client or staff's life or health or requires emergency medical care.
- (22) "Site" means a human services program identified by a single geographic location and linked to a parent program, if one exists.
- (23) "Staff" means an individual who is employed by and providing services through a provider.
- (24) "Strip search" means requiring a client to undress down to undergarments or complete nudity in view of another person.

## NOTICES OF CHANGES IN PROPOSED RULES

(25) "Telehealth" means the use of digital information and communication technologies, including computers and mobile devices, to remotely access behavioral health or health care services.

(26) "Trauma-informed" means any practice that promotes an environment of healing and recovery rather than a practice that may inadvertently re-traumatize.

### **R501-19A-3. Scope.**

Each provider shall comply with any applicable federal, state, or local law, rule, or ordinance, including:

- (1) Section 26B-2-123;
- (2) Section 26B-2-124;
- (3) Rule R380-80;
- (4) Rule R380-600;
- (5) Rule R500-4;
- (6) Rule R501-14; and
- (7) this rule.

### **R501-19A-4. License Required.**

(1) A license is required for any provider offering residential treatment, congregate care program services to any client:

- (a) under the age of 12 with OL approval;
- (b) ages 12 through 17; and
- (c) ages 18 through 19 only as outlined in this rule.

(2) A residential treatment, congregate care license is not required for:

- (a) a youth shelter;
- (b) a youth receiving center; or
- (c) any other short-term or temporary setting for a youth.

### **R501-19A-5. Policies, Procedures, and Safe Practices.**

(1) Each provider shall develop, implement, and comply with policies, procedures, and safe practices for:

- (a) behavior management;
- (b) gender non-discrimination;
- (c) identifying and responding to a child in crisis; and
- (d) suicide prevention.

(2) The provider shall ensure staff receive training on the policies, procedures, and safe practices described in this section.

(3) The provider shall ensure compliance with the policies, procedures, and safe practices described in this section by:

- (a) submitting the required policies, procedures, and safe practices to OL during initial and renewal licensure and when any policy change requires approval; and
  - (b) making any policy, procedure, or safe practice available upon request to OL and a client's parent or legal guardian.
- (4) The provider shall ensure any policy, procedure, and safe practice is trauma-informed.
- (5) The provider shall provide staff guidance regarding:
- (a) the appropriate response to any inappropriate behavior from other staff or a client;
  - (b) the appropriate use of restraint, any emergency safety intervention, and seclusion;
  - (c) prohibition of chemical and mechanical restraint unless approved by OL;
  - (d) when a client poses a risk of violence;
  - (e) what constitutes contraband and how the provider ensures restriction of any contraband and dangerous weapon or material;
  - (f) appropriate client body cavity and strip search techniques, in alignment with Subsection 26B-2-123(1)(a), including that any body cavity or strip search:
    - (i) cannot be a standard practice; and
    - (ii) shall only be conducted by a licensed medical professional outside the view of any direct care staff;
  - (g) critical incident reporting policy, in alignment with Rule R380-600 and Subsection 26B-2-124(1)(c);
  - (h) any emergency procedure during any natural disaster, extreme weather event, fire, utility or structural failure, or other unexpected disruption, including:
    - (i) continuity of care;
    - (ii) critical incident reporting; and
    - (iii) transport, relocation, and client health and safety;
  - (i) how to recognize and report abuse and neglect;
  - (j) how to report and respond to significant criminal activity or any significant medical emergency;
  - (k) the least restrictive staff response to a client leaving the program without permission;
  - (l) how to file a staff grievance and how to direct a client grievance;
  - (m) the management of any unique provider circumstance regarding client supervision, the physical facility, community safety, and comingling populations;

- (n) firearm policy;
- (o) food service policy, including:
  - (i) how to identify and accommodate any client with special dietary needs;
  - (ii) if the program restricts access to food and kitchen equipment, an allowance for nutritious snacks to be available during restricted hours; and
  - (iii) if any client participates in meal preparation, a policy that addresses:
    - (A) any menu planning and procedure;
    - (B) any nutrition requirement;
    - (C) any sanitation requirement;
    - (D) required training for safe food handling practices with a requirement for documented justification of each client's participation;
- and
  - (E) any program rule or privilege involving kitchen use;
  - (p) how to prevent and control any infectious and communicable disease, including coordination with and following the guidance of state or local health authorities, Center for Disease Control and Prevention, and the Department of Health and Human Services (department); and
  - (q) provider and client responsibility for medication, including how to:
    - (i) administer medication, including any self-administration process;
    - (ii) log each medication dose;
    - (iii) record and report any medication error;
    - (iv) monitor and record any intended effect and side effect of medication;
    - (v) record each medication dosage according to any prescription;
    - (vi) store and administer medication on-site;
    - (vii) store and administer medication when a client is in an off-site program-related activity;
    - (viii) properly dispose of any unused or expired medication; and
    - (ix) ensure the individual responsible for the discharge of a client is given any unused medication.
- (6) The provider shall train staff and ensure the use of any alternative sleeping arrangement, outside the client's assigned bedroom, complies with the suicide prevention plan, as described in Subsection 26B-2-124(4)(a)(iii).
  - (a) Any alternative sleeping arrangement shall:
    - (i) preserve client dignity and confidentiality; and
    - (ii) be done on an individualized, time delimited basis.
  - (b) Any alternative sleeping arrangement may not be used:
    - (i) as a behavior management technique or as a consequence for behavior;
    - (ii) to address any staffing shortage; or
    - (iii) for staff convenience.
- (7) The provider shall preserve the rights of each client who receives congregate care residential treatment services.
- (8) The provider shall ensure there is a policy addressing management of client funds that requires documentation of each deposit and expense.
- (9) The provider shall ensure there is a policy addressing the care, licensure, maintenance, and vaccination of any on-site animal in accordance with any local ordinance, including the:
  - (a) assessment of any pet allergy for any client interacting with any animal in the program;
  - (b) maintenance of any required examination, registration, and vaccination of each animal; and
  - (c) supervision of any client in the presence of an animal.

**R501-19A-6. Administration.**

- (1)(a) Each provider shall provide information through print ~~and~~ or website sources, on any program service for any client to:
  - (i) OL;
  - (ii) the public;
  - (iii) any potential client; and
  - (iv) a client's parent or legal guardian.
- (b) The information described in Subsection (1)(a) shall include:
  - (i) a description of each service;
  - (ii) each program requirement and expectation;
  - (iii) current and accurate program contact information;
  - (iv) the complaint reporting and resolution process;
  - (v) identification of each non-clinical, extracurricular, or supplemental service offered or referred; and
  - (vi) each cost, fee, and expense for a service and refund policy.
- (2) The provider shall maintain a phone number to be used for the purposes described in Subsections 26B-2-124(4)(g) through 26B-2-124(4)(h).

## NOTICES OF CHANGES IN PROPOSED RULES

- (3) The provider shall make every reasonable effort to connect any authorized contact who calls the program in an attempt to contact a client with that client by phone.
- (4) In conspicuous places where each visitor, staff, and client may see, the provider shall post:
- (a) abuse reporting laws, as described in Sections 26B-6-205 and 80-2-609;
  - (b) an Americans with Disabilities Act notice;
  - (c) any department notice of agency action;
  - (d) a civil rights notice;
  - (e) a client rights poster, except in a setting serving a client population governed by the settings final rule;
  - (f) a congregate care ombudsman notice form, in compliance with each requirement in Subsection 26B-2-124(7)(a);
  - (g) a provider code of conduct poster; and
  - (h) the program's license.
- (5) In addition to posting the congregate care ombudsman notice described in Subsection (4)(f), the provider shall ensure each client, the client's parent or legal guardian, OL, and each sending agency or private agency receives a copy of the congregate care ombudsman notice.
- (6) The provider shall:
- (a) document notification to the local government for any new service or increased consumer capacity, as described in Section 26B-2-117;
  - (b) maintain compliance with, or documentation of any exemption from, requirements for:
    - (i) a food handler permit for any person preparing meals for any other person;
    - (ii) each capacity determination, including each staff and client on the premises, that does not exceed any capacity limit placed by a local authority;
    - (iii) fire clearance, if conducted separately from a business license; and
    - (iv) licensure and registration of any vehicle used to transport a client.
- (7) Any provider with local requirements under dispute must resolve the dispute before OL may issue a license in good standing.
- (8)(a) The provider shall maintain:
- (i) fire insurance;
  - (ii) general liability insurance;
  - (iii) professional liability insurance, as applicable;
  - (iv) vehicle insurance and registration for any vehicle that transports a client; and
  - (v) any additional insurance as required to cover each program activity.
- (b) The provider shall make documentation of insurance and registration described in Subsection (8)(a) available to OL upon request.
- (9) The provider shall ensure:
- (a) a manager is immediately available when the program is in operation and there is a qualified designee when the manager is absent or unavailable;
  - (b) the implementation of a quality improvement plan addressing any:
    - (i) client or staff grievance;
    - (ii) program feedback; or
    - (iii) trend in licensing noncompliance and incident reports;
  - (c) there is a means to communicate with each client, which may include a language interpreter being available or a referral to an appropriate resource;
  - (d) availability of a current staff list and client list;
  - (e) each entity associated with the provider understands and signs the provider code of conduct before working with any client; and
  - (f) the organizational and governance structure of the program is available to OL upon request and includes:
    - (i) each line of authority and responsibility; and
    - (ii) a job description for each job title, including each duty and qualification.
- (10) The provider shall notify OL of any program change, as described in Section R380-600-4.
- (11) Any provider serving or likely to serve any client with a substance use disorder shall ensure:
- (i) there is an opioid overdose reversal kit on site; and
  - (ii) staff receive training on how to use the kit before being on-duty.
- (12) Any provider serving a client who is classified as an education entitled child shall:
- (a) comply, as applicable, with Section 26B-2-116, Rule R277-709, and Rule R277-926 regarding coordination of any educational service, including completion of youth education forms at initial and renewal licensure; and
  - (b) make any necessary accommodation to allow a client to continue that client's education with a curriculum approved by the Utah State Board of Education.
- (13) Any provider that offers on-site school shall:
- (a) ensure each client is taught at the appropriate grade level;
  - (b) ensure a staff-to-client ratio of one staff to every four clients in the school setting, unless the provider is an intermediate secure treatment program;
  - (c) ensure staff providing school receive training in behavior intervention.
  - (d) keep the education record of each client;

(e) use a curriculum with an educational accreditation in good standing, including the Utah State Board of Education or the National School Accreditation Board; and

(f) during discharge, provide proof of high school graduation or equivalent to the client, the client's parent or legal guardian, and the local education agency (LEA).

(14) The provider shall ensure any:

(a) clinical and medical staff have the appropriate license or certification;

(b) clinical and medical staff are in good standing with any license or certification; and

(c) unlicensed staff are appropriately supervised in compliance with Title 58, Occupations and Professions.

(15) Any provider using telehealth for treatment shall operate within the scope of the provider's professional licensure in accordance with:

(a) Section 26B-4-704; and

(d) any applicable rule.

(16) Any provider offering any behavior intervention service to a client served by the Division of Services for People with Disabilities (DSPD) shall comply with Rule R539-4, which supersedes any conflicting rule under Title R501.

(17)(a) The provider shall ensure access to a medical clinic or a licensed medical professional familiar with the program and population served.

(b) A licensed medical professional shall oversee the medication management practices for the program.

(c) The provider shall ensure that each person involved with the prescription, administration, or dispensing of any controlled substance maintains the appropriate medical or pharmaceutical license and the Drug Enforcement Administration registration numbers, as described in 21 CFR 1301 (2021), published by the Office of the Federal Register, incorporated by reference in this rule.

(d) The provider shall ensure at least one CPR and first aid-certified staff is available when any staff or client is present, unless a licensed medical professional is present on site.

(18) Any provider that serves a client who has been placed in a Utah program from outside of Utah shall comply with Title 80, Chapter 2, Part 9, Interstate Compact on Placement of Children.

(19) The provider may allow a client to remain in the program after the client turns 18 years old, as described in Subsection 26B-2-104(1)(a)(iii), if:

(a) the client has remained in the custody of a state entity or the client was admitted and continuously resided in the program for at least 30 days before the client's 18th birthday;

(b) the client has a documented need to remain in the program;

(c) the provider maintains responsibility for discharge to an appropriate setting when clinically appropriate and no later than the client's 19th birthday;

(d) the provider outlines a plan for the protection of any client younger than 18 years old by supervising and separating the client who is 18 years old from any client who is under the age of 16; and

(e) the client signs a consent document outlining that:

(i) any criminal offense committed may result in being charged as an adult;

(ii) if the client is involved in any critical incident posing a risk to the health and safety of any other client, the client who is 18 years old may be discharged from the program; and

(iii) the client consents to remain in the program voluntarily and understands the client is not being required to remain in the program against the client's will.

(20) The provider shall ensure weekly, confidential communication between the client and any family member or authorized contact of the client, in accordance with Section 26B-2-123.

(a) A client's parent or legal guardian shall authorize, in writing, an alternate means of confidential communication when voice-to-voice communication is unavailable.

(b) The frequency or form of the confidential communication requirement may only be modified if the provider submits a voice-to-voice variance notification to OL, signed by the provider's clinical director, demonstrating:

(i) any extenuating circumstances that exist outside the client treatment plan that inhibit offering voice-to-voice communication;

(ii) an alternative that satisfies the requirement of weekly, confidential two-way communication;

(iii) the program primarily operates in an area of limited or unreliable phone accessibility or coverage; or

(iv) there is a significant risk of harm or danger to the client's emotional, mental, or physical safety by providing the client with unsupervised phone access.

(c) The provider shall offer confidential voice-to-voice communication as soon as it is safe to do so.

(d) A standardized statement or practice applied to every treatment plan may not be used to satisfy the requirement of individualized documentation.

(21) A provider may offer any client step-down privileges, including authorized departures from the program and unsupervised time, if the provider:

(a) documents in the client record and communicates to each client's direct care staff:

(i) the individualized justification for the step-down privileges; and

(ii) which privileges are authorized by a licensed clinical professional;

(b) maintains a staff-to-client ratio of one direct care staff for every four clients present in the step-down setting;

## NOTICES OF CHANGES IN PROPOSED RULES

- (c) obtains written parental or legal guardian consent before allowing step-down privileges; and
- (d) distributes a policy to each client, client's parent or legal guardian, and staff that includes:
  - (i) a description of how each step-down privilege may be achieved or rescinded;
  - (ii) a description of what constitutes authorized departure and unsupervised time;
  - (iii) a statement that no client with step-down privileges is allowed to perform any direct care staff duty; and
  - (iv) a statement that the provider will immediately communicate to each client, client's parent or legal guardian, and direct care staff when any step-down privilege has been rescinded.
- (22) Any provider that serves any client with a substance use disorder shall ensure each staff and client is screened for tuberculosis as recommended by the local health authority.
- (23) The provider shall make any program record in this section available to OL for review upon request.

### **R501-19A-7. Client Intake and Discharge.**

- (1) Each provider shall develop, maintain, and adhere to an admissions review process that:
  - (a) is approved by OL during initial and renewal licensure;
  - (b) aligns with the admissions criteria described in Section 26B-2-124;
  - (c) outlines the process for identifying a qualified candidate who can be safely served in the program, including an assessment of each candidate in consideration of:
    - (i) the candidate's behavior;
    - (ii) the candidate's diagnosis;
    - (iii) the candidate's individual situation;
    - (iv) the candidate's trauma history;
    - (v) the population and age of each client the provider already serves;
    - (vi) the physical facility;
    - (vii) the programming; and
    - (viii) the ability of current staff to manage the candidate; and
  - (d) outlines how to identify a person not considered a qualified candidate.
- (2) The provider may not solicit or accept payment from, or on behalf of, a client, unless:
  - (a) the client meets the approved admissions criteria; and
  - (b) the client's parent or legal guardian has signed a contract for the provider's services.
- (3) The provider shall develop, maintain, and adhere to:
  - (a) an outline of each behavior or presenting issue that would be a reason for:
    - (i) declining to classify a candidate as qualified for admission; or
    - (ii) discharging a current client from the program; and
  - (b) a statement, ~~posted on~~ included in the provider's admissions ~~webpage and included in any of the provider's print admissions criteria~~ marketing material, that the program does not accept placement of a client whose needs exceed the scope or ability of the program.
- (4) Before accepting any client into a program, the provider shall complete an intake screening for each client that includes:
  - (a) a description of any presenting needs;
  - (b) a suicide risk screening;
  - (c) gender identity and individualized assessment for any bedroom and bathroom assignment;
  - (d) verification that the client meets the admission criteria of the program; and
  - (e) verification that the client does not meet any of the exclusionary criteria described in Subsection (3)(a).
- (5) A provider serving any client with a substance use disorder may not admit a client who is unresponsive or unable to consent to care because the individual is experiencing convulsions or delirium tremens, in shock, in a coma, or unconscious.
- (6) A provider serving any court-mandated, justice-involved client shall:
  - (a) conduct a criminogenic risk assessment during the client intake process; and
  - (b) physically separate high criminogenic risk populations from low criminogenic risk populations, including in any bedroom area.
- (7) The provider shall ensure that the client, or the client's parent or legal guardian, signs and receives a copy of agreements to be maintained as client records, including the:
  - (a) determination of eligibility;
  - (b) fee agreement outlining the cost of services, including program and client, or the client's parent or legal guardian's, responsibility for payment; and
  - (c) signed consent for treatment that outlines:
    - (i) the rights of the client;
    - (ii) any program expectation of a client and the client's parent or legal guardian;
    - (iii) licensing contact information;
    - (iv) insurance information and identification of any other entity that is billed for the client's services;
    - (v) the client's Medicaid number, if applicable; and
    - (vi) services to be provided.
- (8) The provider shall ensure, upon admission, a disruption plan is tailored to each client and includes:

- ~~[(a) how progress will be assessed;~~
- [(b)a] any plausible reason identified in the admissions process for possible discharge or transfer;
- ~~[(c) any reference to the Interstate Compact on Placement of Children (ICPC) plan requirement for any unplanned discharge;]~~
- ~~[(d)b] an aftercare plan for disruption, which includes[-~~
- ~~(i)] any resource available to the client;[-and~~
- ~~(ii) any clinical recommendation;]~~
- (e) a plan for safe transportation, including:
  - (i) any return to the client's state of origin;
  - (ii) to the client's parent or legal guardian;[-or]
  - (iii) to another licensed congregate care program[-]; or
  - (iv) to a higher level of care[-] program or setting, as needed, that:
    - (A) provides increased clinical treatment and enhanced supervision to address any client need; and
    - (B) excludes any receiving center, detention facility, and any immediate crisis stabilization setting, such as an emergency room or a short-term acute care hospital;
- (f)d a signed statement from the client's parent or legal guardian outlining the plan for the client in the event of an unplanned disruption in care;
  - (g)e current emergency contact information of the client's parent or legal guardian, including the parent or legal guardian's:
    - (i) name;
    - (ii) address;
    - (iii) phone number; and
    - (iv) email address;
  - (h)f each individual responsible for the client's return if placement at the facility disrupts; and
  - (i)g a statement acknowledging the program retains jurisdiction and responsibility for the client while the client remains in Utah.
- (9) The provider may not serve any client from out of state without a disruption plan, as described in Section 26B-2-124.
- (10) A provider serving any client from out of state shall comply with Section 80-2-905, as applicable.
- (11) The provider may demonstrate compliance with Subsection (9) by producing the ICPC-100A and ICPC-100B forms as required by the ICPC Regulations or a disruption plan.
  - (a) The provider shall report any out-of-state private placement to OL by completing the congregate care out-of-state placement report, available on the OL website, no later than the fifth business day of each month.
  - (b) Any provider that does not comply with the disruption plan requirements in Section 26B-2-124 shall pay for the cost of care incurred by any entity housing, locating, maintaining, or transporting the client.
- (12) Any provider that transports an out-of-state client to a health care facility, as defined in Section 78B-3-403, shall comply with the payment requirements described in Subsection 26B-2-124(10).
- (13) Before the provider may accept or discharge any client who is transported by a youth transportation company, the provider must ensure the youth transport company is registered with OL.
- (14) The provider shall ensure the completion and documentation of an intake, following an approved admissions review process, no later than seven days after the admission date.
- (15) Each client's intake assessment shall include:
  - (a) any developmental, educational, psychological, social, and vocational factor;
  - (b) a statement of how the client is a qualified candidate for admission;
  - (c) authorization for the provider to obtain emergency care for the client;
  - (d) the client's cultural background;
  - (e) the client's health and medical history;
  - (f) the client's dominant language and mode of communication;
  - (g) the client's family history; and
  - (h) a suicide prevention plan that is:
    - (i) tailored to the client and;
    - (ii) maintained and revised as needed to support the client's safety.

**R501-19A-8. Clinical Services.**

- (1) The provider shall ensure each client's treatment plan is:
  - (a) developed and signed by a licensed clinical professional within 30 days of admission; and
  - (b) followed by staff.
- (2) Any staff working directly with a client shall be informed of the individual treatment needs of that client.

**R501-19A-9. Client Records.**

- (1) The provider shall maintain a process for the retention of any client record for seven years or until a client turns 21 years old, whichever comes later.
- (2) The provider shall make any client record available to OL upon request.

NOTICES OF CHANGES IN PROPOSED RULES

- (3) The provider shall ensure each client record includes:
  - (a) the client name, date of birth, and identified gender;
  - (b) accurate parent or legal guardian contact information;
  - (c) a list of any client's authorized contact as identified by the client's parent, legal guardian, or sending agency or private agency, including each authorized contact's:
    - (i) name;
    - (ii) phone number; and
    - (iii) relationship to the client;
  - (d) any signed agreement and consent form;
  - (e)(i) consent for each treatment and non-clinical service signed by the client, or the client's parent or legal guardian; or
  - (ii) a court order of commitment to services in lieu of signed consent for each treatment and non-clinical service;
  - (f) any information that could affect the health, safety, or well-being of the client, including any:
    - (i) allergy;
    - (ii) chronic condition;
    - (iii) communicable disease; and
    - (iv) medication needs;
  - (g) any grievance or complaint made by or against the client and any action taken by a provider;
  - (h) each crisis intervention or critical incident report involving the client;
  - (i) an individualized assessment for restriction of access to any on-site item that could be used as a weapon, for self-directed violence, or as an intoxicant;
  - (j) an individualized disruption plan;
  - (k) an individualized suicide prevention plan, as needed;
  - (l) an intake screening and assessment;
  - (m) any progress note and service provided with date and signature of staff completing each entry;
  - (n) a summary of attendance and absence in each treatment service;
  - (o) the treatment or service plan;
  - (p) any referral arrangement made by the provider;
  - (q) discharge documentation; and
  - (r) an initial and annual client tuberculosis screening result for any client with a history of substance abuse.
- (4) The provider shall disclose how any client and client's parent or legal guardian may access any educational or medical record following the client's discharge from the program, including how and where to locate records if the program is no longer licensed.

**R501-19A-10. Staff Records and Training.**

- (1) The provider shall maintain staff information, including:
  - (a) a provider code of conduct with the signature of each staff, contracted employee, or volunteer;
  - (b) any approved and current OBP background clearance, except as excluded in Rule R501-14;
  - (c) any applicable staff certification, license, or qualification;
  - (d) any grievance or complaint made by or against the staff and action taken by the provider;
  - (e) any pre-service and annual training record, which includes the:
    - (i) date of completion;
    - (ii) topic; and
    - (iii) signature of each staff who completed the training;
  - (f) each crisis intervention or critical incident report involving staff; and
  - (g) documentation of the initial and annual tuberculosis screening, if serving a population with a substance use disorder.
- (2) The provider shall ensure staff training is:
  - (a) completed within 30 days of hire and annually thereafter; and
  - (b) covers:
    - (i) CPR and first aid;
    - (ii) Rule R380-80; and
    - (iii) any policies, procedures, and safe practice, as described in Section R501-19A-5.
- (3) The provider shall ensure staff behavior management training includes:
  - (a) client rights;
  - (b) the provider code of conduct;
  - ~~(c) suicide prevention training;~~
  - ~~(d) how staff shall address any injury or complaint;~~
  - ~~(e) de-escalation techniques and least restrictive methods for managing behavior;~~
  - ~~(f) the physiological and psychological impact of restraints or emergency safety intervention;~~
  - ~~(g) any threshold for restraints or emergency safety intervention;~~
  - ~~(h) the time limit for restraints or emergency safety intervention;~~

- (~~f~~h) appropriate monitoring of any use of restraints and emergency safety intervention;
- (~~j~~i) how to recognize the physical signs of distress or positional asphyxia and obtain medical assistance;
- (~~k~~j) the procedure:
  - (i) to intervene if another staff fails to follow procedure for restraints or emergency safety intervention;
  - (ii) for documenting and reporting any use of restraints or emergency safety intervention;
  - (iii) for processing restraints or emergency safety intervention with a client; and
  - (iv) for staff follow-up after use of restraints or emergency safety intervention; and
- (~~f~~k) the process for obtaining clinical approval for continued use of restraints or emergency safety intervention.

**R501-19A-11. Physical Facility.**

- (1)(a) The provider shall maintain the facility in a clean and safe manner free from any hazard that could pose a risk to a client's health or safety.
- (b) The provider shall keep each furnishing and finish clean and in good repair.
- (c) The provider shall conduct a fire drill at least quarterly and document the response time and process for each fire drill.
- (d) The provider shall ensure each appliance and electrical, HVAC, and plumbing system is maintained in operating order.
- (2) The provider shall provide indoor space for informal client activities.
- (3) The provider shall ensure that when a client is present, there is a phone available in each facility that can be used to call 911.
- (4) The provider shall maintain a first aid kit at each facility.
- (5) The provider shall have a separate space for any client who is showing symptoms of an infectious disease.
- (6) The provider shall ensure there is designated space available for:
  - (i) records;
  - (ii) administrative work; and
  - (ii) confidential client phone calls.
- (7) For each client bedroom, the provider shall ensure:
  - (a) there is at least 60 square feet per client;
  - (b) there is a source of natural light;
  - (c) the room is ventilated by mechanical means or equipped with a window that opens;
  - (d) any bedroom assignment is made in accordance with OL policy and individualized assessment, described in Section 26B-2-109;
  - (e) no client is locked in the client's bedroom;
  - (f) each client has a similar solid type of bed or sleeping equipment to any other client in the program;
  - (g) each client is allowed to decorate and personalize the client's bedroom, while maintaining respect for each other resident and the property; and
  - (h) each bedroom is comparable to other similarly used bedrooms with similar access, finishes, furnishings, location, and space.
- (8) A provider serving any client receiving DSPD services may not house more than two clients in each bedroom.
- (9) The provider shall ensure any bedding or towel provided to a client is laundered:
  - (a) weekly;
  - (b) any time the bedding or towel is soiled; and
  - (c) after the discharge of the client.
- (10) The provider shall supply each client with any hygiene item necessary to meet the client's needs.
- (11) The provider shall ensure each client bathroom:
  - (a) allows for individual privacy;
  - (b) affords reasonable accommodation based on the client's gender identity;
  - (c) is placed to allow each client access without disturbing any other client during sleeping hours;
  - (d) is properly equipped with toilet paper, soap, and a non-shared means to dry hands;
  - (e) is ventilated by mechanical means or equipped with a window that opens; and
  - (f) includes a mirror, or safety mirror, secured to the bathroom wall at a convenient height.
- (12) The provider shall ensure any live-in staff has a dedicated bedroom and bathroom separate from any client bedroom or bathroom.
- (13) If the program permits a client to do laundry, the provider shall ensure:
  - (a) any equipment and supplies for washing and drying laundry are available; and
  - (b) separate containers for soiled and clean laundry are provided, if the program provides common laundry for bedding, clothing, or towels.
- (14) The provider shall maintain any on-site medication or potentially hazardous item lawfully, responsibly, and with consideration of the safety and risk level of the population served, including locked storage for each medication and hazardous chemical that is not in active use.
- (15) The provider shall ensure the licensed medical professional responsible for administration and supervision of prescription medication reviews information and each dosage for each client at least weekly.
- (16) For any on-site medication, the provider shall ensure the medication:
  - (a) is stored in the manufacturer's original packaging, including any directions and warning information; and
  - (b) is discarded when no longer required for a client.

## NOTICES OF CHANGES IN PROPOSED RULES

- (17) The provider may store any on-site medication, or medication for an off-site visit, outside of the manufacturer's original packaging if, at least weekly, the provider ensures:
- (a) a licensed medical professional oversees the filling and administration of each medication package;
  - (b) each client's pill organizer includes:
    - (i) the client's name;
    - (ii) the medication's name;
    - (iii) any directions for medication administration;
    - (iv) dosage information; and
    - (v) the date filled; and
  - (c) any medication is discarded when no longer required for a client.
- (18) For each seclusion room, the provider shall ensure:
- (a) the seclusion room is not located in any bathroom, closet, unfurnished area, or other area outside the residential living space;
  - (b) a bedroom is not used as a seclusion room and a seclusion room is not be used as a bedroom;
  - (c) the seclusion room is at least 75 square feet and has a ceiling height of at least seven feet with no equipment, furnishing, or hardware that obstructs the staff's view of the client or presents a risk of harm;
  - (d) there is a break-resistant two-way mirror or camera for observation of the entire room;
  - (e) there is mechanical ventilation or a break-resistant window in the seclusion room; and
  - (f) the seclusion room does not have a locking capability.
- (19) The provider shall accommodate a client with a physical disability as needed or refer the client to comparable services.

### **R501-19A-12. Background Checks.**

- (1) OBP shall conduct a human services program background check for each program staff or volunteer, in accordance with Section 26B-2-120 and Rule R501-14.
- (2) The provider shall designate an individual who is responsible for:
- (a) ensuring and documenting how each applicant is directly supervised for the entirety of that applicant's supervised employment term before receiving the eligible determination;
  - (b) ensuring an application is submitted in DACS within 14 days of each staff becoming associated with the provider;
  - (c) initiating, monitoring, and maintaining background checks in DACS for each individual with direct access;
  - (d) maintaining compliance with Rule R501-14;
  - (e) managing communications with OBP and OL;
  - (f) monitoring DACS and taking necessary action when staff eligibility status changes; and
  - (g) separating any staff in DACS within five days of that staff:
    - (i) no longer being associated with the provider; or
    - (ii) having an ineligible determination status from OBP on a background check with no pending appeal.
- (3) The provider ~~must~~ shall ensure each direct care staff, contracted staff, volunteer, and intern has an eligible background check determination before permitting that individual to work unsupervised with a client, except as excluded in Rule R501-14.

### **R501-19A-13. Client Care, Safety, and Supervision.**

- (1) The provider shall ensure:
- (a) a staff-to-client ratio of one direct care staff to every four clients is maintained, except:
    - (i) to reduce the staff-to-client ratio during client sleeping hours to one direct care staff to every 16 clients;
    - (ii) in an intermediate secure program, as specified in Subsection R501-19A-14(2); and
    - (iii) as otherwise required by a department contract;
  - (b) a ratio of one staff to one client during any transport only occurs when the provider has conducted a safety assessment that demonstrates client and staff safety is reasonably assured;
  - (c) any direct care staff assigned to supervise a client one-on-one is not counted at the same time in the staffing ratio for any other client, except in an emergency situation;
  - (d) at least two direct care staff are on-duty and immediately available;
  - (e) direct care staff conduct and document line-of-sight check-ins at least every 15 minutes when the staff is outside the line of sight of any client;
    - (f) direct care staff conduct and document sign-of-life check-ins during sleeping hours and when a client is in the medical bay;
    - (g) continuous direct supervision of any client that meets supervision and ratio needs of the presenting population, including increasing the ratio for individual supervision as needed;
    - (h) on-site video surveillance is only used to directly supervise a client in time-out or seclusion or as an enhancement to minimum supervision ratio requirements;
      - (i) only direct care staff may perform direct supervision;
      - (j) staff conduct and document physical check-ins every 15 minutes when a client is being monitored by video;
      - (k) the staff-to-client ratio may only decrease during sleeping hours if:
        - (i) a minimum of two direct care staff are on-duty;

- (ii) each client is appropriately supervised to ensure health and safety at the ratio; and
- (iii) each direct care staff remains awake while on-duty;
- (l) the staff-to-client ratio is increased as necessary to ensure the health and safety of the client population;
- (m) there are enough staff on-duty each shift to safely supervise the client population, including adding more staff than required by the usual staffing ratio as needed to manage behaviors, dynamics, and individual client treatment and supervision needs;
- (n) there is a phone accessible to each client, staff, or any other individual to place a direct call to the congregate care ombudsman:
  - (i) at any time;
  - (ii) without interference;
  - (iii) with sufficient privacy to preclude another individual from hearing the conversation; and
  - (iv) subject to the whistleblower protections in Section 26B-2-124.3; and
- (o) video surveillance is only used in a client bedroom if:
  - (i) the provider monitors any camera footage or physically performs client checks in at intervals of at least every 15 minutes;
  - (ii) there is a documented need;
  - (iii) providing services to an individual served by DSPD, the video surveillance is compliant with Rule R539-3; and
  - (iv) the client, or the client's parent or legal guardian, provides written permission.
- (2) The provider may not allow:
  - (a) any client, non-direct care staff, or direct care staff who does not have current behavior management training, or anyone unfamiliar to the client, to use any form of restraint on a client;
  - (b) any intervention that uses painful stimuli, unless as an individually justified and documented emergency safety measure;
  - (c) the use of any physical work assignment or activity that inflicts pain as a behavior management technique; and
  - (d) the use of restraints or seclusion as a convenience to staff, substitute for programming, or punishment.
- (3) The provider may allow a client to be separated from the area of any activity or any other client, including a client's bedroom, if on-duty staff:
  - (a) provides direct line-of-sight supervision and monitors the client;
  - (b) does not prevent the client from leaving the area; and
  - (c) documents the separation, including the reason for the separation and the amount of time [of]the client was separated from an activity or another client.
- (4) The provider may only use any:
  - (a) body cavity search of a client in alignment with Subsection 26B-2-123(1)(a)(ii); and
  - (b) strip search of a client in alignment with Subsection 26B-2-123(1)(a)(i).
- ([4]5) For each critical incident, the provider shall:
  - (a) document the details of the critical incident in each client and staff record;
  - (b)(i) report to each involved client's parent or legal guardian no later than one business day after the incident; or
  - (ii) when the critical incident involves any client meeting the definition of a child in crisis, report to the client's parent or legal guardian no later than five hours after the crisis began; and
  - (c) report to OL no later than one business day after the incident.
- ([5]6) During each shift, the provider shall:
  - (a) document and share with staff from the next shift and the administration any client illness, injury, or critical incident; and
  - (b) maintain and make available to OL upon request each staff shift list.

**R501-19A-14. Additional Requirements for Intermediate Secure Care Programs.**

- (1)(a) Each intermediate secure treatment provider shall clearly define in policy any responsibility of the manager, as described in Subsection R501-19A-6(9)(a).
  - (b) The provider shall ensure the manager:
    - (i) is at least 25 years old;
    - (ii) has a bachelor's degree or equivalent training in a human service-related field; and
    - (iii) has at least three years of management experience in a residential or secure treatment setting.
  - (2) Each intermediate secure treatment provider shall maintain a staff-to-client ratio of one direct staff to every five clients.
  - (3) Each intermediate secure treatment provider shall ensure that each direct care staff working in an intermediate secure treatment program:
    - (a) receives training to work with a client with behavioral or mental health needs;
    - (b) works under the supervision of a licensed clinical professional; and
    - (c) completes 30 hours of additional training annually regarding:
      - (i) client record and incident documentation;
      - (ii) each rule and regulation associated with serving clients;
      - (iii) interpersonal relationships and communication skills;
      - (iv) maintaining staff, client, and visitor safety in a secure setting;
      - (v) problem-solving and guidance;
      - (vi) the special needs of families; and

NOTICES OF CHANGES IN PROPOSED RULES

(vii) any universal precaution for bloodborne pathogens.

(4) Each intermediate secure treatment shall incorporate the use of any fixture and furnishing to limit client self-harm and suicide, including:

- (a) non-exposed fire sprinkler heads;
- (b) plexiglass or safety glass;
- (c) pressure release robe hooks;
- (d) recessed lighting; and
- (e) sealed light fixtures.

**R501-19A-15. Congregate Care Advisory Committee.**

(1) The committee shall, in consultation with OL, advise as to whether each application for licensure or renewal meets each requirement in accordance with Subsection 26B-2-124.1(3)(c).

(2) The committee shall provide consultation to OL regarding:

- (a) defining and assigning the levels of congregate care to new and existing programs; and
- (b) setting the minimum safety requirements for each level of congregate care, considering any:
  - (i) facility;
  - (ii) policy;
  - (iii) procedure;
  - (iv) safe practice;
  - (v) program;
  - (vi) service;
  - (vii) staffing; and
  - (viii) other element or characteristic determined by OL and the committee to impact the safety to an[~~y~~] admitted client.

**R501-19A-16. 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: human services, licensing, congregate care, residential treatment**

**Date of Last Change: 2026**

**Authorizing, and Implemented or Interpreted Law: 26B-2-104; 26B-2-124; 26B-2-124.1**

<b>NOTICE OF SUBSTANTIVE CHANGE</b>	
<b>TYPE OF FILING:</b> CPR (Change in Proposed Rule)	<b>Filing ID:</b> 57716
<b>Rule or section number:</b>	<b>R649-13</b>
<b>Date of previous publication:</b>	<b>01/01/2026</b>
<b>Date of previous publication (First CPR):</b>	<b>04/01/2026</b>

**1. Agency Information**

<b>Title catchline:</b>	Natural Resources; Oil, Gas and Mining; Oil and Gas
<b>Building:</b>	Department of Natural Resources
<b>Street address:</b>	1594 W North Temple, Suite 1210
<b>City, state:</b>	Salt Lake City, UT 84116

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Natasha Ballif	801-589-5486	natashaballif@utah.gov

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

**3. General Information**

<b>A. Rule or section catchline:</b>
R649-13. Performance Bonds

<p><b>B. Purpose of the new rule or reason for the change:</b></p> <p>The Division of Oil, Gas and Mining (Division) is clarifying the language around the effective date of rule revisions and the installment dates.</p>
<p><b>C. Summary of the new rule or change:</b></p> <p>This rule filing changes the effective date and installment payment dates from 06/01/2026 to 07/07/2026.</p> <p>(EDITOR'S NOTE: This is the second change in proposed rule (CPR) for Rule R649-13. The original proposed amendment upon which the first CPR was based was published in the January 1, 2026, issue of the Utah State Bulletin, on page 147. The first CPR upon which this second CPR is based was published in the April 1, 2026, issue of the Utah State Bulletin, on page 108. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the first CPR, the second CPR, and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)</p>

**5. Fiscal Information**

<p><b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b></p>
<p><b>A. State budget:</b></p> <p>There is a total of one state agency, the Division, that will be associated with this proposed rule change.</p> <p>There will be no fiscal impact to the agency as these changes are purely administrative.</p>
<p><b>B. Local governments:</b></p> <p>No local government fiscal impact is anticipated since this rule only impacts oil and gas operators, the Division, and the Board.</p>
<p><b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>There are 303 small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah.</p> <p>There will be no fiscal impact to operators as these changes are purely administrative.</p>
<p><b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>There are a total of 4 non-small business oil and gas operators (for a complete listing of NAICS codes used in this analysis, please contact the agency) in the state of Utah. There will be no fiscal impact to operators as these changes are purely administrative.</p>
<p><b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b>):</p> <p>This rule change will not affect persons other than small businesses, businesses, or local governments as this rule only applies to small and non-small business operators and the Division of Oil, Gas and Mining.</p>
<p><b>F. Compliance costs for affected persons:</b></p> <p>There will be no fiscal impact to the agency as these changes are purely administrative.</p>

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**7. Regulatory Impact Analysis Approval**

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

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**9. Citation Information**

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

Section 40-6-1 et seq.

**11. Public Notice Information**

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

**A. Comments will be accepted until:** 07/01/2026

**12. Effective Date Information**

**This rule change MAY become effective on:** 07/08/2026  
 (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

**13. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mick Thomas, Director	<b>Date:</b>	05/15/2026
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**R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.**

**R649-13. Performance Bonds.**

**R649-13-1. Performance Bonds Required for Oil and Gas Activities.**

(1) Before approval of a permit to drill a new well or engaging in any permitted oil and gas activity in Utah, an operator shall provide a performance bond to the division as set forth in Rule R649-13.

- (a) Oil and gas activities include:
  - (i) drilling, completion or recompletion of an oil or gas well;
  - (ii) production of oil or gas;
  - (iii) re-entering an abandoned well;
  - (iv) activities commenced by a transferee upon a transfer of ownership of existing wells;
  - (v) Underground Injection Control (UIC) disposal and Enhanced Oil Recovery (EOR) Operations;
  - (vi) operation of E&P product recycling facilities; and
  - (vii) seismic exploration.

(b) Except as set forth in Subsection R649-13-1(c), the division will not require a separate bond when an operator furnishes evidence to the division that a bond to cover plugging and restoration and in a form and amount acceptable to the division is held by other governmental or tribal entities in accordance with state, federal or tribal regulatory requirements and has been approved by the agency having jurisdictional primacy over oil and gas operations for each permitted oil and gas activity.

(c) If a federally permitted well with private or state surface does not penetrate the targeted federal or Tribal minerals and the federal bonding agency releases or excludes the well from their bonding, the well will be regulated by the division and bonded according to Section R649-13-2 or R649-13-3.

(d) Except as set forth in Section R649-13-6, performance bonds shall remain in full force and effect until liability thereunder is released by the division.

(e) Should the division determine that an operator is not appropriately bonded, the division shall provide written notice to the operator of the bonding deficiencies. Except as provided in Subsection R649-13-6(b), if the operator fails to obtain appropriate bonding within 120 days, the division may require an operator to immediately cease all oil and gas activities until the operator complies with the bonding requirements.

(f) A performance bond furnished to the division shall be payable to the division and conditioned upon the faithful performance by the operator of the duty to plug each dry or abandoned well, repair each well causing waste or pollution, maintain and restore the well site and complete reclamation of other permitted oil and gas activity.

(g) The form and amount of the performance bond must be approved by the division. Subject to the requirements of Subsection (2), acceptable forms may include a surety bond, a collateral bond, cash, certificates of deposit, letters of credit or a combination of these bonding methods.

(h) Performance bond liability shall be for the duration of the drilling, operating, plugging, restoration of the well and well site, and reclamation of other permitted oil and gas activity.

(i) To ensure continuous coverage, a performance bond shall be automatically renewable or the operator shall ensure continuous bond coverage by replacing a bond, if necessary, at least 30 days before the expiration date with another acceptable bond.

(2) General Terms & Conditions of Performance Bonds.

(a) Each performance bond shall provide a mechanism for the surety, or other guarantor of the performance bond, to provide prompt notice to the division and the operator of any action filed alleging the insolvency or bankruptcy of the surety or guarantor, or alleging violations that would result in suspension or revocation of the surety's or guarantor's charter or license to do business.

(i) Upon the incapacity of the surety or guarantor to guarantee payment of the performance bond by reason of bankruptcy, insolvency, or suspension or revocation of a charter or license, the operator shall be deemed to be without bond coverage.

(ii) Upon notification of insolvency or bankruptcy, the division shall notify the operator in writing of the lack of bond coverage and shall specify a reasonable period, not to exceed 90 days, to provide substitute bond coverage. The 90-day period may be extended upon written request and a showing of good cause to the division or the board.

(b) Surety Bonds.

(i) A surety bond shall be executed by the operator and a surety company licensed to do business in Utah that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better. All surety companies will also be listed in the current issue of the U.S. Department of the Treasury Circular 570.

(ii) When the division notifies an operator that a surety company guaranteeing its performance does not meet the standard of Subsection (2)(b)(i), the operator shall have 120 days after notice from the division to obtain bond coverage which complies with this rule.

(iii) A surety bond will be forfeited and collected by the division if not replaced by an acceptable bond at least 30 days before its expiration date.

(c) Collateral Bonds.

(i) The division may not accept an individual account or certificate of deposit in excess of the maximum insurable amount as determined by the Federal Deposit Insurance Corporation;

(ii) The division shall require that certificates of deposit be made payable to or assigned to the division both in writing and upon the records of the bank issuing the certificates. If assigned to the division, the division shall require the bank issuing the certificate to waive all rights of setoff or liens against that certificate.

(iii) Any interest paid on a cash account or certificate of deposit shall be retained in the account and applied to the bond value of the account unless the division has provided written approval for the payment of interest to the operator.

(iv) Letters of credit will be subject to the following conditions:

(A) Letters of credit shall be payable to the division upon demand.

(B) Letters of credit shall be irrevocable during their terms.

(C) Letters of credit shall be issued by a federally insured bank authorized to do business in the United States.

## NOTICES OF CHANGES IN PROPOSED RULES

(D) A letter of credit will be forfeited and collected by the division if not replaced by an acceptable bond at least 30 days before its expiration date.

(v) Persons with an interest in collateral posted as a bond, and who desire notification of actions pursuant to the bond, shall request the notification in writing from the division when the collateral is offered.

(d) Transfer of wells.

(i) If the transfer, sale, or exchange of wells between parties results in a change in well performance bond amounts the division may allow the parties to agree to maintain the bonding amount before the transfer, sale, or exchange for a period of up to 12 months to facilitate operational changes. An extension may be requested before the board.

(3) Bonding Schedules.

(a) The board shall adjust the bonding schedules outlined in Section R649-13-4 on a not to exceed five-year cycle to account for inflation based on current data from the Producer Price Index for oil and gas extraction operations. The adjusted schedules shall follow Rulemaking Procedure pursuant to Section 63G-3-301.

(b) Then, upon written notice and a showing of good cause, may require operators to provide performance bonds in amounts greater than set out in this rules. Good cause includes violation of Section R649-3-36, Shut-in and Temporarily Abandoned Wells, a violation of which shall result in the division requiring a bond amount for the applicable well in the amount of actual plugging and site restoration costs.

(c) An operator may appeal a performance bond determination by the division by filing a request for agency action with the division pursuant to Rule R649-10.

### **R649-13-2. Individual Well Depth Performance Bonds.**

(1) Except as set forth in Section R649-13-3, an operator who, on or after June 1, 2026, engages in the drilling, completion, re-entry, deepening, or who acquires a well, shall furnish to the division an individual well depth performance bond in the amount set forth in the approved individual well depth performance bonding schedule.

(2) The individual well depth performance bond amount may be found in Subsection R649-13-4(4).

(3) The division shall provide written notification to each operator of the need to establish or adjust an individual well depth performance bond to conform with an updated bonding schedule or bonding requirement. Within 120 days of such notification by the division the operator shall post the required individual well bond with the division. In the event of a transfer of ownership for the well where there is an approved bond in place the operator shall provide an updated bond amount within 12 months of a transfer of ownership for the well as provided in Subsection R649-13-6(b).

### **R649-13-3. Blanket Well Performance Bonds.**

(1) Blanket Well Performance Bonds

An operator who, on or after ~~June 1~~ July 7, 2026, engages in the drilling, completion, re-entry, deepening of a well, or who acquires an existing well, and who meets the qualifications set forth in Subsection (1)(a), may file with the division a blanket well performance bond to cover operations of its State Wells in lieu of an individual well depth performance bond for each well as required by Section R649-13-2.

(a) Qualifications Required for Blanket Well Performance Bonding

(i) To qualify for a blanket well performance bond, an operator must meet: (1) a production requirement, and (2) a threshold at risk well ratio requirement.

(ii) An operator qualifies for blanket well performance bonding in accordance with the tier 1 base blanket bond schedule if:

(A) The operator's total well count production is equal to or greater than 1,000 BOE per day average for the previously reportable 12 months; and

(B) The operator's at risk well ratio is equal to or less than 20%.

(iii) An operator qualifies for blanket well performance bonding in accordance with the tier 2 base blanket bond schedule if:

(A) The operator's total well count production is equal to or greater than 500 BOE per day average for the previously reportable 12 months; and

(B) The operator's at risk well ratio is equal to or less than 22%.

(iv) An operator qualifies for blanket well performance bonding in accordance with the tier 3 base blanket bond schedule if:

(A) The operator's total well count production is equal to or greater than 200 BOE per day average for the previously reportable 12 months; and

(B) The operator's at risk well ratio is equal to or less than 25%.

(v) An operator who does not qualify for blanket well performance bonding must provide individual well depth performance bonds for each well as outlined in Section R649-13-2.

(b) Determination of Blanket Well Performance Bond Amount

(i) An operator who qualifies for blanket well performance bonding shall post a bond with the division that equals the total sum of the operator's combined base blanket bond amount and at risk well supplemental amount within the appropriate tier.

(A) Base Blanket Bond Amount Calculation.

(I) An operator's base blanket bond amount is determined in accordance with the base blanket bond table for the appropriate tier outlined in Section R649-13-4.

(II) An operator's base blanket bond amount shall be the amount which corresponds to the operator's total state well count.

(B) At Risk Well Supplement Amount Calculation.

(I) For each tier, the allowable number of at risk wells exempt from inclusion in the at risk well supplemental amount calculation is as follows:

- (A) Tier 1: 20% of state wells;
- (B) Tier 2: 13% of state wells; and
- (C) Tier 3: 8% of state wells.

(II) An operator's at risk well supplement amount shall be determined for the number of non-exempt at risk wells, which are the at risk wells exceeding the number of exempt at risk wells described in Subsection (1)(b)(i)(B)(I), and is in accordance with the at risk well supplement table for the appropriate tier outlined in Section R649-13-4.

(III) The depth to be used for this calculation shall be the average TVD.

(IV) An operator's at risk well supplement amount shall be calculated by:

- (1) determining the total number of non-exempt at risk wells, rounded down to the nearest multiple of ten;
- (2) determine the average TVD;
- (3) identifying the corresponding bond amount for the average TVD for the appropriate tier; and
- (4) multiplying the multiple of ten from Subsection (1)(b)(i)(B)(IV)(1) by the corresponding bond amount.

(2) Adjustment of Blanket Well Performance Bond Amount.

(a) An operator's blanket well performance bond amount shall be set in accordance with the base blanket bond schedules found in Section R649-13-4, which shall be adjusted not to exceed five years as referenced in Subsection R649-13-1(3).

(b) An operator's at risk well supplement will be recalculated under Subsection (1)(b)(i)(B)(IV)(1) when an operator's at risk wells increase to the next multiple of ten.

(c) An operator may request a recalculation of its at risk well supplement when an operator's at risk wells decrease by a multiple of ten.

(d) An operator's blanket well performance bond amount shall be recalculated if the division determines the operator's blanket well performance bonding qualifications have changed since the last calculation.

(e) The division shall provide written notification to an operator of the need to increase the amount of its blanket well performance bond to conform with updated bonding schedules or an increase in state at risk wells.

(f) Within 120 days of such notification by the division, the operator shall post a bond with the division in compliance with Rule R649-13 or appeal the decision to the Board of Oil, Gas, and Mining.

**R649-13-4. Bonding Schedules.**

(1)(a) Tier 1 Requirements:

(i) The operator's total well count production shall be equal to or greater than 1,000 BOE per day average for the previously reportable 12 months; and

(ii) An at risk well ratio equal to or less than 20%.

(b)(i) Tier 1 base blanket bond table for total state well count:

TABLE BASE BLANKET BOND	
STATE WELL COUNT	AMOUNT OF BOND
1-10	\$200,000
11-25	\$300,000
26-50	\$400,000
51- 100	\$500,000
101-250	\$650,000
251-500	\$800,000
501-750	\$1,000,000
751-1000	\$1,250,000
1001-1500	\$1,500,000
1501-2000	\$2,000,000
2001-2500	\$2,500,000

NOTICES OF CHANGES IN PROPOSED RULES

(ii) Tier 1 at risk well supplemental schedule for state at risk wells based on average TVD:

TABLE AT RISK WELL SUPPLEMENT SCHEDULE	
AVERAGE TVD	AMOUNT OF BOND PER AT RISK WELL
0 - 500 FEET	\$2,500
501 - 1,000 FEET	\$5,000
1,001 - 3,000 FEET	\$10,000
3,001 - 6,000 FEET	\$20,000
6,001 - 9,000 FEET	\$32,500
9,001 - 12,000 FEET	\$42,500
12,000+ FEET	\$55,000

(2)(a) Tier 2 Requirements:

(i) The operator's total well count production shall be equal to or greater than 500 BOE per day average for the previously reportable 12 months; and

(ii) An at risk well ratio equal to or less than 22%.

(b)(i) Tier 2 base blanket bond table for total state well count:

TABLE BASE BLANKET BOND	
STATE WELL COUNT	AMOUNT OF BOND
1-10	\$300,000
11-25	\$450,000
26-50	\$600,000
51- 100	\$750,000
101-250	\$975,000
251-500	\$1,200,000
501-750	\$1,500,000
751-1000	\$1,875,000
1001-1500	\$2,250,000
1501-2000	\$3,000,000
2001-2500	\$3,750,000

(ii) Tier 2 at risk well supplemental schedule for state at risk wells based on average TVD:

TABLE AT RISK WELL SUPPLEMENT SCHEDULE	
AVERAGE TVD	AMOUNT OF BOND PER AT RISK WELL
0 - 500 FEET	\$2,500
501 - 1,000 FEET	\$5,000
1,001 - 3,000 FEET	\$10,000
3,001 - 6,000 FEET	\$20,000
6,001 - 9,000 FEET	\$32,500

9,001 - 12,000 FEET	\$42,500
12,000+	\$55,000

(3)(a) Tier 3 Requirements:

(i) The operator's total well count production shall be equal to or greater than 200 BOE per day average for the previously reportable 12 months; and

(ii) An at risk well ratio equal to or less than 25%; or

(iii) Production greater than 1,000 BOE per day for the previously reportable 12 months with no required at risk well ratio.

(b)(i) Tier 3 base blanket bond table for total state well count:

TABLE BASE BLANKET BOND	
STATE WELL COUNT	AMOUNT OF BOND
1-10	\$400,000
11-25	\$600,000
26-50	\$800,000
51-100	\$1,000,000
101-250	\$1,300,000
251-500	\$1,600,000
501-750	\$2,000,000
751-1000	\$2,500,000
1001-1500	\$3,000,000
1501-2000	\$4,000,000
2001-2500	\$5,000,000

(ii) Tier 3 at risk well supplemental schedule for state at risk wells based on average TVD:

TABLE AT RISK WELL SUPPLEMENT SCHEDULE	
AVERAGE TVD	AMOUNT OF BOND PER AT RISK WELL
0 - 500 FEET	\$2,500
501 - 1,000 FEET	\$5,000
1,001 - 3,000 FEET	\$10,000
3,001 - 6,000 FEET	\$20,000
6,001 - 9,000 FEET	\$32,500
9,001 - 12,000 FEET	\$42,500
12,000+	\$55,000

(4) Individual Well Depth Performance Bond, which is based on TVD:

TABLE INDIVIDUAL WELL DEPTH PERFORMANCE BOND	
TVD	AMOUNT OF BOND PER WELL
0 - 500 FEET	\$5,000
501 - 1,000 FEET	\$10,000

NOTICES OF CHANGES IN PROPOSED RULES

1,001 - 3,000 FEET	\$20,000
3,001 - 6,000 FEET	\$40,000
6,001 - 9,000 FEET	\$65,000
9,001 - 12,000 FEET	\$85,000
12,000+	\$110,000

**R649-13-5. Miscellaneous Bonds.**

- (1) Exploration and Production Recycling Facilities shall be bonded as set forth in Section R649-9-9.
- (2) Waste Crude Oil Treatment Facilities shall be bonded as set forth in Section R649-9-9.
- (3) Seismic Exploration operations shall be bonded as set forth in Section R649-3-26.
- (4) Surface bonding shall be required as set forth in Section R649-3-38.

**R649-13-6. Replacement of Performance Bonds.**

- (1) The division may allow an operator to replace existing performance bonds with other performance bonds that provide sufficient coverage.
- (2) The division shall not release an existing performance bond until the operator has furnished, and the division has approved, an acceptable replacement performance bond.
- (3) Replacement of a performance bond pursuant to this Subsection shall not constitute a release of bond under Section R649-13-7.
- (4) Bond Replacement Due to Change of Operator.
  - (a) No later than 30 days after receipt of a complete Form 16 Operator Change Form, pursuant to Section R649-8-18, the division will provide the current and proposed operator with a determination of the proposed operator's performance bond requirements.
  - (b) In the event the division determines that the new operator's bond coverage will be insufficient to cover the costs of plugging and site restoration for the well or wells assigned, the division will provide a written explanation justifying the bond adjustment. After receipt and approval of a plan to remedy the bond inadequacy the division may grant the new operator up to 12 months to remedy the bond inadequacy.
  - (c) The current operator's bond shall not be released until the proposed operator provides adequate replacement bonding.
  - (d) When the division has approved the termination of liability under a bond, the current operator is relieved from the responsibility of plugging or repairing any wells and restoring any well site affected by the operator change.

**R649-13-7. Requirements for Performance Bond Release.**

- (1) The owner or operator may request release of a bond by submitting a request for bond release together with a certification of the mailing of the same to interested parties having standing to challenge the same, including the surface landowner.
  - (a) Within 30 days of filing a request for bond release with the division, the operator shall submit signed affidavits from the surface landowner of the bonded site certifying that restoration has been performed as required by the surface agreements or to the satisfaction of the parties. These affidavits shall be used by the division in determination of final bond release as required by Subsection R649-3-34(13).
    - (i) If such affidavits are not submitted, the division shall conduct an inspection in accordance with Subsection (1)(b) upon receiving a written request from the operator.
    - (ii) The division shall give the operator and surface landowner notice of the date and time of the inspection. If either the operator or the surface landowner are unable to attend the inspection at the scheduled time and date, the division may reschedule the inspection to allow the operator or surface landowner to participate.
  - (b) Before the approval of a bond release, the division shall conduct an evaluation and inspection of the bonded site as follows:
    - (i) within 60 days of the filing of the request for bond release, or the conclusion of any associated informal adjudicative proceeding described in Subsection R649-13-6(2)(b), or as soon thereafter as weather conditions permit, the division shall conduct an inspection and evaluation of the bonded site to determine if restoration has been adequately performed.
    - (ii) The division's evaluation and inspection shall consider the adequacy of the bonded site restoration, the degree of difficulty to complete any remaining restoration, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution.
  - (iv) The adequacy of a well site restoration will also evaluate any restoration requirements provided for in Section R649-3-34.
  - (v) The division shall retain a record of the evaluation and inspection according to the division's approved retention schedule.
- (2)(a) If no written objection to the request for bond release is received by the division within 30 days after the filing of the request, the division may release liability under the bond as an administrative action, subject to the evaluation and inspection described in Subsection (1)(b).
  - (b) If a written objection to the request for bond release is received by the division within 30 days after the filing of the request, the request shall be set for an informal adjudicative proceeding and notice thereof given in accordance with the procedural rules of the division under Rule R649-10.

(i) within 60 days of the conclusion of any associated informal adjudicative proceeding, or as soon thereafter as weather conditions permit, whichever is the later, the division shall conduct an inspection and evaluation of the bonded site to determine if restoration has been adequately performed.

(3)(a) The division shall give written notice of its decision to release or not to release all or part of the performance bond within 30 days after the completion of the inspection and evaluation.

(b) The following parties will be notified of the division's decision:

(i) the operator;

(ii) the surety or other guarantor of the bond;

(iii) other persons with an interest in bond collateral who have requested notification under Subsection R649-13-1(2)(c)(v);

(iv) the persons who filed written objections to the notice of application for bond release; and

(v) any other interested parties identified in the certification of mailing in Subsection (1).

(c) If the decision is made to release the bond, the notification shall also state the effective date of the bond release.

(d) If the division denies the request for bond release or a portion thereof, the written notice shall state the reasons for denial and recommend corrective actions necessary to secure the release.

(4) Release of bond liability shall be conditioned upon compliance with Title 40, Chapter 6, Board and Division of Oil, Gas and Mining, Title R649, Natural Resources; Oil, Gas and Mining; Oil and Gas, and orders of the division and board.

(5) The denial of a request for bond release may be appealed by filing a request for agency action with the division pursuant to Rule R649-10.

#### **R649-13-8. Forfeiture of Performance Bonds.**

(1) The division shall take action to forfeit a performance bond if any of the following occur:

(a) the operator refuses or cannot conduct plugging and site restoration;

(b) the operator refuses or cannot repair a well or remediate pollution;

(c) the operator fails to comply with conditions of a permit issued by the division; or

(d) the operator defaults on the conditions under which the bond was accepted.

(2) In the event the division forfeits a bond, the matter will be considered by the board before the division taking any action to plug a well.

(3) After proper notice and hearing, the board may order the division to do the following:

(a) use funds collected from bond forfeiture to complete the plugging and restoration of the well or wells to which bond coverage applies;

(b) enter into a written agreement with the operator or another party to perform plugging and restoration operations in accordance with a compliance schedule established by the division as long as such party has the ability to perform the necessary work;

(c) allow a surety to complete the plugging and restoration, if the surety can demonstrate an ability to complete the plugging and restoration; or

(d) take other actions the board deems reasonable and appropriate.

(4) In the event the amount forfeited is insufficient to pay for the full cost of the plugging and restoration, the division may complete or authorize completion of plugging and restoration and may recover from the operator and its principals all costs of plugging and restoration in excess of the amount forfeited.

(e) In the event the amount forfeited was more than the amount necessary to complete plugging and restoration, the unused funds shall be returned by the division to the party from whom they were collected.

(f) In the event the bond is forfeited and there exists any unplugged well or wells previously covered under the forfeited bond, the operator must establish new bond coverage in accordance with this rules or, upon an order from the division or the board, cease operations until adequate bonding is provided.

#### **R649-13-9. Approval of Bonding Contingent Upon Compliance with Laws.**

(1) Division approval of a bond is conditioned upon an operator's compliance with Title 40, Chapter 6, Board and Division of Oil, Gas and Mining, Title R649, Natural Resources; Oil, Gas and Mining; Oil and Gas, and orders of the division and board.

(2) Except as set forth in Subsection (3), the division shall not approve a bond where information available to the division indicates that an operator:

(a) has an existing liability with the division; or

(b) has an owner, officer, director, partner, member or manager of a limited liability company, or other person with a controlling interest in the entity, who has or previously had, a controlling interest in another entity with an existing liability with the division.

(3) The division may approve a bond for an operator with an existing liability if the operator provides proof that the existing liability has been resolved or is in the process of being resolved to the division's satisfaction.

(4) The denial of a bond by the division may be appealed by filing a request for agency action with the board pursuant to Rule R649-10.

NOTICES OF CHANGES IN PROPOSED RULES

**R649-13-10. Effective Date of Rule Revisions.**

(1) The performance bond amounts for all wells, facilities, and operations permitted after July 7~~[June 1]~~, 2026 shall be determined as set forth in Sections R649-13-2 and R649-13-3 in accordance with the bond schedules referenced in Subsection R649-13-1(3)(a).

(2) Performance bonds for wells, facilities, and operations permitted before July 7~~[June 1]~~, 2026, will be adjusted to conform to the requirements of Sections R649-13-2 and R649-13-3 as follows:

(a) on or before July 7~~[June 1]~~, 2026, the division shall complete a comprehensive well analysis for each operator and determine the total performance bond amount required by the bonding schedule.

(b) the division shall send written notification to each operator of the division's final bonding assessment.

(c) For wells with existing bonding as of July 7~~[June 1]~~, 2026, an operator will be allowed to increase their bonding to conform to the division's bonding assessment in five installments. The installments shall be made as follows:

(i) the first installment is due six months after the date the division notifies the operator of their bonding assessment, and must be a minimum of \$50,000, or one-fifth the difference between the operator's existing bonding and the division's bonding assessment, whichever is greater;

(ii) the second through fourth installments are due annually July~~[June]~~ 1 and must be a minimum of one-quarter of the difference between the operator's existing bonding after payment of the first installment and the division's bonding assessment.

(iii) the fifth and final installment is due on July~~[June]~~ 1 of the year following the fourth installment and must be in the amount of the remaining difference between the operator's existing bonding and the division's bonding assessment.

**KEY: oil and gas law**

**Date of Last Change: 2026**

**Authorizing, and Implemented or Interpreted Law: 40-6-1 et seq.**

**End of the Notices of Changes in Proposed Rules Section**

# 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](http://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

<b>Rule number:</b>	<b>R23-25</b>	<b>Filing ID: 55145</b>
<b>Effective date:</b>	<b>05/14/2026</b>	

### 1. Agency Information

<b>Title catchline:</b>	Government Operations, Facilities Construction and Management
<b>Building:</b>	Taylorville State Office Building
<b>Street address:</b>	4315 S 2700 W, 3rd Floor
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 141160
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1160

### 2. Contact Persons

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Mike Kelley	801-957-7239	mkelley@agutah.gov

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

### 3. General Information

<b>A. Rule catchline:</b>	
R23-25. Administrative Rules Adjudicative Proceedings	
<b>B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Subsection 63A-5b-305(2)(c)	The director may in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary for the Division of Facilities Construction and Management (division) or director to perform the division or director's duties.
Subsection 63G-4-202(1)	The agency may, by rule, designate categories of adjudicative proceedings to be conducted informally according to the procedures set forth in rules enacted under the authority of this chapter.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 63G-4-203(1)	If an agency enacts rules designating one or more categories of adjudicative proceedings as informal adjudicative proceedings, the agency shall, by rule, prescribe procedures for informal adjudicative proceedings.
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**C. 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 necessary to establish procedures for informal adjudicative proceedings. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Andy Marr, Director	<b>Date:</b>	05/14/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	R23-31	<b>Filing ID:</b> 55147
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<b>Effective date:</b>	05/14/2026
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**1. Agency Information**

<b>Title catchline:</b>	Government Operations, Facilities Construction and Management
<b>Building:</b>	Taylorville State Office Building
<b>Street address:</b>	4315 S 2700 W, 3rd Floor
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 141160
<b>City, state and zip:</b>	Salt Lake City, UT 84114-1160

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Mike Kelley	801-957-7239	mkelley@agutah.gov

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

**3. General Information**

<b>A. Rule catchline:</b>	R23-31. Executive Residence Commission
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**B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

Subsection 63A-5b-305(2)(c)	The director may in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary for the Division of Facilities Construction and Management (division) or director to perform the division or director's duties.
Section 52-4-207	<p>A public body may conduct a meeting that some or all members of the public body attend through an electronic video, audio, or both video and audio connection.</p> <p>A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings.</p>

**C. 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 necessary to prescribe the duties of the Executive Residence Commission and to allow for electronic meetings of the Executive Residence Commission. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Andy Marr, Director	<b>Date:</b>	05/14/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R52-7</b>	<b>Filing ID: 56938</b>
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<b>Effective date:</b>	<b>05/05/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Agriculture and Food, Horse Racing Commission (Utah)
<b>Building:</b>	TSOB South Bldg, Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorsville, UT
<b>Mailing address:</b>	PO Box 146500
<b>City, state, and zip:</b>	Salt Lake City, UT 84114-6500

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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.

**3. General Information**

<b>A. Rule catchline:</b>
R52-7. Horse Racing

**B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

Section 4-38-104	This section of the Utah Horse Regulation Act establishes the powers and duties of the Utah Horse Racing Commission (commission) and mandates that the commission shall make rules to govern the management of race meets and the horse racing industry in the state.
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**C. 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 commission has received no comments in opposition to this rule since the last five-year review.

**D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

Rule R52-7 is essential to maintain the integrity, safety, and legal framework of horse racing within the state. This rule provides the necessary regulatory oversight for race meets, ensuring that competitions are conducted fairly and under standardized conditions.

Without this rule, the commission would lack the formal authority to enforce licensing requirements, safety protocols for participants and animals, and the procedural standards required to prevent fraudulent activities.

Furthermore, the rule ensures compliance with state statutes by providing a transparent set of guidelines for all stakeholders involved in Utah's racing industry. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/05/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R70-940</b>	<b>Filing ID:</b>	<b>50184</b>
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<b>Effective date:</b>	<b>05/05/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Agriculture and Food, Regulatory Services
<b>Building:</b>	Taylorville State Office Buildings, South Bldg, Floor 2
<b>Street address:</b>	4315 S 2700 W
<b>City, state:</b>	Taylorville, UT
<b>Mailing address:</b>	PO Box 146500
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6500

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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.

**3. General Information**

<b>A. Rule catchline:</b>
R70-940. Standards and Testing of Motor Fuel

<b>B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 4-33-104	<p>This section of the Motor Fuel Inspection Act grants the Department of Agriculture and Food (department) specific administrative and enforcement powers to ensure the quality and transparency of motor fuels sold within the state.</p> <p>It establishes standards for the testing and inspection of fuel samples to verify they meet all safety and performance requirements.</p>

**C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

The department has not received any public comments in opposition of this rule since the last five-year review.

**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 vital for the effective administration and enforcement of the Motor Fuel Inspection Act.

This rule establishes the technical standards and testing procedures required to ensure that motor fuels sold in Utah meet quality specifications for octane ratings, vapor pressure, and ethanol content. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Kelly Pehrson, Commissioner	<b>Date:</b>	05/05/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R151-3</b>	<b>Filing ID:</b>	<b>54884</b>
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<b>Effective date:</b>	<b>05/04/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Commerce, Administration
<b>Building:</b>	Heber M Wells Bldg
<b>Street address:</b>	160 E 300 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 146701
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6701

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Masuda Medcalf	801-530-7663	mmedcalf@utah.gov

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

**3. General Information**

<b>A. Rule catchline:</b>
R151-3. Americans With Disabilities Act Rule

**B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

28 CFR 35	The Title II ADA Regulation provides that no individual shall be excluded from participation in or be denied the benefits of the services, programs, or activities of the Department of Commerce (Department) or be subjected to discrimination because of a disability.  It also requires the agency to adopt compliant procedures.
Section 13-1-6	This statute allows the Department to adopt rules to manage the operations of the agency.
Subsection 63G-3-201(3)	This subsection requires rulemaking when the issues a written interpretation of a federal legal mandate.

**C. 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 necessary as it is required by federal law, and it provides necessary procedures for the resolution of ADA complaints of noncompliance. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Margaret W. Busse, Commissioner	<b>Date:</b>	05/07/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R151-35</b>	<b>Filing ID:</b>	<b>56675</b>
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<b>Effective date:</b>	<b>05/04/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Commerce, Administration
<b>Building:</b>	Heber M Wells Bldg
<b>Street address:</b>	160 E 300 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 146701
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6701

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Masuda Medcalf	801-530-7663	mmedcalf@utah.gov

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

**3. General Information**

**A. Rule catchline:**

R151-35. Powersport Vehicle Franchise Act Rule

**B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

Section 13-35-104	The Powersport Vehicle Franchise Act (Act) authorizes the Department of Commerce to promulgate rules regarding the administration of the Act.
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**C. 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 necessary to administer the registration requirements for franchisees and franchisors of powersport vehicles and to conduct proceedings before the agency. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Margaret W. Busse, Commissioner	<b>Date:</b>	05/07/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R156-28</b>	<b>Filing ID:</b>	<b>57922</b>
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<b>Effective date:</b>	<b>05/07/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Commerce, Professional Licensing
<b>Building:</b>	Heber M. Wells Building
<b>Street address:</b>	160 E 300 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 146741
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jim Garfield	801-530-6458	jimgarfield@utah.gov

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

**3. General Information**

<b>A. Rule catchline:</b>
R156-28. Veterinary Practice Act Rule

**B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

Section 58-28-101 et seq.	Title 58, Chapter 28, Veterinary Practice Act, provides for the licensure and regulation of veterinarians and veterinary technicians.
Subsection 58-1-106(1)(a)	This subsection establishes that it is the duty of the 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.

**C. 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.

However, SB 47, Reauthorization of Administrative Rules, passed in the 2026 General Session, included the nonreauthorization of Subsections R156-28-302b(1)(b) and (c). Accordingly, on 05/01/2026, Subsections R156-28-302b(1)(b) and (c) were removed from 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 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 28.

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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, minimum standards of practice, and ethical standards relating to the profession. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Deborah Blackburn, Assistant Director	<b>Date:</b>	05/07/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R277-320</b>	<b>Filing ID: 55416</b>
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<b>Effective date:</b>	<b>05/13/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Education, Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 144200
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

**3. General Information**

<b>A. Rule catchline:</b>
R277-320. Grow Your Own Educator Pipeline Program

**B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Section 53F-5-218	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

**C. 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 public comments 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 establishes requirements for administration of the Grow Your Own Educator Pipeline grant program. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	05/13/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R277-488</b>	<b>Filing ID:</b>	<b>55201</b>
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<b>Effective date:</b>	<b>05/13/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Education, Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 144200
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

**3. General Information**

<b>A. Rule catchline:</b>
R277-488. Dual Language Immersion Program

<b>B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Section 53F-2-502	Requires the Board to establish a Dual Language Immersion program.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

<b>C. 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:</b>
No public comments received since the last five-year review of this rule.

<b>D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule establishes criteria and procedures for distributing funds to elementary and secondary schools participating in the Dual Language Immersion Program in order to increase the number of students who reach proficiency in world languages, build overall world language capacity in the state of Utah, and increase the number of biliterate and bilingual students. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	05/13/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R277-607</b>	<b>Filing ID:</b>	<b>57023</b>
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<b>Effective date:</b>	<b>05/13/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Education, Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 144200
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

**3. General Information**

<b>A. Rule catchline:</b>
R277-607. Absenteeism and Truancy Prevention

<b>B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state.
Section 53G-6-206	Describes the duties of a Local Education Agency (LEA) governing board in making efforts in promoting regular attendance and resolving school absenteeism and truancy issues for each school-age child who is, or should be, enrolled in the LEA, does not impose civil liability on the Board and LEA governing board or their employees, and requires each LEA to annually report data on absences with or without a valid excuse to the Board.
Section 53G-9-804	Requires the Board to make rules requiring LEAs to enact chronic absenteeism prevention and intervention policies.

<b>C. 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:</b>
No public comments 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 directs an LEA to create a policy, which defines attendance expectations, provides interventions and resources, delineates consequences consistent with state law, and provides an appeals process. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	05/13/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R277-727</b>	<b>Filing ID: 53417</b>
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<b>Effective date:</b>	<b>05/13/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Education, Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 144200
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

**3. General Information**

<b>A. Rule catchline:</b>
R277-727. School Meals Program

**B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Section 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Section 53E-3-510	Allows the Board to control how meals program revenue may be disbursed, transferred, or drawn upon.

**C. 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 public comments 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 defines school meals programs and outlines how the school meals program revenue may be distributed. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	05/13/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R277-800</b>	<b>Filing ID: 57506</b>
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<b>Effective date:</b>	<b>05/13/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Education, Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 144200
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

**3. General Information**

<b>A. Rule catchline:</b>
R277-800. Utah Schools for the Deaf and the Blind

**B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Section 53E-8-204	Authorizes the Board to make rules regarding the administration of the Utah Schools for the Deaf and the Blind (USDB).
Section 53E-8-402	Directs the Board to establish entrance policies and procedures to be considered, consistent with the Individuals with Disabilities Education Improvement Act (IDEA), for student placement recommendations at the USDB.
Section 53E-8-409	Directs the Board to establish the Utah State Instructional Materials Access Center (USIMAC) and outline collaboration and operating procedures for USIMAC and USDB resources.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

**C. 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 public comments 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 provides standards and procedures for the operation of the USDB and the USDB outreach programs and services. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	05/13/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R277-925</b>	<b>Filing ID:</b>	<b>56733</b>
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<b>Effective date:</b>	<b>05/13/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Education, Administration
<b>Building:</b>	Board of Education
<b>Street address:</b>	250 E 500 S
<b>City, state:</b>	Salt Lake City, UT 84111
<b>Mailing address:</b>	PO Box 144200
<b>City, state and zip:</b>	Salt Lake City, UT 84114-4200

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

**3. General Information**

<b>A. Rule catchline:</b>
R277-925. Effective Teachers in High Poverty Schools Incentive Program

**B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Subsection 53F-2-513(2)(b)	Requires the Board to make rules for the administration of the Effective Teachers in High Poverty Schools Incentive Program.

**C. 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 public comments 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 provides standards and procedures for the administration of the Effective Teachers in High Poverty Schools Incentive Program. Therefore, this rule should be continued.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Elisse Newey, Deputy Superintendent of Policy	<b>Date:</b>	05/13/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R388-804</b>	<b>Filing ID: 56874</b>
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<b>Effective date:</b>	<b>05/07/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Health and Human Services; Population Health, HIV/AIDS, Tuberculosis Control and Refugee Health
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 142102
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2102

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Rachel Ashby	385-242-6476	rashby@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

**3. General Information**

<b>A. Rule catchline:</b>
R388-804. Special Measures for the Control of Tuberculosis

**B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

Section 26B-1-202	<p>Subsection 26B-1-202(a) authorizes the Department of Health and Human Services (department) to adopt rules as the department may consider necessary or desirable for providing health and social services to the people of Utah.</p> <p>Subsection 26B-1-202(aa) authorizes the department to investigate the causes of epidemic, infectious, communicable, and other diseases affecting public health.</p> <p>Subsection 26B-1-202(bb) authorizes the department to provide for the detection and reporting of communicable, infectious, acute, chronic, or any other disease or health hazard which the department considers to be dangerous, important, or likely to affect the public health.</p>
Section 26B-7-202	Section 26B-7-202 authorizes the department to investigate and control epidemic infections and communicable disease, including tuberculosis.
Section 26B-7-207	Section 26B-7-207 authorizes the department to designate communicable diseases of public health concern as reportable and establish rules for the reporting, investigation, prevention, and

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	control of communicable diseases, epidemic infections, and other health hazards that affect public health.
Section 26B-7-208	Section 26B-7-208 authorizes the department to conduct or oversee the investigation, control, and monitoring of suspected or confirmed tuberculosis infection and disease within the state.  This section authorizes local health departments to investigate, control, and monitor suspected or confirmed tuberculosis infection and disease within their respective jurisdictions and requires a health care provider who treats an individual with suspected or confirmed tuberculosis to treat the individual according to guidelines established by the department.
Section 26B-7-209	Section 26B-7-209 authorizes the department to test individuals at high risk for tuberculosis as required by department rule, which includes establishing criteria to identify individuals who are at high risk for tuberculosis and may include establishing who is responsible for the costs of the testing.
Title 26B, Chapter 7, Part 3	Title 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for Communicable Diseases, authorizes the department to treat, isolate, and quarantine dangerous public health conditions, including tuberculosis.

**C. 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 necessary to provide oversight for the Ryan White Part B Program, including program eligibility, benefits, and administration by the department.

Additionally, continuation of this rule will allow the department to comply with statutory mandates to continue accepting and administering Part B Program funds to improve public health. Therefore, this rule should be continued.

As there were no comments in opposition to this rule, the department did not respond to any such comment.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Commissioner	<b>Date:</b>	05/07/2026
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**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

<b>Rule number:</b>	<b>R388-805</b>	<b>Filing ID: 55598</b>
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<b>Effective date:</b>	<b>05/07/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Health and Human Services, Population Health, HIV/AIDS, Tuberculosis Control and Refugee Health
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 142104
<b>City, state and zip:</b>	Salt Lake City, UT 84114-2104

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Tyler Fisher	801-597-0175	tfisher@utah.gov
Allison Allred	801-518-1303	aallred@utah.gov

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

**3. General Information**

<b>A. Rule catchline:</b>
R388-805. Ryan White Part B Program

<b>B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Subsection 26B-7-202(1)	Subsection 26B-7-202(1) authorizes the Department of Health and Human Services (department) to investigate and control the causes of epidemic infections and communicable disease.  This subsection also requires the department to provide for the detection, reporting, prevention, and control of communicable diseases and epidemic infections or any other health hazard which may affect the public health.
Subsection 26B-7-202(3)(b)	Subsection 26B-7-202(3) requires the department to distribute to the public and to health care professionals medically accurate information about sexually transmitted diseases that may cause infertility and sterility if left untreated, including descriptions of medically accepted treatment for sexually transmitted diseases.
Section 26B-7-207	Section 26B-7-207 authorizes the department to designate diseases which are communicable, of concern to the public health, and reportable.  This section also authorizes the department to establish rules for the detection, reporting, investigation, prevention, and control of communicable diseases, epidemic infections, and other health hazards that affect the public health.
Section 26B-7-227	Section 26B-7-227 requires the department to establish and operate reasonable programs to prevent, delay, and detect the onset of chronic diseases including cancer, diabetes, cardiovascular and pulmonary diseases, genetic diseases, and such other chronic diseases as the department determines are important in promoting, protecting, and maintaining the public's health.

**C. 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 necessary to provide oversight for the Ryan White Part B Program, including program eligibility, benefits, and administration by the department.

Additionally, this rule will allow the department to comply with statutory mandates to continue accepting and administering Part B Program funds to improve public health. Therefore, this rule should be continued.

As there were no comments in opposition to this rule, the department did not respond to any such comment.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Commissioner	<b>Date:</b>	05/07/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
<b>Rule number:</b>	<b>R414-505</b>	<b>Filing ID: 55527</b>

<b>Effective date:</b>	<b>05/07/2026</b>
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**1. Agency Information**

<b>Title catchline:</b>	Health and Human Services, Integrated Healthcare
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W
<b>City, state:</b>	Salt Lake City, UT
<b>Mailing address:</b>	PO Box 143325
<b>City, state and zip:</b>	Salt Lake City, UT 84114-3325

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
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.

**3. General Information**

<b>A. Rule catchline:</b>
R414-505. Participation in the Nursing Facility Non-State Government-Owned Upper Payment Limit Program

<b>B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 26B-1-213	This section grants the Department of Health and Human Services (department) the authority to adopt, amend, or rescind rules.
Section 26B-3-108	This section requires the department to implement the Medicaid program through administrative rules.

**C. 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 necessary to fulfill statutory requirements for implementing the Medicaid program and to define the participation requirements in the nursing care facility non-state government-owned upper payment limit program. Therefore, this rule should be continued.

As there were no comments in opposition to this rule, the department did not respond to any such comment.

**4. Agency Authorization Information**

<b>Agency head or designee and title:</b>	Tracy S. Gruber, Commissioner	<b>Date:</b>	05/07/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	R933-2	Filing ID: 52148
Effective date:	05/15/2026	

**1. Agency Information**

Title catchline:	Transportation, Preconstruction, Right of Way Acquisition
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

**2. 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.

**3. General Information**

<b>A. Rule catchline:</b>
R933-2. Control of Outdoor Advertising Signs

<b>B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>	
Section 72-7-506	This section authorizes the Department of Transportation (department) to make rules to control the erection and maintenance of outdoor advertising along the interstate and primary highway systems, provide for enforcement of this chapter, establish the form, content, and submittal of applications to erect outdoor advertising, and establish administrative procedures.

<b>C. 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:</b>
No comments have been received since the last five-year review of this rule.

<b>D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The statute still authorizes this rule. Therefore, this rule should be continued.
The department is currently performing an ongoing review and intends to propose amendments to this rule later in 2026.

**4. Agency Authorization Information**

Agency head or designee and title:	Carlos M. Bracerias, PE, Commissioner, UDOT	Date:	05/15/2026
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End of the Five-Year Notices of Review and Statements of Continuation Section

## NOTICES OF FIVE-YEAR EXPIRATIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

NOTICE OF EXPIRED RULE		
<b>Rule Number:</b>	R652-150	Filing ID: 51711

<b>Effective Date:</b>	05/14/2026
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### 1. Agency Information

<b>Title catchline:</b>	Natural Resources; Forestry, Fire and State Lands
<b>Street address:</b>	1594 W North Temple St
<b>City, state, and zip:</b>	Salt Lake City, UT 84116

### 2. Contact Persons

Name:	Phone:	Email:
Nancy L. Lancaster	801-657-1644	rulesonline@utah.gov

### 3. General Information

<b>Title of rule (catchline):</b>
R652-150. Utah Bioprospecting Act
<b>Summary:</b>
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

**End of the Notices of Notices of Five-Year Expirations Section**

## NOTICES OF RULE EFFECTIVE DATES

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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.

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### 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. 57656 (Amendment) R156-60e: Mental Health Professional Practice Act Rule

Published: 12/01/2025

Effective: 05/26/2026

No. 57656 (Change in Proposed Rule) R156-60e: Mental Health Professional Practice Act Rule

Published: 04/15/2026

Effective: 05/26/2026

Education

Administration

No. 57855 (Amendment) R277-484: Data Standards

Published: 04/01/2026

Effective: 05/08/2026

Environmental Quality

Administration

No. 57850 (Repeal) R305-11: Clean Air Support Restricted Account Grant Program

Published: 04/01/2026

Effective: 05/08/2026

Health and Human Services

Child Care Center Licensing

No. 57869 (Amendment) R381-70: Out-of-School-Time Child Care Programs

Published: 04/15/2026

Effective: 06/05/2026

Population Health, Environmental Health

No. 57816 (Amendment) R392-302-38: Special Purpose Pools: Cold Plunge Pools

Published: 03/15/2026

Effective: 05/26/2026

Integrated Healthcare

No. 57824 (Amendment) R414-1-5: Incorporations by Reference

Published: 03/15/2026

Effective: 05/01/2026

Residential Child Care Licensing

No. 57870 (Amendment) R430-50: Residential Certificate Child Care

Published: 04/15/2026

Effective: 06/05/2026

No. 57871 (Amendment) R430-90: Licensed Family Child Care

Published: 04/15/2026

Effective: 06/05/2026

Health Care Facility Licensing

No. 57644 (Amendment) R432-100: General Hospital Stand

Published: 12/01/2025

Effective: 06/05/2026

No. 57644 (Change in Proposed Rule) R432-100: General Hospital Stand

Published: 04/15/2026

Effective: 06/05/2026

No. 57643 (Amendment) R432-950: Mammography Quality Assurance

Published: 12/01/2025

Effective: 06/05/2026

No. 57643 (Change in Proposed Rule) R432-950: Mammography Quality Assurance

Published: 04/15/2026

Effective: 06/05/2026

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

NOTICES OF RULE EFFECTIVE DATES

Child and Family Services

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. 57880 (Amendment) R765-607: PRIME Program Grant

Published: 04/15/2026

Effective: 05/28/2026

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. 57875 (Amendment) R765-621: Terrell H. Bell Education Scholarship Program

Published: 04/15/2026

Effective: 05/28/2026

No. 57876 (Amendment) R765-622: Career and Technical Education Scholarship Program

Published: 04/15/2026

Effective: 05/28/2026

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

Housing Corporation

Administration

No. 57825 (Amendment) R460-3-7: Condominium Construction Loan Program

Published: 03/15/2026

Effective: 05/20/2026

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

Labor Commission

Occupational Safety and Health

No. 57826 (Amendment) R614-1-9: Retaliation

Published: 04/01/2026

Effective: 05/08/2026

No. 57863 (Amendment) R614-1-4: Incorporation of Federal Standards

Published: 04/15/2026

Effective: 05/22/2026

Boiler, Elevator and Coal Mine Safety

No. 57864 (Amendment) R616-3-3: Safety Codes for Elevators

Published: 04/15/2026

Effective: 05/22/2026

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. 57872 (Amendment) R653-11: Water Conservation Requirements and Incentives

Published: 04/15/2026

Effective: 05/26/2026

No. 57877 (New Rule) R653-17: Regional Water Conservation Goals

Published: 04/15/2026

Effective: 05/26/2026

**End of the Notices of Rule Effective Dates Section**