UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed August 15, 2026, 12:00 a.m. through September 01, 2026, 11:59 p.m.

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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

Utah state bulletin.
Semimonthly.
1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
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NOTICES OF
PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between August 15, 2026, 12:00 a.m., and September 01, 2026, 11:59 p.m. are included in this, the September 15, 2026, issue of the *Utah State Bulletin*.

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

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 Rules being repealed are completely struck out.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

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least October 15, 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 January 13, 2027, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

The Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Repeal and Readopt	**Filing ID: 58208**
Rule or section number:	**R65-13**

1. Agency Information

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

2. Contact Persons

Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@Utah.gov
Camille Knudson	801-597-6010	CamilleK@Utah.gov
Caroline Scheidell	385-867-0901	Carolinescheidell@Utah.gov

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

3. General Information

A. Rule or section catchline:

R65-13. Utah's Own

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

The Department of Agriculture and Food (department) is revising this rule to align with current program practices.

Utah's Own has expanded to include tiered participation options, including memberships, partnerships, and sponsorships.

Readopting this rule establishes clear definitions, eligibility criteria, logo usage standards, and procedures for all participating entities to accurately reflect how the program operates.

C. Summary of the new rule or change:

This filing repeals the current version of this rule and readopts a revised rule to match how the program operates today.

The readopted rule establishes definitions, membership eligibility, application steps, and one-year renewal terms for an expanded tier setup including members, partners, and sponsors.

It also sets clear product eligibility standards and explicitly excludes products including dietary supplements, cannabinoid, and kratom products.

Finally, this rule outlines the usage for the trademarked Utah's Own logo, requires separate memberships for individual brand or DBA names, and sets clear procedures for membership denials, revocations, and department discretion.

5. Fiscal Information

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

A. State budget:

The filing does not impact on the state's budget because the department currently administers the program under these changes.

B. Local governments:

This filing 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 filing does not have an impact on small businesses because the program currently operates under the proposed changes and the current approved fees.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
The proposed rule will not have an impact on non-small businesses because the program currently operates under the proposed changes and current approved fees.
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 program currently operates under the proposed changes.
F. Compliance costs for affected persons:
The compliance costs for the program 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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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 4-8-104(5)		

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	**Date:**	09/01/2026

R65. Agriculture and Food, Marketing and Development.

[~~R65-13. Utah's Own.~~

~~R65-13-1. Authority and Purpose.~~

~~Pursuant to Subsection 4-8-104(5) this rule provides the application procedures, standards, and requirements for membership in the Utah's Own program.~~

~~R65-13-2. Definitions.~~

~~(1) "Agricultural Product" means any product that is derived from agriculture, including any product derived from aquaculture as defined in Section 4-37-103.~~

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

~~(3) "Locally Produced Agricultural Products" means agricultural products that are grown, raised, or harvested in Utah.~~

~~(4) "Member Company" means a farm or other company headquartered or incorporated in Utah that:~~

~~(a) grows, raises, produces, prepares, or manufactures food in Utah;~~

~~(b) manufactures a body care product in Utah;~~

~~(c) produces or manufactures a dietary supplement in Utah; or~~

~~(d) manufactures other products in Utah using locally produced agricultural products.~~

~~(5) "Program" means the Utah's Own program.~~

~~(6) "Program Mark" means the Utah's Own logo, which is trademarked by the department.~~

~~R68-13-3. Membership Eligibility and Application.~~

~~(1) A program applicant shall submit to the department:~~

~~(a) a completed application form;~~

~~(b) a copy of the company's business license; and~~

~~(c) a membership fee, as outlined in the fee schedule approved by the legislature.~~

~~(2) To be eligible for membership in the program, an applicant shall be headquartered or incorporated in Utah and shall:~~

~~(a) grow, raise, produce, prepare ,or manufacture food in Utah;~~

~~(b) produce or manufacture a dietary supplement in Utah;~~

~~(c) manufacture a body care product in Utah; or~~

~~(d) manufacture other products in Utah using locally produced agricultural products.~~

~~(3) The department may deny membership if:~~

~~(a) the applicant provides false information on the application;~~

~~(b) membership status has previously been revoked; or~~

~~(c) the applicant does not comply with applicable laws and regulations;or~~

~~(d) the applicant has acted in a manner that may damage the reputation of the program.~~

~~(4) Membership shall be valid for one year from the date of acceptance.~~

~~(5) Renewal shall be submitted on forms provided by the department.~~

~~(6) Program membership is nontransferable. The company must notify the department within 30 days of any change of ownership.~~

~~R65-13-4. Use of the Program Mark.~~

~~(1) Each member company shall be given a limited right to use the program mark as prescribed by the department.~~

~~(2) Upon acceptance of the program application, the department shall provide a confirmation of membership and copies of the program mark suitable for reproduction to each member company.~~

~~(3) Prior to using the program mark, the member company shall provide design concepts to the department, so that the department may validate compliance with usage guidelines.~~

~~(4) The limited right to use the program mark terminates if the member company does not renew membership yearly, or if membership is revoked or terminated.~~

~~**R65-13-5 Marketing Support.**~~
~~(1) The department may provide marketing support to a member company at department discretion.~~
~~(2) Additional marketing support may be given to a member company that uses locally produced agricultural products in their saleable product.~~

~~**R65-13-6. Membership Revocation and Termination.**~~
~~(1) Program membership may be revoked if the member company:~~
~~(a) no longer meets the qualifications for membership;~~
~~(b) violates any applicable statute or rule;~~
~~(c) violates any agreement made between the department and the member company;~~
~~(d) acts in a manner that may damage the reputation of the program.~~]

R65-13. Utah's Own Program.

R65-13-1. Authority and Purpose.

(1) Subsection 4-8-104(5) authorizes this rule to establish the application procedures, standards, and requirements for participation in the program.

(2) The department shall administer Utah's Own program to strengthen and promote Utah agriculture and support food and beverage products and businesses that contribute to Utah's economy.

R65-13-2. Definitions.

The terms in Section 4-1-109 and the following are used in this rule, defined as:
(1) "Eligible Product" means a product the department authorizes to display the logo.
(2) "Food service establishment" means the same as defined in Section 26B-7-401.
(3) "Locally produced agricultural products" means agricultural products grown, raised, or harvested in Utah.
(4) "Logo" means Utah's Own trademarked logo owned by the department.
(5) "Member" or "Utah's Own Member" means a business or organization the department accepts into the program.
(6) "Partner" or "Utah's Own Partner" means an organization that supports Utah agriculture or Utah's food economy but does not qualify for membership under this rule.
(7) "Program" means the Utah's Own program the department administers to strengthen and promote Utah agriculture and support food and beverage products and businesses that meaningfully contribute to Utah's economy.
(8) "Specialized Products" means the same as defined in Subsection 4-45a-101(10).
(9) "Sponsor" or "Utah's Own Sponsor" means an organization, business, or entity that provides financial support to the program through an approved sponsorship.

R65-13-3. Membership Eligibility and Application.

(1) To be eligible for membership, an applicant shall:
(a) maintain headquarters in Utah;
(b) maintain an active Utah business license and remain in good standing with all applicable department licensing, permitting, and registration requirements; and
(c) satisfy one or more of the following:
(i) grow, raise, harvest, produce, prepare, process, or manufacture food or beverages in Utah;
(ii) produce or manufacture other products in Utah using locally produced agricultural products;
(iii) operate or use a Utah-based contract manufacturer, co-packer, or white labeler for food or agricultural products in Utah;
(iv) operate a food service establishment, farmers market, retail food establishment, or similar business that demonstrates a substantive commitment to promoting, sourcing, processing, serving, or marketing Utah agricultural products or Utah food products, as determined by the department.
(2) To apply for membership, an applicant shall submit the following to the department:
(a) a completed application;
(b) any information required by the department; and
(c) the applicable membership fee included in the fee schedule established by the Legislature.
(3) In determining eligibility, the department may consider:
(a) whether the applicant's primary business activities are consistent with the purposes of the program;
(b) the applicant's demonstrated contribution to Utah's agricultural or food economy;
(c) the applicant's commitment to promoting or utilizing Utah agricultural products where practical; and
(d) any other factors relevant to carrying out the purposes of the program.
(4) A farmers' market may qualify for membership regardless of establishment size if they demonstrate a primary purpose of promoting locally produced agricultural products.
(5) Membership is valid for one year from the date of approval.
(6) A member may not transfer their membership.
(7) A member shall notify the department within 30 days of any ownership change.
(8) The department requires a separate membership for each business entity or DBA, brand, or trade name operated by a single legal entity, unless the department approves otherwise.

R65-13-4. Eligible Products.

(1) Membership in the program does not authorize a member to use the Utah's Own logo on all products offered by a member.

(2) A product is an eligible product only if a member produced, prepared, processed, or manufactured the product in Utah.

(3) The department may exclude the following from program eligibility:

(a) dietary supplements;

(b) medical cannabis products, as defined in Section 26B-4-201; or

(c) specialized products.

(4) A product derived from hemp seed or hemp fiber may be an eligible product.

R65-13-5. Use of Utah's Own Logo.

(1) The department grants members and partners limited, revocable permission to use Utah's Own logo or variations of the Utah's Own logo.

(2) A member or partner shall use the logo only on an eligible product and in accordance with department guidelines.

(3) The department may require a member or partner to submit packaging, advertising, promotional materials, or other logo applications for review and approval before use.

(4) The department retains ownership of Utah's Own logo trademarked.

(5) A member or partner may not transfer or sublicense the logo.

(6) The department may deny or revoke authorization to use the logo, if:

(a) the use is inconsistent with this rule or department guidelines;

(b) the product is not an eligible product;

(c) the use is misleading;

(d) the branding, packaging, marketing, or advertising is inconsistent with the purposes of the program;

(e) the use may reasonably damage the reputation or credibility of the program or the department; or

(f) membership or partnership expires.

(7) Open distribution of promotional materials approved by the department is permitted and does not necessarily constitute infringement of the department's trademark rights.

R65-13-6. Utah's Own Partners.

(1) The department may designate an organization as Utah's Own partner if it supports Utah agriculture or Utah's food economy but does not qualify for member status.

(2) Partners may include:

(a) distributors;

(b) large retail food establishments;

(c) nonprofit organizations;

(d) cooperatives;

(e) educational institutions;

(f) trade associations;

(g) agricultural support businesses;

(h) governmental entities; and

(i) other organizations that the department determines advance the purposes of the program.

(3) Partnership does not constitute membership in the program.

(4) The department may authorize a partner to use the Utah's Own logo or participate in promotional activities as provided in department guidelines.

R65-13-7. Utah's Own Sponsors.

(1) The department may designate an entity as a sponsor if the entity provides financial support to the program through an approved sponsorship fee.

(2) The department may provide sponsor promotional recognition in accordance with department guidelines.

(3) Designation as a sponsor does not:

(a) confer member or partner status in the program; or

(b) imply department endorsement of the sponsor's products or services.

R65-13-8. Marketing Support.

(1) The department may provide marketing support to Utah's Own members at its sole discretion.

(2) In allocating promotional opportunities, the department may prioritize a member that utilizes locally produced agricultural products.

R65-13-9. Membership Denial, Revocation, and Renewal.

(1) The department may deny or revoke membership if an applicant or member:

(a) no longer meets eligibility requirements;

(b) provides false information to the department;

(c) violates applicable law or this rule;

(d) violates an agreement with the department; or

(e) maintains business name, branding, products, advertising, marketing, or business practices that are inconsistent with the purposes of the program or may reasonably damage the reputation or credibility of the program or the department.

(2) To renew membership, a member shall pay the program fee before the membership expiration date.

R65-13-10. Department Authority.

(1) Participation in the Utah's Own program is a privilege extended at the discretion of the department to further the purposes of the program.

(2) The department retains sole discretion to:

(a) determine eligibility; and

(b) approve a member, partner, sponsor, eligible products, or the use of the logo.

(3) The department may establish guidelines, application requirements, logo standards, eligibility criteria, marketing standards, and other procedures consistent with this rule.

KEY: Utah's Own program, membership, partnerships, sponsorship, logo, marketing support[~~ in Utah's Own program~~]
Date of Last Change: [~~May 28, 2020~~]2026
Notice of Continuation: August 31, 2022
Authorizing, and Implemented or Interpreted Law: 4-8-104(5)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58179**
Rule or section number:	**R66-2**

1. Agency Information

Title catchline:	Agriculture and Food, Specialized Products
Building:	TSOB, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT 84129
Mailing address:	PO Box 146500
City, state and zip:	Salt Lake City, UT 84114-6500

2. Contact Persons

Name:	**Phone:**	**Email:**
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Trevor Eckhoff	385-549-9937	teckhoff@utah.gov

3. General Information

A. Rule or section catchline:
R66-2. Cannabis Processing
B. Purpose of the new rule or reason for the change:
The purpose of this filing is to amend this rule to require disclosure of remediation method on a cannabis fact panel.
C. Summary of the new rule or change:
This change will amend Section R66-2-13 to require a cannabis processor to disclose the method of remediation on a cannabis plant or a cannabis derivative product fact panel, if applicable.

5. Fiscal Information

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

A. State budget:
This amendment is not anticipated to result in fiscal impact on the state's budget because staff is already verifying fact panel information during label pre-approval.
B. Local governments:
This amendment is not anticipated to result in fiscal impact on local governments because they do not participate in or administer the program.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This amendment may cause minimal impact on small businesses by requiring additional information on a cannabis fact panel if the cannabis product has been remediated. Remediation is a voluntary action that can be taken under Rule R66-3; if the licensee chooses to do so, they will need to incorporate the information into certain cannabis fact panel templates in their printing system. Due to the voluntary nature of remediation, the Department of Agriculture and Food (department) cannot calculate a cost for all licensees.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This amendment may cause minimal impact on non-small businesses by requiring additional information on a cannabis fact panel if the cannabis product has been remediated. Remediation is a voluntary action that can be taken under Rule R66-3; if the licensee chooses to do so, they will need to incorporate the information into certain cannabis fact panel templates in their printing system. Due to the voluntary nature of remediation, the department cannot calculate a cost for all licensees.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This amendment is not anticipated to result in fiscal impact on other persons because it only applies to cannabis processors licensed by the department.
F. Compliance costs for affected persons:
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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	$0	$0	$0	$0	$0
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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 4-41a-501(5)(a)		

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	**Date:**	08/14/2026

R66. Agriculture and Food, Specialized Products.
R66-2. Cannabis Processing.
R66-2-1. Authority and Purpose.

Pursuant to Subsections 4-41a-103(5), 4-41a-302(3)(b)(ii), 4-41a-404(3), 4-41a-405(2)(b)(iv), 4-41a-501(5)(a), 4-41a-701(3), 4-41a-801(1), and 4-2-103(1)(i), this rule establishes the application process, qualifications, and requirements to obtain and maintain a cannabis processing license.

R66-2-2. Definitions.

(1) "Advertised Cannabinoid" means a cannabinoid listed on the product face.
(2) "Appealing to children" means:
(a) has a likeness bearing resemblance to a cartoon character or fictional character; or
(b) imitates a food or other product that is typically marketed toward or is appealing to children.
(3) "Brand name" means a name given to a product by the manufacturer that does not include an image or symbol. "Brand name" does not mean strains or flavors.
(4) "Cannabinoid isolate" means the same as the term is defined in Subsection R66-3-2(11).
(5) "Cannabis fact panel" means a part of the label that contains the information described in Subsections R66-2-13(10) and R66-2-13(12).
(6) "COA" means Certificate of Analysis from an independent cannabis testing laboratory.
(7) "Complaint" means any negative feedback received from a medical cannabis patient or medical cannabis or industrial hemp licensee.
(8) "Descriptive product name" means a common name used for the dosage form.
(9) "Directions for use" means recommended routes of administration for a medical cannabis treatment and suggested usage guidelines, and may include:
(a) THC percentage;
(b) strain names;
(c) strain dominance; or
(d) dietary restrictions.

(10) "Label" means a written, printed, or graphic display on the immediate container of a product.
(11) "Labeling" means a label and other written, printed, or graphic display:
(a) on the product or the product's container or wrapper; or
(b) accompanying the product.
(12) "Logo" means symbols, stylized text, or both that represent a company through a visual image that can be easily understood and recognized.
(13) "Lot" means the quantity of:
(a) flower produced on a particular date and time, following clean up until the next clean up during which the same materials are used; or
(b) trim, leaves, or other plant matter from cannabis plants produced on a particular date and time, following clean up until the next clean up.
(14) "Product face" means the part of a label that is on the outer packaging and most likely to be displayed, presented, or shown under customary conditions of display for retail sale.
(15) "Total THC" means the sum of the determined amounts of delta-9-THC and delta-9-THCA, according to the formula: Total THC = delta-9-THC + (delta-9-THCA x 0.877).

R66-2-3. Cannabis Processing Facility License.
(1) A cannabis processing facility license allows the licensee to receive cannabis from a licensed cannabis cultivator or processor.
(2) A cannabis processing facility license allows the licensee to manufacture cannabis products and send them to medical cannabis pharmacies for sale.
(3) Each cannabis processing facility license shall expire one calendar year from the date of licensure.

R66-2-4. Cannabis Processing Facility Requirements.
(1) A cannabis processing facility operating plan shall meet the requirements described in Section 4-41a-204 and contain a blueprint of the facility containing the following information:
(a) the areas where cannabis is to be extracted;
(b) the areas where cannabis or cannabis products are to be packaged and labeled;
(c) the areas where cannabis products are manufactured;
(d) location of storerooms for cannabis awaiting extraction;
(e) location of storerooms for cannabis awaiting further manufacturing;
(f) the area where finished cannabis and cannabis products are stored;
(g) the location of toilet facilities and hand washing facilities;
(h) the location of a break room and location of personal belonging lockers; and
(i) the location of the areas to be used for loading and unloading of cannabis and cannabis products.
(2) A cannabis processing facility shall have a written plan to handle potential recall and destruction of cannabis due to contamination.
(3) A cannabis processing facility operating plan shall include a waste disposal plan that complies with 4-41a-405.
(4) A cannabis processing facility shall use a standardized scale that is registered with the department when cannabis is:
(a) packaged for sale by weight;
(b) bought and sold by weight; or
(c) weighed for entry into the inventory control system.
(5) A cannabis processing facility creating cannabis derivative product shall develop standard operating procedures.
(6) Pursuant to Subsection 4-41a-403(4)(b), a cannabis processing facility may use signage on the property that includes a logo, as long as the logo does not include:
(a) terms, slang, phrasing, or verbiage associated with the recreational use of cannabis;
(b) any image bearing resemblance to a cartoon character or fictional character whose target audience is children or minors;
(c) content, symbol, or imagery that appeals to children;
(d) imagery featuring a person using the product in any way;
(e) any recreationally oriented subject; or
(f) any statement, design, or representation, picture, or illustration that is obscene or indecent.
(7) A cannabis processing facility shall keep records verifying that each time they receive a batch of vaporizer cartridges a sample is tested for heavy metals by an independent cannabis testing laboratory pursuant to Section 4-41a-603 or have a certificate of conformance from the manufacturer.

R66-2-5. Separation of Cannabis and Hemp Processed in a Single Facility.
(1) Any facility that has both an industrial hemp processing license and a license for medical cannabis processing shall ensure physical separation of medical cannabis and industrial hemp in its facility at all times.
(2) Processing of industrial hemp material and cannabis material may not occur on the same equipment on the same day, unless cleaned between runs.
(3) The licensee shall provide the department with an operating plan detailing how separation of materials is implemented, including the facility's separation procedures for raw material, extract, and final products that ensures:
(a) only one material is processed at a time;
(b) packaging tables are only used for the material being processed each day; and

(c) machinery is cleaned between material being processed;
(i) cleaning logs shall be kept and provided to the department upon inspection of the facility; and
(ii) cleaning logs shall include the machines used, the date cleaned, and the name of the employee that conducted the cleaning.
(4) Cannabis and hemp material shall be clearly labeled pursuant to the requirements of this rule and Rule R66-30 and shall be in sealed containers.

R66-2-6. Cannabis Extraction Requirements.
(1) A cannabis processing facility shall ensure hydrocarbons n-butane, isobutane, propane, or heptane are of at least 99% purity.
(2) A cannabis processing facility shall use a professional grade extraction system designed to recover the solvents, work in an environment with proper ventilation, and control each source of ignition where a flammable atmosphere is or may be present.
(3) A cannabis processing facility using carbon dioxide (CO_2) gas extraction system shall use a professional grade closed loop CO_2 gas extraction system where each vessel is rated to a minimum of six hundred pounds per square inch and CO_2 shall be at least 99% purity.
(4) Closed loop hydrocarbon, alcohol, or CO_2 extraction systems shall be commercially manufactured and bear a permanently affixed and visible serial number.
(5) A cannabis processing facility using a closed loop system shall, upon request, provide the department with certification from a licensed engineer stating the system is:
(a) safe for its intended use;
(b) commercially manufactured; and
(c) built to conform to recognized and generally accepted good engineering practices, such as:
(i) the American Society of Mechanical Engineers (ASME);
(ii) American National Standards Institute (ANSI);
(iii) Underwriters Laboratories; or
(iv) The American Society for Testing and Materials.
(6) The certification document shall contain the signature and stamp of the certifying professional engineer and the serial number of the extraction unit being certified.
(7) A cannabis processing facility may use an alternative extraction method with prior approval from the department.
(8) A cannabis processing facility shall use food grade ingredients to create cannabis derivative product.
(9) A cannabis processing facility may use heat, screens, presses, steam distillation, ice water, and other mechanical methods which do not use solvents or gases.
(10) A cannabis processing facility shall ensure each solvent, with the exception of CO_2, is extracted in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.
(11) A cannabis processing facility agent using solvents or gases in a closed loop system shall be fully trained in the use of the system and have direct access to applicable material safety data sheets.
(12) Parts per million for one gram of finished extract cannot exceed residual solvent or gas levels provided in Rule R66-3.

R66-2-7. Cannabinoid Isolate.
(1) A licensed Tier 1 cannabis processing facility may use cannabinoid isolate from a licensed industrial hemp processing facility.
(2) A Tier 1 cannabis processing facility may not receive more than 120 kilograms of cannabinoid isolate in a single license year.
(3) Any transfer of cannabinoid isolate shall be accompanied by a full panel COA.
(4) The cannabis processing facility shall maintain a record of each transfer of cannabinoid isolate that is available for review by the department, including:
(a) the source of the cannabinoid isolate and verification that it was derived from certified industrial hemp;
(b) the intended use of the cannabinoid isolate; and
(c) the disposition of the cannabinoid isolate.
(5) Upon receipt of cannabinoid isolate, a cannabinoid processing facility shall submit a sample of the isolate to a licensed independent cannabis testing laboratory for cannabinoid and adulterant testing, pursuant to the requirements of Rule R66-3.

R66-2-8. Security Requirements.
(1) At a minimum, a licensed cannabis processing facility shall have a complete video surveillance system:
(a) with minimum camera resolution of 1280 x 720 pixels or pixel equivalent for analog; and
(b) that allows for the clear and certain identification of any person and activity.
(2) Each visitor to a cannabis processing facility shall be required to display an identification badge issued by the facility while on the premises.
(3) At any time, visitors shall be escorted by a cannabis processing facility agent.
(4) A cannabis processing facility shall keep and maintain a visitors log showing:
(a) the full name and age of each visitor entering the facility;
(b) badge number issued;
(c) the time of arrival;
(d) the time of departure; and
(e) the purpose of the visit.
(5) The cannabis processing facility shall keep the visitors log for a minimum of one year.
(6) The cannabis processing facility shall make the visitor log available to the department upon request.

R66-2-9. Inventory Control.

(1) Each batch or lot of cannabis, cannabis derivative product, cannabis product, test sample, or cannabis waste shall be entered into the inventory control system. Recorded information shall include:

(a) unique identification number;

(b) batch or lot number;

(c) name of product;

(d) facility name and license number; and

(e) date entered into the inventory control system.

(2) Each batch or lot of cannabis, cannabis derivative product, cannabis product, sample, or cannabis waste shall be traceable to the lot.

(3) Unique identification numbers may not be reused.

(4) Each batch, lot, or sample of cannabis, cannabis derivative product, cannabis product, or cannabis waste shall have a physical tag containing information listed in Subsection R66-2-9(1).

(5) The tag shall be legible and placed in a position that can be clearly read.

(6) A receiving cannabis processing facility shall;

(a) document in the inventory control system any material containing cannabis received, and any difference between the quantity specified in the transport manifest and the quantity received; and

(b) within one working week, notify the department if disparities in the quantity of cannabis received are greater than 10% from the manifest recorded amount.

R66-2-10. Cannabis Processing Facility Agents.

(1) A cannabis processing facility is responsible for ensuring that each agent has received any task specific training as outlined in the operating plan submitted to the department.

(2) A cannabis processing facility agent shall have a properly displayed identification badge which has been issued by the department at all times while on the facility premises or while engaged in the transportation of cannabis.

(3) Each cannabis processing facility agent shall have their state issued identification card in their possession to certify the information on their badge is correct.

R66-2-11. Processing of Cannabis and Cannabis Products.

A licensee that manufactures cannabis products shall be registered with the Division of Regulatory Services within the department.

R66-2-12. Irradiated Plant Product From Cannabis Cultivators.

(1) A cannabis processor may use methods of irradiation for the remediation of cannabis if:

(a) the method is approved in their operating plan, which includes:

(i) type of radiation or ionizing energy source;

(ii) equipment; and

(iii) documentation of state approval by the Utah Department of Environmental Quality;

(b) the product has failed quality assurance testing for microbial contaminants; and

(c) the processor has submitted and received approval for remediation to use radiation.

(2) Batches or lots of cannabis remediated by radiation shall be noted in the inventory control system, and each container of the batch or lot shall have a sticker with the Radura symbol until the batch is completely used or destroyed.

(3) The processor shall maintain records required by this section for three years after the final disposition of the irradiated cannabis, and shall make the records available for inspection and copy by the department. Records shall include:

(a) the cannabis batch treated;

(b) lot identification;

(c) approved operating plan and evidence of compliance with the operating plan;

(d) ionizing energy source;

(e) source calibration;

(f) dosimetry;

(g) dose distribution in the product;

(h) the date of irradiation;

(i) final products that were made by the irradiated cannabis; and

(j) pharmacies the product was sent to.

(4) The label of a cannabis product that contains irradiated cannabis shall display:

(a) the Radura symbol; and

(b) the statement: "Treated with radiation" in text as prominent as the ingredients.

(5) The Radura symbol and statement shall be placed prominently and conspicuously on the label.

(6) Processors shall notify a pharmacy that the product has been irradiated before purchase.

(7) Processors that receive irradiated cannabis from a cultivator shall follow Subsections R66-2-12(4)(a), R66-2-12(4)(b), R66-2-12(5), and R66-2-12(6).

R66-2-13. Labeling and Packaging of Cannabis and Cannabis Products.

(1) Cannabis product labeling shall contain the following information:

(a) the medicinal dosage form identified on the product face along with the words "THC or Cannabis Infused":

(i) "gummies" may be used instead of "gelatinous cube";

(ii) "tincture" may be used instead of "sublingual preparation" or "liquid suspension";

(iii) a descriptive product name, that is not appealing to children, recreational, or contain adjectives;

(b) the name and license number of the cannabis processing facility;

(c) directions for consumers to contact the department with product complaints by going to medicalcannabis.utah.gov/production;

(d) for products containing THC, a warning symbol provided by the department that contrasts conspicuously with the background; and

(e) the amount of total THC contained in the package, in milligrams.

(2) A cannabis processing facility may include a QR code on the cannabis product labeling that links to a COA from a licensed independent cannabis testing laboratory. The QR code may not link to any other information.

(3) Any information appearing on the cannabis product labeling shall be:

(a) displayed in any legible font, that is not a script or decorative font, provided that the lowercase letter "o" is at least one-sixteenth inch in height;

(b) displayed in a color that contrasts conspicuously with its background; and

(c) displayed in English, although a licensee may also choose to display required information in additional languages.

(4) A cannabis processing facility shall place a cannabis fact panel on a cannabis product before the sale of the cannabis product to a medical cannabis pharmacy.

(5) The cannabis fact panel shall be printed in black and white.

(6) The cannabis fact panel shall be securely affixed to the package.

(7) The cannabis fact panel for cannabis plant product shall include the following information, from top to bottom, in the order as listed:

(a) the name of the cannabis cultivation facility, identified as the cultivator;

(b) the lot number;

(c) the date of harvest;

(d) the date of final testing;

(e) the batch number;

(f) the date on which the product was packaged;

(g) the quantity of any cannabinoid listed as present on the COA that is greater than 1% of total cannabinoids;

(h) the expiration date;[~~ and~~]

(i) the net weight displayed in grams[~~.~~]; and

(j) a disclosure of the remediation method, if applicable.

(8) THC potency levels for cannabis flower shall be listed as total THC in milligrams per gram.

(9) The cannabis fact panel for a cannabis derivative product shall include the following information, from top to bottom, in the order listed:

(a) the batch number;

(b) the date of the final testing;

(c) the date on which the product was packaged;

(d) for products intended to be ingested, the amount of total THC and any advertised cannabinoid in milligrams per serving;

(e) the quantity of any cannabinoid listed as present on the COA that is greater than 1% of total cannabinoids;

(f) the expiration date;

(g) the total amount of THC measured in milligrams per gram;

(h) a list of each ingredient and each major food allergen as identified in 21 U.S.C. 343;

(i) the identity of any artificially derived cannabinoid present in the product;

(j) the net weight of the product displayed in grams or milliliters and the number of pieces, if applicable; and

(k) a disclosure of:

(i) the type of extraction process used and any solvent, gas, or other chemical used in the extraction process[~~.~~]; and

(ii) the remediation method, if applicable.

(10) A cannabis processing facility may include a QR code affixed to the product that is scannable for inventory control at the pharmacy. The QR code may not link to any other information.

(11) The label of a cannabis derivative product may include a flavor name if it is not candy-like or a name that appeals to children.

(12) The label of a cannabis product that contains an artificially derived cannabinoid shall clearly display the following text: "This product contains artificially derived cannabinoids."

(13) Any terpene listed on a cannabis product package shall be verified as present by a licensed independent cannabis testing laboratory and have its quantity listed on the fact panel.

(14) A cannabis processing facility may include a logo and product brand name on the cannabis product face that is exempt from the requirements of Subsection R66-2-13(5) and that:

(a) does not obscure the information required on the label; and

(b) does not include:

(i) terms, slang, phrasing, or verbiage associated with the recreational use of cannabis;

(ii) any image bearing resemblance to a cartoon character or fictional character whose target audience is children or minors;
(iii) content, symbol, or imagery that appeals to children;
(iv) imagery featuring a person using the product in any way;
(v) any recreationally oriented subject; or
(vi) any statement, design, or representation, picture, or illustration that is obscene, sexual, or criminal.
(15)(a) No other information, illustration, or depiction with the exception of directions for use or an item required by state law shall appear on the labeling.
(b) Any warnings required in Chapter 4-41a may be added to the label of any product.
(16) Shapes on cannabis product packaging or labeling may not resemble the product or real-world items.
(17) Labeling may not contain medical claims.
(18) Cannabis product packaging, logos, and brand names shall be pre-approved by the department.
(19) The department reserves the right to deny any label, logo, or brand name if the department reasonably believes it is in conflict with Chapter 4-41a or this section.

R66-2-14. Recall Protocol.
(1) The department may initiate a recall of cannabis or cannabis products if:
(a) evidence exists that pesticides not approved by the department are present on or in the cannabis or cannabis product;
(b) evidence exists that residual solvents are present on or in cannabis or cannabis product;
(c) evidence exists that harmful contaminants are present on or in cannabis or cannabis product; or
(d) the department believes or has reason to believe the cannabis or cannabis product is unfit for human consumption.
(2) The recall plan of a cannabis processing facility shall include, at a minimum:
(a) a designation of at least one member of the staff who serves as the recall coordinator;
(b) procedures for identifying and isolating product to prevent or minimize distribution to patients;
(c) procedures to retrieve and destroy product; and
(d) a communications plan to notify those affected by the recall.
(3) The cannabis processing facility shall track the total amount of affected cannabis or cannabis product and the amount of affected cannabis or cannabis product returned to the facility as part of the recall.
(4) The cannabis processing facility shall coordinate the destruction of the cannabis or cannabis product with the department and allow the department to oversee the destruction of the affected product.
(5) The department has authority to monitor the progress of the recall until the department declares an end to the recall.
(6) A cannabis production facility shall notify the department before initiating a voluntary recall.

R66-2-15. Change in Operation Plans.
(1) A cannabis processing facility shall submit a notice, on a form provided by the department, before making any changes to the facility's operating plan, including:
(a) ownership or financial backing of the facility;
(b) the facility's name;
(c) a change in location;
(d) any modification, remodeling, expansion, reduction, or physical, non-cosmetic alteration of a facility;
(e) changes or adds processing or extraction equipment;
(f) adds a new product or dosage form; or
(g) any information requested by the department that shall allow the department to determine if requirements will be met.
(2) A cannabis processing facility may not implement changes to the initial approved operation plan without approval.
(3) The board shall approve of requested changes unless approval would lead to a violation of the applicable laws and rules of the state.
(4) The department shall specify the reason for the denial of approval for a change to the operation plan.
(5) Before the board's review of a cannabis production establishment license under Subsection 4-41a-201.1(7)(e), the cannabis production establishment shall provide the board with:
(a) blueprints that show that there will be physical separation between medical cannabis and industrial hemp produced in their facility, including demonstrating storage and packaging areas are separate; and
(b) any information requested by the board that shall allow the board to determine if the requirements of Section R66-2-5 will be met before the medical cannabis production establishment processes industrial hemp or industrial hemp products.

R66-2-16. Renewals.
(1) A cannabis processing facility shall submit a notice of intent to renew and the licensing fee to the department within 30 days of license expiration.
(2) The licensee shall report the information required for renewal under Subsection 4-41a-201.1(10)(b)(iii) to the board.
(3) If the licensing fee and intent to renew are not submitted by the day of license expiration, the licensee may not continue to operate.
(4) The board may take into consideration significant violations issued in determining license renewals.

R66-2-17. Targeted Marketing.

(1) A medical cannabis processor may engage in targeted marketing of the processor's medical cannabis product, medical cannabis brand, or a medical cannabis device pursuant to Section 4-41a-604.

(2) Targeted marketing may not:

(a) include deceptive, false, or misleading statements;

(b) contain any health-related statement that is untrue or tends to create a misleading impression as to the effects on health of cannabis consumption;

(c) promote excessive consumption;

(d) contain a statement, design, illustration, picture, or representation that:

(i) encourages or represents the recreational use of cannabis;

(ii) displays the use of cannabis, including the consumption, smoking, or vaping of cannabis;

(iii) encourages or promotes cannabis for use as an intoxicant;

(iv) is obscene or indecent;

(e) include any image designed or likely to appeal to children, such as:

(i) cartoons;

(ii) toys;

(iii) animals;

(iv) children; or

(v) any other likeness to images, characters, or phrases that are popularly used to advertise to children;

(f) contain any language or imagery that is likely to mislead patients to believe that the medical cannabis product has been endorsed, made, or used by the state or any of its representatives, except where specifically authorized; or

(g) display medical cannabis products or images of products where the advertisement is visible to members of the public.

(3) Targeted marketing shall accurately and legibly identify the medical cannabis processor responsible for its content and include a statement that cannabis products are for use by patients only.

(4) Any targeted marketing for medical cannabis products that is related to the benefits, safety, or efficacy of the product, including therapeutic or medical claims, shall:

(a) be supported by substantial, current clinical evidence or data; and

(b) include information on side effects or risks associated with the use of cannabis.

(5) A medical cannabis processor may have a link on their website to allow individuals to sign up to receive targeted marketing electronically.

R66-2-18. Violation Categories.

(1) Public Safety Violations: $3,000- $5,000 per violation. This category is for violations which present a direct threat to public health or safety including:

(a) cannabis sold to an unlicensed source;

(b) cannabis purchased from an unlicensed source;

(c) refusal to allow inspection;

(d) failure to comply with testing requirements;

(e) a test result for high pesticide residue in the cannabis produced or cannabis product;

(f) a test result for high residual solvents, heavy metal, microbials, molds, or other harmful contaminants;

(g) failure to maintain required cleanliness and sanitation standards;

(h) unauthorized personnel on the premises;

(i) permitting criminal conduct on the premises;

(j) possessing, manufacturing, or distributing cannabis products that the person knows or should know appeal to children;

(k) failure to follow an approved recall protocol; or

(l) engaging in or permitting a violation of the Title 4, Chapter 41a, Cannabis Production Establishments, which amounts to a public safety violation as described in this subsection.

(2) Regulatory Violations: $1,000-$5,000 per violation. This category is for violations involving this rule and other applicable state rules including:

(a) failure to maintain alarm and security systems;

(b) failure to keep and maintain records for at least two years;

(c) failure to maintain traceability;

(d) failure to follow transportation requirements;

(e) failure to follow the waste and disposal requirements;

(f) failure to maintain separation between cannabis and hemp;

(g) failure to follow labeling and packaging requirements;

(h) failure to meet extraction requirements;

(i) distributing a final cannabis product with an actual weight that is lower than the net weight listed on the cannabis fact panel;

(j) engaging in or permitting a violation of Title 4, Chapter 41a, Cannabis Production Establishments or this rule which amounts to a regulatory violation as described in this subsection; or

(k) failure to maintain standardized scales.

(3) Licensing Violations: $500- $5,000 per violation. This category is for violations involving licensing requirements including:
(a) an unauthorized change to the operating plan;
(b) failure to notify the department of changes to the operating plan;
(c) failure to notify the department of changes to financial or voting interests of greater than 2%;
(d) failure to follow the operating plan as approved by the department;
(e) engaging in or permitting a violation of this rule or Title 4, Chapter 41a, Cannabis Production Establishments which amounts to a licensing violation as described in this subsection; or
(f) failure to respond to violations.
(4) The department shall calculate penalties based on the level of violation and the adverse effect or potential adverse effect at the time of the incidents giving rise to the violation.
(5) The department may enhance or reduce the penalty based on the seriousness of the violation.

KEY: cannabis processing, cannabis production establishment, violations, targeted marketing, qualifications, and requirements
Date of Last Change: [~~January 7,~~] 2026
Authorizing, and Implemented or Interpreted Law: 4-41a-103(5); 4-41a-404(3); 4-41a-701(3); 4-41a-302(3)(b)(ii); 4-2-103(1)(i); 4-41a-405(2)(b)(iv); 4-41a-501(5)(a); 4-41a-801(1)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Repeal and Readopt	**Filing ID: 58210**
Rule or section number:	**R70-330**

1. Agency Information

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

2. Contact Persons

Name:	**Phone:**	**Email:**
Amber Brown	385-245-5222	Ambermbrown@Utah.gov
Camille Knudson	801-597-6010	camillek@Utah.gov
Travis Waller	801-982-2200	Twaller@Utah.gov

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

3. General Information

A. Rule or section catchline:

R70-330. Raw Milk for Retail

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

In the 2026 General Session, the Utah Legislature passed HB 179 , Milk Amendments, which repealed Section 4-3-503 and enacted Part 6 under Title 4, Chapter 3 of the Utah Dairy Act.

HB 179 (2026) significantly restructured the statutory framework governing raw milk production, testing, labeling, off-premises retail sales, and small-producer exemptions.

This rulemaking is necessary to repeal and adopt Rule R70-330 to align it with new statutory mandates, clarify operational and sanitation standards for permitted producers, and eliminate redundant provisions that codified with HB 179 (2026).

C. Summary of the new rule or change:

Due to the significant statute changes resulting in revising this rule, the Department of Agriculture and Food (department) is filing the changes as a repeal and readopt.

The majority of the changes were removing redundant information from this rule because it was found in the statute per HB 179 (2026) and rewriting the remaining requirements to align with the Rulewriting Manual for Utah.

The specific changes include rewriting Sections R70-330-4, R70-330-5, R70-330-8, and R70-330-10 to use active voice and the present tense.

Section R70-330-3 clarifies the process and inspection requirements for obtaining a raw milk permit.

Section R70-330-6 defines criteria for certified third-party testing laboratories and outlines the department's authority to mandate additional testing for somatic cell counts and antibiotic residues.

Section R70-330-7 clarifies the department's inspection authority, explicitly covering annual facility audits and unannounced cooler checks.

Section R70-330-9 establishes a standardized 12-month record-retention schedule for all essential documentation, including batch logs, testing results, herd health certificates, and water potability tests.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 179 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule imposes no additional fiscal impact on the state budget, as all costs and revenues were accounted for in the fiscal note for HB 179 (2026).
B. Local governments:
There will be no fiscal impact on local governments, as this program is managed at the state level, consistent with the findings in the fiscal notes for HB 179 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule imposes no additional fiscal impact on small businesses, as all costs and revenues were accounted for in the fiscal note for HB 179 (2026).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This rule imposes no additional fiscal impact on non-small businesses, as all costs and revenues were accounted for in the fiscal note for HB 179 (2026).
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule imposes no additional fiscal impact on other persons, as all costs and revenues were accounted for in the fiscal note for HB 179 (2026).
F. Compliance costs for affected persons:
The compliance costs are not changing for this program.

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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 4-3-607		

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	**Date:**	09/01/2026

R70. Agriculture and Food, Regulatory Services.

[~~R70-330. Raw Milk for Retail.~~

~~R70-330-1. Purpose and Authority.~~

~~(1) Promulgated under the authority of Section 4-3-201.~~

~~(2) Pursuant to Section 4-3-503, this rule establishes the Raw Milk for Retail Program and the requirements for the manufacture, production, distribution, holding, delivery, storage, offering for sale, and sale of raw milk for retail.~~

~~R70-330-2. Definitions.~~

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

~~(2) "Milk" means the normal lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy hoofed animals.~~

~~(3) "PMO" means the 2019 revision of the Grade "A" Pasteurized Milk Ordinance published by the U.S. Public Health Service and U.S. Food and Drug Administration, which is incorporated by reference.~~

~~(4) "Properly staffed" means a person on the premise available to sell milk, exchange money, and lock and secure the retail store.~~

~~(5) "Raw milk" means unpasteurized milk.~~

~~(6) "Raw milk product" means any product produced from raw milk.~~

~~R70-330-3. Permits.~~

~~(1) Any person who manufactures, distributes, sells, delivers, holds, stores, or offers for sale raw milk and raw milk products in Utah shall have a permit issued by the department.~~

~~(2) The permit shall be suspended if this rule or applicable sections of Title 4, Chapter 3, the Utah Dairy Act are violated.~~

~~R70-330-4. Building and Premises Requirements.~~

~~(1) Permittees shall follow the building requirements in the PMO.~~

~~(2) Permitted facilities shall have separate rooms that meet or exceed the construction standards in the PMO for a milkhouse for:~~

~~(a) the packaging and sealing of raw milk and raw milk products;~~

~~(b) the washing of returned multi-use containers; and~~

~~(c) the sale of raw milk in a properly protected area not located in any of the milk handling rooms.~~

~~(3) Animals are restricted from the milkhouse~~

~~(4) Animals that are not used for the production of milk shall be restricted from the following:~~

~~(a) milk barn;~~

~~(b) areas immediately surrounding the milkhouse and milk barns;~~

~~(c) areas where cow or goat normal traffic; and~~

~~(d) areas where milk customers are located.~~

~~R70-330-5. Sanitation and Operating Requirements.~~

~~(1) Permitted facilities shall follow the sanitation and operation requirements of the PMO for a dairy farm producing milk for pasteurization. Milk packaging areas and container washing areas at the raw milk facilities shall meet the requirements in the PMO for a pasteurized milk processing plant.~~

~~(2) Milk not handled in a manner required by this rule is considered adulterated and may not be sold.~~

~~(3) Raw milk used to produce a raw milk product shall be:~~

~~(a) cooled to 50 degrees Fahrenheit (F) or less within one hour after being drawn from the animal;~~

~~(b) further cooled to 41 degrees F or less within two hours of being drawn from the animal; and~~

~~(c) maintained at 41 degrees Fahrenheit or a lower temperature until the raw milk is delivered to the consumer or used to produce the raw milk product.~~

~~(d) The blend temperature after the first milking and subsequent milkings may not exceed 50 degrees F.~~

~~(4) Any raw for retail farm bulk milk tanks put into use on or after August 7, 2007, shall be equipped with an approved temperature-recording device, in addition to the indicating thermometer. Daily temperature logs shall be maintained for bulk milk tanks in use before August 7, 2007.~~

~~(5) The recording thermometer shall be:~~

~~(a) in compliance with the current technical specification in the PMO;~~

~~(b) operated continuously;~~

~~(c) maintained in a properly functioning manner;~~

~~(d) installed near the milk storage tank; and~~

~~(e) accessible to the department.~~

~~(5) Recording thermometer charts shall:~~

~~(a) properly identify the permittee, date, and signature of the person removing the chart;~~

~~(b) be maintained on the premises for at least six months and available to the department; and~~

~~(c) not overlap if the recording thermometer chart is a circular recording chart.~~

~~(6) The temperature of the milk when bottling may not exceed 41 degrees F.~~

~~(7) The sale and delivery of raw milk and raw milk products shall be made on the premise where the milk is produced and packaged, or at a self-owned, properly staffed, retail store.~~

~~(a) Sanitation and construction requirements of the facilities used as self-owned, retail stores shall be those contained in Title 4, Chapter 5, the Wholesome Food Act.~~

~~(b) The permittee shall transport raw milk or raw milk products with no intervening storage, change of ownership, or loss of physical control.~~

~~(i) The temperature of the milk shall be maintained at 41 degrees F or below.~~

~~(ii) Each display case shall have a properly calibrated thermometer, and a daily temperature log shall be maintained and accessible to the department.~~

~~(8) Raw milk brick cheese, when held at no less than 35 degrees F for 60 days or longer, may be sold at retail stores or for wholesale distribution, at locations other than the premise where the milk was produced.~~

~~(9) Except as provided in this rule, products made from raw milk are not be allowed for sale in Utah.~~

~~(10) Milk that has been heat treated, may not be labeled as "Raw Milk" for retail sale.~~

~~(11) Pursuant to Title 4, Chapter 5, the Wholesome Food Act, each self-owned retail store that sells raw milk or raw milk products shall be inspected by the department no less than four times per year.~~

~~(12) Pursuant to Section 63J-1-504, the department shall establish and collect a fee for the inspections required by this rule. The fees shall be retained as dedicated credits and may be used to administer and enforce the Raw Milk for Retail Program.~~

~~R70-330-6. Bacteriological Standards.~~

~~(1) The bacterial standards for raw milk shall be a bacterial count of no more than 20,000 per milliliter (mL) and a coliform count of no more than 10 per mL.~~

~~(2) The department shall suspend a permit issued under Section 4-3-301 if two out of four consecutive samples or two samples in a 30-day period violate the sample limits established in this rule.~~

~~(3) If bacterial test results for a sample show results outside of those allowed in Subsection R70-330-6(1), the sample shall be tested for pathogens based on product type as outlined in Table 1.~~

~~TABLE 1~~ ~~Required Pathogen Testing~~	
~~Raw Milk and Raw Cream~~	~~Raw Cheese~~
~~Listeria Monocytogenes~~	~~Listeria Monocytogenes~~
~~E. Coli 0157:H7~~	~~E. Coli 0157:H7~~
~~STEC~~	~~STEC~~
~~Salmonella~~	~~Salmonella~~
~~Campylobacter jejuni~~	

~~R70-330-7. Raw Milk for Retail Testing.~~

~~(1) Unpackaged raw milk~~

~~(a) The department shall:~~

~~(i) collect a representative sample of milk from each raw for retail farm bulk tank once each month;~~

~~(ii) deliver each sample to the state dairy testing laboratory; and~~

~~(iii) administer tests including those prescribed for raw milk for pasteurization as found in the PMO.~~

~~(b) The somatic cell count in unpackaged raw milk for retail may not exceed 400,000 cells per mL for cows, and not exceed 1,500,000 cells per mL for goats.~~

~~(2) Packaged raw milk sold on premise~~

~~(a) The department shall:~~

~~(i) collect a representative sample of packaged raw milk once each month;~~

~~(ii) deliver samples to the state dairy testing laboratory or a certified independent laboratory that is included in the list of Interstate Milk Shippers (IMS) maintained by the U.S Food and Drug Administration; and~~

~~(iii) ensure testing includes those tests prescribed for grade "A" pasteurized milk as found in the PMO.~~

~~(b) A copy of any third-party test results shall be sent to the department.~~

~~(3) Packaged raw milk sold at self-owned retail stores~~

~~(a) The producer shall:~~

~~(i) allow a department certified sampler to collect a sample from each batch of milk;~~

~~(ii) submit the sample to the state dairy testing laboratory or a certified independent laboratory that is included in the IMS to be tested for antibiotic drug residue, standard plate count and coliform count; and~~

~~(iii) withhold any milk from the sampled batch from sale until the results of the tests are known.~~

~~(b) A copy of any third-party test results shall be sent to the department.~~

~~(c) If a sample result exceeds the standard in any of the prescribed categories the permittee shall:~~

~~(i) not allow the milk to enter commerce;~~

~~(ii) recall any milk from the failed batch already in commerce; and~~

~~(iii) dispose of the milk in a manner agreeable to the department.~~

~~(d) The producer shall keep and make available to both the department and the Utah Department of Health and Human Services a database of any customers, which shall include:~~

~~(i) names;~~

~~(ii) addresses;~~
~~(iii) telephone numbers of customers;~~
~~(iv) dates of purchases; and~~
~~(v) amounts of milk purchased.~~
~~(e) If another agency's epidemiological investigation finds probable cause to implicate a raw for retail dairy in a milk borne illness outbreak, the raw for retail permit may be suspended by the department until a time as milk samples are pathogen free when analyzed by the department or other department approved testing laboratories, and until an inspection can be performed at the facility by a compliance officer from the department.~~
~~(4) If three out of five samples fail to meet the standard established in this rule in a 5-month period, the department shall suspend the raw for retail permit.~~
~~(a) The suspension shall remain effective until a sample result meets the standard.~~
~~(b) A temporary permit shall be issued when the sample result meets the standard.~~
~~(c) The permit shall be fully reinstated when three of five samples meet the standard in a five-month period.~~
~~(d) Full reinstatement will require an inspection by the department, which cost will be the permittee's responsibility.~~
~~(5) If the sample tests are positive for any pathogen, the raw for retail permit shall be immediately suspended. The permit may be reinstated following negative testing for any pathogens associated with the product type, as set forth in Table 1.~~
~~(6) The producer is responsible for the cost of any testing and retesting, including applicable shipping fees.~~
~~(7) Pursuant to Section 63J-1-504, the department shall establish and collect a fee for the tests this rule requires. The fees shall be retained as dedicated credits and may be used to administer and enforce the Raw Milk for Retail Program.~~

~~**R70-330-8. Animal Health.**~~
~~(1) Testing shall be needed in the event that the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA/APHIS) has determined that Utah is not "Certified Free" of zoonotic disease.~~
~~(a) Tests shall be conducted in the following manner:~~
~~(i) each animal shall be examined by a veterinarian before inclusion in a raw milk supply;~~
~~(ii) examination by veterinarians shall be conducted every six months;~~
~~(iii) each animal in the herd must be positively identified as an individual;~~
~~(iv) the examination shall include an examination of the milk by a method recommended by the PMO; and~~
~~(v) the test shall include a statement of the udder health of each animal, and a general systemic health evaluation.~~
~~(b) Tuberculosis tests shall be conducted in the following manner:~~
~~(i) each animal shall have been tested for tuberculosis within 60 days before the beginning of milk production;~~
~~(ii) each animal shall be retested for tuberculosis once each year; and~~
~~(iii) each positive reacting animal shall be sent to slaughter in accordance with Rule R58-11.~~
~~(c) Each bovine animal from which raw milk for retail is produced shall be positively identified as a properly vaccinated animal or shall be negative to the official blood test for brucellosis within 30 days before the beginning of each lactation.~~
~~(i) Each positively reacting animal shall be sent to slaughter in accordance with Rule R58-11.~~
~~(ii) Goats and sheep shall be tested once each year for brucellosis with the official blood test and each positively reacting animal shall be sent to slaughter in accordance with Rule R58-11.~~
~~(2) Each bulk tank shall be tested at least four times yearly with the brucella milk ring test.~~
~~(a) If the brucella ring test is positive for brucellosis, each animal in the herd shall be tested with the official blood test and any reactors found shall be immediately sent to slaughter in accordance with Rule R58-11.~~
~~(3) This section shall not apply if the state veterinarian has determined that an animal species in Utah which is milked for human or animal consumption is not at risk for a specific zoonotic disease.~~

~~**R70-330-9. Personnel Health.**~~
~~(1) Each employee of a dairy involved in a milk handling operation shall get a valid medical examination health card signed by a physician and approved by the department once each year and shall hold a valid food handler's permit.~~
~~(2) No person shall work in a milk handling operation if infected from any contagious illness or if they have on their hands or arms any exposed infected cut or lesion.~~
~~(3) The department may ask for an additional certification from a physician that a person is free from disease that may be transmitted by milk.~~

~~**R70-330-10. Packaging and Labeling.**~~
~~(1) Each raw milk for retail product label shall meet the requirements outlined in Title 4, Chapter 3, the Utah Dairy Act.~~
~~(2) Containers for raw milk for retail products shall be furnished by the permittee and shall be labeled with the following:~~
~~(a) marked as "Raw Milk" without grade designation;~~
~~(b) if the product is other than cow's milk, the word "milk" shall be preceded with the name of the animal, "Raw Goat Milk" for example;~~
~~(c) the name, address, and zip code of the place of production and packaging;~~
~~(d) volume of the product;~~
~~(e) the phrase: "Raw milk, no matter how carefully produced, may be unsafe", the height of the smallest letter shall be no less than one-eighth inch;~~

~~(f) the phrase: "Keep Refrigerated", the height of the smallest letter no less than one-eighth inch; and~~
~~(g) the words "raw" and "milk" shall be the same size lettering.~~
~~(3) Products not labeled as required are considered misbranded.~~

~~**R70-330-11. Limitations on Raw Milk Distribution.**~~
~~(1) Raw milk distribution to the public for human consumption is limited to the following circumstances:~~
~~(a) raw milk sold by a permittee on their farm ; and~~
~~(b) raw milk products sold by a permittee at a self-owned off-premise retail store.~~
~~(2) The giving away of raw milk or raw milk product samples to the public is prohibited.~~

~~**R70-330-12. Penalty-Sale of Raw Milk Without a Permit.**~~
~~If a permittee is selling raw milk products without a permit issued by the department, the department may impose the following administrative penalties, pursuant to Subsections 4-2-304(1)(a) and 4-3-401(2):~~
~~(1) for the first violation, a penalty of at most $300;~~
~~(2) for the second violation, a penalty of at most $750;~~
~~(3) for the third violation, a penalty of at most $1,500; and~~
~~(4) for the fourth or subsequent violation, a penalty of, at most, $5,000.~~]

R70-330. Raw Milk Permitting and Operational Standards.

R70-330-1. Purpose and Authority.

(1) The department enacts this rule under Section 4-3-607.

(2) This rule establishes administrative, operational, sanitation, packaging, labeling, and product standards for a producer holding or seeking a permit to produce, process, or distribute raw milk or a raw milk product.

R70-330-2. Definitions.

Terms used in this rule mean as defined in Section 4-3-601.

R70-330-3. Permits.

(1) An applicant shall submit a completed permit application on a department-provided form at least 30 days before selling raw milk.

(2) The department shall inspect the applicant's premises to verify compliance with this rule before issuing a permit under Section 4-3-301.

(3) A permittee may not transfer a permit to another person or location.

R70-330-4. Building and Premises Requirements.

(1) A producer shall maintain a facility structured to minimize milk contamination.

(2) A producer shall construct three separate, clean, enclosed rooms dedicated to:

(a) milking;

(b) packaging or sealing; and

(c) storing raw milk.

(3) A producer shall provide a designated, sanitary area for cleaning, sanitizing, and storing multi-use milk containers.

(4) A producer shall physically separate any retail sales area from rooms or areas where animals are milked, or milk is handled or processed.

(5) A producer shall ensure that all milk-handling areas:

(a) feature smooth, non-absorbent, and easily cleanable floors and walls;

(b) remain free of dust, debris, and unnecessary equipment; and

(c) remain dry.

(6) A producer shall:

(a) manage and drain livestock environments, including paddocks and shelters to remain clean;

(b) implement time or space separation to ensure that poultry, swine, or other livestock do not enter milking or milk-handling areas;

(c) maintain adequate pest and rodent control measures in all buildings; and

(d) ensure that the immediate perimeter surrounding the milkhouse and milking areas is free of stagnant water, accumulated manure, and excessive mud.

(7) A producer shall use a water supply that the producer tests annually for potability and maintains free of environmental contamination.

R70-330-5. Sanitation, Operating, and Bulk Milk Tank Requirements.

(1) A producer shall implement a sanitation routine that prevents the adulteration of raw milk.

(2) A producer shall clean and sanitize all milk-contact surfaces, milking equipment, transfer lines, and bulk tanks after each use.

(3) A producer shall use food-grade cleaning agents according to manufacturer specifications.

(4) A producer shall maintain a sanitization log on the premises that records the date, time, and method used for equipment cleaning.

(5) Before milking, a producer shall:

(a) keep udders and teats visibly clean, dry, and free of manure or mud; and

(b) wipe teats with a single-use sanitizing cloth or paper towel.

(6) A producer shall apply a department-approved post-milking teat dip immediately after milking.
(7) A producer shall ensure that personnel wear clean attire and use sanitized milk-handling tools during operation.
(8) A producer shall ensure that bulk milk tanks:
(a) consist of stainless steel or other approved non-absorbent, corrosion-resistant material;
(b) feature tight-fitting covers and sanitary outlets;
(c) include a department-approved temperature-recording device for tanks put into service on or after August 7, 2007; and
(d) maintain temperature-recording charts for at least six months, which includes:
(i) the date;
(ii) the producer's name; and
(iii) the signature of the individual who reviewed and verified the recorded temperature.

R70-330-6. Additional Tests and Use of Third-Party Testing Laboratories.
(1) A producer using a third-party laboratory to satisfy the requirements of Section 4-3-602 shall ensure the laboratory:
(a) holds a current certification from the department;
(b) holds ISO/IEC 17025 accreditation for microbiological testing of food or dairy products; or
(c) appears on the federal Interstate Milk Shippers list.
(2) In addition to batch bacterial and coliform counts, the department may require a producer to test for somatic cell count or antibiotic residues.

R70-330-7. Frequency of Inspections Including Random Cooler Checks.
(1) The department shall annually inspect each permitted production facility, as well as any mobile units utilized by the producer, designated agents, or third-party vendors for raw milk distribution.
(2)(a) In accordance with Section 4-3-203, the department may conduct random inspections at reasonable times and places to ensure compliance with Title 4, Chapter 3, Utah Dairy Act, and this rule.
(b) Random inspections may include unannounced checks of mobile units and retail display cases to verify refrigeration standards.
(c) Mobile units must present calibrated temperature monitoring devices and continuous temperature logs upon request.
(3) A producer shall grant the department access to all milk-handling areas, records, and temperature logs during regular business hours.
(4) A permittee shall pay any inspection or testing fee established by the department under Subsection 4-3-607(2) and Section 63J-1-504.
(5) A producer who relies on a designated agent or third-party vendor for transport shall maintain an active manifest that includes vehicle identification, transport routes, and designated handlers for department review.

R70-330-8. Animal Health.
(1) A producer shall mark each animal in a raw milk production herd with an official animal identification tag or microchip.
(2) A producer shall ensure that a licensed veterinarian examines each herd animal for general systemic health and udder health:
(a) before adding the animal to the milking herd; and
(b) at least once every six months thereafter.
(3) A producer shall maintain official veterinary inspection certificates and disease testing records on the premises in accordance with Section R70-330-9.
(4) A producer shall immediately remove an animal from the milking herd if the animal exhibits clinical signs of disease, mastitis, or if the animal tests positive for a contagious or zoonotic disease.

R70-330-9. Recordkeeping.
(1) A producer shall maintain the following records on the premises for at least 12 months:
(a) daily batch production and distribution logs;
(b) test results for each batch showing compliance with Subsection 4-3-602(2)(i);
(c) animal herd health and disease testing records; and
(d) water supply safety test results.
(2) A producer shall make required records available to department personnel upon request during regular business hours.

R70-330-10. Packaging and Labeling.
(1) A producer shall package raw milk and raw milk products in clean, sanitary, and food-grade containers.
(2) A producer shall package:
(a) raw milk in containers of one gallon or less; and
(b) raw milk products in containers or packages of five gallons or less.
(3) Under Subsection 4-3-604(2)(d), a producer shall cap each container of raw milk or raw milk product with a black cap.
(4) In addition to the requirements of Section 4-3-604 and 21 CFR Part 101, a producer shall ensure container labels display:
(a) the species of animal producing the milk, such as "Raw Goat Milk" or "Raw Sheep Milk", if the product is derived from an animal other than a cow;
(b) handling instructions stating "Keep Refrigerated"; and
(c) required label text printed in a contrasting, legible font with a minimum height of one-eighth inch.

R70-330-11. Standards of Identity and Product Standards.

(1) Raw milk products shall conform to product standards under 21 CFR Parts 131, 133, and 135, except that the producer shall manufacture the product without pasteurization.

(2) A producer shall manufacture raw butter to contain at least 80% milkfat by weight.

(3) A producer shall ensure raw milk and raw milk products comply with Chapter 5, Utah Wholesome Food Act, and applicable rules governing food establishments.

(4) A producer may not offer for sale, distribute, or hold raw milk or a raw milk product that is adulterated, which occurs if the raw milk or a raw milk product:

(a) contains added water, antibiotic residues, or unauthorized chemicals;

(b) exceeds somatic cell count standards;

(c) originates from an animal exhibiting clinical signs of disease or mastitis; or

(d) contacts equipment that is not clean and sanitized.

(5) A producer may not label or represent a product as "raw milk" or a "raw milk product" unless it is:

(a) produced under a valid permit issued by the department; or

(b) meets the exemption requirements listed in Section 4-3-608 or 4-3-609.

(6) The department may issue an order to remove from sale any raw milk or raw milk product that is misbranded or adulterated.

KEY: dairy inspections, raw milk, raw milk products, permits, labeling
Date of Last Change: 2026[~~August 1, 2023~~]
Notice of Continuation: January 8, 2026
Authorizing, and Implemented or Interpreted Law: 4-3-201

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58211**
Rule or section number:	**R152-22**

1. Agency Information

Title catchline:	Commerce, Consumer Protection
Building:	Heber Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146704
City, state and zip:	Salt Lake City, UT 84114-6704

2. Contact Persons

Name:	**Phone:**	**Email:**
Daniel Larsen	801-530-6601	dcprules@utah.gov

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

3. General Information

A. Rule or section catchline:
R152-22. Charitable Solicitations Act Rule
B. Purpose of the new rule or reason for the change:
This change is being submitted to conform this rule to amendments made to Title 13, Chapter 22, Charitable Solicitations Act, in SB 38, passed in the 2026 General Session.
C. Summary of the new rule or change:
This amendment: 1) conforms this rule's numbering to current Division of Consumer Protection practice; 2) adjusts citations to new statutory numbering; 3) removes requirements related to fundraising campaign registration that is no longer required by statute; and 4) removes requirements related to registered agents because the requirement now exists in statute.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 38 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule is not anticipated to create costs or savings to the state budget beyond what was contemplated by the fiscal note to SB 38 (2026).
B. Local governments:
This rule is not anticipated to create costs or savings to local governments because it does not impose requirements or other obligations upon local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule is not anticipated to create costs or savings to non-small businesses beyond what was contemplated by the fiscal note to SB 38 (2026).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This rule is not anticipated to create costs or savings to non-small businesses beyond what was contemplated by the fiscal note to SB 38 (2026).
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule is not anticipated to create costs or savings to persons other than small businesses, non-small businesses, state, or local government entities beyond what was contemplated by the fiscal note to SB 38 (2026).
F. Compliance costs for affected persons:
This amendment does not impose new compliance costs on 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."

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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

Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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:

Subsection 13-2-106(1)	Subsection 13-22-105(1)(b)(xiii)	Subsection 13-22-110(2)(d)

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Assistant Director	**Date:**	08/31/2026

R152. Commerce, Consumer Protection.
R152-22. Charitable Solicitations Act Rule.
R152-22-101. Purpose.

The purpose of this rule is to:

(1) define terms;

(2) establish the form of the registration application for a professional [~~fund raiser~~]fundraiser and professional [~~fund raising~~]fundraising consultant;

(3) establish the process by which a person may register as a professional [~~fund raiser~~]fundraiser or professional [~~fund raising~~]fundraising consultant;

[~~(4) establish the process by which a professional fund raiser may register a fund raising campaign;~~]

[~~(5)~~](4) establish the manner and process by which a charitable organization shall file forms in accordance with Subsection 13-22-[~~15(1)~~]110(1); and

[~~(6)~~](5) aid the division's administration and enforcement of Title 13, Chapter 22, Charitable Solicitations Act.

R152-22-102. Authority.

This rule is promulgated in accordance with Subsections 13-2-[~~5(1)~~]106(1), 13-22-[~~9(1)(b)(xiv)~~]105(1)(b)(xiii), and 13-22-[~~15(2)(b)~~]110(2)(d).

R152-22-103. Definitions.

[~~As used in this rule and Section 13-22-24:~~]

(1) "Bank account" means any account in which a professional [~~fund raiser~~]fundraiser holds charitable contributions collected in connection with a [~~fund raising~~]fundraising campaign.

(2) "Bank account information" means:

(a) the bank account number;

(b) the name of the bank account holder;

(c) the name and address of the bank, credit union, or other financial institution that provides the bank account to the professional [~~fund raiser~~]fundraiser.

R152-22-[4]201. Professional [~~Fund Raiser~~]Fundraiser and Professional [~~Fund Raising~~]Fundraising Consultant Registration.

(1) A professional [~~fund raiser~~]fundraiser or professional [~~fund raising~~]fundraising consultant that applies for registration shall:

(a) apply using a form approved by the division, including information required by Section 13-22-[~~9~~]105;

(b) submit its application electronically, or by using another method approved by the division; and

(c) pay the required application fee.

(2) A professional [~~fund raiser~~]fundraiser or professional [~~fund raising~~]fundraising consultant that discloses an injunction, judgment, administrative order, or conviction in accordance with Subsection 13-22-[~~9~~]105(1)(b)(ix) or (xi) shall include with its application:

(a) a case number or similar identifier, if available;

(b) information that identifies the jurisdiction in which the injunction, judgment, administrative order, or conviction occurred;

(c) a brief description of the underlying action; and

(d) a copy of the injunction, judgment, administrative order, or conviction.

[~~R152-22-5. Fund Raising Campaign Registration.~~

~~(1) A professional fund raiser shall submit information required by Section 13-22-24 using the form and method approved by the division.~~

~~(2) A fund raising campaign registration shall include the start and end date for the fund raising campaign.~~]

[~~R152-22-6. Registered Agent in Utah.~~

~~A registered agent identified by a professional fund raiser in accordance with Subsection 13-22-9(1)(b)(vi) shall have a mailing address in Utah.~~]

R152-22-[7]202. Charitable Organization Financial Reports.

(1) A charitable organization shall submit an unredacted copy of its most recent IRS Form 990, 990-EZ, 990-N, or 990-PF to the Division of Corporations and Commercial Code.

(2) The submission described by Subsection (1):

(a) shall be submitted in PDF file format, and using the process established by the Division of Corporations and Commercial Code; and

(b) shall be submitted at least annually, at the time the charitable organization:

(i) registers with the Division of Corporations and Commercial Code:

(A) as a nonprofit corporation; or

(B) as a foreign nonprofit corporation; or

(ii) submits its annual report to the Division of Corporations and Commercial Code.

KEY: charities, consumer protection, solicitations, registration
Date of Last Change: 2026[~~January 1, 2025~~]
Notice of Continuation: November 24, 2021
Authorizing, and Implemented or Interpreted Law: 13-2-[~~5~~]106(1); [~~13-22-6; 13-22-8;~~]13-22-[~~9~~]105; [~~13-22-10;~~]13-22-[~~15~~]110(2)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58212**
Rule or section number:	**R152-23**

1. Agency Information

Title catchline:	Commerce, Consumer Protection
Building:	Heber Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146704
City, state and zip:	Salt Lake City, UT 84114-6704

2. Contact Persons

Name:	Phone:	Email:
Daniel Larsen	801-530-6601	dcprules@utah.gov

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

3. General Information

A. Rule or section catchline:
R152-23. Fitness Center Services Protection Act Rule
B. Purpose of the new rule or reason for the change:
This change is being submitted to conform this rule to updated terminology and provisions included in SB 38, passed in the 2026 General Session.
C. Summary of the new rule or change:
This change updates this rule to reflect the new name and terminology used in Title 13, Chapter 23, Fitness Center Services Protection Act. This change also updates citations, removes provisions that were based on provisions removed in the statute, and conforms this rule's structure and numbering to current Division of Consumer Protection practice.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 38 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule is not anticipated to create costs or savings to the state budget beyond what was contemplated by the fiscal note to SB 38 (2026).
B. Local governments:
This rule is not anticipated to create costs or savings to local governments because it does not impose requirements or other obligations upon local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule is not anticipated to create costs or savings to small businesses beyond what was contemplated by the fiscal note to SB 38 (2026).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This rule is not anticipated to create costs or savings to non-small businesses beyond what was contemplated by the fiscal note to SB 38 (2026).
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule is not anticipated to create costs or savings to persons other than small businesses, non-small businesses, state, or local government entities beyond what was contemplated by the fiscal note to SB 38 (2026).
F. Compliance costs for affected persons:
This amendment does not impose new compliance costs on 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."

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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:

Subsection 13-2-106(1)	Subsection 13-23-104(2)(b)(iv)	Subsection 13-23-104(4)

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Assistant Director	**Date:**	08/31/2026

R152. Commerce, Consumer Protection.
R152-23. [~~Health Spa~~]Fitness Center Services Protection Act Rule.
R152-23-101. Purpose.

The purpose of this rule is to:

(1) establish the process for:

(a) initial registration of a [~~health spa~~]fitness center facility;

(b) renewal of a [~~health spa~~]fitness center facility registration;

(c) establishing a [~~health spa~~]fitness center facility surety exemption;

(d) establishing a contract for [~~health spa~~]fitness center services should be excluded from surety calculation; and

(e) notifying the division of any change to an applicant's registration information.

(2) aid the division's administration and enforcement of Title 13, Chapter 23, [~~Health Spa~~]Fitness Center Services Protection Act.

R152-23-102. Authority.

This rule is promulgated in accordance with Subsections 13-2-[~~5~~]106(1), 13-23-[~~5(1)(a)(iv)(A) through (C)~~]104(2)(b)(iv), and 13-23-[~~5(1)(h)~~]104(4).

R152-23-103. Definitions.

As used in Subsection 13-23-[~~5~~]104(1)[~~(a)(i)~~], "operate" means:

(1) to offer for sale or advertise a [~~health spa~~]fitness center service; or

(2) to enter a contract for any [~~health spa~~]fitness center service.

R152-23-[4]201. Application for Registration or Renewal of Registration.

An application for registration or renewal of registration of a [~~health spa~~]fitness center facility shall be submitted on a form approved by the division, and include:

(1) the applicant's:

(a) name, and any alternate name that it uses to do business as a [~~health spa~~]fitness center facility;

(b) street address;

(c) mailing address;

(d) telephone number, and if applicable, facsimile number;

(e) email address;

(f) web address, if it maintains a website;

(2) a person designated by the applicant to be its contact person with whom the division will communicate regarding the application, and that person's:

(a) name;

(b) street address;

(c) mailing address;

(d) telephone number;

(e) email address;

(3) the applicant's registered agent for service of process in the state, and the registered agent's:

(a) name;

(b) street address;

(c) mailing address; and

(d) telephone number;

(4) a copy of any contract:

(a) used by the applicant in connection with the sale of a [~~health spa~~]fitness center service;

(b) that is drafted in accordance with Title 13, Chapter 23, [~~Health Spa~~]Fitness Center Services Protection Act;

(5) the number of unexpired contracts for a [~~health spa~~]fitness center service that:

(a) designate the [~~health spa~~]fitness center facility as a consumer's primary location; or

(b) for a [~~health spa~~]fitness center facility's first year of registration, the number of contracts for a [~~health spa~~]fitness center service designating the [~~health spa~~]fitness center facility as a consumer's primary location the applicant reasonably expects to execute;

(6) a copy of the applicant's:

(a) surety bond[~~, letter of credit,~~] or certificate of deposit obtained in accordance with Subsection 13-23-[~~5(2)~~]104(7) and on a form approved by the division; or

(b) a surety exemption claim completed in accordance with Section R152-23-[~~5~~]202;

(7) a copy of the applicant's liability insurance policy, in accordance with Subsection[~~s~~] 13-23-[~~5(1)(g)(i) and (ii)~~]104(2)(b)(iii);

(8) a list of each [~~health spa~~]fitness center service or combination of [~~health spa~~]fitness center services offered by the applicant at the [~~health spa~~]fitness center facility, including the price and duration of each service or combination of services; and

(9) the application fee and any applicable late fee.

R152-23-[~~5~~]202. Surety Exemption Process.

A [~~health spa~~]fitness center that claims a [~~health spa~~]fitness center facility or a [~~health spa~~]fitness center facility's contract is exempt from Subsections 13-23-[~~5(2)~~]104(7) through [~~(5)~~](9) shall submit a claim of exemption in the form approved by the division that shall include:

(1) a statement that identifies the exemption claimed in accordance with Subsections 13-23-[~~6~~]105(1)(a) through (e);

(2) the number of unexpired contracts the [~~health spa~~]fitness center claims should be excluded from surety calculation in accordance with Subsection 13-23-[~~6~~]105(3); and

(3) any information necessary to prove the [~~health spa~~]fitness center facility or the [~~health spa~~]fitness center facility's contract qualifies for a claimed exemption, in accordance with Subsection 13-23-[~~6~~]105(2).

R152-23-[~~6~~]203. Notification of Closure, Relocation, or Change to Information Required by Registration Application.

[~~(1) A notification made to the division in accordance with Subsection 13-23-5(1)(h) shall be in writing.~~]

[~~(2)~~]A notification made to the division in accordance with Subsection 13-23-[~~5(7)~~]104(12) shall be in writing.

R152-23-[~~7~~]204. Contract for [~~Health Spa~~]Fitness Center Services.

A statement made in accordance with Subsection 13-23-[~~3~~]102(6)(a) shall be capitalized and in bold text that is no smaller than 12-point size.

KEY: consumer protection, [~~health spas~~]fitness center
Date of Last Change: 2026[~~October 24, 2022~~]
Notice of Continuation: November 24, 2021
Authorizing, and Implemented or Interpreted Law: 13-2-[~~5~~]106(1); 13-23-[~~5(1)(a)(iv)(A) through (C)~~]104(2)(b)(iv); 13-23-[~~5(1)(h)~~]104(4)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58214**
Rule or section number:	**R152-34**

1. Agency Information

Title catchline:	Commerce, Consumer Protection
Building:	Heber Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146704
City, state and zip:	Salt Lake City, UT 84114-6704

2. Contact Persons

Name:	**Phone:**	**Email:**
Daniel Larsen	801-530-6601	dcprules@utah.gov

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

3. General Information

A. Rule or section catchline:
R152-34. Utah Postsecondary School and State Authorization Act Rule
B. Purpose of the new rule or reason for the change:
This change is being submitted to conform this rule to current Division of Consumer Protection (division) rulewriting practices, to update citations, and to amend acceptable forms of surety in accordance with changes made by SB 38, passed in the 2026 General Session.
C. Summary of the new rule or change:
This change updates rule numbering to reflect current division rulewriting practices, updates citations to the division's general rulemaking authority, and updates acceptable forms of surety in accordance with changes made by SB 38 (2026).

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 38 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule is not anticipated to create costs or savings to the state budget beyond what was contemplated by the fiscal note to SB 38 (2026).

B. Local governments:
This rule is not anticipated to create costs or savings to local governments because it does not impose requirements or other obligations upon local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule is not anticipated to create costs or savings to non-small businesses beyond what was contemplated by the fiscal note to SB 38 (2026).
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This rule is not anticipated to create costs or savings to non-small businesses beyond what was contemplated by the fiscal note to SB 38 (2026).
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule is not anticipated to create costs or savings to persons other than small businesses, non-small businesses, state, or local government entities beyond what was contemplated by the fiscal note to SB 38 (2026).
F. Compliance costs for affected persons:
This amendment does not impose new compliance costs on 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."

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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:

Subsection 13-2-106(1)	Section 13-34-103	Section 13-34-203

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Assistant Director	**Date:**	08/31/2026

R152. Commerce, Consumer Protection.
R152-34. Utah Postsecondary School and State Authorization Act Rule.
R152-34-101. Purpose.

The purpose of this rule is to:

(1) establish the form and content of the registration statement;

(2) specify information a postsecondary school must provide with a registration statement;

(3) establish how a postsecondary school may prove its financial viability in accordance with Subsections 13-34-202(1)(d) and R152-34-[~~3~~]103(6);

(4) establish when a surety bond[~~,~~] or certificate of deposit[~~, or irrevocable letter of credit~~] may be required;

(5) establish the form, content, and amount of a surety bond[~~,~~] or certificate of deposit[~~, or irrevocable letter of credit~~] required in accordance with Section 13-34-202;

(6) provide for the execution and cancellation of a surety bond[~~,~~] or certificate of deposit[~~, or irrevocable letter of credit~~] a postsecondary school obtains in accordance with Section 13-34-202;

(7) establish the amount of money a school may charge a student in a 12-month period to qualify for an exemption in accordance with Subsection 13-34-111(3);

(8) specify acts and practices that are prohibited in accordance with Section 13-34-108;

(9) specify the electronic format in which a postsecondary school is required to maintain an educational credential, enrollment agreement, and financing agreement in accordance with Section 13-34-203;

(10) specify the student outcomes a postsecondary school must disclose in accordance with Section 13-34-109;

(11) establish the type and number of credits required to obtain a degree or diploma from an unaccredited postsecondary school;

(12) establish:

(a) standards for granting to a postsecondary school a state authorization certificate in accordance with a reciprocity agreement;

(b) any filing or document required for a postsecondary school to obtain a state authorization certificate in accordance with a reciprocity agreement; and

(c) penalties for a postsecondary school that fails to comply with Section R152-34-[~~11~~]301; and

(13) aid the division's administration and enforcement of Title 13, Chapter 34, Utah Postsecondary School and State Authorization Act.

R152-34-102. Authority.

This rule is promulgated in accordance with Subsection 13-2-[~~5~~]106(1), Section 13-34-103, and Section 13-34-203.

R152-34-103. Definitions.

As used in this rule:

(1) "Change of ownership" means a change to any owner of a postsecondary school, including:

(a) sale or merger of a postsecondary school; or

(b) any other occurrence that changes whether a person is an owner in accordance with Subsection R152-34-[~~3~~]103(7).

(2) "Composite score" means the score calculated by the United States Department of Education using a postsecondary school's financial information in accordance with 34 CFR 668.171 et seq.

(3) "Field trip" means a congregation in Utah of students and instructors from a postsecondary school that is not located in Utah:

(a) for instruction in the subject of enrollment;

(b) that lasts no more than ten calendar days; and

(c) occurs no more than three times per year in the same program.

(4) "Gross tuition revenue" means the total amount of tuition and fees collected, reduced by the amount of refunds paid, by a postsecondary school during the most recently completed 12-month fiscal year.

(5) "Material information" means information that could reasonably influence whether the division may deny, suspend, or revoke a registration statement, registration certificate, or state authorization certificate, including a change of ownership.

(6) "Other proof of financial viability" means financial information that demonstrates the postsecondary school:

(a) based on its audited financial statements, has a composite score of 1.5 or greater for the current year;

(b)(i) based on its audited financial statements, has a composite score of 1.0 through 1.4 for the current year;

(ii) in one of the immediately preceding two years, had a composite score of 1.5 or greater; and

(iii) provides information sufficient to allow the division, at its discretion, to determine the risk to student funds posed by a postsecondary school's financial condition, including:

(A) a detailed explanation of the events that caused the reduced composite score;

(B) the postsecondary school's plan to improve the composite score; and

(C) a teach out plan;

(c) based on its reviewed financial statements for the preceding two fiscal years:

(i) had two consecutive years of a current ratio at or above 1.0; and

(ii) had two consecutive years of a debt to equity ratio no greater than 3.0;

(d) based on its unaudited financial statements for the preceding two fiscal years:

(i) had two consecutive years of a current ratio at or above 1.0;

(ii) had two consecutive years of a debt to equity ratio no greater than 3.0; and

(iii) has an average credit score exceeding 580 for the postsecondary school's owners; or

(e) provides sufficient other information to the division such that the division director may, at the director's discretion, determine that the postsecondary school has demonstrated financial viability.

(7) "Owner" means a person who directly or indirectly:

(a) exercises substantial control over a postsecondary school; or

(b) owns or controls at least 20 % of the ownership interests in a postsecondary school.

(8) "Physical presence," as defined by Subsection 13-34-101(12), does not include a field trip or supervised field experience.

(9) "Supervised field experience" means a student learning experience that:

(a) occurs at a location in Utah that is not owned, operated, leased, maintained, or controlled by the postsecondary school in which the student is enrolled;

(b) primarily involves practical application of previous education;

(c) is supervised by a supervisor, mentor, faculty member, or other qualified professional who reports to the postsecondary school in which the student is enrolled; and

(d) is part of a program offered by a postsecondary school located outside of Utah in which the student is enrolled.

(10) "Unaccredited postsecondary school" means a postsecondary school that is not accredited by an accrediting agency.

R152-34-[4]201. Registration Statement -- Required Documents and Information.

(1) A postsecondary school shall submit a complete registration statement on a form approved by the division, including all information required by the form and Subsection R152-34-[4]201(2):

(a) each year, if the postsecondary school is an unaccredited postsecondary school;

(b) every two years, if the postsecondary school is an accredited postsecondary school; and

(c) within 30 days of any change to material information required by the registration statement.

(2) A postsecondary school shall include with its registration statement:

(a) if the postsecondary school is an accredited postsecondary school, a copy of its most recent and active accreditation statement;

(b) if the postsecondary school is a longstanding nonprofit accredited postsecondary school, a copy of its determination letter from the Internal Revenue Service demonstrating its nonprofit status, and documentation sufficient to demonstrate that it has continuously operated as a nonprofit for 20 years;

(c) financial documentation demonstrating it is fiscally responsible, including:

(i) for a postsecondary school that collected $500,000 or more in gross tuition revenue, the two most recent fiscal year end audited financial statements completed by a certified public accountant in accordance with GAAP;

(ii) for a postsecondary school that collected $250,000 - $499,999.99 in gross tuition revenue, the two most recent fiscal year end:

(A) audited financial statements completed by an external certified public accountant in accordance with GAAP; or

(B) reviewed financial statements completed by an external certified public accountant;

(iii) for a postsecondary school that collected $0 - $249,999 in gross tuition revenue:

(A)(I) the two most recent fiscal year end audited financial statements completed by an external certified public accountant in accordance with GAAP;

(II) the two most recent fiscal year end reviewed financial statements completed by an external certified public accountant; or

(III) unaudited financial statements for each of the two most recent fiscal years, a commercial credit report, and a personal credit report for each of the postsecondary school's owners;

(iv) for a postsecondary school that has not previously operated:

(A) pro forma financial projections, in a form satisfactory to the division, for the postsecondary school's first 12 months of operation; and

(B) a personal credit report for each of the postsecondary school's owners;
(d) a current certificate of existence or good standing;
(e) a disclosure indicating whether the postsecondary school, its owner, officer, director, or administrator:
(i) has violated, in the preceding 10 years, any state or federal law or rule, not including traffic violations, as determined in a criminal, civil, or administrative proceeding;
(ii) is presently being investigated for alleged violations of state or federal law or rule, not including traffic violations;
(iii) has been subject to a negative action by an accrediting agency in the preceding 24 months; or
(iv) is presently being investigated or is subject to any other proceeding by the postsecondary school's accrediting agency;
(f) a list of programs offered by the postsecondary school, including the total program cost for each program; and
(g) the number of students enrolled in the postsecondary school.
(3) A credit report provided to the division shall:
(a) be no more than 60 days old;
(b) include reports from Equifax, Experian, and Transunion, if available.
(4) Notwithstanding Subsection R152-34-[4]201(1)(b), an accredited postsecondary school shall annually provide to the division financial documentation in accordance with Subsection R152-34-[4]201(2)(c).
(5) A postsecondary school shall submit a renewal registration statement 30 days before its registration certificate or state authorization certificate expires.
(6)(a) A registration statement submitted to the division in accordance with Subsection R152-34-[4]201(1)(c) shall, at the division's discretion, be submitted using:
(i) electronic mail; or
(ii) other electronic means approved by the division.
(b) If non-material information included in a registration statement becomes incorrect or incomplete, a postsecondary school shall correct the information within 30 days using electronic mail sent to the division.

R152-34-[~~5~~]202. Surety Bond[~~,~~] or Certificate of Deposit[~~, or Irrevocable Letter of Credit~~] -- Form -- Amount -- Execution and Cancellation -- Other Proof of Financial Viability.
(1) A postsecondary school that provides to the division other proof of financial viability in accordance with Subsection R152-34-103(6) is not required to maintain a surety bond[~~,~~] or certificate of deposit[~~, or irrevocable letter of credit~~].
(2)(a) A postsecondary school shall provide with its registration statement a surety bond[~~,~~] or certificate of deposit[~~, or irrevocable letter of credit~~] in a form and amount approved by the division.
(b) A postsecondary school may provide a continuation certificate to demonstrate it maintains a surety bond in accordance with Section 13-34-202 and Section R152-34-[~~5~~]202.
(c) A certificate of deposit[~~ or irrevocable letter of credit~~] obtained in accordance with Section 13-34-202 and Section R152-34-[~~5~~]202 shall be issued or held by a financial institution that has a location in Utah.
(3)(a) A postsecondary school's surety bond[~~,~~] or certificate of deposit[~~, or irrevocable letter of credit~~] shall be for an amount based on the postsecondary school's gross tuition revenue, according to the following table:

TABLE Amount of Surety Bond[~~,~~] or Certificate of Deposit[~~, or Irrevocable Letter of Credit~~]	
Gross Tuition Revenue	Maximum Amount
$0.00 - $50,000	$12,500
$50,000.01 - $100,000	$25,000
$100,000.01 - $200,000	$50,000
$200,000.01 - $300,000	$75,000
$300,000.01 - $400,000	$100,000
$400,000.01 - $500,000	$125,000
$500,000.01 - $1,000,000	$250,000
$1,000,000.01 - $2,000,000	$500,000
$2,000,000.01 - $5,000,000	$1,250,000
$5,000,000.01 - $10,000,000 or greater	$2,500,000

(b) A postsecondary school that operates in Utah, but does not maintain physical presence in Utah, shall obtain a surety bond[~~,~~] or certificate of deposit[~~, or irrevocable letter of credit~~] in an amount based on its gross tuition revenue attributable to Utah residents enrolled in the postsecondary school.
(c) A postsecondary school may obtain more than one surety bond[~~,~~] or certificate of deposit[~~, or irrevocable letter of credit~~] to reach the amount required by Subsection R152-34-[~~5~~]202(3)(a).
(d) The division may, at its discretion, determine whether a surety bond[~~,~~] or certificate of deposit[~~, or irrevocable letter of credit~~] maintained by the postsecondary school, but that is not payable to the division, satisfies, in whole or in part, the requirements of Sections 13-34-202 and R152-34-[~~5~~]202.

(4) A postsecondary school that submits pro forma financial projections in accordance with Subsection R152-34-[4]201(2)(c)(iv) shall provide a surety bond[~~,~~] or certificate of deposit[~~, or irrevocable letter of credit~~] for an amount:

(a) based on the postsecondary school's projected gross tuition revenue for its first 12 months of operation; and

(b) consistent with Subsection R152-34-[~~5~~]202(3)(a).

R152-34-[~~6~~]203. Cost Exemption.

A postsecondary school that does not charge any student more than $3,000 in any 12-month period is exempt in accordance with Subsection 13-34-111(3)(d)(i)(C).

R152-34-[~~7~~]204. Prohibited Acts.

Reserved.

R152-34-[~~8~~]205. Electronic Format of Educational Credential, Enrollment Agreement, and Financing Agreement.

A postsecondary school shall:

(1) maintain a student's educational credential, enrollment agreement, and financing agreement in a text-searchable Portable Document Format (PDF) file;

(2) maintain a separate PDF file described in Subsection R152-34-[~~8~~]205(1) for each student; and

(3) maintain a consistent file naming convention that allows a file described in Subsection R152-34-[~~8~~]205(2) to be identified.

R152-34-[~~9~~]206. Required Outcome Disclosures.

(1) A postsecondary school shall disclose in writing to its students, and prominently on its website, if one exists:

(a) the graduation or completion rate for its students;

(b) if the postsecondary school's program lasts more than one year, the percentage of students who return after the first year;

(c) if the postsecondary school provides education intended to prepare a student to take an exam required for professional licensure, the rate at which the postsecondary school's students pass the licensure exam; and

(d) the basis for any representation made by the postsecondary school regarding the impact of its program on a student's future earnings.

(2) An accredited postsecondary school may satisfy Subsection R152-34-[~~9~~]206(1) by providing to a student:

(a) a document that contains the information present on the accredited postsecondary school's College Scorecard maintained by the United States Department of Education; or

(b) the web address that leads to the accredited postsecondary school's College Scorecard maintained by the United States Department of Education.

R152-34-[~~10~~]207. Type and Number of Credits Required for Degree or Diploma Offered by an Unaccredited Postsecondary School.

To award a degree or diploma, a postsecondary school shall require a student to complete:

(1) 60 to 90 credit hours for an associate degree;

(2) 120 to 180 credit hours for a bachelor's degree;

(3) 150 to 225 credit hours for a master's degree; and

(4) 200 to 300 credit hours for a doctorate degree.

R152-34-[~~11~~]301. State Authorization Certificate -- Reciprocity Agreement.

(1) An accredited postsecondary school may obtain a state authorization certificate by filing a registration statement in accordance with Section R152-34-[4]201.

(2) A postsecondary school that is exempt from Sections 13-34-201 through 13-34-205 in accordance with Subsection 13-34-111(3) may obtain a state authorization certificate by filing a registration statement on a form approved by the division that includes:

(a) the postsecondary school's:

(i) name, including any alternate name it uses to do business;

(ii) mailing and physical address;

(b) the name, telephone number, and electronic mail address of a person the division can contact regarding the registration statement;

(c) if the postsecondary school is a longstanding nonprofit accredited postsecondary school, a copy of its determination letter from the Internal Revenue Service demonstrating its nonprofit status, and documentation sufficient to demonstrate that it has continuously operated as a nonprofit for 20 years;

(d) a copy of the postsecondary school's current accreditation statement; and

(e) a statement and relevant documents demonstrating which exemption described by Subsection 13-34-111(3) applies to the postsecondary school.

KEY: postsecondary schools, state authorization, registration, consumer protection
Date of Last Change: 2026[~~June 21, 2024~~]
Notice of Continuation: May 6, 2022
Authorizing, and Implemented or Interpreted Law: 13-2-[~~5~~]106(1); 13-34-103; 13-34-203

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: New	**Filing ID: 58213**
Rule or section number:	**R152-83**

1. Agency Information

Title catchline:	Commerce, Consumer Protection
Building:	Heber Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146704
City, state and zip:	Salt Lake City, UT 84114-6704

2. Contact Persons

Name:	**Phone:**	**Email:**
Daniel Larsen	801-530-6601	dcprules@utah.gov

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

3. General Information

A. Rule or section catchline:
R152-83. Virtual Currency Kiosk Regulation Rule
B. Purpose of the new rule or reason for the change:
This rule is being promulgated in accordance with HB 72, passed in the 2026 General Session, codified as Title 13, Chapter 83, Virtual Currency Kiosk Regulation, which permits the Division of Consumer Protection to make rules regarding records maintained and reports to be filed by virtual currency kiosk operators.
C. Summary of the new rule or change:
This rule establishes the time period, format, and content requirements for records maintained in accordance with Section 13-83-104 and establishes the form, content, filing date, and submission procedure for the report described by Section 13-83-105.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 72 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule is not anticipated to create costs or savings to the state budget beyond what was contemplated by the fiscal note to HB 72 (2026).
B. Local governments:
This rule is not anticipated to create costs or savings to local governments because it does not impose requirements or other obligations upon local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule is not anticipated to create costs or savings to non-small businesses beyond what was contemplated by the fiscal note to HB 72 (2026).

The record retention period required by this proposed rule is consistent with federal requirements applicable to money services businesses, and should not impose additional costs.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This rule is not anticipated to create costs or savings to non-small businesses beyond what was contemplated by the fiscal note to HB 72 (2026). The record retention period required by this proposed rule is consistent with federal requirements applicable to money services businesses, and should not impose additional costs.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This rule is not anticipated to create costs or savings to persons other than small businesses, non-small businesses, state, or local government entities beyond what was contemplated by the fiscal note to HB 72 (2026). The record retention period required by this proposed rule is consistent with federal requirements applicable to money services businesses, and should not impose additional costs.
F. Compliance costs for affected persons:
This amendment does not impose compliance costs on affected persons beyond those contemplated by the fiscal note to HB 72 (2026).

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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:

Subsection 13-2-106(1)	Section 13-83-106	

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Daniel Larsen, Assistant Director	**Date:**	08/31/2026

R152. Commerce, Consumer Protection.

R152-83. Virtual Currency Kiosk Regulation Rule.

R152-83-101. Purpose.

The purpose of this rule is to:

(1) establish the time period, format, and content requirements for records maintained in accordance with Section 13-83-104;

(2) establish the form, content, filing date, and submission procedure for the report described by Section 13-83-105; and

(3) aid the division's administration and enforcement of Title 13, Chapter 83, Virtual Currency Kiosk Regulation.

R152-83-102. Authority.

This rule is enacted in accordance with Subsection 13-2-106(1) and Section 13-83-106.

R152-83-103. Definitions.

"Law enforcement agency" means the same as that term is defined by Subsection 77-23c-101.2(4).

R152-83-201. Record Keeping -- Required Information and Records -- Format.

(1) A virtual currency kiosk operator shall maintain the following information and records for each virtual currency kiosk transaction conducted at its virtual currency kiosk:

(a) the receipt generated in accordance with Subsections 13-83-103(5) and (6); and

(b) the customer's name, physical address, and telephone number; and

(c) the confirmation of consent obtained in accordance with Subsection 13-83-103(2).

(2) A virtual currency kiosk operator shall maintain the records and information described by Subsection (1):

(a) for at least five years after the date on which the virtual currency kiosk transaction occurs; and

(b) in XML, EDI, JSON, ISO 20022, or UBL format.

(3) Records and information maintained by a virtual currency kiosk operator in accordance with this section shall be:

(a) encrypted, or maintained in an encrypted storage vessel; and

(b) readily accessible to:

(i) the virtual currency kiosk operator; and

(ii) upon request:

(A) the division; and

(B) a law enforcement agency.

R152-83-202. Annual Report -- Required Information -- Filing Deadline.

(1) A virtual currency kiosk operator shall submit the annual report described by Section 13-83-105 in a form approved by the division, and include the virtual currency kiosk operator's:

(a) legal name, assumed name, and any other name it uses to do business;

(b) telephone number;

(c) email address;

(d) website address, if it operates a website; and

(e) contact person described by Subsection 13-83-104(3)(c), and the contact person's:

(i) name;

(ii) telephone number; and

(iii) email address.
(2) An annual report submitted to the division in accordance with this section shall, at the division's discretion, be submitted using:
(a) email; or
(b) other electronic means approved by the division.
(3)(a) A virtual currency kiosk operator shall submit the report described by Subsection 13-83-105(1) no later than July 31, 2027.
(b) The division may establish a filing deadline for each virtual currency kiosk operator's report to stagger reporting dates throughout the year.
(4) A virtual currency kiosk operator shall submit a notification described by Subsection 13-83-105(4) by updating and submitting the form described by Subsection R152-83-202(1).

KEY: virtual currency, virtual currency kiosk, record keeping; reporting
Date of Last Change: 2026
Authorizing, and Implemented or Interpreted Law: 13-2-106(1); 13-83-106

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58209**
Rule or section number:	**R156-46a**

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Lisa Martin	801-530-7632	lmartin@utah.gov

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

3. General Information

A. Rule or section catchline:

R156-46a. Hearing Instrument Specialist Licensing Act Rule

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

The Division of Professional Licensing (Division) is filing these proposed amendments in accordance with statutory changes made by HB 374 that passed in the 2026 General Session and became effective on 05/06/2026.

HB 374 (2026) allows an audiologist to supervise a hearing instrument specialist intern and aligns the unprofessional conduct standards of a hearing instrument specialist with the unprofessional conduct standards of audiologists.

The proposed amendments also update the exam requirements and align this rule with the Office of Administrative Rules (OAR) drafting requirements and Division standards.

C. Summary of the new rule or change:

Section R156-46a-101 is amended to fix a citation to another section of Division rules.

Section R156-46a-102 is amended to define acronyms used in this rule and unprofessional conduct.

Section R156-46a-302 is amended to clarify the examination requirements and align the requirements with industry standards, specifying that an applicant for licensure as a hearing instrument specialist may pass either the International Licensing Examination (ILE) administered by the International Hearing Society (IHS) or the National Competency Exam (NCE) administered by the National Board for Certification in Hearing Instrument Sciences (NBC-HIS).

Section R156-46a-302.5 is amended to include the statutory change permitting an audiologist to supervise a hearing instrument specialist intern. This section is also amended to remove the provisions relating to failed sections of the exam because the exam is no longer structured to permit retaking individual sections.

Section R156-46a-303 is amended to include the calibration and continuing education requirements for license renewal.

Section R156-46a-304 is amended to conform to Division drafting standards and to use the acronyms defined in Section R156-46a-102.

Section R156-46a-501 is renumbered and amended to remove a requirement that is no longer in the cited federal law and to update the code of ethics incorporated by reference.

Section R156-46a-502 is renumbered and amended to match industry standard for hearing instrument examinations, remove outdated language, and clarify whether a licensee must accept a previous evaluation from another physician, audiologist, or hearing instrument specialist.

Section R156-46a-502c is removed from the rule because the enabling section was removed from statute. The requirements of Section R156-46a-502c were moved to Section R156-46a-303 as a requirement for license renewal.

Section R156-46a-503 is amended to remove the language of the Hearing Instrument Specialist Acknowledgement of Informed Consent Form out of this rule and to the Division's website, which is referenced in this rule.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 374 (2026 General Session)

5. Fiscal Information

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

A. State budget:

The Division does not anticipate any fiscal impact to the state budget beyond that determined by the fiscal note for HB 374 at: https://le.utah.gov/~2026/bills/static/HB0374.html, because the proposed amendments clarify and update this rule to be current and accurate for licensees.

B. Local governments:

The Division does not anticipate any cost or savings to local governments from the proposed amendments because the proposed amendments do not apply to local governments.

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

There are approximately 121 small businesses in Utah with hearing instrument specialists (NAICS 621999) and other similar licensees and who may employ those engaged in the profession (this NAICS code covers professions beyond hearing instrument specialists as well).

However, the proposed amendments are not expected to have any measurable impact on small businesses' revenues or expenditures beyond the fiscal note for HB 374 (2026) because the amendments merely conform this rule to statutory changes enacted by HB 374 (2026), update examination requirements, and reorganize, streamline, and update this rule to provide more utility to licensees and to comply with OAR drafting requirements and Division standards.

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

There is approximately five non-small businesses in Utah with hearing instrument specialists (NAICS 621999) and other similar licensees and who may employ those engaged in the profession (this NAICS code covers professions beyond hearing instrument specialists as well).

However, the proposed amendments are not expected to have any measurable impact on non-small businesses' revenues or expenditures beyond the fiscal note for HB 374 (2026) because the amendments merely conform this rule to statutory changes enacted by HB 374 (2026), update examination requirements, and reorganize, streamline, and update this rule to provide more utility to licensees and to comply with OAR drafting requirements and Division standards.
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***)**:**
In Utah, there are approximately 164 licensed hearing instrument specialists and 42 licensed hearing instrument specialist interns. The Division does not anticipate any cost or savings from these proposed amendments to these persons or to additional persons other than small businesses, non-small businesses, the state, or local government entities, because the amendments merely conform this rule to statutory changes enacted by HB 374 (2026), update examination requirements, and reorganize, streamline, and update this rule to provide more utility to licensees and to comply with OAR drafting requirements and Division standards. The proposed rule amendments will not create new obligations for other persons or increase the costs associated with any existing obligations for other persons.
F. Compliance costs for affected persons:
As described in Box 5E for other persons, no compliance costs are expected 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."

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-46a-101

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*)**:**	
Official Title of Materials Incorporated (from title page)	Code of Ethics
Publisher	International Hearing Society
Issue Date	May 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:	10/15/2026

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)**:**
10/08/2026	10:00 AM	Anchor Meeting Location: Heber M Wells Building Room 402 160 E 300 S Salt Lake City, UT Google Meet joining info: Video call link: https://meet.google.com/zyf-ewzt-ard Or dial: (US) +1 260-227-7072 PIN: 664 539 085# More phone numbers: https://tel.meet/zyf-ewzt-afd? Pin=6241205830378

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	**Date:**	08/31/2026

R156. Commerce, Professional Licensing.
R156-46a. Hearing Instrument Specialist Licensing Act Rule.
R156-46a-101. Title - Authority - [~~Organization~~]Relationship to Rule R156-1.

(1) This rule is known as the "Hearing Instrument Specialist Licensing Act Rule."

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-10[~~7~~]1.

R156-46a-102. Definitions.

[~~In addition to the definitions~~]Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing[~~,~~] and Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act[~~, under Subsection 58-1-203(1)(e) "unprofessional conduct" is further defined in Section R156-46a-502a~~]. In addition:

(1) "IHS" means the International Hearing Society.

(2) "ILE" means the International Licensing Examination for Hearing Healthcare Professionals administered by IHS.

(3) "NBC-HIS" means the National Board for Certification in Hearing Instrument Sciences.

(4) "NCE" means the National Competency Exam Administered by NBC-HIS.

(5) "Unprofessional conduct" is further defined in Section R156-46a-501.

R156-46a-302. Qualifications for Licensure - Examination Requirements.

(1) [~~Under Subsections 58-46a-302(1)(d) and 58-46a-302(2)(c), the minimum score required to pass the Utah Law and Rules Examination for hearing instrument specialists and hearing instrument interns is 75%.~~]Under Subsection 58-46a-302(1)(c), an applicant for licensure as a hearing instrument specialist shall pass one of the following exams:

(a) the International Licensing Examination (ILE) administered by the International Hearing Society (IHS); or

(b) the National Competency Exam (NCE) administered by the National Board for Certification in Hearing Instrument Sciences (NBC-HIS).

(2) If an individual's license as a hearing instrument intern expires before the individual becomes licensed as a hearing instrument specialist, the individual shall retake and pass the Utah Hearing Instrument Specialists Law and Rule[~~s~~] Examination before the individual may reapply for licensure as a hearing instrument intern.

R156-46a-302.5. Internship Supervision Requirements.

(1) Under Subsection 58-46a-302(2)(d) and Section 58-46a-302.5, the supervision requirements for practice as a hearing instrument intern are established in this section.

(2) A supervising hearing instrument specialist or supervising audiologist shall:

(a) begin supervising a hearing instrument intern only after:

(i) the hearing instrument intern is licensed as a hearing instrument intern; and

(ii) the supervisor is approved by the Division under Subsection 58-46a-102([~~6~~]7)(c) or (8)(c);

(b) supervise no more than one hearing instrument intern on direct supervision;

(c) supervise no more than two hearing instrument interns at one time; and

(d) notify the Division within ten working days if an internship program is terminated.

(3) To practice under indirect supervision as allowed by Subsection 58-46a-302.5(2), the hearing instrument intern shall:

(a) under Subsection 58-46a-302.5(2)(a), have received a passing score on [~~each section of~~]the [~~International Hearing Society (IHS)~~]IHS Practical Examination for Hearing Instrument Interns[~~, subject to the following:~~

~~(i) if the hearing instrument intern receives a failing score on one or more exam sections, the intern may retake that section or those sections within 60 days; and~~

~~(ii) if the hearing instrument intern does not pass each failed section within the 60-day period, the hearing instrument intern shall retake the entire exam~~]; and

(b) under Subsection 58-46a-302.5(2)(b), have successfully completed the [~~International Hearing Society (IHS)~~]IHS [~~d~~]Distance Learning for Professionals in Hearing Health Sciences Course.

R156-46a-303. Renewal Cycle - Procedures.

(1) Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle for licensees under Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act is established in Section R156-1-308a.

(2) Renewal and reinstatement procedures shall be in accordance with Sections R156-1-308[~~c~~]b through R156-1--308l.

(3) Under Subsection 58-46a-303(1)(b), an applicant shall attest that the applicant has maintained competent and safe practices by meeting the requirements of Section R156-46a-304 for each two-year renewal cycle.

(4) Under Subsection 58-1-308(3)(b)(vii), an applicant shall attest that the applicant has calibrated equipment as follows:

(a) each audiometer used in the fitting of hearing instruments shall be calibrated when necessary, and at least annually;

(b) the calibration shall be to ANSI standard calibration of frequency, accuracy, acoustic output, attenuator linearity, and harmonic distortion; and

(c) calibration shall be accomplished by the manufacturer, or a properly trained person, or an institution of higher learning equipped with proper instruments for calibration of an audiometer.

([~~3~~]5) Under Subsection 58-46a-303(2)(b), a hearing instrument intern license may be renewed for a term of three years if the hearing instrument intern presents evidence satisfactory to the Division [~~and board~~]that:

(a) the licensee is on a course reasonably expected to lead to licensure, such as making reasonable progress toward passing the qualifying examination and completing required hours of supervision; and

(b) a circumstance of hardship arose beyond the licensee's control to prevent the completion of the licensure process.

R156-46a-304. Continuing Education - Maintaining Competence and Safe Practices.

(1) Under Subsections [~~58-46a-304~~]58-1-308(3)(b) and 58-46a-303(1)(b), [~~a hearing instrument specialist shall complete continuing education requirements under this section for renewal of licensure~~]the continuing education requirements for renewal or reinstatement of

licensure as a hearing instrument specialist under Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act are established in this section.

(2) A hearing instrument specialist shall complete at least 16 hours of continuing education during each two-year renewal cycle.

(3) Continuing education courses shall be in one or more of the following topics:

(a) acoustics;

(b) nature of the ear such as normal ear, hearing process, disorders of hearing;

(c) hearing measurement;

(d) hearing [~~aid~~]instrument technology;

(e) selection of hearing [~~aids~~]instruments;

(f) marketing and customer relations;

(g) client counseling;

(h) ethical practice;

(i) state laws and regulations regarding the dispensing of hearing [~~aids~~]instruments; and

(j) other topics approved by the Division.

(4) Continuing education courses shall be approved by:

(a) the American Speech-Language-Hearing Association (ASHA);

(b) the American Academy of Audiology (AAA); or

(c) the [~~International Hearing Society (~~]IHS[~~)~~].

(5) A licensee may fulfill continuing education requirements by maintaining current [~~National Board for Certification in Hearing Instrument Sciences (~~]NBC-HIS[~~)~~] board certification.

(6) A licensee shall maintain documentation sufficient to prove [~~showing~~]compliance with [~~the requirements of~~]this section[~~, such as copies of transcripts or certificates of completion or of board certification,~~] for a period of two years [~~from~~]after the end of the renewal [~~period~~]cycle for which the continuing education is due.

(7) If a licensee first becomes licensed during the two-year renewal cycle, the licensee's required number of continuing education hours shall be decreased proportionately according to the date of licensure.

(8) The Division may defer or waive continuing education requirements as provided in Section R156-1-308d.

R156-46a-50[~~2a~~]1. Unprofessional Conduct.

Under Sections 58-1-501 and 58-46a-501, "[~~U~~]unprofessional conduct" includes:

(1) violating a state or federal law applicable to persons practicing as a hearing instrument specialist or hearing instrument intern;

(2) failing to perform the minimum components of an evaluation for a hearing [~~aid~~]instrument in Section R156-46a-502[~~b~~];

(3) dispensing a hearing [~~aid~~]instrument without[~~:~~

~~(a)~~] the patient having received a medical evaluation as required by Subsection [~~58-46-502(5)~~]58-41-305(2) within the six-month period before the [~~purchase~~]fitting or testing of the hearing [~~aid~~]instrument;[~~ or~~

~~(b) a document signed by the purchaser being a fully informed adult waiving the medical evaluation in accordance with Food and Drug Administration (FDA) required disclosures in CFR Title 21, Section 801.422, except a person under the age of 18 years may not waive the medical evaluation;~~]

(4) engaging in unprofessional conduct specified in Subsection 58-1-501(2)(a)(viii), including:

(a) quoting prices of competitive hearing instruments or devices without disclosing that they are not the current prices;

(b) showing, demonstrating, or representing competitive models as being current when they are not; or

(c) using stalling tactics, excuses, arguing or attempting to dissuade the consumer, to prevent or delay the consumer from exercising the 30-day right to cancel a hearing [~~aid~~]instrument purchase pursuant to Subsection 58-46a-503(1); and

(5) failing to conform to the generally accepted and recognized standards and ethics of the profession including those established in the Code of Ethics of the [~~International Hearing Society~~]IHS, [~~adopted March 2009~~]revised May 2023, which is incorporated by reference.

R156-46a-502[~~b~~]. Minimum Components of an Evaluation for a Hearing [~~Aid~~]Instrument and Dispensing of a Hearing [~~Aid~~]Instrument.

(1) Under Subsection 58-46a-102([~~5~~]4), the minimum components of a hearing [~~aid~~]instrument examination include:

(a) air conduction tests at frequencies of 250, 500, 1,000, 2,000, and 4,000 hertz;

(b) appropriate masking if the air conduction threshold at any one frequency differs from the bone conduction threshold of the contralateral or non-test ear by 40 decibels at the same frequency;

(c) bone conduction tests at 500, 1,000, [~~and~~]2,000, and 4,000 hertz, with proper masking;

(d) speech audiometry by live voice or recorded voice, including [~~speech discrimination~~]word recognition testing, most comfortable loudness (MCL) measurements, and uncomfortable levels of loudness (UCL) measurements; and

(e) recording and interpretation of audiograms and speech audiometry and other appropriate tests for the sole purpose of determining proper selection and adaptation of a hearing [~~aid~~]instrument.

(2) [~~Only i~~]If the procedures in Subsection (1)(a) are clearly impractical, [~~may~~]the licensee may select the best instrument to compensate for the loss by trial of one or more instruments.

(3) Tests performed by a physician specializing in diseases of the ear, a clinical audiologist, or another licensed hearing instrument specialist [~~shall be accepted~~]may fulfill the evaluation requirement if they were performed within six months before the dispensing of the hearing [~~aid~~]instrument.

[~~R156-46a-502c. Calibration of Technical Instruments.~~

~~The requirement in Subsection 58-46a-303(1)(b)(ii) for calibration of each appropriate technical instruments used in practice is defined as follows:~~

~~(1) each audiometer used in the fitting of hearing aids shall be calibrated when necessary, but not less than annually;~~

~~(2) the calibration shall include to ANSI standards calibration of frequency accuracy, acoustic output, attenuator linearity, and harmonic distortion; and~~

~~(3) calibration shall be accomplished by the manufacturer, or a properly trained person, or an institution of higher learning equipped with proper instruments for calibration of an audiometer.~~]

R156-46a-50[~~2d~~]3. Form of Written Informed Consent.

Under Subsection 58-46a-502(4)(c), an agreement to provide hearing instrument specialist goods and services shall include the patient's informed consent in a form substantially [~~the following form~~]similar to the Hearing Instrument Specialist Acknowledgement of Informed Consent Form, available on the Division's website at https://commerce.utah.gov/dopl/hearing-instrument/resources.

[~~TABLE~~

~~ACKNOWLEDGEMENT OF INFORMED CONSENT~~

~~As a consumer of hearing instrument specialist goods or services, you are required to be informed of certain information as provided in Utah Code Sections 58-46a-502 and 58-46a-503.~~
~~1. The list of goods and services to be provided to you include the following: (add additional lines as required)~~
~~Services: Charge:~~
~~Goods (circle as applicable: new, used, reconditioned): Charge:~~
~~These goods (circle as applicable: are, are not) covered by a warranty or guarantee. Additional information about any warranty or guarantee is attached.~~
~~2. The licensees providing these goods and services are: (add additional lines as required)~~
~~hearing instrument specialist:~~
~~name: license number:~~
~~hearing instrument intern~~
~~name: license number:~~
~~3. The expected results of the goods and services are:~~
~~4. If the goods to be provided include a hearing instrument:~~
~~(a) Additional information is attached about hearing instruments that work with assisted listening systems that are compliant with ADA Standards for Accessible Design adopted by the United States Department of Justice in accordance with the American with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.~~
~~(b) You have the right to receive a written receipt or written contract, which includes notice to you that you have a 30-day right to cancel the purchase and obtain a refund if you find the hearing aid does not function adequately for you.~~
~~(i) The 30-day right to cancel shall start from either the date the hearing aid is originally delivered to you or the date the written receipt or contract is delivered to you, whichever is later. The 30-day period shall be tolled for any period during which the hearing aid seller, dealer, or fitter has possession or control of the hearing aid after its original delivery.~~
~~(ii) Upon exercise of the 30-day right to cancel a hearing aid purchase, the seller of the hearing aid is entitled to a cancellation fee not to exceed 15% of all fees charged to the consumer, including testing, fitting, counseling, and the purchase price of the hearing aid. The exact amount of the cancellation fee shall be stated in the written receipt or contract provided to the consumer.~~
~~5. If the goods and services provided do not substantially enhance your hearing as stated in the expected results, you are entitled to:~~
~~(a) necessary intervention to produce satisfactory recovery results consistent with the representations made above at no additional cost; or~~
~~(b) refund of the fees you paid for the hearing instrument within a reasonable period after finding that the hearing instrument does not substantially enhance your hearing.~~
~~I hereby acknowledge being informed of the above and consent to receive the goods and services.~~
~~Patient's Signature and Date~~]

KEY: licensing, hearing [~~aids~~]instruments, hearing instrument specialist, hearing instrument intern
Date of Last Change: [~~December 11, 2023~~]2026
Notice of Continuation: October 2, 2023
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-46a-101; 58-46a-304

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58206**
Rule or section number:	**R156-55b-302a**

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	**Phone:**	**Email:**
Matt Johnson	801-530-6701	mmjohnson@utah.gov
Steve Duncombe	801-530-6235	sduncombe@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-55b-302a. Qualifications for Licensure - Education and Experience Requirements
B. Purpose of the new rule or reason for the change:
This proposed amendment clarifies the scope of recognized institutional accreditation by specifying the types of accrediting agencies that may qualify under the framework, including regional, national, faith-based, private, career-oriented, and programmatic accrediting bodies.
C. Summary of the new rule or change:
The proposed amendment is intended to improve consistency in the interpretation and application of accreditation requirements for electrical trade schools and educational programs. The amendment will reduce ambiguity in the review of applications and promote more uniform evaluation of educational providers under Title 58, Chapter 55. In addition, it will enhance transparency for applicants and educational institutions and support the consistent administration of licensing prerequisites. Section R156-55b-302a identifies the Council for Higher Education Accreditation (CHEA) as the organization responsible for evaluating and recognizing accrediting agencies that satisfy established standards of academic quality and institutional effectiveness.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The proposed amendment eliminates existing ambiguities relating to the Division of Professional Licensing's (Division) recognition of in-state trade programs accredited by private institutions rather than the state government's accrediting body.

The amendment clarifies that privately accredited in-state institutions are treated identically to out-of-state institutions that are privately accredited. Consequently, because the proposed amendment merely clarifies ambiguous language in the existing rule, the Division does not anticipate that the proposed amendments will have any fiscal impact on state government revenues or expenditures.
B. Local governments:
The proposed amendment eliminates existing ambiguities relating to the Division's recognition of in-state trade programs accredited by private institutions rather than the state government's accrediting body. The amendment clarifies that privately accredited in-state institutions are treated identically to out-of-state institutions that are privately accredited. Consequently, because the proposed amendment merely clarifies ambiguous language in the existing rule and does not impose any requirements on local government entities, the Division believes there will be no fiscal impact on local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
The proposed amendment eliminates existing ambiguities relating to the Division's recognition of in-state trade programs accredited by private institutions rather than the state government's accrediting body. The amendment clarifies that privately accredited in-state institutions are treated identically to out-of-state institutions that are privately accredited. Consequently, because the proposed amendment merely clarifies ambiguous language in the existing rule and does not impose any requirements on small businesses, the Division believes there will be no fiscal impact on small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
The proposed amendment eliminates existing ambiguities relating to the Division's recognition of in-state trade programs accredited by private institutions rather than the state government's accrediting body. The amendment clarifies that privately accredited in-state institutions are treated identically to out-of-state institutions that are privately accredited. Consequently, because the proposed amendment merely clarifies ambiguous language in the existing rule and does not impose any requirements on non-small businesses, the Division believes there will be no fiscal impact on non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
The proposed amendment eliminates existing ambiguities relating to the Division's recognition of in-state trade programs accredited by private institutions rather than the state government's accrediting body. The amendment clarifies that privately accredited in-state institutions are treated identically to out-of-state institutions that are privately accredited. Consequently, because the proposed amendment merely clarifies ambiguous language in the existing rule and does not impose any requirements on persons other than small businesses, non-small businesses, state, or local government entities, the Division believes there will be no fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.
F. Compliance costs for affected persons:
The proposed amendment eliminates existing ambiguities relating to the Division's recognition of in-state trade programs accredited by private institutions rather than the state government's accrediting body. The amendment clarifies that privately accredited in-state institutions are treated identically to out-of-state institutions that are privately accredited.

Consequently, because the proposed amendment merely clarifies ambiguous language in the existing rule there will be no fiscal impact on 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."

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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:

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Subsection 58-55-308(1)

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:	10/15/2026

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)**:**
09/25/2026	3:00 PM	Commerce, Professional Licensing Room 402 Heber M Wells Building 160 E 300 S Salt Lake City, UT Google Meet joining info: Video call link: https://meet.google.com/ses-wdrb-ory Or dial: (US) +1 567-250-1270 PIN: 927 410 625#

		More phone numbers: https://tel.meet/ses-wdrb-ory?pin=9427853982146

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Adam Watson, Assistant Division Director	**Date:**	08/06/2026

R156. Commerce, Professional Licensing.
R156-55b. Electricians Licensing Act Rule.
R156-55b-302a. Qualifications for Licensure - Education and Experience Requirements.

The education and experience requirements for licensure in Subsection 58-55-302(3) are defined, clarified, or established as follows:

(1) Master Electrician:

(a) An applicant under Subsection 58-55-302(3)(f)(i) shall:

(i) hold a bachelor's or master's degree in electrical engineering from an electrical program accredited by the Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET); and

(ii) have at least 2,000 hours of work experience as a licensed Apprentice Electrician.

(b) An applicant under Subsection 58-55-302(3)(f)(ii) shall:

(i) hold an associate's degree in applied science from an electrical trade school course of study that meets the requirements of Subsection (5); and

(ii) have at least 4,000 hours of work experience as a licensed Journeyman Electrician.

(c) An applicant under Subsection 58-55-302(3)(f)(iii) shall have at least 8,000 hours of work experience as a licensed Journeyman Electrician.

(2) Residential Master Electrician:

(a) An applicant under Subsection 58-55-302(3)(g)(i) shall have at least 4,000 hours of work experience as a licensed Residential Journeyman Electrician.

(b) An applicant under Subsection 58-55-302(3)(g)(ii) shall:

(i) hold a bachelor's or master's degree in electrical engineering from an electrical program accredited by the Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET); and

(ii) have at least 2,000 hours of work experience as a licensed Apprentice Electrician.

(3) Journeyman Electrician:

(a) An applicant under Subsection 58-55-302(3)(h)(i) shall:

(i) have completed a training program of electrical study:

(A) of at least 576 total hours in a program meeting the requirements of Subsection (5); and

(B) the total hours listed in Subsection R156-55b-302(3)(a)(i)(A) must be completed in no less than 48 months; and

(ii) have at least 8,000 hours of full-time work experience as a licensed Apprentice Electrician.

(b) An applicant under Subsection 58-55-302(3)(h)(ii) shall have at least 16,000 hours of full-time work experience as a licensed Apprentice Electrician.

(4) Residential Journeyman Electrician:

(a) An applicant under Subsection 58-55-302(3)(i)(i) shall:

(i) have completed a training program of electrical study:

(A) of at least 288 total hours in a program meeting the requirements of Subsection (5); and

(B) the total hours listed in Subsection R156-55b-302(4)(a)(i)(A) must be completed in no less than 24 months; and

(ii) have at least 4,000 hours of full-time work experience as a licensed Apprentice Electrician.

(b) An applicant under Subsection 58-55-302(3)(i)(ii) shall have at least 8,000 hours of full-time work experience as a licensed Apprentice Electrician.

(5) Under Subsection 58-1-203(1)(a) and Subsections 58-55-302(3)(f), (3)(h), and (3)(i), an electrical trade school "course of study" and the planned electrical "training program" approved by the Division, mean a program of electrical study that:

(a) includes measures of competency and achievement level for each student;

(b) is[~~ approved by the~~]:

(i) accredited by Utah Board of Higher Education[~~ if the program is based in Utah~~];[~~ or~~]

(ii) accredited by an accreditation body recognized by the Council for Higher Education Accreditation (CHEA); or

(iii) approved by the Division in collaboration with the Electricians Licensing Board if the program is based outside of Utah.[~~; and~~]

[~~(iii)~~](c) is listed on the Division's website, dopl.utah.gov/el.

(6) On the job training and instruction shall include measurements of the apprentice's performance in the electrical trade.

(7) Up to 3,000 hours of work experience may be credited for each 12 month period.

(8) As used in Subsection 58-55-302(3) and this rule, the terms "practical electrical experience", "practical experience", "full-time training", and "full-time experience" mean electrical work experience lawfully performed preceding the date of application.

KEY: occupational licensing, licensing, contractors, electricians
Date of Last Change: [~~August 1, 2025~~]2026
Notice of Continuation: May 26, 2026
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-308(1)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58207**
Rule or section number:	**R156-55c-302b**

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	**Phone:**	**Email:**
Matt Johnson	801-530-6628	mmjohnson@utah.gov
Steve Duncombe	801-530-6235	sduncombe@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-55c-302b. Qualifications for Licensure - Examination Requirements
B. Purpose of the new rule or reason for the change:
The purpose of this amendment is to clarify examination eligibility requirements for journeyman plumber license applicants.
C. Summary of the new rule or change:
The proposed rule change, recommended by the Electrician and Plumber Licensing Board on 05/06/2026, reestablishes the requirement that applicants must successfully complete the prescribed educational requirements prior to registering or sitting for the applicable journeyman examinations.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Division of Professional Licensing (Division) does not anticipate that these amendments will have any fiscal impact on state government revenues or expenditures because these changes will not affect or modify any existing state government policies or procedures.
B. Local governments:
The proposed amendments are not expected to have any fiscal impact on local governments' revenues or expenditures because none of the changes will apply to local governments.

C. Small businesses ("small business" means a business employing 1-49 persons)**:**
The proposed amendments are not expected to have any fiscal impact on non-small businesses' revenues or expenditures because none of the changes will apply to small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
The proposed amendments are not expected to have any fiscal impact on non-small businesses' revenues or expenditures because none of the changes will apply to non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
The proposed amendments are not expected to have any fiscal impact on persons seeking to complete the education, examination, and experience requirements for the journeyman plumber's license as applicants must still complete the required education, examination, and experience requirement prior to submitting an application for licensure.
F. Compliance costs for affected persons:
As described in Box 5E, the proposed amendments are not expected to impose any compliance costs on any affected person because the changes merely reinstitute the exam requirements.

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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:

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Subsection 58-55-201(3)(a)

Subsection 58-55-103(1)(b)(i)		

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:	10/15/2026

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)**:**
09/25/2026	3:00 PM	Commerce, Professional Licensing Room 402 Heber M Wells Building 160 E 300 S Salt Lake City, UT Google Meet joining info: Video call link: https://meet.google.com/ses-wdrb-ory Or dial: (US) +1 567-250-1270 PIN: 927 410 625# More phone numbers: https://tel.meet/ses-wdrb-ory?pin=9427853982146

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Adam Watson, Assistant Division Director	**Date:**	8/1/2026

R156. Commerce, Professional Licensing.
R156-55c. Plumber Licensing Act Rule.
R156-55c-302b. Qualifications for Licensure - Examination Requirements.

Under Subsection 58-55-302(1)(c), the exam requirements for licensure are established as follows:

(1) a Master Plumber or Residential Master Plumber applicant shall pass the Utah Plumber Law and Rule Exam with a score of at least 75%.

(2) a Journeyman Plumber applicant shall pass:

(a) the Utah Journeyman Plumber Written Exam with a score of at least 70%; and

(b) the Utah Plumber Practical Exam with a score of least 70%.

(3) a Residential Journeyman Plumber applicant shall pass:

(a) the Utah Residential Journeyman Plumber Written Exam with a score of at least 70%; and

(b) the Utah Plumber Practical Exam with a score of at least 70%.

(4) Admission to the exams is permitted after:

(a) the applicant has completed the requirements for licensure in Section R156-55c-302a; [~~or~~]and

(b) the Journeyman Plumber applicant under Subsection R156-55c-302a(3)(a) has[~~:~~

~~(i) completed the first semester of the fourth year of the planned program of training;~~

~~(ii) enrolled in the second semester of the fourth year of the planned program of training; and~~

~~(iii)~~] completed at least 6,000 hours of the required full-time work experience.

(5) An applicant who fails an exam may retake that exam:

(a) no sooner than 30 days following any failure, up to six failures; and

(b) no sooner than 120 days following any failure thereafter.

KEY: occupational licensing, licensing, plumbers, plumbing
Date of Last Change: [~~January 15, 2026~~]2026
Notice of Continuation: May 26, 2026
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-201(3)(a); 58-55-103(1)(b)(i)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58198**
Rule or section number:	**R305-7**

1. Agency Information

Title catchline:	Environmental Quality, Administration
Building:	Multi Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144810
City, state and zip:	Salt Lake City, UT 84114-4810

2. Contact Persons

Name:	Phone:	Email:
Sarah Ward	385-332-9574	sarahward@utah.gov

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

3. General Information

A. Rule or section catchline:

R305-7. Administrative Procedures

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

This is a rule proposed to establish procedures for the implementation and appeal of the administrative fines authorized by SB 220, Construction Modifications, which went into effect 05/07/2025 after the 2025 General Session.

C. Summary of the new rule or change:

The amendment provides for how the Utah Department of Environmental Quality, Division of Water Quality (DWQ) will implement Section 19-5-108.3 and, per Section 19-5-111, establishes procedural rules for appealing an administrative fine issued under Section 19-5-108.3.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 220 (2025 General Session)

5. Fiscal Information

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

A. State budget:

This rule provides procedural guidance for Construction Stormwater Enforcement proceedings created by SB 220 (2025) and will therefore not impact state budget, as the cost of those proceedings is consistent with the previously anticipated cost of regulating the program.

The proposed rule is expected to result in modest cost savings for DWQ in the form of reduced administrative and legal expenses associated with construction stormwater enforcement proceedings as compared to existing procedures.

However, because the administrative fine enforcement proceeding created by SB 220 (2025) is new, there is insufficient data available to estimate the number of proceedings that will occur over the next few years, nor the cost savings of an appeal under the new informal procedures versus the existing formal procedures set forth in Rule R305-7.

Therefore, the benefit to the agency is inestimable.

B. Local governments:
Because local governments are not involved in the proceedings and procedures being implemented by this amendment, the proposed rule is not expected to have any impact on local governments' revenues or expenditures.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
The proposed rule may result in cost savings for small construction companies involved in enforcement proceedings under the new procedures as compared to the existing procedures in Rule R305-7. However, because the enforcement proceedings created by SB 220 (2025) are relatively new, there is insufficient data available to estimate the number of proceedings that will occur over the next few years, nor the cost savings of an appeal under the new informal procedures versus the existing formal procedures set forth in Rule R305-7. Therefore, the benefit to these small businesses is inestimable.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
The proposed rule may result in cost savings to non-small construction companies involved in enforcement proceedings under the new procedures as compared to the existing procedures in Rule R305-7. However, because the enforcement proceedings created by SB 220 (2025) are relatively new, there is insufficient data available to estimate the number of proceedings that will occur over the next few years, nor the cost savings of an appeal under the new informal procedures versus the existing formal procedures set forth in Rule R305-7. Therefore, the benefit to these non-small businesses is inestimable.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
The proposed rule may result in cost savings for other persons involved in enforcement proceedings under the new procedures as compared to the existing procedures in Rule R305-7. However, because the enforcement proceedings created by SB 220 (2025) are relatively new, there is insufficient data available to estimate the number of proceedings that will occur over the next few years, nor the cost savings of an appeal under the new informal procedures versus the existing formal procedures set forth in Rule R305-7. Therefore, the benefit to these other persons is inestimable.
F. Compliance costs for affected persons:
This proposed amendment is not expected to impose any additional compliance costs on affected persons as it does not have any regulatory component beyond what was put into statute by SB 220 (2025).

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	inestimable	inestimable	inestimable	inestimable	inestimable

Local Governments	inestimable	inestimable	inestimable	inestimable	inestimable
Small Businesses	inestimable	inestimable	inestimable	inestimable	inestimable
Non-Small Businesses	inestimable	inestimable	inestimable	inestimable	inestimable
Other Persons	inestimable	inestimable	inestimable	inestimable	inestimable
Total Fiscal Benefits	inestimable	inestimable	inestimable	inestimable	inestimable
Net Fiscal Benefits	**inestimable**	**inestimable**	**inestimable**	**inestimable**	**inestimable**

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Environmental Quality, Tim Davis, 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:

There are no anticipated negative impacts to family health, stability, and formation associated with this proposed rule change.

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 19-1-201(1)(d)(ii)	Section 19-5-108.3	Subsection 19-5-111(4)
Subsection 63G-4-102(6)		

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Tim Davis, Executive Director	**Date:**	08/26/2026

R305. Environmental Quality, Administration.
R305-7. Administrative Procedures.
R305-7-611. Matters Governed by the Water Quality Act, Title 19, Chapter 5.

(1) [~~This subsection~~]Section R305-7-611 applies to all matters governed by the Water Quality Act, Title 19, Chapter 5.

(2) Sections R305-7-611a through R305-7-611g apply to the issuance and review of administrative fines imposed under the authority of Section 19-5-108.3.

([~~2~~]3) Definitions.

"Director" means the Director of the Division of Water Quality or, for purposes of groundwater quality at a facility licensed by and under the jurisdiction of the Division of Radiation Control, the Director of the Division of Radiation Control.

R305-7-611a. Proceedings to Impose an Administrative Fine under the Water Quality Act; Purpose and Authority.

(1) The department adopts Sections R305-7-611a through R305-7-611g under the authority of Subsections 19-5-111(4) and 63G-4-102(6) to govern adjudicative proceedings initiated by the Division of Water Quality to impose an administrative fine under Section 19-5-108.3.

(2) Adjudicative proceedings under Section 19-5-108.3 are designated as informal adjudicative proceedings and shall be conducted in accordance with Section 63G-4-203 and Sections R305-7-611a through R305-7-611g.

R305-7-611b. Definitions.

In addition to the definitions in Section 19-5-108.3, as used in Sections R305-7-611a through R305-7-611g:

(1) "Administrative fine" means a monetary penalty imposed pursuant to Section 19-5-108.3.

(2) "Citation" means a document, issued by the division, which gives notice that a violation has not been corrected and imposes an administrative fine pursuant to Subsection 19-5-108.3(7)(c).

(3) "Designated electronic mail address" means the most recent electronic mail address an operator or its agent has provided to the division.

(4) "Director" means the director of the division.

(5) "Division" means the Division of Water Quality.

(6) "Failure to correct notice" means a notice meeting the requirements of Subsection 19-5-108.3(7)(b).

(7) "Notice of noncompliance" means a notice meeting the requirements of Subsection 19-5-108.3(7)(a).

(8) "Operator" means:

(a) a person which has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

(b) a person who has day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with permit conditions.

(9) "Presiding officer" means the commissioner of the department, or a person designated by the commissioner, to conduct an informal conference.

R305-7-611c. Commencement of Proceedings.

(1) The division will issue a written notice of noncompliance if, during an inspection, it finds a violation specified in Subsection 19-5-108.3(7)(c)(ii).

(2) A notice of noncompliance shall set forth, with reasonable specificity:

(a) The nature of the violation, and include a reference to the provision of the chapter, rule, or permit alleged to have been violated;

(b) Remedial actions necessary to correct the violation;

(c) A reasonable timeframe for correcting the violation, which shall be no less than one business day; and

(d) Instructions for submitting proof of the corrected violation to the division.

(3) A violation will not be considered resolved until the division receives and approves evidence from the operator verifying that the violation has been fully corrected.

(4) If the operator fails to correct an identified violation within the timeframe specified in the notice of noncompliance, the division will issue a written failure to correct notice to the operator. The failure to correct notice shall, with reasonable specificity:

(a) identify an outstanding violation from the notice of noncompliance that has not been corrected; and

(b) notify the operator that the division may impose an administrative fine if the violation is not corrected within a reasonable timeframe, which shall be no less than one business day.

(5) If the operator fails to correct an identified violation within the timeframe specified in the failure to correct notice, the division may issue a citation and impose an administrative fine in accordance with Subsection 19-5-108.3(7)(c).

(6) Each business day a violation continues uncorrected after issuance of the citation and administrative fine constitutes a separate violation and results in a separate administrative fine.

(a) The accumulation of administrative fines for continuing violations is tolled upon the operator's submission of evidence demonstrating that the violation has been corrected. If, upon review, the division determines that the submitted evidence is insufficient to establish that the violation has been corrected, the accumulation of administrative fines shall resume on the date the division provides notice of its determination of insufficiency.

(b) The accumulation of administrative fines for continuing violations will cease once the division determines that the operator has provided satisfactory proof to the division establishing that the violation has been fully corrected.

(7) The division will provide written notice to an operator when the division determines that all violations listed in a notice of noncompliance have been corrected.

(8) The division may extend the deadline to correct a violation, upon written request by the operator, if the division determines that the operator's failure to meet the deadline was not caused by lack of diligence by the operator.

R305-7-611d. Citations.

(1) Each citation shall be in writing and describe the nature of the violation, including a reference to the provision of the chapter, rule, or permit alleged to have been violated. The citation shall include an explanation for how the administrative fine has been calculated.

(2) A citation issued to an operator shall clearly state that the operator must notify the division in writing within 30 calendar days of service of the citation if the operator wishes to contest the citation at an informal conference. The citation shall clearly explain the consequences of failure to timely contest the citation or pay any fines assessed by the citation within the time specified in the citation.

(3) If, within 30 calendar days from service of the citation, the operator fails to request an informal conference to contest the citation, the citation becomes the final order of the division and is not subject to further agency or judicial review.

R305-7-611e. Request for Informal Conference.

(1) A request for an informal conference to contest a citation shall be filed with the division by:

(a) hand delivery of a paper copy to the division, pursuant to Subsection (2)(a);

(b) first class or certified mail, postage prepaid, of a paper copy, pursuant to Subsection (2)(a); or

(c) attachment to electronic mail sent to the email address identified in the citation pursuant to Subsection (2)(b).
(2)(a) A filing by hand delivery, first class, or certified mail is complete when it is received and date-stamped by the division.
(b) A filing by electronic mail is complete upon transmission if completed and received during the division's operating hours, 8 a.m. to 5 p.m. Mountain Time, on days other than Saturdays, Sundays, or state or federal holidays.

R305-7-611f. Procedures for Informal Conferences.
(1) The presiding officer will arrange for an informal conference to review the facts of a violation, the imposed fine, or both, upon written request of the operator, if the request is received by the division within 30 calendar days from the date of service of the citation.
(2) The presiding officer will provide reasonable notice of the time and place of the informal conference to the operator and the division. Any person may attend the conference.
(3) The operator may obtain access to the division's files related to the citation by filing a request with the division in accordance with Section 63G-2-204.
(4) The presiding officer will consider all relevant information on the citation. Within 30 calendar days after the conference is held, the presiding officer will issue a final written order affirming, setting aside, or modifying the citation.
(5) An operator or the division may obtain judicial review of the final order through a review by trial de novo by filing a complaint in district court in accordance with Section 63G-4-402, within 30 calendar days after the final order is served.

R305-7-611g. Service of Notices, Citations, and Orders.
A notice, order, or citation may be served:
(1)(a) On an operator upon whom a summons may be served pursuant to the Utah Rules of Civil Procedure; and
(b) personally, or on the agent of the operator being served.
(2) Service may be accomplished by hand delivery of a paper copy, by mail of a paper copy to the personal or business address of the intended recipient or by attachment to electronic mail sent to the intended recipient at the designated electronic mail address.
(3) Service by hand delivery is complete upon delivery to:
(a) the operator; or
(b) any individual who is employed by, and physically present at, the business office of the operator.
(4) Service by mail is complete upon mailing, as evidenced by a postmark.
(5) Service by attachment to electronic mail is complete upon transmission to the operator or their agent, if transmission is completed during normal business hours, 8 a.m. to 5 p.m. on days other than Saturdays, Sundays, and state and federal holidays, at the place receiving the service. Otherwise, service is complete on the next business day.
(6) Section R305-7-105 shall govern computation and extensions of time under this rule.

KEY: administrative procedures, adjudicative procedures, hearings
Date of Last Change: [~~June 30,~~] 2026
Notice of Continuation: October 11, 2022
Authorizing, and Implemented or Interpreted Law: 19-1-301; 19-1-301.5; 63G-4-102; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-205; 63G-4-503

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Repeal and Readopt	**Filing ID: 58216**
Rule or section number:	**R309-520**

1. Agency Information

Title catchline:	Environmental Quality, Drinking Water
Building:	Multi Agency State Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT 84116
Mailing address:	PO Box 144830
City, state and zip:	Salt Lake City, UT 84114-4830

2. Contact Persons

Name:	**Phone:**	**Email:**
Rebecca Yoo	801-388-3594	ryoo@utah.gov
Dani Zebelean	385-278-5110	dzebelean@utah.gov
Sarah Page	385-272-5778	sepage@utah.gov

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

3. General Information

A. Rule or section catchline:
R309-520. Facility Design and Operation: Disinfection
B. Purpose of the new rule or reason for the change:
The Division of Drinking Water (division or DDW), through regular use and review of this rule, determined that this rule required updates. The division proposes to make changes to Rule R309-520 to make it easier to navigate, consolidate related sections from other rules, reflect current standard practices, clarify ambiguous language, and strengthen requirements to better protect public health.
C. Summary of the new rule or change:
The proposed amendments to Rule 309-520 reorganizes requirements by application scenario, consolidates relevant chemical addition provisions from Rule R309-525, and eliminates regulatory ambiguity by establishing explicit standards for submittals, pilot studies, and flow-powered pumps. Additionally, it strengthens public health protections by requiring backup power for uninterruptible disinfection systems, continuous chlorination throughout the distribution system, and the use of digital chlorine analyzers over subjective color strips to achieve accurate water quality monitoring. The following changes have financial implications. 1. Digital analyzers: Public Water Systems (PWS) currently relying on visual color-matching testing methods will incur a one-time capital expense to purchase digital chlorine analyzers to satisfy the updated rule. 2. Backup power for uninterruptible systems: PWS using non-gaseous chlorination systems to treat spring sources will incur capital costs for backup power systems. These financial impacts include the purchase of a generator, auxiliary equipment, and electrical labor for installation. 3. Secondary containment: PWS whose current secondary containment capacity is insufficient to hold the full volume of their chemical storage totes will incur costs to retrofit or purchase larger secondary containment. 4. Organization and explicit requirements: Clarifying and restructuring the rule requirements will streamline the project permitting process, reducing the time and administrative resources needed for communication between PWS staff, consultants, and regulatory staff. Additionally, clearer standards will decrease compliance violations resulting from improper disinfection practices, ultimately yielding cost savings for water systems.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The proposed rule revisions are estimated to yield $38,700 in annual savings through reduced enforcement, permitting, and technical consultation workloads. Because regulatory efficiencies cannot always be precisely measured in advance, the following cost savings reflect conservative estimates based on available workload data. 1. Prevented Level 2 (L2) Violations: $32,000 annually. Issuing a L2 Violation requires significant staff resources, due to field work, data review, team meetings, communications with the PWS, and administrative costs for preparing the letter. Each L2 costs DDW an estimated $3,200. Assuming the new rule prevents 10% of these incidents, staff time savings are estimated at $32,000 per year. 2. Prevented Boil Orders: $1,400 annually. Preparing and issuing a Boil Order incurs approximately $1,400 in staff administrative and technical assistance costs per order. Preventing one Boil Order per year, which is a 10% reduction, yields an annual savings of $1,400.

3. Streamlined Permitting Process: $2,000 annually. Standardized submittal requirements reduce staff review time for approximately 35 chlorinator projects per year, saving an initial $2,000 annually. As the total number of installed chlorinators grows each year, DDW staff time savings will increase over time.

4. Reduced Technical Assistance: $3,300 annually. Eliminating regulatory ambiguities reduces the back-and-forth communication required between DDW staff, PWS, and engineering consultants regarding compliance and disinfection remedies, saving an estimated $3,300 in staff time each year.

B. Local governments:

$0. The division is unable to determine how many and to what extent each public water system is operated exclusively by a local government, as the governing mechanism, financial decisions, and decision-making responsibilities are unique to each system.

The division does not have data regarding the governance of PWS. For this reason, each system has been categorized as either a small or non-small business.

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

The division does not have data on the number of employees at each PWS.

However, PWS serving less than 10,000 people were considered "small businesses" because most PWS serving less than 10,000 people are likely to employ less than 50 people.

Costs: The costs are largely capital costs and were normalized with an anticipated equipment lifespan of 25 years.

1. Chlorine analyzers: $16,200 to $32,400 capital cost; normalized cost of $30 per year per system for 22 to 43 systems (based on assumption of 5 to 10% of systems lacking chlorine analyzers).

2. Backup power for uninterruptible systems: $38,000 to $152,000 capital cost; normalized cost of $20 to $80 per year per system for 76 systems; average cost of $48 per year per system for 76 systems.

3. Secondary containment: $34,300 capital cost; normalized cost of $6 per year per system for 165 systems that use liquid chlorine.

Savings: While the overall savings to PWS are unquantifiable, this rule updates provide direct financial benefits by preventing costly compliance violations, emergency boil orders, and project review delays. Streamlining permitting submittals and eliminating regulatory confusion lowers overall administrative and consultant overhead for PWS.

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

The division does not have data on the number of employees at each PWS.

However, PWS serving 10,000 or more people were considered "non-small businesses" because many PWS serving 10,000 people or more are likely to employ 50 or more people.

Costs: The costs are largely capital costs and were normalized with an anticipated equipment lifespan of 25 years.

1. Chlorine analyzers: $0, based on assumption that all systems that lack chlorine analyzers are small systems.

2. Backup power for uninterruptible systems: $8,300 to $33,000 capital cost; normalized cost of $20 to $80 per year per system for 17 systems; average cost of $48 per year per system for 17 systems.

3. Secondary containment: $101,000 capital cost; normalized cost of $60 per year for 48 systems that use liquid chlorine.

Savings: While the overall savings to PWS are unquantifiable, this rule updates provide direct financial benefits by preventing costly compliance violations, emergency boil orders, and project review delays. Streamlining permitting submittals and eliminating regulatory confusion lowers overall administrative and consultant overhead for PWS.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
While the overall economic value to the population served by the PWS is unquantifiable, ensuring a safe and continuous drinking water supply provides significant financial benefits. Reliable disinfection prevents waterborne illnesses and the associated healthcare costs, missed workdays, and lost household income. Furthermore, protecting public health ensures business continuity, safeguarding individual livelihoods and driving the long-term economic stability and viability of local communities.
F. Compliance costs for affected persons:
The relevant cost for each system varies according to the needs and context of each system. The cost of each type of compliance change is described below. 1. Chlorine analyzers: $750 capital cost per system; normalized cost of $30 per year per system for 22 to 43 systems (based on assumption of 5-10% of systems lacking chlorine analyzers). 2. Backup power for uninterruptible systems: $500 to $2,000 capital cost per system; normalized cost of $20 to $80 per year per system for 76 systems; average cost of $48 per year per system for 76 systems. 3. Secondary containment: $150 to $1,500 capital cost per system; normalized cost of $6 per year per system for 165 systems that use liquid chlorine. Savings: While the overall savings to Public Water Systems are unquantifiable, this rule updates provide direct financial benefits by preventing costly compliance violations, emergency boil orders, and project review delays. Streamlining permitting submittals and eliminating regulatory confusion lowers overall administrative and consultant overhead for PWS.

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	$88,500 to $218,700	$0	$0	$0	$0
Non-Small Businesses	$109,300 to $134,000	$0	$0	$0	$0
Other Persons	$0	$0	$0	$0	$0
Total Fiscal Cost	**$197,800 to $352,700**	**$0**	**$0**	**$0**	**$0**
Fiscal Benefits	**FY2027**	**FY2028**	**FY2029**	**FY2030**	**FY2031**
State Budget	$38,700	$38,700	$38,700	$38,700	$38,700
Local Governments	$0	$0	$0	$0	$0
Small Businesses	Inestimable	Inestimable	Inestimable	Inestimable	Inestimable
Non-Small Businesses	Inestimable	Inestimable	Inestimable	Inestimable	Inestimable
Other Persons	Inestimable	Inestimable	Inestimable	Inestimable	Inestimable
Total Fiscal Benefits	**Inestimable**	**Inestimable**	**Inestimable**	**Inestimable**	**Inestimable**
Net Fiscal Benefits	**Inestimable**	**Inestimable**	**Inestimable**	**Inestimable**	**Inestimable**

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Environmental Quality, Tim Davis, 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 19-4-104		

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*)**:**	
Official Title of Materials Incorporated (from title page)	Ultraviolet Disinfection Guidance Manual for the Final Long Term 2 Enhanced Surface Water Treatment Rule
Publisher	United States Environmental Protection Agency
Issue Date	November 2006

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*)**:**	
Official Title of Materials Incorporated (from title page)	Innovative Approaches for Validation of Ultraviolet Disinfection Reactors for Drinking Water Systems
Publisher	United States Environmental Protection Agency
Issue Date	April 2020

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	11/03/2026

13. Agency Authorization Information

Agency head or designee and title:	Nathan Lunstad, Director	**Date:**	08/11/2026

R309. Environmental Quality, Drinking Water.
R309-520. Facility Design and Operation: Disinfection.
[~~R309-520-1. Purpose.~~

~~This rule specifies requirements for facilities that disinfect public drinking water. It is to be applied in conjunction with rules R309-500 through R309-550, Drinking Water Facility Construction, Design, and Operation. Collectively, these Rules govern the design, construction, and operation and maintenance of public drinking water system facilities. These Rules are intended to assure that such facilities are reliably capable of supplying adequate quantities of water that consistently meet applicable drinking water quality requirements and do no harm to general public health.~~

~~**R309-520-2. Authority.**~~

~~This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104(1)(a)(ii) of the Utah Code and in accordance with Title 63G, Chapter 3 of the same, known as the Administrative Rulemaking Act.~~

~~**R309-520-3. Definitions.**~~

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

~~**R309-520-4. Primary Disinfectants.**~~

~~Primary disinfection is the means to provide adequate levels of inactivation of pathogenic microorganisms within the treatment process. The effectiveness of chemical disinfectants is measured as CT, a function of disinfectant residual and contact time. The effectiveness of UV disinfection is determined through validation testing of each model and specific configuration of UV reactor proposed in the design, as described in R309-520-8.~~

~~Four disinfectants: chlorine, ozone, ultraviolet light, and chlorine dioxide are approved as primary disinfectants of drinking water.~~

~~**R309-520-5. Secondary Disinfectants.**~~

~~Secondary disinfection provides an adequate disinfectant residual in the distribution system to maintain the quality of treated water by controlling microbiological contamination.~~

~~Secondary chemical disinfection is achieved by maintaining a detectable disinfectant residual throughout the distribution system. Allowable secondary disinfectants are chlorine and chloramine.~~

~~**R309-520-6. General.**~~

~~(1) Continuous Disinfection.~~

~~(a) Continuous disinfection is required of all ground water sources that do not otherwise continuously meet microbiological standards. Intermittent or batch disinfection, such as adding hypochlorite tablets or concentrated hypochlorite solution to a tank, is not acceptable for ongoing operation if continuous disinfection is required.~~

~~(b) Disinfection is not an acceptable remedy to physical deficiencies or sources susceptible to surface water influence. Disinfection shall not be used to mask ongoing contamination and shall not be used as a substitute for correcting deficiencies.~~

~~(c) Where continuous disinfection is required, the design shall provide a means to isolate or service the disinfection equipment without allowing untreated water to enter the distribution system. If the untreated water is to be discharged, it shall not cause environmental or property damage.~~

~~(2) ANSI/NSF Standard 60 Certification.~~

~~All chemicals added to drinking water, including chlorine (i.e., gas, hypochlorite solution, hypochlorite tablets, granules, and powder), chloramines, and chemicals used to generate hypochlorite solutions and chlorine dioxide, shall be certified as complying with ANSI/NSF Standard 60, Drinking Water Treatment Chemicals.~~

~~(3) Required Disinfection.~~

~~(a) Surface water, or groundwater under the direct influence of surface water, shall be filtered by conventional surface water treatment or alternative surface water treatment methods and disinfected to meet the requirements of R309-200-7.~~

~~(b) Where microbiological treatment is required for a ground water source that is not under the influence of surface water, disinfection without filtration may be considered adequate.~~

~~(4) Point of Application and CT.~~

~~A combination of disinfectant residual and contact time is defined as disinfection CT in R309-110-4. The following requirements apply to disinfectant point of application and CT:~~

~~(a) Consideration shall be given to the contact time of the disinfectant in water with relation to pH, ammonia, taste-producing substances, temperature, biological quality, and other pertinent factors.~~

~~(b) Where possible, the design shall minimize the formation of disinfection byproducts.~~

~~(c) Treatment of ground water sources shall provide sufficient CT to achieve a minimum of 4-log virus inactivation and/or removal.~~

~~(d) Point of application of disinfectants shall be at a location that will achieve the required disinfection CT prior to the first service connection.~~

~~(5) Site Selection.~~

~~Disinfection installations shall be sited to permit convenient access during the operation period. These installations shall be sited with due consideration of possible danger to nearby population and of possible jeopardy from seismic fault zones.~~

~~**R309-520-7. Chlorine.**~~

~~(1) General Requirements for all Chlorination Installations.~~

~~(a) Chemical Types.~~

~~Disinfection by chlorination shall be accomplished by gaseous chlorine or hypochlorite solutions. Hypochlorite solutions can be purchased, generated on site, or prepared by dissolving solids.~~

~~(b) Feed Equipment.~~

~~Solution-feed gas type chlorinators, direct-feed gas type chlorinators or hypochlorite liquid feeders of a positive displacement type shall be provided. Solution-feed gas type chlorinators are preferred. Use caution when selecting direct-feed gas type chlorinators.~~

~~(c) Chlorine Feed Capacity.~~

~~(i) The capacity of the chlorine feed equipment shall be sized to provide at least 2 mg/L during peak demand.~~

~~(ii) The feed equipment shall operate accurately over the design feeding range.~~

~~(iii) The feed equipment shall be designed to maintain a detectable residual at all times, at all points within the intended area in the distribution system.~~

~~(d) Automatic Proportioning.~~

~~Automatic proportioning chlorinators shall be required where the rate of flow of the water to be treated or chlorine demand of the water to be treated is not reasonably constant.~~

~~(e) Injector, Eductor, or Diffuser.~~

~~(i) Chlorine shall be added at a point that allows rapid and thorough mixing. The center of a pipeline is the preferred application point.~~

~~(ii) The selection of equipment shall consider the point of application, the quantity of chlorine to be added, the size and flow of the chlorine solution line, the back pressure of the to-be-treated water flow, and the equipment operating pressure.~~

~~(iii) A suitable strainer to prevent small debris from clogging chlorine feed equipment shall be provided. Provision for flushing the strainer is required.~~

~~(f) Point of Application for Surface Water.~~

~~The design of plants treating surface water or ground water under the direct influence of surface water shall make provisions to add chlorine at various process points as needed.~~

~~(g) Minimization of Chlorinated Overflow.~~

~~The design shall minimize the release of chlorinated water into the environment, for example, the discharge of chlorinated water from tank overflows. Such releases must comply with rules of Division of Water Quality that pertain to discharge of pollution.~~

~~(h) Prevention of Cross Connections.~~

~~(i) The design shall prevent contamination of the treated water supply by make-up water of lesser quality.~~

~~(ii) All chlorine solution make-up water shall be at least of equal quality to the water receiving the chlorine solution. At surface water treatment facilities, pre-chlorination and post-chlorination processes shall be independent to prevent cross connections where pre-chlorination make-up water is not finished water.~~

~~(i) Flow Measurement.~~

~~The design of the chlorination system shall provide a means to measure the flow rate of treated water as a basis for dosing.~~

~~(j) Residual Testing Equipment.~~

~~The water system shall have chlorine residual test equipment capable of measuring residuals to the nearest 0.1 mg/L in the range below 0.5 mg/L, to the nearest 0.3 mg/L between 0.5 mg/L and 1.0 mg/L and to the nearest 0.5 mg/L above 1.0 mg/L.~~

~~(k) Standby and Backup Equipment.~~

~~(i) A spare parts kit shall be provided and maintained for all chlorinators to repair parts subject to wear and breakage. If there could be a large difference in feed rates between routine and emergency dosages, multiple gas metering tubes shall be provided, at least one for each dose range, to assure accurate control of the chlorine feed under both routine and emergency conditions.~~

~~(ii) Where chlorination is required for disinfection of a water supply, standby equipment of sufficient capacity shall be available to replace the largest unit in the event of its failure.~~

~~(iii) Standby power shall be available, during power outages, for operation of chlorinators where disinfection of the water supply is required unless operation of the chlorinator does not require power.~~

~~(l) Heating, Lighting, Ventilation.~~

~~Chlorinator buildings shall be heated, lighted and ventilated as necessary to assure proper operation of the equipment and safety of the operators.~~

~~(m) Incompatible Chemicals.~~

~~The design shall ensure that incompatible chemicals that may damage or deteriorate chlorination facilities are stored separately from chlorination equipment and chemicals.~~

~~(2) Additional Requirements for Gas Chlorinators.~~

~~(a) Automatic Switch over.~~

~~Automatic Switch over of chlorine cylinders shall be provided if continuous disinfection is required.~~

~~(b) Gas Scrubbers.~~

~~One-ton chlorine cylinder operating areas shall be equipped with a gas scrubber per the International Fire Code capable of treating the release of chlorine gas from the largest single cylinder at its maximum flow rate. Furthermore, local toxic gas ordinances shall be complied with if they exist.~~

~~(c) Heat.~~

~~The design of the chlorination room shall assure that the temperature in the room will not fall below 32 degrees F or the temperature required for proper operation of the chlorinator, whichever is greater.~~

~~(d) Ventilation.~~

~~(i) Chlorination equipment rooms which contain chlorine cylinders, tanks, equipment and gaseous chlorine lines under pressure shall have at least one exhaust fan.~~

~~(ii) Chlorine room exhaust fan(s), when operating, shall provide at least one complete room air change per minute.~~

~~(iii) Chlorine room exhaust fan(s) shall take suction inside the chlorine room near the floor, as far as practical from the door and air inlet, and discharge air outside of the building away from air inlets.~~

~~(iv) Chlorine room air inlets shall be through wall louvers near the ceiling.~~

~~(v) Separate switches for the chlorine room fans and lights shall be located near the entrance to the room and shall be protected from vandalism. The switches shall be located outside the chlorine room if housed in a water treatment plant.~~

~~(vi) The ventilation system for one-ton chlorine cylinder operating areas shall be designed to operate independently from the ventilation system for the rest of the treatment plant. One-ton chlorine cylinder operating areas shall be designed to maintain negative pressure per the International Fire Code.~~

~~(e) Chlorine Vent Line.~~

~~The chlorine vent line shall discharge outside, above grade, at a point least susceptible to vandalism, and shall have the end covered with a No. 14 mesh non-corrodible screen.~~

~~(f) Housing.~~

~~(i) Housing shall be provided for chlorination equipment and storage to ensure proper function and security.~~

~~(ii) Chlorine cylinders shall not be stored in direct sunlight or exposed to excessive heat.~~

~~(g) Housing at Water Treatment Plants.~~

~~A separate chlorine room, for chlorine cylinders and feed equipment, shall be provided at all water treatment plants with multiple processes and operating areas.~~

~~(i) The chlorine room shall have shatter resistant inspection window(s) installed in an interior wall preferably located so that an operator may read the weighing scales without entering the chlorine room.~~

~~(ii) All openings between the chlorine room and the remainder of the plant shall be sealed.~~

~~(iii) Outward opening doors shall be equipped with panic bars to allow rapid exit.~~

~~(iv) Floor drains are discouraged but, where provided, shall discharge to the outside of the building and shall not be connected to other internal or external drain systems.~~

~~(v) Chlorine feed lines shall not carry pressurized chlorine gas beyond the chlorine room. Only vacuum lines may be routed to other portions of the building outside the chlorine room. Any openings for these lines must be adequately sealed.~~

~~(vi) The design of operating areas for one-ton cylinders shall allow full and empty cylinders to be stored in separate areas.~~

~~(h) Cylinder Security.~~

~~Chlorine cylinders shall be restrained in position to prevent upset.~~

~~(i) Weighing Scales.~~

~~Scales shall be provided for determining chlorine cylinder weight. Scales should be of a corrosion resistant material and should be placed in a location remote from any moisture. Scales shall be accurate enough to indicate loss of weight to the nearest one pound for 150 pound cylinders and to the nearest 10 pounds for one ton cylinders.~~

~~(j) Pressure Gauges.~~

~~Pressure gauges shall be provided on the inlet and outlet of each chlorine eductor.~~

~~(k) Gas Masks.~~

~~(i) Where chlorine gas in one-ton cylinders is handled, respiratory protection equipment, meeting the requirements of the National Institute for Occupational Safety and Health (NIOSH) shall be available and shall be stored at a convenient location, but not inside any room where chlorine is used or stored. The units shall use compressed air, have at least a 30 minute capacity, and be compatible with units used by the fire department responsible for the plant.~~

~~(ii) Where 150 pound chlorine cylinders are used, a respirator recommended by the National Institute for Occupational Safety and Health must be available.~~

~~(l) Chlorine Leak Detection and Repair.~~

~~(i) A bottle of Ammonium Hydroxide, 56% ammonia solution, shall be available for chlorine leak detection.~~

~~(ii) Where one-ton cylinders are used, a leak repair kit approved by the Chlorine Institute shall be provided.~~

~~(iii) Continuous chlorine leak detection equipment is required for one-ton cylinders.~~

~~(iv) Where a continuous leak detector is provided, it shall be equipped with both an audible alarm and a warning light to ensure operator safety.~~

~~(3) Additional Requirements for Hypochlorite Systems.~~

~~(a) General Requirements.~~

~~(i) Emergency Eyewash and Safety Showers.~~

~~Emergency eyewash stations and safety showers shall be provided at all hypochlorite installations where concentrated hypochlorite solutions, containing 5% or greater available chlorine by volume, are handled in containers greater than 55 gallons. Where hypochlorite solutions are used at remote locations or in quantities of 55 gallons or less on site, safety showers are not required and alternative emergency eyewash may be provided.~~

~~(ii) Storage of Liquid Hypochlorite to Prevent Decay.~~

~~Storage and injection areas shall be designed to minimize the decay in strength of concentrated hypochlorite solutions from excessive heat or direct sunlight.~~

~~(iii) Feed Equipment - Chemical Addition.~~

~~Hypochlorite feed equipment shall generally conform with R309-525-11, Chemical Addition.~~

~~(iv) Feed Equipment - Certification.~~

~~The hypochlorite feed equipment for drinking water treatment shall be certified to meet ANSI/NSF Standard 61.~~

~~(b) Concentrated Hypochlorite Solutions.~~

~~The water system shall provide an operational means to avoid the injection of significantly decayed hypochlorite solutions, for example by keeping records on site of the delivery date of the hypochlorite solution.~~

~~(c) On-Site Generation of Hypochlorite Solutions.~~

~~(i) The on-site hypochlorite generation systems used for drinking water treatment shall be certified as meeting the NSF/ANSI Standard 61.~~

~~(ii) Manufacturer recommendations for safety with respect to equipment and electrical power shall be followed.~~

~~(iii) The make-up water used in on-site generation shall be of drinking water quality.~~

~~(iv) The hydrogen gas generated in the electrolytic cell of the on-site generation system shall be vented upward to the outside of the building in a dedicated, unobstructed line.~~

~~(d) Hypochlorite Tablets.~~

~~(i) Before selecting a hypochlorite tablet disinfection process, water hardness, solubility of hypochlorite tablets, water temperature, and other water quality factors shall be taken into consideration.~~

~~(ii) The hypochlorite dissolution equipment for drinking water treatment shall be certified as meeting the ANSI/NSF Standard 61.~~

~~(iii) The design shall allow the hypochlorite tablets to be stored in accordance with the manufacturer's safety guidelines and in their original containers in a cool, dry, well-ventilated area. The hypochlorite tablets shall not be stored near combustible materials or acids to avoid fire or the release of toxic gases.~~

~~R309-520-8. Ultraviolet Light.~~

~~(1) General Requirements.~~

~~This rule shall apply to the public drinking water systems that use ultraviolet (UV) disinfection for inactivation of Cryptosporidium, Giardia, and virus. The Director may reduce the requirements of monitoring and reporting on a case by case basis for the water systems that use UV as ancillary means of disinfection and do not claim credit for UV disinfection or for water systems using UV without a SCADA system and treating less than 30 gallons per minute.~~

~~Terminology used in this rule is based on the definitions in the EPA Ultraviolet Disinfection Guidance Manual for the Final Long Term 2 Enhanced Surface Water Treatment Rule (2006 Final UVDGM).~~

~~(a) Water systems using surface water or ground water under the influence of surface water shall not use UV as the sole means of disinfection. For these types of water systems, at least one alternative primary disinfectant must be used for virus disinfection, and a secondary disinfectant shall be provided to maintain a disinfectant residual in the distribution system.~~

~~(b) The following requirements apply to the water systems that wish to receive credit for UV disinfection:~~

~~(i) The water system shall submit a UV plan which clearly identifies the dose monitoring strategy, such as the UV intensity setpoint approach, the calculated dose approach or an alternative approach.~~

~~(ii) The water system shall identify the goals for the UV facility as part of a comprehensive disinfection strategy, including target pathogens, target log inactivation, and corresponding required UV dose per Table 215-5 in R309-215-15(19)(d).~~

~~(iii) The water system shall submit a UV reactor validation report in accordance with R309-520-8(2), to the Director for review prior to installation of UV facility.~~

~~(iv) The water system must demonstrate that the reactor is delivering the required UV dose using a validated dose monitoring system and continue to comply with the monitoring and reporting requirements specified in R309-215-15(19) and (20).~~

~~(2) Validation Testing.~~

~~The Director may accept a validation report that was conducted based on the 2003 draft UV Disinfection Guidance Manual on a case-by-case basis.~~

~~(a) Each model and specific configuration of UV reactor must undergo off-site, full-scale validation testing by an independent third party test facility prior to being approved for use. The validation testing shall be conducted in qualified test facilities that are deemed acceptable by NSF, EPA, or the Director.~~

~~(b) Validation testing results shall provide data, including calculations and tables or graphical plots, on dose delivery by the UV reactor under design conditions of flow rate, UV transmittance (UVT), UV intensity, lamp status, power ballast setting, as well as consideration of lamp aging and lamp fouling. The validation report shall demonstrate that the monitoring algorithm is valid over the range expected with the application. The data is used to define the dose monitoring algorithm for the UV reactor and the operating conditions that can be monitored by a utility to ensure that the UV dose required for a given pathogen inactivation credit is delivered.~~

~~(c) The UV reactor validation report shall include:~~

~~(i) Description of the reactor and validation test set-up, including general arrangement and layout drawings of the reactor and validation test piping arrangement.~~

~~(ii) Description of the methods used to empirically validate the reactor.~~

~~(iii) Description of the dose monitoring equation for the reactor to achieve the target pathogen inactivation credit and related graphical plots showing how the equation was derived from measured doses obtained through validation testing under varying test conditions.~~

~~(iv) Range of validated conditions for flow, UVT, UV dose, and lamp status.~~

~~(v) Description and rationale for selecting the challenge organism used in validation testing, and analysis to define operating dose for pathogen inactivation credit.~~

~~(vi) Tabulated data, analysis, and quality assurance/quality control (QA/QC) measures during validation testing.~~

~~(vii) A licensed professional engineer's third party oversight certification indicating that the testing and data analyses in the validation report are conducted in a technically sound manner and without bias.~~

~~(viii) The validation report shall be accompanied with completed Checklists 5.1 through 5.5 included in the EPA Ultraviolet Disinfection Guidance Manual for the Final Long Term 2 Enhanced Surface Water Treatment Rule (2006 Final UVDGM).~~

~~(3) Design Criteria~~

~~(a) A water system considering UV disinfection shall gather sufficient water quality data prior to design. The water samples shall be representative of the source water to be treated by the UV facility. Frequent testing may be required if significant variation or seasonal trending in water quality is expected.~~

~~(b) The following water quality parameters shall be considered in UV facility planning:~~

~~(i) UV Transmittance or UV Absorbance~~

~~(ii) Calcium~~

~~(iii) Alkalinity~~

~~(iv) Hardness~~

~~(v) Iron~~

~~(vi) Manganese~~

~~(vii) Turbidity~~

~~(viii) pH~~

~~(ix) Oxidation-Reduction Potential (ORP)~~

~~(x) Particle content and algae~~

~~(c) The design flow rate and UVT used to size the UV system shall be selected to provide the required dose at least 95 percent of the time, accounting for seasonal variations of flow and UVT combinations. Specifying a matrix of flow and UVT conditions for the UV reactors may be necessary.~~

~~(d) The water system may consider increasing the delivered dose beyond the required UV dose listed in Table 215-5 in R309-215-15(19)(d) to provide flexibility and conservatism.~~

~~(e) UV reactor inlet and outlet configurations shall meet the validated hydraulic distribution of flow conditions or be more hydraulically conservative. This can be achieved using one of the following approaches:~~

~~(i) The inlet and outlet configuration shall meet one of the conditions specified in Section 3.6.2 of the 2006 Final UVDGM.~~

~~(ii) Computational fluid dynamics (CFD)-based modeling may be used to demonstrate that the given conditions of inlet and outlet piping with the UV installation provides equal or greater dose delivery. The CFD modeling shall be conducted at the minimum and maximum values of the validated range of flow, UVT, and lamp status.~~

~~(f) The UV disinfection system shall be capable of applying the required design dose with a failed or out-of-service reactor. The design shall account for an on-line backup UV reactor or an operating scheme to apply the design dose with one reactor out of service.~~

~~(g) It shall be possible to isolate each reactor for maintenance.~~

~~(h) Signals and alarms shall be provided for the operation of the UV facility for the parameters necessary for dose monitoring algorithm, such as low UV dose, high flow rate, low UVT, UVT monitoring failure, UV sensor failure, off specification event, Ground Fault Interrupt (GFI), high water temperature, and low water level.~~

~~(i) All materials used in constructing or coating the UV reactors that come in contact with water shall be certified NSF Standard 61 - Drinking Water System Components - Health Effects.~~

~~(j) Any chemicals used in the cleaning of the UV reactor components in contact with the drinking water such as quartz sleeves shall be certified as meeting the ANSI/NSF Standard 60 - Drinking Water Treatment Chemicals - Health Effects.~~

~~(k) A flow or time delay shall be provided to permit a sufficient time for tube warm-up, per manufacturer recommendations, before water flows from the unit upon start up. The flow or time delay shall be included in the design so they do not result in excessive off specification conditions.~~

~~(l) To ensure a continuous supply of power, a backup power supply of sufficient capacity shall be provided for the UV disinfection system. If power quality problems, such as frequent power interruptions or brownouts, or remote location with unknown power quality, are anticipated, power conditioning equipment, such as uninterruptible power supply (UPS), shall be included in the design.~~

~~(m) The design shall include a redundant disinfection mechanism that will apply an approved primary disinfectant to achieve the CT or log removal/inactivation required for compliance if a UV facility is off specification or offline within a maximum response time of 15 minutes. One example of such response is to shut down the off- specification UV train and either bring a parallel UV train on line or initiate a back-up primary disinfection system within 15 minutes, so the continuous duration of an off- specification event is limited to no more than 15 minutes.~~

~~(n) UV disinfection units rated at 30 gallons per minute or less shall be certified as meeting the ANSI/NSF Standard 55, Class A, or other equivalent or more stringent validation or certification standards that are deemed acceptable by the Director.~~

~~(o) The dose monitoring approach used for UV facility must be reviewed and accepted by the Director. Typically the calculated dose approach is suitable for large systems or systems with significant flow variation, and the UV intensity setpoint approach is for small systems or systems with fixed flow rate. The dose monitoring approaches need to be consistent with the guidelines stated in the 2006 Final UVDGM.~~

~~(p) If Programmable Logic Controller (PLC) or SCADA interface is used for UV reactor's process control, the programming shall be in accordance with the validated dose monitoring algorithm and the validated conditions. The algorithm shall use inputs of flow, UV intensity sensor readings, lamps status, and/or UVT equal to or more conservative than values measured during the operation of the UV system. If the measured UVT is above the validated range, the maximum validated UVT shall be used as the input to the dose algorithm. If the measured flow rate is below the validated range, the minimum validated flow rate shall be used as the input to the dose algorithm. If the dose algorithm uses relative lamp output determined from the UV intensity sensor readings as an input, the relative lamp output shall be based on the measured UVT, even if it exceeds the maximum validated UVT.~~

~~(q) The UV reactor's PLC or microprocessor shall be programmed to record off specification events for the following conditions:~~

~~(i) Delivered UV dose less than the required dose,~~

~~(ii) Flow greater than the validated range,~~

~~(iii) UVT less than the validated range,~~

~~(iv) Lamp status outside the validated range,~~

~~(v) Failure of UV sensors, flow meters, or on-line UVT monitors used in the dose calculation. Laboratory measurements of UVT may be used temporarily in the program until the on-line UVT monitor is repaired.~~

~~(4) Operation and Maintenance~~

~~The operation and maintenance tasks and the frequency of performing them can be specific to the UV equipment installed. The water systems with approved UV installations should follow the manufacturer's recommendation or the operation and maintenance guidelines stated in Section 6.2 through 6.5 of the 2006 Final UVDGM.~~

~~(a) Startup testing.~~

~~(i) The UV reactor manufacturer must provide a site-specific operation and maintenance manual, which shall include the procedure for starting up and shutting down the UV treatment system.~~

~~(ii) Provide schedules and performance standards for start-up testing and initial operation. Schedules shall include anticipated start-up date and proposed testing duration. Performance standards shall reference applicable regulations and specific equipment capabilities.~~

~~(iii) Operators shall receive site-specific training on the operation of the UV disinfection system.~~

~~(b) An incident plan shall be developed to address lamp breakage and release of mercury, response to alarms, power supply interruptions, activation of standby equipment, failure of systems, etc.~~

~~(c) To verify that the UV reactors are operated within the validated limits, selected parameters shall be monitored. The routine operation and maintenance shall include the monitoring and calibration requirements listed in R309-215-15(19) and (20) and are in accordance with the monitoring and reporting protocol approved by the Director. For very small UV systems, the Director may consider granting exception to allow reduced monitoring and reporting on a case-by-case basis.~~

~~R309-520-9. Ozone.~~

~~(1) General Requirements.~~

~~(a) Ozone is approved as a primary disinfectant, but is not approved as a secondary disinfectant for the distribution system because of its rapid decomposition in aqueous solution. A different disinfectant approved for secondary disinfection must be used if a minimum disinfection residual is required in the distribution system. Ozone may also be used for taste and odor control, oxidation of inorganic and organic compounds and for enhanced performance of other water treatment processes such as microflocculation and filtration. Some of the requirements of this section may not be applicable if ozone is used only for reasons other than primary disinfection.~~

~~(b) Pilot studies or bench scale studies shall be conducted for all surface waters unless there is sufficient data available from other studies performed on the same water source. The studies shall determine the initial ozone demand, the rate of ozone decay, the minimum and maximum ozone dosages for the range of water conditions for disinfection "CT" compliance, and the ozone dosage required for other desired benefits. Pilot studies or bench scale studies shall take into account the seasonal and other variations of the source water. Plans for pilot studies or bench scale studies shall be reviewed and accepted by the Director prior to commencement of the studies.~~

~~(2) Ozone Generation.~~

~~(a) The ozone system should be designed with backup capability such that required inactivation can be achieved with one generator out of service.~~

~~(b) The ozone generators shall be housed in an enclosed temperature controlled building for protection. Adequate ventilation shall be provided in the building, and be capable of providing six or more air changes per hour when needed in case of an ozone leak.~~

~~(c) The ozone generators shall be of the medium or high frequency type.~~

~~(d) The power supply units for the ozone generators shall have a backup electrical power source, normally an emergency generator, or the system shall have an alternate primary disinfection system that may be used in case of an electrical power outage.~~

~~(e) The ozone generators shall be water-cooled with a maximum increase in cooling water temperature of 10 degrees F (5.6 degrees C). If necessary, the cooling water should be treated to minimize corrosion, scaling, and microbiological fouling of the water side of the tubes. A closed-loop cooling water system may be used to assure proper water conditions are maintained. The power supply units to the ozone generators may also be water cooled.~~

~~(f) The ozone generators shall comply with Section 3705 of Chapter 37, "Ozone Gas Generators," of the 2006 International Fire Code.~~

~~(3) Ozone Generator Feed Gas.~~

~~(a) Feed gas may be air, vaporized high purity liquid oxygen, or oxygen enriched air. Oxygen may be generated on-site or delivered in bulk. Oxygen-enriched air is typically generated on-site.~~

~~(b) The design of the feed gas system must ensure that the maximum dew point of the feed gas of -76 degrees F (-60 degrees C) is not exceeded at any time.~~

~~(c) Liquid Oxygen Feed Gas Systems.~~

~~(i) Liquid oxygen storage tanks shall be sized to provide a minimum of a 7-day supply to the ozone generators at the maximum operating rate.~~

~~(ii) There shall be two or more vaporizers to convert liquid oxygen to the gaseous form. Vaporizers must be capable of maintaining oxygen flow at the minimum design air temperature with one unit on standby.~~

~~(iii) Liquid oxygen storage tanks and system shall comply with Chapters 40, "Oxidizers," of the 2006 International Fire Code.~~

~~(d) Air or Oxygen Enriched Air Feed Gas Systems.~~

~~(i) There shall be two or more air compressors to supply air. The capacity of the compressors shall be such that the demand during maximum ozone production and for other compressed air uses at the treatment plant can be met when the largest compressor is out of service.~~

~~(ii) Entrainment separators, refrigeration dryers, desiccant dryers, and filters shall be used as necessary to provide a sufficiently dried, dust-free, and oil-free feed gas to the ozone generators. Multiple units of this equipment shall be used so that the ozone generation is not interrupted in the event of a breakdown.~~

~~(4) Ozone Contactors.~~

~~(a) An ozone contactor shall consist of two or more chambers to provide for introduction of ozone into the water and contact time. In a water treatment plant, ozone may be introduced in the raw water, or ozone may be introduced later in the process, such as to settled water after solids have been removed. An ozone contactor must be a closed vessel that is kept under less than atmospheric pressure to prevent escape of ozone gas. The materials of construction must be ozone-resistant to prevent premature failure of the contactor.~~

~~(b) Ozone gas may be injected into the water under positive pressure through bubble diffusers using porous-tube or dome diffusers. Alternatively, ozone gas may be injected into the water using side stream injection. This is where ozone gas is drawn into the side stream using negative pressure, which is generated in a pipe section with a venturi.~~

~~(c) An ozone contactor shall be designed to achieve a minimum transfer efficiency of 85 percent.~~

~~(d) Multiple sampling points shall be provided in an ozone contactor to enable sampling of treated water for purposes of determining an accurate measure of the concentration to be used in the "CT" disinfection calculation.~~

~~(e) A recommended minimum disinfection contact time is ten minutes.~~

~~(f) Ozone contactors shall have provision for cleaning, maintenance, and drainage of the contactor. Each contactor chamber shall be equipped with an access hatchway or other means of entry.~~

~~(g) An ozone contactor shall have an emergency off-gas pressure/vacuum relief system to prevent damage to the unit.~~

~~(h) A system must be provided for worker safety at the end of the ozone contactor for compliance with OSHA standards. Specifically, ozone levels in the gas space above treated water that has exited the contactor must not exceed the established OSHA 8-hour exposure limit of 0.1 ppm. This system may be an ozone residual quenching system where a chemical is used to destroy remaining ozone in the water, or this system may be a monitoring system that provides sufficient time to lower the residual ozone level in the water by natural decay to an acceptable level. Any chemical used to quench residual ozone shall comply with ANSI/NSF Standard 60.~~

~~(5) Off-Gas Destruction Units.~~

~~(a) A system for treating the final off-gas from each ozone contactor must be provided in order to meet safety standards. Systems using thermal destruction or catalytic destruction may be used. At least two units shall be provided which are each capable of handling the entire off-gas flow.~~

~~(b) Exhaust blowers shall be provided in order to draw off-gas from the contactor into the destruction units.~~

~~(c) Provisions must be made to drain water from condensation in the off-gas piping and to protect the destruction units and piping from moisture and other impurities that may cause damage.~~

~~(d) The maximum allowable ozone concentration in the gas discharge from a destruction unit is 0.1 ppm by volume. Provisions may be made for temporary transient concentration spikes that may exceed this limit.~~

~~(6) Piping and Connections.~~

~~(a) Because ozone is a strong oxidant, consideration shall be given to piping materials used in ozone service. Generally, only low carbon 304L and 316L stainless steel should be used for ozone gas service.~~

~~(b) Connections on piping used for ozone service should be welded where possible. Threaded connections should be avoided for ozone gas piping because of their tendency to leak. Connections with meters, valves, or other equipment should be made with flanged joints with ozone-resistant gaskets.~~

~~(c) A positive-closing 90-degree turn isolation valve, or other equivalent means, shall be provided in the piping between an ozone generator and a contactor to prevent moisture from reaching the ozone generator during shutdowns.~~

~~(7) Instrumentation and Monitoring.~~

~~(a) A flow meter shall be provided to measure the flow rate of the water being treated. A temperature gauge or transmitter shall also be provided to measure the temperature of the water being treated. The pH shall also be measured to indicate changes in the water being treated.~~

~~(b) An ozone gas analyzer, a flow meter, and a temperature measurement shall be provided on the gaseous ozone feed line going to the ozone injection point.~~

~~(c) Ozone aqueous residual analyzers shall be provided to measure the ozone residual concentration in the water being treated in order to determine "CT" credit.~~

~~(d) An ozone gas analyzer shall be provided on the gas discharge of each ozone destruction unit, or combined vent gas discharge, to determine the exiting ozone concentration.~~

~~(e) Ambient ozone monitors shall be installed in the vicinity of the ozone generators, the ozone contactors, the ozone destruction units, and other areas where ozone gas may accumulate.~~

~~(f) A continuous dew point monitor shall be provided on the feed gas line to the ozone generators.~~

~~(g) Instrumentation such as pressure gauges, temperature gauges, flow meters, and power meters shall be provided as necessary to monitor the feed gas system, ozone generators, power supply units, and cooling water to protect the equipment and monitor performance.~~

~~(8) Alarms and Shutdowns.~~

~~(a) An ambient ozone monitor shall be provided.~~

~~(b) The design shall include alarms and shutdowns.~~

~~(9) Safety.~~

~~(a) Training shall be provided to the operators of ozone systems by the manufacturers of the ozone equipment, or other professionals with experience in ozone treatment, to promote the safe operation of the systems.~~

~~(b) Appropriate signs shall be installed around ozone and liquid oxygen equipment to warn operators, emergency responders, and others of the potential dangers.~~

~~(c) A means shall be provided, such as portable purge air blowers and portable monitors, to reduce residual ozone levels in an ozone contactor or other equipment to safe levels prior to entry for repair, maintenance, or emergency.~~

~~(10) Operation and Maintenance.~~

~~(a) An ambient ozone monitor should activate an alarm when the ozone level exceeds 0.1 ppm. Because the natural ozone levels can exceed 0.1 ppm under certain atmospheric conditions, it is permissible to set the alarm level at a slightly higher level to avoid nuisance alarms. Ozone generator shutdown shall occur when ambient levels exceed 0.3 ppm in the vicinity of an ozone generator or a contactor. Operators of the water treatment system may set the alarm level and the shutdown level lower at their discretion. It is required that an ozone ambient monitor activates a local audible alarm and/or flashing light warning, in addition to an alarm at the operator control system panel.~~

~~(b) There shall be an alarm/shutdown to prevent the dew point of the feed gas exceeding the maximum of -76 degrees F (-60 degrees C).~~

~~(c) Alarms and shutdowns shall be programmed based on the pressure gauges, temperature gauges, flow meters, and power meters, to protect the feed gas system, ozone generators, power supply units, and cooling water system.~~

~~R309-520-10. Chlorine Dioxide.~~

~~Public water systems must take into consideration that chlorine dioxide and its byproducts may have similar effects as chloramines on sensitive populations. Chlorine dioxide should not be intentionally used as a secondary disinfectant. The water system must monitor the chlorine dioxide residuals and byproducts in the distribution system. If the chlorine dioxide residual in the distribution system may affect sensitive populations, the public water system shall notify the public of the change. Sensitive populations include hospital and kidney dialysis patients. Sensitive industries include fisheries.~~

~~(1) Pre-design Proposal.~~

~~Proposals for the use of chlorine dioxide shall be discussed with the Division prior to the preparation of final plans and specifications. A water system must submit a detailed written proposal to the Director for review, including:~~

~~(a) The make, model, and specifications for proposed chlorine dioxide generator~~

~~(b) References of other U.S. potable water installations of the proposed unit~~

~~(c) Information on the operational and maintenance training program~~

~~(d) The expected total applied dosage of chlorine dioxide and other disinfectants as well as the points of application for all disinfectants and the type and amount of residuals and by-products expected in the distribution system~~

~~(2) Chlorine dioxide generators~~

~~(a) Chlorine dioxide generation should be designed to be efficient compared to industry standard, and production of excess chlorine shall be minimized.~~

~~(b) The generator shall not produce a solution with chlorine dioxide concentration more than 6,000 mg/L to minimize the explosion hazard.~~

~~(c) The design shall include capability to measure concentrations of chlorine dioxide, chlorite, chlorate, and free chlorine of the solution leaving the generator.~~

~~(d) The chlorine dioxide generator shall be equipped with a chlorine dioxide analyzer to measure the strength of the solution leaving the generator.~~

~~(e) Generators which use solid chlorite will not be allowed.~~

~~(3) Chlorine Dioxide Feed and Storage System~~

~~(a) Chlorine Dioxide Feed system.~~

~~(i) Use fiberglass reinforced vinyl ester plastic (FRP) or high density linear polyethylene (HDLPE) tanks with no insulation.~~

~~(ii) If centrifugal pumps are used, provide Teflon packing material. Pump motors must be totally enclosed, fan-cooled, equipped with permanently sealed bearings, and equipped with double mechanical seals or other means to prevent leakage.~~

~~(iii) Provide chlorinated PVC, vinyl ester or Teflon piping material. Do not use carbon steel or stainless steel piping systems.~~

~~(iv) Provide glass view ports for the reactor if it is not made of transparent material.~~

~~(v) Provide flow monitoring on all chemical feed lines, dilution water lines, and chlorine dioxide solution lines.~~

~~(vi) Provide a means to verify calibrated feed flow to each application feed point.~~

~~(vii) Control air contact with chlorine dioxide solution to limit potential for explosive concentrations building up within the feed facility.~~

~~(viii) All chlorite solutions shall have concentrations less than 30%. Higher strength solutions are susceptible to crystallization and stratification.~~

~~(b) Chlorine Dioxide Storage and Operating Area. The following requirements apply to the chlorite storage and chlorine dioxide day tank area.~~

~~(i) The chlorine dioxide facility shall be physically located in a separate room from other water treatment plant operating areas.~~

~~(ii) The chlorine dioxide area shall have a ventilation system separate from other operating areas.~~

~~(iii) Provision shall be made to ventilate the chlorine dioxide facility area and maintain the ambient air chlorine dioxide concentrations below the Permissible Exposure Limit (PEL).~~

~~(A) The ventilating fan(s) take suction near the floor, as far as practical from the door and air inlet, with the point of discharge so located as not to contaminate air inlets of any rooms or structures.~~

~~(B) Air inlets are provided near the ceiling.~~

~~(C) Air inlets and outlets shall be louvered.~~

~~(D) Separate switches for the fans are outside and near the entrance of the facility.~~
~~(iv) The area housing chlorine dioxide facility shall be constructed of non-combustible materials such as concrete.~~
~~(v) There shall be an ambient air chlorine dioxide sensor in the vicinity of the chlorine dioxide operating area. The ambient air chlorine dioxide readouts and alarm or warning light shall be audible and visible in the operating area and on the outside of the door to the operating area. The design shall include distinguishing audible alarms that are triggered by the ambient air chlorine dioxide sensor readings.~~
~~(vi) There shall be observation windows through which the operating area can be observed from outside the room to ensure operator safety.~~
~~(vii) Manual switches to the light in the operating area shall be located outside the door to the room.~~
~~(viii) There shall be an emergency shower and eyewash outside and close to the door to the operating area.~~
~~(ix) An emergency shutoff control to shut flows to the generator shall be located outside the operating area.~~
~~(x) The design shall minimize the possibility of chlorite leaks.~~
~~(xi) The chlorite tank and chlorine dioxide solution tank shall be vented to the outdoors away from any operating areas.~~
~~(xii) Gaseous chlorine feed to the chlorine dioxide generator shall enter the chlorine dioxide facility area through lines which can only feed to vacuum.~~
~~(xiii) The floor of the chlorine dioxide facility area shall slope to a sump.~~
~~(xiv) There shall not be any open drains in the chlorine dioxide operating area.~~
~~(xv) Provide secondary containments with sumps for chlorine dioxide storage, and chlorine dioxide solutions which can hold the entire volume of these vessels. This containment shall prevent these solutions from entering the rest of the operating area.~~
~~(xvi) Provide wash-down water within the operating area.~~
~~(xvii) The operating area shall be designed to avoid direct exposure to sunlight, UV light, or excessive heat.~~
~~(4) Other Design Criteria.~~
~~(a) Provide secondary containment, a sump, wash-down water, and a shower and eyewash at the bulk delivery transfer point.~~
~~(b) Finished water shall be used for chlorine dioxide generation.~~
~~(c) The finished water line to the chlorine dioxide generator shall be protected with a high hazard assembly.~~
~~(d) Provide a water supply near the storage and handling area for cleanup.~~
~~(e) The parts of the chlorine dioxide system in contact with the strong oxidizing or acid solutions shall be of inert material.~~
~~(f) The design shall provide the capability to shut off the chlorine dioxide operation remotely, i.e., from a location that is outside of the chlorine dioxide operating area.~~
~~(5) Operation and Maintenance.~~
~~(a) Do not store or handle combustible or reactive materials, such as acids, reduced metals, or organic material, in the chlorine dioxide operating area.~~
~~(b) Store chemicals in clean, closed, non-translucent containers.~~
~~(c) Personal protective equipment and first aid kits shall be stored at a nearby location that is outside the chlorine dioxide facility area.~~
~~(d) The temperature of the chlorine dioxide operating area shall be maintained between 60 and 100 degrees F.~~
~~(e) After delivery allow chlorite solutions to equalize with the ambient temperature of the operating area to avoid stratification.~~
~~(f) The Operating and Maintenance manual shall include operator safety and emergency response procedures. Personnel shall have ongoing training for operator safety and emergency response procedures.~~
~~(g) All wastes should be disposed of in accordance to any existing solid and hazardous waste regulations.~~
~~(h) The operating area should be inspected daily for chlorite spills and solid chlorite buildup. The daily inspections shall be logged.~~
~~(i) Chlorite leaks and solid chlorite buildup should be cleaned up and disposed of immediately.~~
~~(j) Solid chlorite should be washed down before removal.~~
~~(k) The ventilation system in the chlorine dioxide facility area shall be operated to maintain the ambient air chlorine dioxide concentrations below the Permissible Exposure Limit (PEL).~~
~~(l) Audible alarms shall be programmed to alert water treatment plant personnel when the ambient air chlorine dioxide sensor in the vicinity of the chlorine dioxide operating area detects the chlorine dioxide concentration above the Permissible Exposure Limit (PEL) and the Short Term Exposure Limit (STEL).~~

~~R309-520-11. Chloramines.~~
~~Proposals for the use of Chloramines as a disinfectant shall be discussed with the Division prior to the preparation of final plans and specifications.~~
]R309-520-1. Purpose.
This rule specifies requirements for facilities that disinfect public drinking water. A Public Water System (PWS) shall apply this rule in conjunction with Rules R309-500 through R309-550. These rules govern the design, construction, operation, and maintenance of PWS facilities. The intent of these rules is to ensure that PWS facilities reliably supply adequate quantities of water that consistently meet drinking water quality requirements and do no harm to public health.

R309-520-2. Authority.
The Drinking Water Board promulgates Rule R309-520 as authorized by Subsection 19-4-104(1)(a)(ii) and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R309-520-3. Definitions.

Rule R309-110 provides definitions for certain terms used in this rule but this rule may further clarify them.

(1) Primary disinfection is the means to provide adequate levels of inactivation of pathogenic microorganisms within the treatment process.

(2) Secondary disinfection is the means to provide a disinfectant residual in the distribution system. A supplier achieves secondary disinfection by maintaining a measurable disinfectant residual at every service connection.

R309-520-4. Applicability of Disinfection Requirements.

(1) For surface water and groundwater under the direct influence (GWUDI), a supplier shall:

(a) treat the water using conventional or alternative surface water treatment methods;

(b) disinfect the water to meet the requirements of Section R309-200-7; and

(c) determine disinfection CT based on the treatment technology used.

(2) For groundwater:

(a) where a groundwater source does not continuously meet microbiological standards per Rule R309-215, the supplier shall disinfect the groundwater source;

(b) where the division requires microbiological treatment for a groundwater source that is not GWUDI, a supplier may disinfect without filtration; and

(c) where the division requires primary disinfection of a groundwater source, the supplier shall provide sufficient treatment to achieve a minimum of 4-log virus inactivation.

(3) Primary disinfection requirements are listed in Subsections (a) through (c).

(a) The division allows only chlorine, ozone, ultraviolet (UV) light, and chlorine dioxide as primary disinfectants. A supplier may not use chlorocyanurates species, such as Dichlor or Trichlor dissolution products, as primary disinfectants.

(b) A supplier shall obtain director approval for the baffle factors used in the calculation of CT.

(c) A supplier that is required to achieve primary disinfection shall also achieve secondary disinfection.

(4) Secondary disinfection requirements are listed in Subsections (a) and (b).

(a) The division allows only chlorine and chloramine as secondary disinfectants.

(b) A supplier may not use chlorocyanurates species such as Dichlor or Trichlor dissolution products) as secondary disinfectants.

(5) Point-of-use disinfection is not an acceptable form of disinfection for regulatory compliance.

(6) Suppliers of distribution systems that have multiple sources shall meet the requirements in Subsections (a) and (b).

(a) Distribution systems downstream of a chlorinated source shall meet secondary disinfection requirements.

(b) In a distribution system where chlorinated water is blended with unchlorinated water, the distribution system shall meet secondary disinfection requirements. A supplier may add chlorination to meet secondary disinfection requirements.

(7) Distribution systems with orthophosphate addition shall meet the requirements in Subsections (a) and (b).

(a) Any distribution system downstream of orthophosphate injection shall meet secondary disinfection requirements and achieve disinfection residuals of at least 0.2 mg/L of free chlorine in the distribution system at every service connection.

(b) A distribution system shall meet secondary disinfection requirements where water with orthophosphate injection is blended. A supplier may add chlorination to meet secondary disinfection requirements. A distribution system where water with orthophosphate injection is blended shall maintain disinfection residuals of at least 0.2 mg/L of free chlorine at every service connection.

R309-520-5. Requirements for Disinfection Systems.

(1) Continuous disinfection requirements include Subsections (a) through (i).

(a) Each disinfection process shall operate continuously and may not stop unless the division provides a written approval to the supplier.

(b) A supplier may not use intermittent or batch disinfection, such as adding hypochlorite tablets or concentrated hypochlorite solution to a tank, to achieve primary or secondary disinfection.

(c) A supplier may use intermittent or batch disinfection during seasonal startup or operation and maintenance procedures.

(d) The design shall provide a means to isolate or service the disinfection equipment without allowing untreated water to enter the distribution system.

(e) The design shall provide a means to continuously disinfect or a plan to shut off the source or system in case of equipment or power failure.

(f) A supplier shall have standby power available for the operation of chlorinator systems unless:

(i) the chlorinator system does not require power; or

(ii) the source requires power but does not have standby power.

(g) A supplier may not have bypasses around disinfection processes, except for oxidation processes that are not used as primary disinfection.

(h) A supplier shall maintain a spare parts kit for disinfection equipment to replace parts subject to wear and breakage.

(i) A supplier shall contact the division within eight hours of a malfunction of any disinfection facility such that a detectable residual cannot be maintained at every service connection. Division personnel may be reached at 801-536-4123.

(2) Each disinfection facility shall comply with the requirements in Subsections (a) through (g).

(a) The location of the facility shall provide for convenient access and shall consider risks to nearby populations and from seismic fault zones.

(b) A supplier shall provide a lock and secure a facility to prevent vandalism and unauthorized entry.

(c) Disinfection processes after filters shall be fully enclosed and may not daylight.
(d) The facility shall include heating, lighting, and ventilation as needed to protect and operate the disinfection system.
(e) The facility floors shall be sloped to drain.
(f) Where facilities are located underground, the facility shall include a drain and shall drain to daylight where feasible. Where drainage to daylight is not possible, drainage to an underground gravel-filled absorption pit is permissible if the site has adequate drainage and is not subject to flooding. If a drain to daylight or absorption pit are not feasible, a sump pump is permissible.
(g) The facility design shall be in accordance with the Utah Occupational Safety and Health Act (UOSHA), in accordance with Title 34A, Chapter 6, Utah Occupational Safety and Health Act.
(3) A supplier shall obtain prior written approval from the director for any modifications that may affect the water quality or quantity, including changes in chlorine type.
(4) A supplier may not use disinfection:
(a) to mask ongoing contamination;
(b) to remedy a source susceptible to surface water influence; or
(c) as a substitute for correcting physical deficiencies.
(5) Any material that may contact drinking water shall be certified to meet NSF/ANSI 61.
(6) Any chemical added to drinking water, including chlorine gas, hypochlorite solution, hypochlorite tablets, granules, powder, chloramines, chemicals used to generate hypochlorite solution and chlorine dioxide, and chemicals used in the cleaning of components in contact with the drinking water, shall be NSF/ANSI Standard 60 certified.
(7) A supplier shall follow the requirements of the International Plumbing Code, as adopted in Section 15A-2-103 and amended in Title 15A, Chapter 3, Statewide Amendments Incorporated as Part of State Construction Code and Title 15A, Chapter 4, Local Amendments Incorporated as Part of State Construction Code, as applicable.
(8) A supplier shall follow the cross connection control requirements of Rule R309-105.
(9) A supplier shall make provisions for proper disposal of water treatment plant waste discharges and meet the requirements of Title R317.

R309-520-6. Chemical Feed Equipment.

(1) A supplier shall submit the information in Subsections (a) through (d) for division review and director approval:
(a) descriptions of chemical feed equipment, including maximum and minimum feed rates;
(b) location of chemical feeders, piping layout and points of application;
(c) descriptions of chemical storage and handling facilities; and
(d) chemical specifications.
(2) A supplier shall prominently display Safety Data Sheets of chemicals and ensure they are easily accessible.
(3) A supplier shall have a safe handling and leak response Standard Operating Procedure (SOP) for each chemical.
(4) To ensure chemical compatibility, a supplier:
(a) may not feed, store, or handle incompatible chemicals together;
(b) shall conduct each chemical from the chemical feeder to the point of application in a separate conduit;
(c) shall ensure chemical-contact materials and surfaces are compatible with the chemicals;
(d) shall locate the injection point at the center of a pipeline; and
(e) shall ensure chemical feeders are readily accessible for servicing, repair, and observation.
(5) Chemical feed rate controls shall meet the requirements in Subsections (a) through (f).
(a) Chemical feeders shall supply the chemicals at an accurately controlled rate, throughout the anticipated range of feed.
(b) A supplier shall use automatic proportioning chemical feeders where the rate of flow varies.
(c) A supplier shall provide a means of measuring water flow rate.
(d) A supplier shall provide a means of measuring the quantities of chemicals used to prepare chemical feed solutions and quantities of chemicals added in the treatment process.
(e) A supplier shall manually or automatically control chemical feeders. Suppliers with automatic controls shall design automatic controls to allow override by manual controls.
(f) Chemical feeders and pumps shall operate within the manufacturer design feed range.
(6) At surface water and GWUDI treatment facilities, a supplier shall provide at least one active feeder and one standby feeder.
(7) Chemical feed pump requirements are listed in Subsections (a) through (c).
(a) A supplier shall size the pump to match or exceed maximum head conditions found at the point of injection.
(b) Liquid chemical feed pumps shall be positive displacement type solution-feed pumps or other feed pump designs as approved by the director. Liquid chemical feed pumps shall include devices which prevent backpressure, backsiphonage, or siphonage of liquid chemicals through the pump by using:
(i) positive pressure at the point of injection;
(ii) vacuum relief;
(iii) an air gap;
(iv) an anti-siphon device; or
(v) another means to prevent siphoning.
(c) Chemical feed pumps shall have a strainer and a means of flushing the strainer. The strainer shall be located upstream of the chemical feed pumps.

(8) Liquid chemical storage tanks shall adhere to the requirements in Subsections (a) through (f) unless otherwise approved by the director in writing.
(a) A supplier shall keep chemical solutions covered.
(b) A supplier shall label tanks to designate the chemical contained.
(c) A supplier shall provide chemical storage tanks with secondary containment unless otherwise approved by the director in writing. The director may grant approval for an alternative approach if the authority responsible for receiving or regulating the discharge provides a written letter supporting the alternative. A supplier shall submit the letter of support to the director for consideration.
(i) The secondary containment material shall be impermeable and compatible with the stored chemical.
(ii) A supplier shall design secondary containment drainage such that it prevents uncontrolled releases outside the containment area. The drainage shall drain to a containment area designed for compatibility with the stored chemical and shall receive drainage of compatible chemicals only.
(iii) Secondary containment volumes shall be at least the same volume as the largest chemical storage tank.
(iv) A supplier is not required to provide secondary containment for hypochlorite solution tanks with a hypochlorite concentration less than or equal to 1% and volume less than or equal to 350 gallons.
(d) If a supplier provides overflow pipes, the overflow pipes shall:
(i) have a No. 4 mesh, non-corrodible screen;
(ii) have a free-fall discharge to a receiving basin; and
(iii) be readily visible.
(e) If a tank has a drain, the supplier shall provide a shut-off valve for the tank drain.
(f) Tanks equal to or greater than 350 gallons shall have:
(i) a liquid level indicator;
(ii) an overflow; and
(iii) a downturned air vent with a No. 14 mesh, non-corrodible screen.
(g) Bulk chemical delivery transfer points shall include a means of chemical containment, wash-down water, a shower, and an eyewash station.
(9) Weighing scales shall be corrosion resistant and accurate to measure increments of at most 0.5% of scale capacity.
(10) Make-up water is water used for diluting a chemical. Make-up water supply shall be of a quality equal to or better than the water at the point of application. A supplier shall provide a means to measure make-up water when preparing solution concentrations by dilution.
(11) A supplier shall meet cross connection control requirements in Subsections (a) through (d).
(a) Make-up water lines that discharge into solution tanks shall include protection against backpressure or backsiphonage according to the International Plumbing Code, as adopted in Section 15A-2-103 and amended in Title 15A, Chapter 3, Statewide Amendments Incorporated as Part of State Construction Code and Title 15A, Chapter 4, Local Amendments Incorporated as Part of State Construction Code, as applicable.
(b) Chemical feed system drains and overflows may not have a direct connection to any sewer. The drains or overflows shall have an air gap above the receiving vessel of at least six inches or two pipe diameters, whichever is greater.
(c) At surface water and GWUDI treatment facilities, pre- and post-chlorination systems shall have independent pumping systems, unless a vacuum breaker is installed between the pre- and post-chlorination systems to prevent backpressure or backsiphonage of partially treated water into the clear well.
(d) Each eductor shall have a separate shut-off valve on the water supply and not a master shut-off valve.

R309-520-7. Chlorine.
(1) Requirements for each chlorine system are listed in Subsections (a) through (f).
(a) A supplier shall submit a basis of design to the division. The basis of design shall include:
(i) an estimate and justification of breakpoint chlorination dose;
(ii) expected seasonal variation; and
(iii) target chlorine residual above breakpoint chlorination dose.
(b) The director may require a chlorine demand study when the director determines that the proposed disinfection process may not maintain a disinfectant residual throughout the distribution system.
(c) Each chlorinator shall have a designated Point-of-Entry (POE) that:
(i) is located after sufficient mixing to achieve a stable chlorine residual;
(ii) is located before or at the first service connection; and
(iii) has a continuous disinfectant analyzer for suppliers serving populations of 3,300 or more.
(d) Disinfection by chlorination shall be accomplished by gaseous chlorine or hypochlorite solutions. Hypochlorite solutions can be purchased, generated on site, or prepared by dissolving solids.
(e) Chlorine feed equipment requirements are listed in Subsections (i) through (iv).
(i) Chlorine feed equipment shall:
(A) operate accurately over the design feeding range;
(B) be sized to provide at least 2 mg/L free chlorine residual at the POE during peak demand; and
(C) be sized to deliver a chlorine dose sufficient to maintain a measurable residual continuously at each service connection in the distribution system.
(ii) If a supplier uses an eductor, the supplier shall provide a strainer upstream of the eductor and a means of flushing the strainer.
(iii) Chlorine injectors and eductors shall:

(A) inject chlorine at the center of a pipeline where possible;
(B) inject chlorine at a point that allows rapid mixing;
(C) be compatible with;
(I) the point of application;
(II) the flowrate of chlorine;
(III) the size of the chlorine solution line;
(IV) the back pressure from the water line; and
(V) the equipment operating pressure.
(iv) When releasing chlorinated water into the environment, the supplier shall comply with Rule R317-2.
(f) A supplier shall have a digital chlorine residual analyzer capable of measuring residual to the nearest 0.1 mg/L.
(2) Gas chlorinator systems shall:
(a) be a solution-feed type;
(b) have automatic switchover unless at least three cylinders or containers are operational continuously;
(c) have at least two chlorine cylinders unless the gas chlorinator system uses fewer than one per year;
(d) have a gas scrubber in operating areas with a one-ton chlorine cylinder;
(e) include the ventilation requirements in Subsections (e)(i) through (iii);
(i) chlorination equipment rooms that contain chlorine cylinders, tanks, equipment and gaseous chlorine lines under pressure shall have at least one exhaust fan unless power is not available or human entrance to the room is not possible. Chlorine room exhaust fans, when operating, shall provide at least one complete room air change per minute.
(ii) The ventilation system shall include air inlet louvers near the ceiling and discharge venting near the floor, as far as practical from the door.
(iii) The supplier shall design the ventilation system for one-ton chlorine cylinder operating areas to maintain negative pressure and operate independently from the ventilation system for the rest of the facility.
(f) discharge the chlorine vent line outside above grade and screen the end with a No. 14 mesh non-corrodible screen.
(g) Requirements for chlorine cylinder storage are listed in Subsections (g)(i) through (ii).
(i) Chlorine cylinders shall have restraints and be stored in an upright position.
(ii) Chlorine cylinders may not be located in direct sunlight or exposed to excessive heat.
(h) Requirements for gas chlorinator housing at water treatment plants with multiple processes are listed in Subsections (h)(i) through (vi).
(i) The supplier shall provide a separate chlorine room to house chlorine cylinders and feed equipment.
(ii) The supplier shall seal openings between the chlorine room and the rest of the facility.
(iii) The supplier shall design doors to open outward and equip them with panic bars to allow rapid exit.
(iv) Floor drains, though discouraged, shall discharge outside the building and may not connect to other drain systems of the facility.
(v) Chlorine feed lines may not carry pressurized chlorine gas outside the chlorine room. Vacuum lines may be routed to other portions of the building outside the chlorine room. The supplier shall seal any openings for these lines.
(vi) Gas chlorine rooms with doors interior to a facility shall have a shatter resistant inspection window.
(i) The supplier shall provide pressure gauges on the inlet and outlet of each chlorine eductor.
(j) Operator safety requirements are in Subsections (j)(i) through (iv).
(i) The supplier shall make a bottle of Ammonium Hydroxide solution with 56% ammonia available for leak detection.
(ii) Where a supplier provides a continuous leak detector, it shall be equipped with an audible alarm and a readily visible warning light.
(iii) The supplier shall make NIOSH-approved respiratory protection equipment immediately accessible.
(iv) Where one-ton cylinders are used, the supplier shall:
(A) store and make available NIOSH-approved Self Contained Breathing Apparatus (SCBA) outside the chlorine room;
(B) ensure the SCBA has a minimum 30-minute capacity of compressed air;
(C) ensure the SCBA is compatible with units used by the fire department responsible for the plant;
(D) store and make available a leak repair kit approved by the Chlorine Institute; and
(E) provide continuous chlorine leak detection equipment with an audible alarm and a visible warning light.
(3) Additional requirements for hypochlorite systems are in Subsections (a) through (c).
(a) General requirements for each hypochlorite system are in Subsections (i) through (iii).
(i) Emergency Eyewash and Safety Showers. A supplier shall provide an emergency eyewash and safety shower where hypochlorite solutions containing chlorine concentration of at least 5% are handled in containers of at least 55 gallons. For installations using hypochlorite at chlorine concentrations less than 5%, or volumes less than 55 gallons, the supplier shall provide an alternative emergency eyewash. If a supplier provides a shower or eyewash station, they shall be plumbed with drinking water.
(ii) Liquid hypochlorite storage shall prevent decay. The supplier shall design storage and injection areas to minimize the effects of excessive heat or direct sunlight.
(iii) For flow-powered pump systems, the flow through the pump shall meet the minimum pump flow as required by the manufacturer at every flow scenario. A tank with a control valve may follow the pump to ensure manufacturer-required pump flow requirements are met.
(b) On-Site generated hypochlorite system requirements are in Subsections (i) through (iii).
(i) A supplier shall follow manufacturer recommendations for safety with respect to equipment and electrical power.
(ii) The hydrogen gas generated in the electrolytic cell of the on-site generation system shall vent upward to the outside of the building in a dedicated line with a non-corrodible No. 14 mesh screen at the end.

(iii) Hypochlorite tanks shall have a downturned air vent with a non-corrodible No. 14 mesh screen at the end.
(c) Hypochlorite tablet system requirements are in Subsections (i) and (ii).
(i) Hypochlorite tablet disinfection processes shall be compatible with the water hardness, solubility of hypochlorite tablets, water temperature, and other water quality factors.
(ii) A supplier shall store the hypochlorite tablets in accordance with the manufacturer's safety guidelines and in their original containers in a cool, dry, well-ventilated area. A supplier may not store hypochlorite tablets near combustible materials or acids.

R309-520-8. Ultraviolet Light.
(1) This rule shall apply to the use of ultraviolet (UV) disinfection for inactivation of Cryptosporidium, Giardia, and viruses. The director may reduce the requirements of monitoring and reporting on a case-by-case basis for water systems that use UV for other reasons.
(a) Suppliers using surface water or GWUDI may not use UV as the sole means of achieving primary disinfection and shall provide a backup primary disinfectant. The backup primary disinfectant shall be approved to achieve the CT, log removal, or inactivation required for compliance. The backup primary disinfectant shall be able to achieve treatment requirements within 15 minutes so that the continuous duration of an off- specification event is limited to no more than 15 minutes.
(b) A supplier that wishes to receive Log Removal or Inactivation Credit for UV disinfection shall:
(i) submit a UV plan which identifies the dose monitoring strategy, such as the UV intensity setpoint approach, the calculated dose approach, or an alternative approach;
(ii) identify the goals for the UV facility as part of a comprehensive disinfection strategy, including target pathogens, target log removal or inactivation, and corresponding required UV dose per Rule R309-215;
(iii) submit a UV reactor validation report; and
(iv) monitor and report per Rule R309-215 after installation.
(2) Validation testing requirements are listed in Subsections (a) through (c).
(a) The director may accept a validation report that was conducted based on the 2006 Final Ultraviolet Disinfection Guidance Manual For The Final Long Term 2 Enhanced Surface Water Treatment Rule (UVDGM), incorporated by reference in this rule, the 2020 Innovative Approaches of Ultraviolet Disinfection Reactors for Drinking Water Systems (IAUDRDWS), incorporated by reference in this rule, or on a case-by-case basis. The supplier shall ensure UV disinfection units rated at 30 gallons per minute or less meet ANSI/NSF Standard 55, Class A, or other equivalent standards that the director considers acceptable in lieu of a validation report.
(b) Each model and configuration of UV reactor must undergo off-site, full-scale validation testing by an independent third party test facility. The validation testing shall be conducted in qualified test facilities that are deemed acceptable by NSF, EPA, or the director.
(c) The UV reactor validation report shall include:
(i) description of the reactor and validation test setup, including general arrangement and layout drawings of the reactor and validation test piping arrangement;
(ii) description of the methods used to empirically validate the reactor;
(iii) description of the dose monitoring equation for the reactor to achieve the target pathogen inactivation credit and related graphical plots showing how the equation was derived from measured doses obtained through validation testing under varying test conditions;
(iv) range of validated conditions for flow, UV Transmittance (UVT), UV dose, and lamp status;
(v) description and rationale for selecting the challenge organism used in validation testing, and analysis to define operating dose for pathogen inactivation credit.
(vi) tabulated data, analysis, quality assurance and quality control, and measures during validation testing;
(vii) a licensed professional engineer's third party oversight certification indicating that the testing and data analyses in the validation report are conducted in a technically sound manner and without bias; and
(viii) the validation report shall be accompanied with completed Checklists 5.1 through 5.5 included in the 2006 UVDGM.
(3) Design criteria requirements are listed in Subsections (a) through (j).
(a) A supplier shall gather water quality data representative of the water to be treated by the UV facility. The director may prescribe a testing frequency to characterize variation or seasonal trends in water quality. The supplier shall submit and consider the following water quality results in UV facility planning as determined by the director:
(i) UVT or UV absorbance;
(ii) calcium;
(iii) alkalinity;
(iv) hardness;
(v) iron;
(vi) manganese;
(vii) turbidity;
(viii) pH;
(ix) Oxidation-Reduction Potential (ORP); and
(x) particle content and algae.
(b) UV systems shall provide the required dose to at least 95% of the water delivered, accounting for seasonal variations of flow and UVT combinations. The director may require the supplier to submit a matrix of flow and UVT conditions for the UV reactors.
(c) UV reactor inlet and outlet configurations shall meet the validated hydraulic distribution of flow conditions. The supplier can achieve this using one of the following approaches:
(i) The inlet and outlet configuration meets one of the conditions specified in Section 3.6.2 of the 2006 UVDGM.

(ii) Computational fluid dynamics, CFD-based modeling demonstrates that the given conditions of inlet and outlet piping with the UV installation provides equal or greater dose delivery. The CFD modeling shall be conducted at the minimum and maximum values of the validated range of flow, UVT, and lamp status.

(d) The UV system shall be capable of applying the required design dose with one out-of-service reactor or otherwise provide redundant treatment for target pathogens.

(e) The design shall allow isolation of each reactor for maintenance.

(f) The UV system shall include signals and alarms for the operation of the UV facility for the parameters necessary for dose monitoring algorithm, such as low UV dose, high flow rate, low UVT, UVT monitoring failure, UV sensor failure, off-specification event, Ground Fault Interrupt GFI, high water temperature, and low water level.

(g) Any chemicals used in the cleaning of the UV reactor components in contact with the drinking water such as quartz sleeves shall be certified as meeting the ANSI/NSF Standard 60 - Drinking Water Treatment Chemicals - Health Effects.

(h) The control system shall include a flow or time delay to permit a sufficient time for lamp warm-up, per manufacturer recommendations, before water flows from the unit upon startup.

(i) The supplier shall submit the dose monitoring approach of the UV system to the director for review and approval. The dose monitoring approaches shall meet the guidelines stated in the 2006 UVDGM or the 2020 IAUDRDWS.

(j) If the supplier uses a Programmable Logic Controller (PLC) or SCADA interface for a UV reactor's process control, the programming shall be in accordance with the validated dose monitoring algorithm and the validated conditions. The algorithm shall use inputs of flow, UV intensity sensor readings, lamps status, and UVT equal to or more conservative than values measured during the operation of the UV system.

(i) If the measured UVT is above the validated range, the dose algorithm shall use the maximum validated UVT as the input. If the measured flow rate is below the validated range, the dose algorithm shall use the minimum validated flow rate as the input.

(ii) If the dose algorithm uses relative lamp output determined from the UV intensity sensor readings as an input, the supplier shall base the relative lamp output on the measured UVT, even if it exceeds the maximum validated UVT.

(iii) A supplier shall program the UV reactor's PLC or microprocessor to record off-specification events for the following conditions:

(A) delivered UV dose less than the required dose;

(B) flow greater than the validated range;

(C) UVT less than the validated range;

(D) lamp status outside the validated range; and

(E) failure of UV sensors, flow meters, or on-line UVT monitors used in the dose calculation. Laboratory measurements of UVT may be used in the program until the on-line UVT monitor is repaired for a maximum of 30 days.

(4) A supplier shall have an operation and maintenance manual that follows the manufacturer's recommendation or the operation and maintenance guidelines stated in Sections 6.2 through 6.5 of the 2006 UVDGM.

R309-520-9. Ozone.

(1) Section R309-520-8 applies to ozone used for primary disinfection only.

(2) A supplier using surface water or GWUDI may not use ozone as the sole means of disinfection. A supplier shall provide an approved primary disinfectant as an alternative primary disinfectant to achieve the CT, log removal, or inactivation required for compliance. The alternative primary disinfectant shall be able to achieve the treatment requirements within 15 minutes so that the continuous duration of an off- specification event is limited to no more than 15 minutes.

(3) A supplier shall conduct a pilot study or bench scale study for surface water or GWUDI unless the director determines sufficient data is available from other studies performed on the same water source.

(a) The study shall determine the initial ozone demand, the rate of ozone decay, the minimum and maximum ozone dosages for the range of water conditions for disinfection "CT" compliance, and the ozone dosage required for other desired benefits.

(b) Pilot studies or bench scale studies shall consider the seasonal and other variations of the source water. A supplier shall ensure plans for pilot studies or bench scale studies are reviewed and approved by the director before starting the study.

(4) Ozone installations shall comply with the Utah Fire Code.

(5) Ozone generation systems shall meet the requirements in Subsections (a) through (d).

(a) The ozone system shall be designed with backup capability such that required inactivation can be achieved with one generator out of service.

(b) The ozone generators shall be housed:

(i) in an enclosed temperature-controlled building for protection; and

(ii) with ventilation capable of providing six or more air changes per hour in case of an ozone leak.

(c) The ozone generators shall be of the medium or high frequency type.

(d) Water-cooled ozone generators and water-cooled power supply units shall meet the requirements in Subsections (i) through (v).

(i) A supplier shall water-cool ozone generators and power supply units to manufacturer specifications. A supplier shall submit documentation demonstrating compliance with these specifications including water flow rate, pressure, and temperature to the division.

(ii) The design shall include appropriate cross connection control measures for the heat exchanger to prevent the contamination of the drinking water supply. Where cooling water is treated, a supplier shall provide cross connection control to prevent contamination of the drinking water supply. Steam condensation, engine jacket cooling water, or water used by heat exchange dryers may not return to the drinking water supply.

(iii) The design engineer shall specify the allowable maximum increase in cooling water temperature, which may not exceed 10 degrees Fahrenheit unless otherwise justified by manufacturer specifications and approved by the reviewing authority.

(iv) Where necessary, the design shall include provisions for cooling water treatment to minimize corrosion, scaling, and microbiological fouling of the water side of the tubes. The selection of any treatment method shall be justified and submitted for review.

(v) The director may require a supplier to use a closed-loop cooling water system to ensure proper water conditions are maintained.

(6) Ozone generator feed gas shall meet the requirements in Subsections (a) through (e).

(a) A supplier may use feed gas that is air, vaporized high purity liquid oxygen, or oxygen-enriched air.

(b) A supplier shall use oxygen that is generated on site or delivered in bulk.

(c) The design of the feed gas system shall ensure feed gas does not exceed the maximum dew point of -76 degrees F.

(d) Liquid oxygen feed gas system shall meet the requirements in Subsections (i) through (iii).

(i) A supplier shall size liquid oxygen storage tanks to provide a minimum of a 7-day supply to the ozone generators at the maximum operating rate.

(ii) A supplier shall provide two or more vaporizers to convert liquid oxygen to the gaseous form.

(iii) Vaporizers shall be capable of maintaining oxygen flow at the minimum design air temperature with one unit on standby.

(e) Air- or Oxygen-enriched air feed gas system shall meet the requirements in Subsections (i) though (iv).

(i) A supplier shall provide two or more air compressors to supply air.

(ii) The capacity of the compressors shall meet the demand during maximum ozone production and compressed air usage with the largest compressor out of service.

(iii) A supplier shall provide entrainment separators, refrigeration dryers, desiccant dryers, and filters as necessary to ensure a dried, dust-free, and oil-free feed gas to the ozone generators.

(iv) A supplier shall provide redundant equipment to ensure continuous operation when the largest equipment is out of service.

(7) Ozone contactors shall meet the requirements in Subsections (a) through (n).

(a) An ozone contactor shall consist of two or more chambers to introduce ozone into the water and achieve contact time.

(b) A supplier shall seal and maintain an ozone contactor at less than atmospheric pressure to prevent escape of ozone gas.

(c) The materials of construction shall be ozone-resistant.

(d) A supplier may inject ozone gas into the water by using positive pressure through bubble diffusers using porous-tube or dome diffusers. Alternatively, a supplier may inject ozone gas into the water by using side stream injection using negative pressure generated with a venturi.

(e) A supplier shall design ozone contactors to achieve a minimum transfer efficiency of 85%.

(f) A supplier shall provide sampling points in an ozone contactor to demonstrate CT.

(g) A supplier shall have provision for cleaning, maintenance, and drainage of the ozone contactor.

(h) A supplier shall equip each contactor chamber with an access hatchway or other means of entry.

(i) An ozone contactor shall have an emergency off-gas pressure-vacuum relief system to prevent damage to the unit.

(j) A supplier shall provide a system for worker safety at the end of the ozone contactor for compliance with OSHA standards. Ozone levels in the gas space above treated water that has exited the contactor may not exceed the established OSHA 8-hour exposure limit of 0.1 ppm.

(k) A supplier shall provide a system for treating the final off-gas from each ozone contactor. The off-gas treatment system shall have at least two units which are each capable of handling the entire off-gas flow. A supplier shall use a system using thermal destruction or catalytic destruction.

(l) A supplier shall provide exhaust blowers to draw off-gas from the contactor into the destruction units.

(m) A supplier shall provide a means of protecting the destruction units and piping from moisture and other impurities that may cause damage. The system shall include a means of draining condensation from the off-gas piping.

(n) The maximum allowable ozone concentration in the gas discharge from a destruction unit is 0.1 ppm by volume.

(8) For piping and connections, a supplier shall:

(a) use low carbon 304L and 316L stainless steel for ozone gas service;

(b) provide welded piping connections for ozone service;

(c) provide connections with meters, valves, or other equipment with flanged joints with ozone-resistant gaskets; and

(d) provide a positive-closing 90-degree turn isolation valve or other equivalent means in the piping between an ozone generator and a contactor for use when the contactor is not operating.

(9) Instrumentation and monitoring equipment shall include:

(a) a flow meter, temperature sensor, and pH sensor to monitor the influent water parameters of the ozone system;

(b) an ozone gas analyzer, a flow meter, and a temperature sensor on the gaseous ozone feed line going to the ozone injection point;

(c) dissolved ozone analyzers to measure the ozone residual concentration throughout the ozone contactor as needed to determine CT credit;

(d) an ozone gas analyzer on the gas discharge of each ozone destruction unit or combined vent gas discharge to determine the discharge ozone concentration;

(e) ambient ozone monitors in the vicinity of the ozone generators, the ozone contactors, the ozone destruction units, and other areas where ozone gas may accumulate;

(f) a dew point monitor on the feed gas line to the ozone generators; and

(g) instrumentation such as pressure gauges, temperature gauges, flow meters, and power meters as needed to monitor the feed gas system, ozone generators, power supply units, and cooling water to protect the equipment and monitor performance.

(10) Alarms and shutdowns requirements are in Subsections (a) through (c).

(a) An ambient ozone monitor shall activate an alarm when the ozone level exceeds 0.1 ppm. If atmospheric conditions cause nuisance alarms, the director may approve a higher alarm trigger level.

(b) Ozone generator shutdown shall occur when ambient levels exceed 0.3 ppm or lower in the vicinity of an ozone generator or a contactor. An ozone ambient monitor shall activate a local audible alarm or flashing light warning, in addition to an alarm at the operator control system panel.

(c) An alarm or shutdown shall prevent the dew point of the feed gas from exceeding -76 degrees F.

(11) Safety requirements are in Subsections (a) through (d).

(a) An operator of an ozone system shall receive site-specific training from the manufacturers of the ozone equipment or other professionals with experience in ozone treatment.

(b) A supplier shall receive an operations and maintenance manual from the manufacturer.

(c) A supplier shall install signs around ozone and liquid oxygen equipment to warn operators and emergency responders of the potential dangers.

(d) A supplier shall provide a means to reduce residual ozone levels in an ozone contactor or other equipment to safe levels before entry for repair, maintenance, or emergency.

R309-520-10. Chlorine Dioxide.

(1) A supplier shall use chlorine dioxide only as a primary disinfectant. A supplier shall obtain the director's approval for the storage and use of sodium chlorite before the preparation of final plans and specifications.

(2) A supplier shall submit a pre-design proposal for the use of chlorine dioxide to the division before the preparation of final plans and specifications. The proposal shall include:

(a) rationale for implementation of chlorine dioxide;

(b) chemicals to be used in the generation of chlorine dioxide;

(c) the make, model, and specifications for proposed chlorine dioxide generator;

(d) references of other drinking water installations of the proposed unit in the US;

(e) information on the operational and maintenance training program;

(f) the expected total applied dosage of chlorine dioxide and other disinfectants;

(g) points of application for disinfectants;

(h) type and quantity of residuals and byproducts expected in the distribution system; and

(i) strategy to limit potential for explosion.

(3) Chlorine dioxide generation requirements are in Subsections (a) through (f).

(a) A supplier shall use finished water for chlorine dioxide generation. A supplier shall protect the finished water line to the chlorine dioxide generator with a high hazard backflow prevention assembly.

(b) A supplier shall design chlorine dioxide generation to minimize excess production.

(c) The generator may not produce a solution with chlorine dioxide concentration more than 6,000 mg/L to minimize the explosion hazard.

(d) A supplier shall provide a means to measure concentrations of chlorite, chlorate, and free chlorine of the solution leaving the generator.

(e) A supplier shall equip the chlorine dioxide generator with a continuous chlorine dioxide analyzer to measure the strength of the solution leaving the generator.

(f) A supplier may not use generators which use solid chlorite.

(4) Chlorine Dioxide Feed system requirements are in Subsections (a) through (h).

(a) The system shall store sodium chlorite and hydrochloric acid in fiberglass reinforced vinyl ester plastic (FRP) or high density linear polyethylene (HDLPE) tanks without insulation.

(b) The system shall use positive displacement feeders where possible. If a supplier uses centrifugal pumps, the pump shall have Teflon packing material. Pump motors shall be totally enclosed, fan-cooled, have permanently sealed bearings, and have double mechanical seals or other means to prevent leakage.

(c) Tubing for conveying sodium chlorite or chlorine dioxide solutions shall be Type 1 PVC, polyethylene, or materials recommended by the manufacturer. Piping material shall be chlorinated PVC, vinyl ester, or Teflon. A supplier may not use carbon steel or stainless steel piping systems.

(d) The system shall include check valves to prevent the backflow of chlorine into the sodium chlorite line.

(e) The system shall include glass view ports for the reactor if it is not made of transparent material.

(f) The system shall include a calibration tube for each chemical feed line, dilution water line, and chlorine dioxide solution line.

(g) The maximum concentration of chlorite solutions shall be 30%.

(5) The chlorine dioxide operating area, which includes the chlorite storage and chlorine dioxide day tank area, requirements are in Subsections (a) through (p).

(a) A supplier shall properly store and handle sodium chlorite to eliminate any danger of explosion. The chlorine dioxide facility shall be in an independent room separated from other chemicals and treatment equipment.

(b) The chlorine dioxide facility shall be constructed of non-combustible materials.

(c) A supplier may not store or handle combustible or reactive materials, such as acids, reduced metals, or organic material in the chlorine dioxide operating area.

(d) The facility shall include observation windows to allow the operating area to be viewed from outside the room.

(e) Switches to the light in the operating area shall be outside the room.

(f) An emergency shower and eyewash shall be outside and close to the door of the operating area.

(g) An emergency shut-off control for flows to the generator shall be outside the operating area. Additionally, the capability to shut off the chlorine dioxide operation remotely shall be available.

(h) The chlorite tank and chlorine dioxide solution tank shall include vents. The vent shall discharge outside, discharge above grade, and have a No. 14 mesh non-corrodible screen cover at the end.

(i) Gaseous chlorine feed to the chlorine dioxide generator shall enter the chlorine dioxide facility area through lines which can only feed to vacuum.

(j) The operating area shall have wash-down water.

(k) The floor of the chlorine dioxide facility area shall slope to a sump. A chlorine dioxide operating area may not have a drain.

(l) Chlorine dioxide storage and chlorine dioxide solutions shall have secondary contaminants which can hold the entire volume of the vessel. The secondary containment shall have concrete curbs and a sump.

(m) A supplier shall store personal protective equipment and first aid kits at a nearby location that is outside the chlorine dioxide facility area.

(n) The chlorine dioxide area shall have a separation ventilation system from other operating areas to maintain the ambient air chlorine dioxide concentrations below the Permissible Exposure Limit (PEL).

(i) The ventilating fan shall take suction near the floor, as far as practical from the door and air inlet, with the point of discharge located to prevent contamination of air inlets to any rooms or structures.

(ii) Air inlets shall be provided near the ceiling.

(iii) Air inlets and outlets shall be louvered.

(iv) Switches for the fans shall be outside and near the entrance of the facility.

(o) The chlorine dioxide operating area shall have an ambient air chlorine dioxide sensor. The sensor shall trigger audible and visible alarms in the operating area and outside the door to the operating area.

(p) A supplier shall maintain the temperature of the chlorine dioxide operating area between 60 and 100 degrees F.

R309-520-11. Chloramines.

If a supplier desires to use chloramines as a disinfectant, the supplier shall submit a proposal to the director for review and approval. The director may determine the acceptability of chloramines as a disinfectant.

KEY: drinking water, primary disinfectants, secondary disinfectants, operation and maintenance
Date of Last Change: [~~November 16, 2015~~]2026
Notice of Continuation: February 10, 2025
Authorizing, and Implemented or Interpreted Law: 19-4-104

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Repeal and Readopt	**Filing ID: 58215**
Rule or section number:	**R414-2A**

1. Agency Information

Title catchline:	Health and Human Services, Integrated Healthcare
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 143325
City, state and zip:	Salt Lake City, UT 84114-3325

2. Contact Persons

Name:	**Phone:**	**Email:**
Craig Devashrayee	801-915-4493	cdevashrayee@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

3. General Information

A. Rule or section catchline:
R414-2A. Inpatient Hospital Services

B. Purpose of the new rule or reason for the change:
Based on an audit received from the Utah Office of Inspector General, the Department of Health and Human Services (department) determined this change is appropriate to clarify the 30-day readmission policy for Medicaid members admitted to inpatient hospitals. The department will not proceed with the proposed repeal and readopt of this rule published in the July 15, 2026, issue of the *Utah State Bulletin* (Bulletin) and will let that rulemaking lapse. (EDITOR'S NOTE: The proposed R&R on Rule R414-2A, ID 58093, was published in the July 15, 2026, Bulletin on page 79.)
C. Summary of the new rule or change:
To clarify the 30-day readmission policy for Medicaid members admitted to inpatient hospitals, the requirements of the repealed rule are updated and clarified in the readopted rule. Updated language: 1) restructures rule authority; 2) adds new definitions; 3) clarifies eligibility requirements; 4) restructures hospital admission requirements; 5) restructures provisions for inpatient psychiatric care; 6) updates coverage and limitations; 7) updates routine and ancillary services; 8) removes provisions for provider-preventable conditions; 9) updates provisions for utilization control; 10) updates provisions for cost sharing; and 11) describes provisions to pay providers.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The department does not anticipate a fiscal impact to the state budget because the readopted rule solely clarifies existing guidance on when Medicaid would cover a 30-day hospital readmission to the same hospital or an affiliated hospital within 30 calendar days of discharge from a prior inpatient admission.
B. Local governments:
The department does not anticipate a fiscal impact to local governments because they neither fund nor provide inpatient hospital services under the Medicaid program.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
The department does not anticipate a fiscal impact to small businesses because the hospital provisions in this rule do not apply to this group.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
The department does not anticipate a fiscal impact to hospitals that are non-small businesses because the readopted rule solely clarifies existing guidance on when Medicaid would cover a 30-day hospital readmission to the same hospital or an affiliated hospital within 30 calendar days of discharge from a prior inpatient admission.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
The department does not anticipate a fiscal impact to other persons and entities because the readopted rule solely clarifies existing guidance on when Medicaid would cover a 30-day hospital readmission to the same hospital or an affiliated hospital within 30 calendar days of discharge from a prior inpatient admission.

F. Compliance costs for affected persons:
The department does not anticipate any compliance costs for any single affected person or entity because the readopted rule solely clarifies existing guidance on when Medicaid would cover a 30-day hospital readmission to the same hospital, or an affiliated hospital within 30 calendar days of discharge from a prior inpatient admission.

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	$0
Total Fiscal Cost	**$**	**$**	**$**	**$**	**$**
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
Total Fiscal Benefits	$0	$0	$0	$0	$0
Net Fiscal Benefits	$0	$0	$0	$0	$0

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-1-213	Section 26B-3-108	

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	**Date:**	08/29/2026

R414. Health and Human Services, Integrated Healthcare.
R414-2A. Inpatient Hospital Services.
[~~R414-2A-1. Introduction and Authority.~~

~~This rule defines the scope of inpatient hospital services that are available to Medicaid members. This rule is authorized under Section 26B-3-108 and governs the services allowed under 42 CFR 440.10.~~

~~R414-2A-2. Definitions.~~

~~(1) "Admission" means the acceptance of a Medicaid member for inpatient hospital care and treatment when the member meets established criteria for severity of illness and intensity of service and the required service cannot be provided in an alternative setting.~~

~~(2) "Inpatient" is an individual whose severity of illness and intensity of service requires continuous care in a hospital.~~

~~(3) "Inpatient Hospital Intensive Physical Rehabilitation" means an intense program of physical rehabilitation provided in an inpatient rehabilitation hospital or an inpatient rehabilitation unit of a hospital.~~

~~(4) "Inpatient Hospital Services" are services that a hospital provides for the care and treatment of inpatients.~~

~~(5) "Observation services" means services, often less than 24 hours, including use of a bed and monitoring by hospital staff, which are reasonable and necessary to evaluate the medical condition or determine the need for a possible admission to the hospital.~~

~~(6) "Prepaid Mental Health Plan" means the Medicaid mental and/or substance use disorder managed care plan that covers inpatient and/or outpatient mental health services and outpatient substance use disorder services for PMHP-enrolled Medicaid members.~~

~~R414-2A-3. Member Eligibility Requirements.~~

~~Inpatient hospital services are available to categorically and medically needy individuals.~~

~~R414-2A-4. Hospital Admission Requirements.~~

~~(1) An inpatient hospital must meet Medicare participation requirements.~~

~~(2) Each hospital that provides inpatient services must have a utilization review plan as described in 42 CFR 482.30.~~

~~(3) Each hospital that accepts a Medicaid member for treatment is responsible to verify that the member receives all medically necessary services from Medicaid providers.~~

~~(4) Each hospital is financially responsible for any services a member receives from a non-Medicaid provider.~~

~~(5) Inpatient hospital intensive physical rehabilitation participation is subject to 42 CFR 482.56 and 42 CFR 412, Subpart B and Subpart P.~~

~~R414-2A-5. Prepaid Mental Health Plan.~~

~~Before admitting a Prepaid Mental Health Plan (PMHP) member for an inpatient psychiatric stay, a hospital must obtain prior authorization from the PMHP serving the member's county of residence. If the hospital is not contracted with the PMHP, the PMHP may choose to transfer the member to a contracted hospital.~~

~~R414-2A-6. Service Coverage.~~

~~(1) Inpatient hospital services must be medically necessary and ordered by an appropriate Medicaid enrolled provider for the diagnosis and treatment of a member's illness.~~

~~(2) Services performed for a member by the admitting hospital or by an entity wholly owned or wholly operated by the hospital within three days of patient admission, are considered inpatient services. This three-day window applies to diagnostic and non-diagnostic services that are clinically related to the reason for the member's inpatient admission regardless of whether the inpatient, outpatient, or observation diagnoses are the same.~~

~~(3) Medical supplies, appliances, drugs, and equipment required for the care and treatment of a member during an inpatient stay are included in the inpatient reimbursement.~~

~~(4) Outpatient hospital services during an inpatient episode are included in the inpatient reimbursement.~~

~~(5) Inpatient hospital psychiatric services are available to all Medicaid members. If the member is not enrolled in a PMHP, providers may bill the State directly on a fee-for-service basis. Otherwise, the provider must bill the member's PMHP.~~

~~(6) Inpatient hospital intensive physical rehabilitation services must meet the classification criteria of 42 CFR 412.29.~~

~~(7) Inpatient hospital intensive physical rehabilitation services are covered for acute conditions from birth through any age and are available one time per event.~~

~~R414-2A-7. Limitations.~~

~~Inpatient hospital care is limited to medical treatment of symptoms that lead to medical stabilization of the member. This medical stabilization care is irrespective of any underlying psychiatric diagnosis.~~

~~(1) Detoxification for a substance use disorder in a hospital shall meet the criteria in the Department's evidence-based criteria tool for inpatient detoxification. The Department does not cover any lesser level of detoxification in an inpatient hospital. The standards for the evidence-based criteria tool shall be in accordance with Section R414-1-12.~~

~~(2) Abortion procedures require prior authorization. Refer to Rule R414-1B.~~

~~(3) Sterilization and hysterectomy procedures require prior authorization and must meet the requirements of 42 CFR 441, Subpart F.~~

~~(4) Organ transplant services are governed by Rule R414-10A.~~

~~(5) Take-home supplies, dressings, non-rental durable medical equipment, and drugs are included in the inpatient reimbursement.~~

~~(6) Coverage of sleep studies requires sleep center accreditation through one of the following nationally recognized accreditation organizations:~~
~~(a) American Academy of Sleep Medicine (AASM);~~
~~(b) Accreditation Commission for Health Care (ACHC); or~~
~~(c) The Joint Commission (TJC).~~
~~(7) Hyperbaric oxygen therapy is limited to service in a facility in which the hyperbaric unit is accredited by the Undersea and Hyperbaric Medical Society. Hyperbaric oxygen therapy is therapy that places the member in an enclosed pressure chamber for medical treatment.~~
~~(8) Medicaid does not cover inpatient services solely for pain management. Pain management is adjunct to other Medicaid services.~~
~~(9) Inpatient rehabilitation services require prior authorization.~~
~~(10) Observation services are limited to cases where observation and evaluation is required to establish a diagnosis and determine the appropriateness of an inpatient admission or discharge. Observation is used to monitor the member's condition, complete diagnostic testing to establish a definitive diagnosis and formulate the treatment plan.~~
~~(a) Medicaid covers observation services with a physician's written order that outlines specific medically necessary reasons for the service, such as the member requires more evaluation to determine the severity of illness through laboratory, imaging, or other diagnostic test, and an order to continue monitoring for clinical signs and symptoms to determine improving or declining health status.~~
~~(b) Outpatient procedures include an uneventful recovery period.~~
~~(i) Observation is used to monitor complications of outpatient procedures beyond an uneventful recovery period.~~
~~(c) Medicaid does not cover observation services for convenience of the hospital, member or family, or when awaiting transfer to another facility.~~
~~(d) When an ordered hospital inpatient admission improves to the point of discharge with a stay less than 24 hours, the admission is covered as inpatient when documentation supports the medical necessity.~~
~~(e) Inpatient admissions solely for observation or diagnostic evaluation do not qualify for reimbursement under the diagnosis-related group (DRG) system.~~
~~(11) Medicaid does not cover admission solely for the treatment of eating disorders.~~
~~(12) Medicaid does not cover non-physician psychosocial counseling outside of the DRG.~~
~~(13) An undocumented immigrant who does not meet United States residency requirements may only receive emergency services, including emergency labor and delivery, to treat an emergency medical condition.~~
~~(a) Medicaid does not cover prenatal and post-partum services for undocumented immigrants.~~
~~(b) Medicaid does not cover prescriptions for a member who is eligible to receive emergency services only.~~
~~(14) Inpatient hospital intensive physical rehabilitation services are not covered when the condition and prognosis meet the requirements of placement into a long-term facility, skilled nursing facility, or outpatient rehabilitation service.~~
~~(15) Medicaid does not cover admission for deconditioning in an inpatient hospital intensive physical rehabilitation facility.~~
~~(16) Inpatient hospital intensive physical rehabilitation services for a member who has suffered a stroke or other cerebral vascular accident may be provided only when admission and therapy is initiated within the first 60 days after onset of the incident.~~

~~R414-2A-8. Provider-Preventable Conditions.~~
~~(1) Medicaid does not pay for Provider Preventable Conditions (PPC).~~
~~(a) Medicaid utilizes the Medicaid Severity-Diagnosis Related Group (MS-DRG) to identify a PPC.~~
~~(b) For inpatient hospital claims, Medicaid does not cover PPCs in Medicare crossover patients.~~
~~(c) To qualify as a PPC, one of the Medicare-listed diagnoses must develop during hospitalization.~~
~~(i) When present on admission, these diagnoses are not considered to be a PPC for that hospitalization.~~
~~(ii) Providers are expected to identify Present on Admission (POA) status for all diagnoses on each claim according to correct coding standards.~~
~~(d) Providers must assure that all PPC-related diagnoses, services, and charges are noted as "non-covered charges" on the claim.~~
~~(i) The Department does not use non-covered charges in calculating the hospital reimbursement.~~
~~(e) The Department shall deny PPC-related claims that result in an outlier payment and medical records will be required.~~
~~(i) Providers will receive Remittance Advice (RA) that confirms the occurrence of a PPC outlier claim.~~
~~(ii) The Department requires providers to know which medical records and other required documents are needed.~~
~~(iii) Upon RA notification of a PPC, the provider shall submit the following documents within 30 days:~~
~~(A) "Outlier PPC Medical Record Documentation Submission Form";~~
~~(B) Complete medical records from the associated hospital stay;~~
~~(C) Itemized bill (tab de-limited text file or Excel spreadsheet), including a detailed listing of PPC-related charges as non-covered charges, with total charges matching the total charges submitted on the claim.~~
~~(f) The Department will review and, if appropriate, re-process the claim based upon the review of the required documents submitted within the 30-day period of RA notification.~~
~~(g) The Department shall deny review of the claim unless the required documentation is submitted within 30 days of RA notification.~~
~~(h) The Department requires providers to report PPCs in accordance with Section R414-1-28.~~

~~R414-2A-9. Reporting Routine Services.~~
~~Routine services in a hospital must be included in a daily service charge, also referred to as room and board. These types of routine services that are not separately reported include:~~

~~(1) Room;~~
~~(2) Dietary services;~~
~~(3) Nursing services;~~
~~(4) Minor medical and surgical supplies;~~
~~(5) Medical and psychiatric social services;~~
~~(6) Use of hospital and facilities;~~
~~(7) Drugs, biologicals, supplies, appliances, and equipment, such as:~~
~~(a) Anything necessary or otherwise integral to the provision of a specific service, the delivery of services in a specific location, or both;~~
~~(b) Items and supplies that may be purchased over the counter;~~
~~(c) Reusable items, supplies, and equipment that are provided to all patients admitted to a given treatment area or unit receiving the same service;~~
~~(d) Certain other diagnostic or therapeutic services;~~
~~(e) Medical or surgical services provided by certain interns or residents-in-training; and~~
~~(f) Transportation services, including transport by ambulance.~~

~~R414-2A-10. Utilization Control and Review Program for Hospital Services.~~
~~The Hospital Utilization Review Program is administered and operated in accordance with Title 63A, Chapter 13.~~
~~(1) The purpose of the hospital utilization review program is to ensure:~~
~~(a) efficient and effective delivery of services;~~
~~(b) services are appropriate and medically necessary;~~
~~(c) service quality is maintained; and~~
~~(d) the State satisfies federal requirements for a statewide surveillance and utilization control program.~~
~~(2) The Hospital Utilization Review Program shall conduct assessments and audits to ensure the appropriateness and medical necessity of the following:~~
~~(a) Admissions to a hospital or a designated distinct part unit within a hospital;~~
~~(b) Transfers from one acute care hospital to another acute care hospital, or to an inpatient rehabilitation hospital or psychiatric unit in another acute care hospital (inter-facility transfer);~~
~~(c) Transfers from an acute care setting to an inpatient rehabilitation unit of a hospital or psychiatric unit within the same facility (intra-facility transfer);~~
~~(d) Continued stays;~~
~~(e) Services, surgical services and diagnostic procedures;~~
~~(f) Principal diagnosis, principal surgical procedure or both, reflected on paid claims to ensure consistency with the attending physician's determination and documentation as found in the member's medical record;~~
~~(g) Determine whether co-morbidity, as found on the claim, is correct and consistent with the attending physician's determination and compatible with documentation found in the member's medical record; and~~
~~(h) Quality of care.~~
~~(3) The Hospital Utilization Review Program shall conduct assessments and audits to determine:~~
~~(a) Appropriate utilization;~~
~~(b) Compliance with state and federal Medicaid regulations;~~
~~(c) Whether documentation meets state and federal requirements for sufficiency, and whether it accurately describes the status of services provided to the member; and~~
~~(d) Whether procedures that require prior authorization have been approved before the provision of services, except in cases that meet the criteria listed in the Utah Medicaid Section 1: General Information Provider Manual (Retroactive Authorization).~~
~~(4) The Hospital Utilization Review Program shall make determinations of medical necessity, appropriateness of care, and suitability of discharge planning in accordance with the following criteria and protocols:~~
~~(a) InterQual Criteria;~~
~~(b) Administrative rules or criteria developed by Medicaid for programs and services not otherwise addressed; and~~
~~(c) DRGs.~~
~~(5) Hospital Utilization Readmission Policy and Reviews.~~
~~(a) Whenever information available to the reviewer indicates the possibility of readmission to acute care within 30 days of the previous discharge, the staff administering and operating the Hospital Utilization Review Program may review any claim for:~~
~~(i) Readmission for the same or a similar diagnosis to the same hospital, or to a different hospital;~~
~~(ii) Appropriateness of inter-facility transfers; and~~
~~(iii) Appropriateness of intra-facility transfers.~~
~~(b) The Hospital Utilization Review Program shall review all suspected readmissions within 30 days of a previous discharge to ensure that Medicaid criteria have been met for severity of illness, intensity of service, and appropriate discharge planning and financial impact to the Department as noted in Subsection R414-2A-10(3).~~
~~(c) If a member is readmitted for the same or similar diagnosis within 30 days of discharge and, if after review as described in Subsection R414-2A-10(5)(b), program review staff determines that readmission does not meet the criteria in Subsection R414-2A-10(3)(b), then the payment shall be combined into a single DRG payment, unless it is cost effective to pay for two separate admissions. The first DRG (initial admission) shall be the DRG that is paid. This policy does not apply to cases related to pregnancy, neonatal jaundice, or chemotherapy.~~

~~(6) Definition, Policy Application.~~
~~(a) When applying policy, a similar diagnosis is defined as:~~
~~(i) Any diagnoses code with similar descriptors;~~
~~(ii) Any exchange or combination of principal and secondary diagnosis; and~~
~~(iii) Any other sets of principal diagnoses established to be similar by Utah Medicaid policy in written criteria and published to the hospitals prior to service dates.~~
~~(b) The evaluation criteria for utilization control are severity of illness, intensity of service, and cost effectiveness as noted in Subsection R414-2A-10(5)(b).~~
~~(7) Appropriate remedial action will be initiated for inappropriate readmissions when identified though the hospital utilization post-payment review process.~~
~~(8) Applicability to Outpatient Hospital Services.~~
~~(a) When a Medicaid member is readmitted to the hospital, or readmitted as an outpatient within 30 days of a previous discharge for the same or similar diagnosis, Medicaid will evaluate both claims to determine if they should be combined into a single payment or paid separately.~~
~~(9) Recovery of Funds.~~
~~(a) The Department shall recover payment when post-payment review finds that services are not medically necessary, not appropriate, or that quality of service is not suitable.~~
~~(b) The Department shall recover payment when it determines there is a violation of the 30-day re-admission policy.~~
~~(10) Hospital Utilization Review.~~
~~(a) Each month, the Hospital Utilization Review Program shall review at least 5 percent of a selected universe of claims adjudicated in the previous month. At least 2.5 percent of the claims shall be a random sample. Up to 2.5 percent may be a focused review on a specific service. A staff decision to focus on a specific service shall be made no later than the beginning of the sample cycle.~~
~~(b) The Department shall select the universe from paid inpatient hospital claims within the Data Warehouse. The universe from which the random sample is selected is defined as all inpatient hospital claims adjudicated before the beginning of the review cycle, except for:~~
~~(i) Claims showing, as a principal diagnosis, any International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM) delivery code in the ICD-10-CM Manual Chapter 15 -- Pregnancy, Childbirth, and the Puerperium, in the range of O00 through O9A.53, and other ICD-10-CM codes or DRG or DRGs as specified by policy or administrative decision.~~
~~(ii) Claims that show $0 payment by Medicaid;~~
~~(iii) Medicare crossover claims;~~
~~(iv) Claims with other codes or diagnoses determined by the review program staff to be inappropriate for review.~~
~~(c) The sample cycle shall begin on the first working day of each month.~~
~~(11) Utah State Hospital Utilization Review.~~
~~(a) The purpose of this utilization review is to ensure that Medicaid funds, as defined under 42 CFR 456, Subpart D, are expended appropriately and to ensure that services provided to Medicaid members at the Utah State Hospital (USH) are necessary and of high quality. Review program staff shall conduct oversight activities at USH.~~
~~(b) Oversight activities include quarterly clinical utilization reviews in which program staff review a sample of members who are under 21 years of age and are 65 years of age or older, and who were reviewed by USH utilization review staff during a previous quarter. These reviews are performed to:~~
~~(i) Evaluate the USH utilization process; and~~
~~(ii) Address the clinical topic selected for that quarter's review.~~
~~(c) Reviews of USH Quality Improvement and Quality Assurance programs are conducted to determine whether:~~
~~(i) The programs have been implemented in accordance with written hospital policy;~~
~~(ii) The programs are effective in meeting stated goals;~~
~~(iii) Improvements or modifications have been made to increase the effectiveness of program design.~~
~~(12) Applicability to Inpatient Psychiatric Care and Inpatient Rehabilitation Services.~~
~~(a) Provisions in the Hospital Utilization Review Program also apply to inpatient psychiatric care and inpatient rehabilitation services.~~

~~R414-2A-11. Cost Sharing.~~
~~A Medicaid member is responsible for a copayment as established in the Utah Medicaid State Plan and incorporated by reference in Rule R414-1.~~

~~R414-2A-12. Reimbursement.~~
~~Reimbursement for inpatient hospital services is in accordance with Attachment 4.19-B of the Utah Medicaid State Plan, which is incorporated by reference in Rule R414-1.~~]

R414-2A-1. Authority and Purpose.
(1) Section 26B-3-106 authorizes this rule.
(2)(a) This rule defines the scope of inpatient hospital services available to Medicaid members and is used in conjunction with Rule R414-1, the Utah Medicaid State Plan, as incorporated by reference in Rule R414-1, and other applicable state and federal requirements for the Utah Medicaid program.
(b) This rule governs the services allowed under 42 CFR 440.10 (2026).

R414-2A-2. Definitions.

(1) "30-day readmission" means an inpatient admission to the same hospital or an affiliated hospital within 30 calendar days of discharge from a prior acute inpatient admission.

(2) "Admission" means the acceptance of a Medicaid member for inpatient hospital care and treatment.

(3) "Affiliated hospital" or "same hospital" means a licensed facility billing under the same employer identification number as the initial discharging hospital.

(4) "Against medical advice" means an instance when a Medicaid member chooses to leave a hospital despite documented medical advice against discharge.

(5) "Clinically related" means a readmission for a diagnosis, condition, or complication that:

(a) is the same as, similar to, or a progression of the principal diagnosis of the initial admission;

(b) represents a known or reasonably foreseeable complication of care provided during the initial admission; or

(c) is determined by the department, based on evidence-based clinical standards and the medical record, to be causally linked to the initial admission.

(6) "Cost effectiveness" means achieving a desired outcome at the lowest possible cost while considering the definition of medically necessary service in Subsection R414-1-2(18) and how used resources align with Subsection R414-2A-9(1).

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

(8) "Discharge planning" means the process mandated by 42 CFR 482.43.

(9) "Healthy outcomes medical excellence" or "HOME" means a managed care entity operated by the University of Utah that contracts with the department to provide integrated physical health, mental health, and substance use disorder services to Medicaid members with a developmental disability and associated behavioral health needs.

(10) "Initial admission" means the original inpatient hospital stay from which the Medicaid member was discharged, which triggers the 30-day readmission review window.

(11) "Inpatient" means an individual whose severity of illness and intensity of service requires continuous care in a hospital.

(12) "Inpatient hospital intensive physical rehabilitation" means an intense program of physical rehabilitation provided in an inpatient rehabilitation hospital or an inpatient rehabilitation unit of a hospital.

(13) "Inpatient hospital services" means the services a hospital provides for the care and treatment of an inpatient.

(14) "Leave of absence" or "LOA" means a planned temporary absence from a hospital with the intent of returning for the continuation of the same or a similar course of treatment.

(15) "Managed care entity" means an organization that enters into a contract with the department to provide health care services to Medicaid members, which may include a managed care organization, a prepaid inpatient health plan, or a prepaid ambulatory health plan.

(16) "Medicaid Enterprise System" or "MES" means the mechanized claims processing and information retrieval system, including modular software and hardware, used by the department to manage, monitor, and administer Medicaid program operations, including transaction processing, service utilization review, and management reporting.

(17) "Non-covered day" means the portion of an acute inpatient hospital stay for which the department does not provide coverage or reimbursement, including:

(a) a day associated with an interrupted stay when a Medicaid member is discharged and subsequently returns, creating a gap in acute care services;

(b) a day categorized as custodial care, when services are provided primarily to meet personal needs or activities of daily living rather than active medical or nursing intervention;

(c) a day for services that are not approved or covered by the Utah Medicaid State Plan;

(d) a day used for Medicaid member or family convenience, including a stay extended for comfort or personal preference beyond the point of medical stability;

(e) a day when a Medicaid member is medically ready for discharge but remains in the hospital awaiting placement in a lower level of care, such as a nursing facility;

(f) a day when a Medicaid member's clinical status does not meet the established criteria for medical necessity, severity of illness, or intensity of service;

(g) a period when a Medicaid member is out of the hospital on a leave of absence; and

(h) the period between a preventable initial discharge and a subsequent readmission, as described in Section R414-2A-9.

(18) "Non-preventable readmission" means a readmission that is not a planned readmission and is not a preventable readmission, as determined through review of a medical record under Section R414-2A-9.

(19) "Observation services" means services, including use of a bed and monitoring by hospital staff, which are reasonable and necessary to evaluate the medical condition or determine the need for possible admission to the hospital.

(20) "Planned readmission" means a readmission that is scheduled or expected as part of the Medicaid member's documented plan of care for the condition treated in the initial admission, including a planned staged procedure, planned continuation of treatment, or a documented leave of absence with intent to return for continuation of the same or similar course of treatment, as supported by the medical record.

(21) "Prepaid mental health plan" or "PMHP" means a managed care entity that contracts with the department to provide mental health and substance use disorder services to a Medicaid member.

(22) "Present on admission status" or "POA status" means the status reported for each principal and secondary diagnosis to distinguish between a condition that existed at admission and a condition that developed subsequently.

(23) "Preventable readmission" means a clinically related readmission for which the department determines, based on the medical record from the initial admission and the readmission, that the provider failed to demonstrate compliance with at least one discharge-transition requirement.

(24) "Program" means the statewide surveillance and utilization control program for hospital services, administered in accordance with 42 CFR 456 and Title 63A, Chapter 13, Office of Inspector General of Medicaid Services.

(25) "Provider-preventable condition" means a condition that is:

(a) a health care-acquired condition, as defined in 42 CFR 447.26(b); or

(b) an other provider-preventable condition, as defined in 42 CFR 447.26(b), and as identified in the Utah Medicaid State Plan.

(26) "Single episode of care payment" means the consolidation of reimbursement for an initial stay and a clinically related readmission into one prospective payment.

(27) "Utah Medicaid Integrated Care" or "UMIC" means a managed care entity that contracts with the department to provide integrated medical and behavioral health services, including mental health and substance use disorder services, to a Medicaid member.

R414-2A-3. Medicaid Member Eligibility Requirements.

Inpatient hospital services are available to a Medicaid member who meets the eligibility requirements established in Rule R414-1.

R414-2A-4. Hospital Admission Requirements.

(1) An inpatient hospital shall meet the conditions of participation, as established in 42 CFR 482.

(2) Each hospital shall ensure that services provided to a Medicaid member are medically necessary, as described in Subsection R414-1-2(18).

(a) Coverage of inpatient admissions requires the Medicaid member to meet established criteria for severity of illness and intensity of service.

(b) The required service, as described in Subsection (2)(a), cannot be provided in an alternative setting.

(3) Each hospital providing inpatient hospital services shall have a written utilization review (UR) plan, as described in 42 CFR 482.30, that provides for the review of each Medicaid member's need for the services the hospital furnishes.

(4) Each hospital shall comply with the provider and Medicaid member agreement requirements established in Section R414-1-13.

(5) For a Medicaid member receiving psychiatric services, the hospital shall ensure the admission is medically necessary, as defined in Subsection R414-1-2(18), and shall comply with the certification, recertification, and plan of care requirements described in 42 CFR 441, Subpart D.

(6) Inpatient hospital intensive physical rehabilitation participation is subject to 42 CFR 482.56 and 42 CFR 412, Subparts B and P.

R414-2A-5. Inpatient Psychiatric Services and Managed Care.

(1) Before admitting a Medicaid member of a PMHP for an inpatient psychiatric stay, the facility providing services must obtain prior authorization from the managed care entity responsible for the Medicaid member's psychiatric benefits. This includes:

(a) the PMHP serving the Medicaid member's county of residence; or

(b) the UMIC plan or HOME program plan in which the Medicaid member is enrolled.

(2)(a) A managed care entity is responsible for determinations of coverage and reimbursement of inpatient hospital psychiatric services for the managed care entity's enrolled Medicaid members.

(b) The department is responsible for determinations of coverage and reimbursement of admissions when a Medicaid member is not enrolled in a managed care entity responsible for psychiatric services.

(3) A managed care plan shall cover a psychiatric-related inpatient stay for a Medicaid member in accordance with the certification and recertification requirements of 42 CFR 441.152.

R414-2A-6. Service Coverage.

(1) Inpatient hospital services shall be medically necessary and ordered by an appropriate Medicaid-enrolled provider for the diagnosis and treatment of a Medicaid member's illness.

(2) The department covers the overall inpatient hospital services of an admitting hospital or entity wholly owned or wholly operated by a hospital within three days of admission.

(3) The three-day window established in Subsection (2) applies to diagnostic and non-diagnostic services clinically related to the reason for admission, regardless of whether the inpatient, outpatient, or observation diagnoses are the same.

(4) Services performed for a Medicaid member by the admitting hospital or an affiliated hospital within 30 calendar days of discharge from a prior acute inpatient admission for a clinically related diagnosis are subject to review as a preventable readmission or planned readmission.

(5) If the department determines the readmission is a preventable readmission or planned readmission, the claims shall be consolidated and reported as a single episode of care resulting in a single payment.

(a) The department shall determine preventable readmission in accordance with Subsection R414-2A-2(23) and Section R414-2A-9.

(b) An exception to claim consolidation may only be granted when the department determines, and documents in the program's review record, that separate reimbursement is more cost effective to the department than a single episode of care payment.

(6) Medical supplies, appliances, drugs, and equipment required for the care and treatment of a Medicaid member during an inpatient stay are included in the inpatient reimbursement.

(7) Outpatient hospital services during an inpatient episode are included in the inpatient reimbursement.

(8) Inpatient hospital psychiatric services shall be medically necessary, as defined in Subsection R414-1-2(18), and shall comply with this rule and the Utah Medicaid Hospital Services Provider Manual, as incorporated by reference in Rule R414-1.
(9) Inpatient hospital intensive physical rehabilitation services shall meet the classification criteria of 42 CFR 412.29.
(10) The department shall cover inpatient hospital intensive physical rehabilitation services for acute conditions from birth through any age and are available one time for any given event.

R414-2A-7. Limitations.
(1)(a) Inpatient hospital services shall be limited to medical treatment of symptoms that lead to medical stabilization of the Medicaid member.
(b) Medical stabilization care described in Subsection (1)(a) shall be provided irrespective of any underlying psychiatric diagnosis.
(2) Detoxification in a hospital for a substance use disorder shall meet the evidence-based threshold for clinical instability criteria for inpatient detoxification.
(a) The department may not cover any lesser level of detoxification in an inpatient hospital.
(b) The standards for evidence-based thresholds for clinical instability shall be in accordance with Section R414-1-12.
(3) An inpatient hospital may only perform an abortion procedure in accordance with Rule R414-1B.
(4) An inpatient hospital may only perform a sterilization or hysterectomy procedure in accordance 42 CFR 441, Subpart F.
(5) The department shall govern organ transplant services in accordance with Rule R414-10A.
(6)(a) Take-home supplies, dressings, non-rental durable medical equipment, and drugs provided by a hospital at the time of discharge are included in the inpatient reimbursement and are not separately reportable.
(b) Subsection (6)(a) does not apply to durable medical equipment (DME) or supplies provided by an external Medicaid-enrolled DME provider for use in a Medicaid member's home after discharge.
(7) An inpatient hospital that performs sleep studies and hyperbaric oxygen therapy must follow evidence-based standards of care to qualify for determinations of inpatient coverage of services.
(8) The department does not cover inpatient hospital services solely for pain management, except when required to stabilize an emergency medical condition, as defined in Section R414-1-2. The department otherwise covers pain management adjunct to other covered services.
(9) Observation services are not an inpatient service and are governed in accordance with Rule R414-3A.
(10) The department may not cover an inpatient admission when the Medicaid member's severity of illness does not match the acuity level of care required for an inpatient stay.
(11) The department may not cover admission solely for the treatment of an eating disorder unless the Medicaid member meets the evidence-based threshold for clinical instability.
(12) The department shall govern services provided to an individual with undocumented immigration status in accordance with Rule R414-518.
(13) The department may not cover an inpatient hospital intensive physical rehabilitation services admission for deconditioning.
(14) Inpatient hospital intensive physical rehabilitation services for a Medicaid member who has suffered a stroke or other cerebral vascular injury shall be provided based on current medical necessity and clinical instability.
(15) The department may not cover an inpatient admission primarily for the provision of services determined by the department to be:
(a) experimental;
(b) investigational; or
(c) furnished outside of evidence-based standards of care.
(16) The department shall issue a technical denial when a provider fails to submit complete medical records within 30 days of a written request in accordance with Section R414-1-14.
(a) For purposes of readmission review, complete medical records must include at least:
(i) an admission history and physical;
(ii) a discharge summary;
(iii) a discharge planning documentation required under 42 CFR 482.43;
(iv) a medication reconciliation; and
(v) documentation of follow-up care for any high-risk condition.
(b) The department shall conduct the recovery of funds resulting from a technical denial in accordance with Section R414-1-14.
(17) The department may not cover or reimburse a provider-preventable condition in accordance with 42 CFR 447.26 and Attachment 4.19-A of the Utah Medicaid State Plan.

R414-2A-8. Routine and Ancillary Services.
(1)(a) Routine services, including supplies, items, or services integral to a Medicaid member's care or specific service delivery, are comprised in the daily room and board facility charge and are not be reported separately. An inpatient hospital shall provide these services in accordance with the definition of inpatient hospital services ordinarily furnished in a hospital under 42 CFR 440.10 and 42 CFR 409, Subpart B.
(b) Additional reporting requirements are maintained in the Utah Medicaid Hospital Services Provider Manual.
(2) Services that may be reported separately from the inpatient hospital facility payment are outlined in 42 CFR 409, the Utah Medicaid State Plan, and the Utah Medicaid Hospital Services Provider Manual.

R414-2A-9. Statewide Surveillance and Utilization Control Program for Hospital Services.

The program is administered and operated in accordance with Title 63A, Chapter 13, Office of Inspector General of Medicaid Services, and 42 CFR 456.

(1) The department shall implement a statewide program of surveillance and utilization control for hospital services that meets the state and federal requirements to:

(a) safeguard against unnecessary or inappropriate use of Medicaid services and excess payments;

(b) ensure that each hospital furnishing inpatient hospital services has a written UR plan that provides for the review of an individual's need for the services the hospital furnishes;

(c) conduct ongoing evaluations of the medical necessity, appropriateness, cost effectiveness, and quality of inpatient hospital services, including medical record reviews to verify physician certifications and plans of care services are appropriate, cost effective, and medically necessary;

(d) promote the most effective and efficient use of available health facilities and services consistent with individual needs and professionally recognized standards of health care;

(e) initiate appropriate remedial action or recovery of funds when a review identifies:

(i) inappropriate utilization;

(ii) substandard quality of care;

(iii) inadequate discharge planning that did not include assessment of:

(A) post-discharge needs;

(B) functional status;

(C) necessary follow-up care; and

(D) community resources; or

(iv) a failure to comply with state and federal Medicaid regulations.

(2) The program shall conduct assessments and audits to ensure medical necessity, appropriate utilization, and cost effectiveness of:

(a) each admission to a hospital or a designated distinct part unit, including a review of any suspected 30-day readmission to determine clinical relatedness and preventability within a hospital;

(b) each inter-facility transfer between acute care hospitals, inpatient rehabilitation hospitals, or psychiatric units;

(c) each intra-facility transfer from an acute care setting to a specialized unit within the same facility;

(d) evaluation of whether the medical record demonstrates safe discharge, including whether discharge planning complied with 42 CFR 482.43 and whether documentation supports separate reimbursement for a subsequent clinically related admission, as described in Subsection (5);

(e) coding and documentation integrity that:

(i) match the attending physician's documentation in the medical record;

(ii) verify any principal diagnosis and surgical procedure; and

(iii) verify the accuracy of POA status for every principal and secondary diagnosis to determine if the cause of readmission developed post-discharge; and

(f) ongoing review to ensure services are safely administered, evidence-based, and patient-centered.

(3) The program shall conduct assessments and audits to determine appropriate utilization, such as:

(a) compliance, including:

(i) adherence to state and federal Medicaid regulations; and

(ii) compliance with the department's published policies and procedures, including the Utah Medicaid Hospital Services Provider Manual;

(b) cost effectiveness;

(c) medical necessity, as defined in Subsection R414-1-2(18);

(d) whether documentation meets state and federal requirements for sufficiency, accurately describes the status of services provided to the Medicaid member, and includes mandatory post-discharge reporting for high-risk conditions; and

(e) whether procedures that require prior authorization have been approved before the provision of services.

(4) Exceptions to the program requirement to conduct assessments and audits to determine appropriate utilization must be in accordance with the policies outlined in the Utah Medicaid Section I: General Information Provider Manual, incorporated by reference in Rule R414-1.

(5) The program shall make determinations of medical necessity, appropriateness of care, cost effectiveness, and suitability of discharge planning in accordance with:

(a) standardized clinical review criteria used to assess whether a readmission is clinically related and the medical record demonstrates compliance with discharge-transition requirements material to safe discharge, including discharge planning, care coordination, medication reconciliation, follow-up arrangements, and access to post-acute care when clinically indicated;

(b) the clinically based, patient-focused medical review determined by the department;

(c) rule or criteria developed by the department for any program or service not otherwise addressed by evidence-based tools;

(d) the prospective payment methodology and clinical logic used to categorize inpatient stays; and

(e) requirements that:

(i) each clinical review tool, standardized criteria, and payment logic used by the program to evaluate medical necessity, preventability, or cost effectiveness is applied to inform, but does not supplant, the department's regulatory authority under this rule;

(ii) each determination of coverage, reimbursement, consolidation of claims, and recovery of funds is governed by rule, the Utah Medicaid State Plan, and applicable federal law;

(iii) in determining whether a readmission is preventable, the program shall evaluate if the medical record demonstrates, as clinically indicated for the Medicaid member's condition:

(A) that inpatient hospital level of care was no longer medically necessary at the time of discharge and that discharge to the next setting of care was appropriate;

(B) discharge planning consistent with 42 CFR 482.43, including timely identification of post-discharge needs, discharge planning evaluation, and inclusion of the evaluation in the medical record;

(C) documented care coordination, medication reconciliation, transmission of necessary clinical information, or timely follow-up arrangements needed for safe discharge; or

(D) documented patient or caregiver education, or access to medically necessary post-acute services, supplies, or community-based supports, needed for safe discharge; and

(iv) the department's determination of a preventable readmission shall be based on the presence, absence, insufficiency, or untimely completion of documentation in the medical record and on whether the documented discharge process reasonably supports separate reimbursement for the later admission.

(6)(a) The program shall review any readmission to an affiliated hospital or the same hospital, as defined in Section R414-2A-2, occurring within 30 days of a previous discharge from an admission.

(b)(i) The program shall evaluate each readmission to ensure compliance with Medicaid criteria for clinical stability at discharge and the adequacy of discharge planning in accordance with Subsection (5).

(ii) The department shall determine whether a readmission is preventable if the medical record does not demonstrate discharge planning consistent with 42 CFR 482.43.

(c) If a Medicaid member is readmitted for the same or a clinically related diagnosis, as defined in Section R414-2A-2, the department shall require the billing entity to combine the initial and readmission claims into a single episode of care, resulting in a consolidated diagnosis-related group (DRG) payment, if the department determines that the readmission is:

(i) a planned readmission, including a leave of absence; or

(ii) a preventable readmission based on the standards in Subsection (5).

(d) The department shall exempt a 30-day readmission from claims consolidation, and allow separate reimbursement, for the following exception and exclusion categories:

(i) a transfer to a different facility billing under a different taxpayer identification number for a higher level of care;

(ii) an admission to specialized, non-acute inpatient facility types that include:

(A) an inpatient rehabilitation facility or designated unit;

(B) a psychiatric inpatient facility;

(C) a long-term acute care hospital;

(D) a critical access hospital; or

(E) a cancer specialty hospital;

(iii) a planned therapeutic admission for chemotherapy, radiation, dialysis, or blood transfusion;

(iv) a high-risk complex clinical condition that includes:

(A) sickle cell disease, trait, or anemia;

(B) hepatic failure or cirrhosis of the liver; or

(C) a complication of a transplanted organ or tissue;

(v) an obstetrical admission;

(vi) a neonatal or newborn admission; or

(vii) a readmission in which a patient left the initial admission against medical advice.

(e) The department shall only reimburse a 30-day readmission as a separate claim if:

(i) the readmission is determined to be a non-preventable readmission; or

(ii) the diagnosis falls under a specific exclusion category defined in the Utah Medicaid Hospital Services Provider Manual.

(f) Any exclusion category referenced in the Utah Medicaid Hospital Services Provider Manual shall be:

(i) published before the dates of service under review;

(ii) applied uniformly to similarly situated providers; and

(iii) consistent with the authority granted under this rule.

(g) The program shall retain written justification supporting the determination for audit and appeal purposes when the department authorizes separate reimbursement under a cost effectiveness exception.

(7) The department may apply this rule through both pre-payment and post-payment mechanisms, including claim edits, manual reviews, audits, and recovery actions, in accordance with 42 CFR Part 456 and Section R414-1-14.

(a) The department shall use pre-payment mechanisms, including any programmatic edit and claim review process within the MES, to identify any potential 30-day readmission and ensure each claim is appropriately reviewed before payment in accordance with this rule.

(b) The program shall conduct post-payment monitoring to identify any:

(i) inappropriate readmission;

(ii) unauthorized transfer;

(iii) failure to comply with documentation standards; or

(iv) noncompliance with this rule.

(c) The department shall recover payment for a subsequent admission when the program determines:

(i) the readmission violated the single episode of care payment requirements;

(ii) the readmission was a planned readmission;

(iii) the readmission was a preventable readmission, based on the standards in Subsection R414-2A-2(23); or

(iv) the provider failed to comply with mandatory discharge planning, documentation, or reporting requirements for a high-risk condition.

(8)(a) The program shall initiate appropriate remedial action when post-payment monitoring or a utilization review identifies an inappropriate readmission, unauthorized transfer, or pattern of noncompliance with the single episode of care payment requirements.

(b) Remedial action may include:

(i) directing the provider to correct a billing error through claim adjustment and consolidation;

(ii) implementation of a provider-specific proactive pre-payment review strategy for future claims; or

(iii) the department conducting recovery of funds for any overpayment identified during the review process in accordance with Section R414-1-14.

(c) When the program identifies a systemic pattern of preventable readmissions or inadequate discharge planning, the department may require the provider to develop and implement a formal quality improvement plan to address any root cause of care transition failure.

(9) As applied to outpatient hospital services, a Medicaid member who is readmitted to the hospital as an inpatient or treated in an outpatient hospital setting within 30 days of a previous discharge for the same or clinically related diagnosis, the program shall evaluate both claims.

(10)(a) The department shall recover payment when the program finds that:

(i) services are not medically necessary;

(ii) services are not medically appropriate, as defined in Section R414-1-2, including experimental, investigational, or unproven practices described in Rule R414-1A, unless such practices are part of a qualifying clinical trial, as defined in Section 210 of the Consolidated Appropriations Act of 2021 and the Utah Medicaid Section I: General Information Provider Manual; or

(iii) the quality of service is not aligned with evidence-based standards of care.

(b) The department shall recover payment when a review determines there is a violation of the 30-day readmission policy described in Subsection (6), including:

(i) a readmission that violates the single episode of care payment requirements described in Subsection (5), including a readmission for which the medical record does not demonstrate compliance with discharge-transition requirements material to safe discharge;

(ii) failure of a provider to combine claims for a planned readmission or a preventable readmission into a single episode of care payment; or

(iii) failure to comply with documentation or reporting requirements.

(c) If the department determines a readmission is a preventable readmission or planned readmission, the provider shall cancel the original separate claim and resubmit a consolidated claim to receive reimbursement in accordance with the department's billing instructions.

(d) The department shall conduct recovery of funds in accordance with the overpayment and refund procedures established in Section R414-1-14.

(i) A provider shall refund the payment upon written request from the department.

(ii) If a provider refuses to grant access to records or services cannot be verified:

(A) the provider shall refund the funds; or

(B) the department may deduct an equal amount from a future reimbursement.

(iii) Unless appealed, a provider shall refund Medicaid within 30 days of written notification.

(e) When the department notifies a provider that the provider shall consolidate a readmission into a single episode of care payment, the provider shall:

(i) cancel the separate claims;

(ii) submit a consolidated claim reflecting the combined episode; and

(iii) comply with timelines and billing instructions issued by the department.

(11) The program shall conduct utilization review procedures for the Utah State Hospital (USH) in accordance with 42 CFR 456, Subpart D to ensure that Medicaid funds are expended appropriately and services to Medicaid members at USH are necessary and of high quality.

(12) The program shall implement policies that apply to inpatient psychiatric care and inpatient rehabilitation services.

(a) The program shall evaluate each readmission to an inpatient psychiatric or rehabilitation facility for clinical relatedness and preventability, as described in Subsection (5).

(b) The program shall apply a single episode care of payment for any determination of a preventable readmission or planned readmission within these specialized settings, and the determination is subject to the documentation standards outlined in the Utah Medicaid Hospital Services Provider Manual.

R414-2A-10. Cost Sharing.

(1) A Medicaid member is responsible for cost sharing as established in the Utah Medicaid State Plan and Rule R414-1.

(2) For readmissions consolidated into a single episode of care payment under Subsection R414-2A-9(6)(c), the Medicaid member may only be responsible for the cost sharing requirements associated with the initial admission.

(3) A provider may not collect additional copayment from a Medicaid member for a readmission that the department determines to be a preventable readmission or a planned readmission.

R414-2A-11. Reimbursement.

(1) The department shall reimburse a provider for inpatient hospital services in accordance with Attachment 4.19-A of the Utah Medicaid State Plan.

(2) For the purposes of determining a hospital length of stay, the day of admission is counted as a full day, and the day of discharge is not counted.

(3) The department shall provide a single episode of care payment for a readmission determined to be a preventable readmission or planned readmission, as defined in Section R414-2A-2.

(a) Any day between the initial discharge and the readmission is considered a non-covered day.

(b) Each non-covered day between a discharge and a readmission is not eligible for separate reimbursement.

(c) The department may not provide separate reimbursement for any portion of an episode that is a preventable readmission or planned readmission.

(4) The department may not reimburse for a non-covered day, as defined in Section R414-2A-2, including any day lacking medical necessity or custodial care or used for patient convenience.

(5) The department shall reimburse a 30-day readmission as a separate claim if:

(a) the readmission is determined to be a non-preventable readmission;

(b) the diagnosis falls under a specific exclusion category listed in Subsection R414-2A-9(6)(d) and published in the Utah Medicaid Hospital Services Provider Manual; or

(c) the department determines that separate reimbursement is more cost effective to the department than a single episode of care payment.

(6) If a readmission involves a transfer between a DRG reimbursed unit and a non-DRG specialized unit within the same hospital, the department shall determine the primary reimbursement methodology for the combined episode.

(7) Requirements for claim submission, reporting of a non-covered day, and other operational billing procedures are maintained in the Utah Medicaid Hospital Services Provider Manual.

KEY: Medicaid
Date of Last Change: [~~November 10, 2023~~]2026
Notice of Continuation: September 14, 2022
Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-3-108; 26B-3-110

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58202**
Rule or section number:	**R414-11**

1. Agency Information

Title catchline:	Health and Human Services, Integrated Healthcare
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 143325
City, state and zip:	Salt Lake City, UT 84114-3325

2. Contact Persons

Name:	Phone:	Email:
Craig Devashrayee	801-915-4493	cdevashrayee@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

3. General Information

A. Rule or section catchline:
R414-11. Podiatric Services
B. Purpose of the new rule or reason for the change:
Based on discussions within the Division of Integrated Healthcare (division), it was determined that this amendment is appropriate to implement by rule existing Medicaid policy regarding services and payment for podiatric services that are currently being implemented through the Medicaid State Plan and the Physician Services Utah Medicaid Provider Manual.

C. Summary of the new rule or change:
This amendment implements, by rule, Medicaid policy for podiatric services that includes requirements for eligibility, requirements for program access, service coverage, and reimbursement.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Department of Health and Human Services (department) does not expect a fiscal impact to the state budget as the department already implements this policy through the Medicaid State Plan and the Physician Services Utah Medicaid Provider Manual. Procedures for implementing these provisions are already in place, and this filing does not add to, modify, or remove any associated processes.
B. Local governments:
The department does not expect a fiscal impact to local governments as they neither fund nor provide podiatric services under the Medicaid program.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
The department does not expect a fiscal impact to small businesses as the department already implements this policy through the Medicaid State Plan and the Physician Services Utah Medicaid Provider Manual. Procedures for implementing these provisions are already in place, and this filing does not add to, modify, or remove any associated processes.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
The department does not expect a fiscal impact to non-small businesses as the department already implements this policy through the Medicaid State Plan and the Physician Services Utah Medicaid Provider Manual. Procedures for implementing these provisions are already in place, and this filing does not add to, modify, or remove any associated processes.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
The department does not expect a fiscal impact to Medicaid members or entities outside of government or business as the department already implements this policy through the Medicaid State Plan and the Physician Services Utah Medicaid Provider Manual. Procedures for implementing these provisions are already in place, and this filing does not add to, modify, or remove any associated processes.
F. Compliance costs for affected persons:
The department does not expect any compliance costs for affected persons, including the state, a small or non-small business, a Medicaid member, or a single entity outside of government or business, as the department already implements this policy through the Medicaid State Plan and the Physician Services Utah Medicaid Provider Manual. Procedures for implementing these provisions are already in place, and this filing does not add to, modify, or remove any associated processes.

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	$0
Total Fiscal Cost	**$**	**$**	**$**	**$**	**$**
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
Total Fiscal Benefits	$0	$0	$0	$0	$0
Net Fiscal Benefits	$0	$0	$0	$0	$0

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-1-213	Section 26B-3-108	

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	**Date:**	08/28/2026

R414. Health and Human Services, Integrated Healthcare.
R414-11. Podiatric Services.
R414-11-1. [~~Introduction~~]Authority and Purpose.

[~~The Podiatric Services program provides a scope of services for Medicaid recipients in accordance with the Podiatric Services Utah Medicaid Provider Manual and Attachment 4.19-B of the Medicaid State Plan, as incorporated into Section R414-1-5.~~](1)(a) Sections 26B-1-213 and 26B-3-108 authorize this rule.

(b) 42 CFR 440.60 (2026) and Attachments 3.1-A, 3.1-B, and 4.19-B of the Utah Medicaid State Plan authorize podiatric services.

(2) This rule outlines eligibility, access requirements, coverage, limitations, and reimbursement for podiatric services.

R414-11-2. Definitions.

"Podiatric services" means, in accordance with Section 58-5a-102, the examination, diagnosis, or treatment medically, mechanically, or surgically of an ailment of the human foot.

R414-11-3. Member Eligibility Requirements.

To be eligible for podiatric services, an individual must be an eligible Medicaid member.

R414-11-4. Program Access Requirements.

(1) An eligible Medicaid member may only obtain podiatric services from a provider enrolled with Medicaid.

(2) A qualified healthcare professional, acting within the professional's scope of practice, may provide podiatric services.

R414-11-5. Service Coverage.

The podiatric services program provides a scope of services for Medicaid members in accordance with the Physician Services Utah Medicaid Provider Manual.

R414-11-6. Reimbursement Methodology.

Reimbursement for podiatric services shall be in accordance with Attachment 4.19-B of the Utah Medicaid State Plan.

KEY: Medicaid
Date of Last Change: [~~November 10, 2023~~]2026
Notice of Continuation: November 7, 2023
Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-3-108

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: New	**Filing ID: 58205**
Rule or section number:	**R414-340**

1. Agency Information

Title catchline:	Health and Human Services, Integrated Healthcare
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 143325
City, state and zip:	Salt Lake City, UT 84114-3325

2. Contact Persons

Name:	Phone:	Email:
Craig Devashrayee	801-915-4493	cdevashrayee@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

3. General Information

A. Rule or section catchline:
R414-340. Health Care Transparency and Accountability
B. Purpose of the new rule or reason for the change:
In accordance with HB 566, passed in the 2026 General Session, the purpose of this proposed rule is to implement new rulemaking requirements from Sections 26B-3-1202 and 26B-3-1203 that address transparency within the Medicaid program in relation to payments, published reports, and data submitted by managed care plans.
C. Summary of the new rule or change:
This rule establishes procedures for the Division of Integrated Healthcare (division) to develop and maintain a Medicaid data dashboard with information furnished by managed care plans.

It also sets forth obligations for risk contractors and subcontractors regarding dashboard data submissions, improper payment identification and remediation, and sanctions for noncompliance by risk contractors of related requirements.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 566 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This filing is not anticipated to create a fiscal impact to the state budget, as this filing implements statutory requirements from Sections 26B-3-1202 and 26B-3-1203, enacted through HB 566 (2026). Any fiscal impact to the state budget resulting from HB 566 (2026) can be found in the fiscal note for this bill at: https://pf.utleg.gov/public-web/sessions/2026GS/fiscal-notes/HB0566S03.fn.pdf.
B. Local governments:
This filing is not anticipated to create a fiscal impact to local governments, as this filing implements statutory requirements from Sections 26B-3-1202 and 26B-3-1203, enacted through HB 566 (2026). Any fiscal impact to local governments resulting from HB 566 (2026) can be found in the fiscal note for this bill at: https://pf.utleg.gov/public-web/sessions/2026GS/fiscal-notes/HB0566S03.fn.pdf.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This filing is not anticipated to create a fiscal impact to small businesses, as this filing implements statutory requirements from Sections 26B-3-1202 and 26B-3-1203, enacted through HB 566 (2026). Any fiscal impact to small businesses resulting from resulting from HB 566 (2026) can be found in the fiscal note for this bill at: https://pf.utleg.gov/public-web/sessions/2026GS/fiscal-notes/HB0566S03.fn.pdf.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This filing is not anticipated to create a fiscal impact to non-small businesses, as this filing implements statutory requirements from Sections 26B-3-1202 and 26B-3-1203, enacted through HB 566 (2026). Any fiscal impact to non-small businesses resulting from HB 566 (2026) can be found in the fiscal note for this bill at: https://pf.utleg.gov/public-web/sessions/2026GS/fiscal-notes/HB0566S03.fn.pdf.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This filing is not anticipated to create a fiscal impact to other persons, as this filing implements statutory requirements from Sections 26B-3-1202 and 26B-3-1203, enacted through HB 566 (2026). Any fiscal impact to Medicaid members and entities outside of government or business resulting from HB 566 (2026) can be found in the fiscal note for this bill at: https://pf.utleg.gov/public-web/sessions/2026GS/fiscal-notes/HB0566S03.fn.pdf.
F. Compliance costs for affected persons:
This filing is not anticipated to generate any compliance costs for affected persons, as it implements statutory requirements from Sections 26B-3-1202 and 26B-3-1203, enacted through HB 566 (2026).

This bill's fiscal note can be found at: https://pf.utleg.gov/public-web/sessions/2026GS/fiscal-notes/HB0566S03.fn.pdf.

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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-1-213	Section 26B-3-108	Section 26B-3-1202
Section 26B-3-1203		

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	**Date:**	08/29/2026

R414. Health and Human Services, Integrated Healthcare.
R414-340. Health Care Transparency and Accountability.
R414-340-1. Authority and Purpose.

(1)(a) Sections 26B-3-1202 and 26B-3-1203 authorize this rule.

(b) This rule is in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. No. 104-191, 110 Stat. 1936.

(2) This rule implements health care transparency and accountability specified in Sections 26B-3-1201, 26B-3-1202, and 26B-3-1203 by:

(a) establishing procedures for the Division of Integrated Healthcare (division) to develop and maintain a Medicaid data dashboard with information furnished by managed care plans; and

(b) setting forth obligations for a risk contractor or subcontractor regarding dashboard data submissions, improper payment identification and remediation, and sanctions for noncompliance with related requirements.

R414-340-2. Definitions.

Terms used in this rule are defined in Section 26B-3-1201.

R414-340-3. Managed Care Organization Data Submission.

(1) Consistent with Section 26B-3-1202, a risk contractor shall submit to the division in a division-specified format:

(a) total spending on non-claims expenditures, as required by the division;

(b) total spending on non-benefit services, as required by the division; and

(c) total spending on optional Medicaid benefits, including value add benefits, as required by the division.

(2) Each risk contractor shall submit an initial data report to the division with data described in Subsection (1) for the period of January 1, 2023, through September 30, 2026.

(3) The initial data report is due to the division by November 1, 2026.

(4)(a) Any report after the initial data report is due from the risk contractor by the first day of the month following the month after the preceding quarter.

(b) A risk contractor shall submit to the division the first quarterly report by February 1, 2027, for the period of October 1, 2026, through December 31, 2026.

(5) A risk contractor shall provide required data in a HIPAA-compliant manner consistent with 45 CFR 160, 162, and 164 (2026) and without protected health information.

(6) A risk contractor shall ensure each submitted data report complies with accessibility standards consistent with the Americans with Disabilities Act (ADA) Title II Web Regulation set forth in 28 CFR 35 (2026).

(7) Each managed care organization shall submit to the division complete copies of data, reports, and disclosures submitted to the Centers for Medicare and Medicaid Services (CMS) no later than 30 days after submission to CMS.

(a) A risk contractor shall redact a submission to the division as appropriate in compliance with HIPAA standards and requirements for public posting of information.

(b) A risk contractor shall ensure each redaction is consistent with the ADA Title II Web Regulation for accessibility set forth in 28 CFR 35.

R414-340-4. Improper Payments and Corrective Action.

(1) Consistent with Section 26B-3-1203, each risk contractor and subcontractor, as defined in Section 26B-1201, shall submit a quarterly report to the division in a division-specified format of:

(a) any improper payment;

(b) a root cause analysis for each type of improper payment; and

(c) the related corrective action plan for the improper payment.

(2) Each subcontractor shall submit a quarterly report to the parent risk contractor within 45 calendar days after the end of the preceding quarter.

(3) A risk contractor shall submit a quarterly report, including any subcontractor's report, as described in Subsection (2), to the division by the first day of the month following the month after the preceding quarter.

(4) A risk contractor shall submit to the division the first quarterly report by February 1, 2027, for the period of October 1, 2026, through December 31, 2026.

(5) A risk contractor shall repay the Department of Health and Human Services (department) for any improper payment, consistent with the managed care reimbursement model and the risk contractor's corresponding managed care contract, no later than 30 calendar days after the day on which the report described in Subsection (1) is due.

(6) A subcontractor shall repay the parent risk contractor for any improper payment no later than 30 calendar days after the day on which the report described in Subsection (2) is due to the parent risk contractor.

(7) A risk contractor shall correct the encounter data record, as appropriate, in accordance with the risk contractor's managed care contract with the department.

R414-340-5. Noncompliance Penalties.

The division shall assess any liquidated damage to a risk contractor that fails to submit a complete and timely report by the due date required by this rule, including any applicable subcontractor report, consistent with the risk contractor's contract with the division.

KEY: Medicaid
Date of Last Change: 2026
Authorizing, and Implemented or Interpreted Law: 26B-1-213; 26B-3-108; 26B-3-1202; 26B-3-1203

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	**Filing ID: 58201**
Rule or section number:	**R436-7**

1. Agency Information

Title catchline:	Health and Human Services; Data, Systems, and Evaluation, Vital Records and Statistics
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 141012
City, state and zip:	Salt Lake City, UT 84114-1012

2. Contact Persons

Name:	**Phone:**	**Email:**
Nicole Bissonette	385-266-1543	nbissonette@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

3. General Information

A. Rule or section catchline:
R436-7. Death Registration
B. Purpose of the new rule or reason for the change:
Upon internal review of this rule, the Office of Vital Records and Statistics determined it is appropriate to update the timeframes for certification and registration of a death to be measured in business days, rather than hours, to align with statute and comply with current practice. Additionally, the timeframe for certification of a death is being updated from five days to three business days to comply with current practice.
C. Summary of the new rule or change:
This filing updates the required timeframes to certify and register a death. The required timeframe for registration of a death is updated from 120 hours to five business days, and the required timeframe for the certifier to certify the death is updated to from 120 hours to three business days.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This filing is not anticipated to have a fiscal impact to the state budget, as this amendment updates the measurement of timelines for registering and certifying a death to business days, rather than in hours. The existing practice is to measure the five days for registering a death, already described in this rule text, in business days. Additionally, while the timeline for certification of a death in this rule text is being shortened from the equivalent of five days to three business days, the existing practice is already to certify a death in three business days, so this filing is intended to update this rule text to match what is already happening.

Therefore, this rule update is not anticipated to result in a fiscal impact to the state.
B. Local governments:
This filing is not anticipated to have a fiscal impact to local governments, as this amendment updates the measurement of timelines for registering and certifying a death to business days, rather than in hours. The existing practice is to measure the five days for registering a death, already described in this rule text, in business days. Local governments may be involved with registering a death, but they are not involved with certifying a death. Therefore, this rule update is not anticipated to result in a fiscal impact to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This filing is not anticipated to have a fiscal impact to small businesses that act as funeral homes or directors, as this amendment updates the measurement of timelines for registering and certifying a death to business days, rather than in hours. The existing practice is to measure the five days for registering a death, already described in this rule text, in business days. Funeral homes or directors may be involved with registering a death, but they are not involved with certifying a death. Therefore, this rule update is not anticipated to result in a fiscal impact to small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This filing is not anticipated to have a fiscal impact to non-small businesses that act as funeral homes or directors, as this amendment updates the measurement of timelines for registering and certifying a death to business days, rather than in hours. The existing practice is to measure the five days for registering a death, already described in this rule text, in business days. Funeral homes or directors may be involved with registering a death, but they are not involved with certifying a death. Therefore, this rule update is not anticipated to result in a fiscal impact to non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This filing is not anticipated to have a fiscal impact to other persons, including families or responsible persons who opt not to use a funeral home or director when a death occurs, as this amendment updates the measurement of timelines for registering and certifying a death to business days, rather than in hours. The existing practice is to measure the five days for registering a death, already described in this rule text, in business days. While these other persons may be involved with registering a death, they are not involved with certifying a death. Therefore, this rule update is not anticipated to result in a fiscal impact to other persons.
F. Compliance costs for affected persons:
There are no anticipated compliance costs to affected persons, including the state, local governments, small and non-small businesses that are funeral homes or directors, or other persons who opt not to use a funeral home or director when a death occurs. The existing practice is to measure the five days for registering a death, already described in the rule text, in business days. Additionally, while the timeline for certification of a death in the rule text is being shortened from the equivalent of five days to three business days, the existing practice is already to certify a death in three business days, so this filing is intended to update this rule text to match what is already happening.

Therefore, this rule update is not anticipated to generate 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."

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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-8-101	Section 26B-8-114	Section 26B-8-123

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	**Date:**	08/28/2026

R436. Health and Human Services, Data, Systems, and Evaluation, Vital Records and Statistics.
R436-7. Death Registration.
R436-7-1. Authority and Purpose.

(1) Sections 26B-8-101, 26B-8-114, and 26B-8-123 authorize this rule.

(2) This rule sets forth:
(a) procedures for the registration of death;
(b) the requirements for physicians, physician assistants, certified nurse midwives, and nurse practitioners to certify deaths; and
(b) the responsibility of local registrars to review and register deaths in their area.

R436-7-2. Registering a Death.

(1) Registration of deaths shall occur within five business days[~~ measured as 120 hours~~] from the time of death.

(2) A physician, physician assistant, certified nurse midwife, or nurse practitioner shall certify the cause of death in accordance with Section 26B-8-114.

(3) Each physician assistant, certified nurse midwife, and nurse practitioner must complete the Center for Disease Control and Prevention training "Improving Cause of Death Reporting," available through Training and Continuing Education Online (TCEO), before certifying a death.

(4) If the information necessary to complete a death registration is not available within the time prescribed for completing the death registration, the funeral director shall complete the death registration with the information that is available.

(5) In each case, the medical certification shall be certified in the Vital Records death registration system by the person responsible for that certification.

(6) If the cause of death is unknown, undetermined, or pending investigation, the cause of death shall be shown as such on the certificate.

(7) Final disposition of the deceased may not be made until the death is registered or is authorized by the medical examiner.

(8) An amendment providing the information missing from the original death registration and certificate shall be filed with the State Registrar.

R436-7-3. Registration of Certificates by Local Registrars.

(1) A local registrar shall take appropriate action to ensure that any death occurring in the registrar's registration area is registered.

(2)(a) The local registrar or designee shall check the accuracy of data entered into the Vital Records death registration system in accordance with the written instructions issued by the state registrar.

(b) To ensure accuracy, the local registrar or designee shall cross-check among items.

(3) The originators of any incomplete or inaccurate information in the death registration shall be contacted and asked for information to complete the registration.

(4) Once reviewed, the local registrar or designee shall register the death in the Vital Records death registration system.

R436-7-4. Penalties.

(1) A funeral director violates this rule and is subject to the penalties provided in Section 26B-1-224, including both administrative and civil penalties, if the funeral director:

(a) dispositions the deceased before the death registration; or

(b) fails to register the death within [~~120 hours~~]five business days of the death without good cause, as described in Subsection (3).

(2) A medical certifier violates this rule and is subject to the penalties provided in Section 26B-1-224, including both administrative and civil penalties, if the medical certifier fails to certify the death within three business days[~~120 hours~~] of the death without good cause, as described in Subsection (3).

(3) Good cause includes receiving the assignment close to or after the[~~ 120-hour timeframe~~]:

(a) three business day timeframe, as described in Subsection (2), for a certifier; or

(b) five business day timeframe, as described in Subsection (1), for a funeral director.

KEY: vital statistics, death, funeral industries
Date of Last Change: [~~February 18, 2025~~]2026
Notice of Continuation: March 21, 2023
Authorizing, and Implemented or Interpreted Law: 26B-8-114; 26B-8-123; 26B-1-224

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: New	**Filing ID: 58203**
Rule or section number:	**R523-25**

1. Agency Information

Title catchline:	Health and Human Services, Substance Use and Mental Health
Building:	Cannon Health Building
Street address:	288 N 1460 W, Floor 3
City, state:	Salt Lake City, UT
Mailing address:	288 N 1460 W, Floor 3

City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Thomas Dunford	801-538-4181	tdunford@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

3. General Information

A. Rule or section catchline:
R523-25. Behavioral Health Commission Committees
B. Purpose of the new rule or reason for the change:
This proposed rule is necessary to meet the mandates of statute change in HB 572, passed in the 2026 General Session of the Legislature, and to designate members of committees under the authority of the Utah Behavioral Health Committee where membership is not specified in statute.
C. Summary of the new rule or change:
This proposed rule provides for the general form and function used by the Behavioral Health Commission to appoint members to committees under its authority where membership is not specified in statute. It specifically designates the membership for the Behavioral Health Crisis Response Committee, the Behavioral Health Policy Review Committee, the Prevention and Early Intervention Committee, and the Treatment and Recovery Committee.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 572 (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 state budget as a result of this proposed rule. The fiscal note for SB 27, passed in the 2024 General Session, which enacted the Behavioral Health Commission (commission), captured the originally anticipated fiscal impacts of commission implementation and can be found at: https://le.utah.gov/lfa/fnotes/2024/SB0027S02.fn.pdf. The only potential costs related to this proposed rule are per diem reimbursements granted to anyone who serves on the commission or one of the commission's committees, but those costs were accounted for in the fiscal note for SB 27 (2024). This proposed rule is not anticipated to result in any additional cost or savings to the state budget.
B. Local governments:
There may be an inestimable cost to local governments as a result of this proposed rule. The fiscal note for SB 27 (2024), which enacted the commission, captured the originally anticipated fiscal impacts of commission implementation. Through SB 27 (2024), funding from the state was authorized to pay a per diem to anyone who serves on the commission or one of its committees.

Therefore, any local government that has an employee who spends work hours at commission or committee meetings may submit an invoice for the per diem payments, potentially rendering a reimbursement for applicable salary costs that could render these costs a net zero.

However, other potential costs to local governments related to this proposed rule may include loss of productivity and travel for members of the local government who serve on the commission or a committee.

The state cannot further estimate productivity and billable hour cost because of the large variability of individuals who could participate in the commission or on a committee, the potential job discretions that could include a caseload or number of individuals the individual could serve if not attending a meeting, and the costs of the services that could otherwise be offered during that time.

Additionally, the state cannot estimate travel costs because each commission or committee member may be traveling from a different location or through a different means of transportation.

Most local governments have not requested a per diem over the past two years, but reimbursement is available if they choose that course of action.

Aside from the reimbursement accounted for through SB 27's (2024) fiscal note, there are no anticipated savings.

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

There may be an inestimable cost to small businesses as a result of this proposed rule.

The fiscal note for SB 27 (2024), which enacted the commission, captured the originally anticipated fiscal impacts of commission implementation.

Through SB 27 (2024), funding from the state was authorized to pay a per diem to anyone who serves on the commission or one of its committees.

Therefore, any small business that has an employee who spends work hours at commission or committee meetings may submit an invoice for the per diem payments, potentially rendering a reimbursement for applicable salary costs that could render these costs a net zero.

However, other potential costs to small businesses related to this proposed rule may include loss of productivity and travel for employees of the small business who serve on the commission or a committee.

The state cannot further estimate productivity and billable hour cost because of the large variability of individuals who could participate in the commission or on a committee, the potential job discretions that could include a caseload or number of individuals the individual could serve if not attending a meeting, and the costs of the services that could otherwise be offered during that time.

Additionally, the state cannot estimate travel costs because each commission or committee member may be traveling from a different location or through a different means of transportation.

Most small businesses have not requested a per diem over the past two years, but reimbursement is available if they choose that course of action.

Aside from the reimbursement accounted for through SB 27's (2024) fiscal note, there are no anticipated savings.

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

There may be an inestimable cost to non-small business budgets as a result of this proposed rule.

The fiscal note for SB 27 (2024), which enacted the commission, captured the originally anticipated fiscal impacts of commission implementation.

Through SB 27 (2024), funding from the state was authorized to pay a per diem to anyone who serves on the commission or one of its committees.

Therefore, any non-small business that has an employee who spends work hours at commission or committee meetings may submit an invoice for the per diem payments, potentially rendering a reimbursement for applicable salary costs that could render these costs a net zero. However, other potential costs to non-small businesses related to this proposed rule may include loss of productivity and travel for employees of the non-small business who serve on the commission or a committee. The state cannot further estimate productivity and billable hour cost because of the large variability of individuals who could participate in the commission or on a committee, the potential job discretions that could include a caseload or number of individuals the individual could serve if not attending a meeting, and the costs of the services that could otherwise be offered during that time. Additionally, the state cannot estimate travel costs because each commission or committee member may be traveling from a different location or through a different means of transportation. Most non-small businesses have not requested a per diem over the past two years, but reimbursement is available if they choose that course of action. Aside from the reimbursement accounted for through SB 27's (2024) fiscal note, there are no anticipated savings.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
There may be an inestimable cost to the budgets of other persons who serve on the commission or one of its committees as a result of this proposed rule. The fiscal note for SB 27 (2024), which enacted the commission, captured the originally anticipated fiscal impacts of commission implementation. Through SB 27 (2024), funding from the state was authorized to pay a per diem to anyone who serves on the commission or one of its committees. Therefore, any other persons who spend work hours at commission or committee meetings may submit an invoice for the per diem payments, potentially rendering a reimbursement for applicable salary costs that could render these costs a net zero. However, other potential costs to other persons related to this proposed rule may include loss of productivity and travel for those serving on the commission or a committee. The state cannot further estimate productivity and billable hour cost because of the large variability of individuals who could participate in the commission or on a committee, the potential job discretions that could include a caseload or number of individuals the individual could serve if not attending a committee meeting, and the costs of the services that could otherwise be offered during that time. Additionally, the state cannot estimate travel costs because each commission or committee member may be traveling from a different location or through a different means of transportation. Most other persons serving on the commission or a committee have not requested a per diem over the past two years, but reimbursement is available if they choose that course of action. Aside from the reimbursement accounted for through SB 27's (2024) fiscal note, there are no anticipated savings.
F. Compliance costs for affected persons:
This proposed rule has an inestimable compliance cost for local governments, small businesses, non-small businesses, and other persons who have a representative serving on the commission or one of its committees. The fiscal note for SB 27 (2024), which enacted the commission, captured the originally anticipated fiscal impacts of commission implementation. Through SB 27 (2024), funding from the state was authorized to pay a per diem to anyone who serves on the commission or one of its committees.

Therefore, any commission or committee member who spends work hours at commission or committee meetings may submit an invoice for the per diem payments, potentially rendering a reimbursement for applicable salary costs that could render these costs a net zero. However, other potential compliance costs to commission or committee members related to this proposed rule may include loss of productivity and travel for those serving on the commission or a committee. The state cannot further estimate productivity and billable hour cost because of the large variability of individuals who could participate in the commission or on a committee, the potential job discretions that could include a caseload or number of individuals the individual could serve if not attending a committee meeting, and the costs of the services that could otherwise be offered during that time. Additionally, the state cannot estimate compliance costs for travel because each commission or committee member may be traveling from a different location or through a different means of transportation.

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	inestimable	inestimable	inestimable	inestimable	inestimable
Small Businesses	inestimable	inestimable	inestimable	inestimable	inestimable
Non-Small Businesses	inestimable	inestimable	inestimable	inestimable	inestimable
Other Persons	inestimable	inestimable	inestimable	inestimable	inestimable
Total Fiscal Cost	**inestimable**	**inestimable**	**inestimable**	**inestimable**	**inestimable**
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
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**inestimable**	**inestimable**	**inestimable**	**inestimable**	**inestimable**

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:

Subsection 26B-1-202(2)(a)	Subsection 26B-5-704(4)	Subsection 26B-5-801(2)

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	**Date:**	08/28/2026

R523. Health and Human Services, Substance Use and Mental Health.
R523-25. Behavioral Health Commission Committees.
R523-25-1. Authority and Purpose.

(1) Subsections 26B-1-202(2)(a), 26B-5-704(4), and 26B-5-801(2) authorize this rule.
(2) This rule establishes the membership of committees under the Utah Behavioral Health Commission (commission).

R523-25-2. Definitions.

(1) "Frontier county" means a county with a population of six or fewer persons per square mile, as defined by the Indicator-Based Information System for Population Health.
(2) "Rural county" means a county with a population of more than six to 100 persons per square mile, as defined by the Indicator-Based Information System for Population Health.

R523-25-3. Behavioral Health Crisis Response Committee Membership.

(1) The Behavioral Health Crisis Response Committee shall be composed of:
(a) the commissioner, or designee, of the Department of Health and Human Services;
(b) the executive director, or designee, of the Huntsman Mental Health Institute;
(c) a citizen representative;
(d) a representative of 911 call centers and public safety answering points;
(e) a representative of a Medicaid-accountable care organization;
(f) a representative of an integrated health care system;
(g) a representative of emergency medical services;
(h) a representative of law enforcement;
(i) a representative of rural telecommunications providers;
(j) a representative of the Utah Hospital Association, appointed by the Utah Hospital Association;
(k) a representative of the Utah League of Cities and Towns, appointed by the Utah League of Cities and Towns;
(l) an individual who has lived experience with a mental illness;
(m) an individual who has lived experience with a substance use disorder;
(n) one representative of a county of the first or second class, as defined in Section 17-60-104, appointed by the Utah Behavioral Health Committee within the Utah Association of Counties;
(o) one representative of a county of the third, fourth, or fifth class, as defined in Section 17-60-104, appointed by the Utah Behavioral Health Committee within the Utah Association of Counties; and
(p) two behavioral health clinicians, at least one of whom is licensed as a physician and board-eligible for a psychiatry specialization.
(2) At least three of the committee members described in Subsection (1) shall represent a frontier or rural county within the state.

R523-25-4. Behavioral Health Policy Review Committee Membership.

(1) The Behavioral Health Policy Review Committee shall be composed of:
(a) the commissioner, or designee, of the Department of Corrections;
(b) the commissioner, or designee, of the Department of Criminal Justice;
(c) the director, or designee, of the Office of Substance Use and Mental Health;
(d) a current or former judge from a drug court, mental health court, or juvenile court, appointed by the chief justice of the Utah Supreme Court;
(e) a member of the Behavioral Health Crisis Response Committee, appointed by the Behavioral Health Crisis Response Committee;
(f) a member of the Forensic Behavioral Health Coordinating Council, appointed by the Forensic Behavioral Health Coordinating Council;
(g) a member of the School-Based Behavioral Health Subcommittee, appointed by the School-Based Behavioral Health Subcommittee;
(h) a member of the Treatment and Recovery Committee, appointed by the Treatment and Recovery Committee;
(i) a member of the Utah Prevention Advisory Coalition, appointed by the Utah Prevention Advisory Coalition; and
(j) a member of the Utah Suicide Prevention Committee, appointed by the Utah Suicide Prevention Committee.
(k) the chair or co-chair of each subcommittee established by the Behavioral Health Policy Review Committee;
(l) one representative of a county local substance abuse authority and local mental health authorities, appointed by the Utah Behavioral Health Committee under the Utah Association of Counties;

(m) two individuals, appointed by the commissioner of the Department of Health and Human Services;
(n) an individual with lived experience with a mental illness or substance use;
(o) a citizen representative;
(p) a representative of an advocacy organization for mental illness;
(q) a representative of an advocacy organization for substance use disorder; and
(r) a representative of private providers that serve youth under 18 years old with substance use or mental illness.
(2) At least three committee members described in Subsection (1) shall represent a frontier or rural county within the state.

R523-25-5. Prevention and Early Intervention Committee Membership.
(1) The Prevention and Early Intervention Committee shall be comprised of at least:
(a) one co-chair, or designee, of the Utah Prevention Advisory Coalition;
(b) one co-chair, or designee, of the Utah Suicide Prevention Committee;
(c) a representative for the local health departments, appointed by the Utah Association of Local Health Departments;
(d) a representative for the local substance abuse authorities and local mental health authorities, appointed by the Utah Behavioral Health Committee, under the Utah Association of Counties;
(e) a representative of the Utah State Board of Education, appointed by the Utah State Board of Education;
(f) a representative of the Youth Behavioral Health Workgroup, appointed by the Youth Behavioral Health Workgroup;
(g) a representative with expertise in the prevention of mental illness and the promotion of mental well-being;
(h) a representative with expertise in the prevention of behavioral health conditions for adults;
(i) an individual with technical expertise in behavioral health prevention for children under 9 years old; and
(j) a parent or guardian of a child with behavioral health challenges.
(2) This committee may also include:
(a) one individual with lived experience of mental illness, age 18 years through age 26 years; and
(b) one individual with lived experience of substance use, age 18 years through age 26 years.
(3) At least two committee members shall represent a frontier or rural county within the state.

R523-25-6. Treatment and Recovery Committee Membership.
(1) The Treatment and Recovery Committee shall be comprised of:
(a) the superintendent, or designee, of the Utah State Hospital;
(b) a representative of the Forensic Behavioral Health Coordinating Council, appointed by the Forensic Behavioral Health Coordinating Council;
(c) a representative of the School-Based Behavioral Health Subcommittee, appointed by the School-Based Behavioral Health Subcommittee;
(d) a representative of Utah Behavioral Health Planning and Advisory Council, appointed by the Utah Behavioral Health Planning and Advisory Council;
(e) a representative for local substance abuse authorities and local mental health authorities, appointed by the Utah Behavioral Health Committee, under the Utah Association of Counties;
(f) an individual with expertise in Utah Medicaid policy, appointed by the Utah State Medicaid director;
(g) a behavioral health pediatric representative who provides services to children under 18 years old;
(h) a medical addiction specialist;
(i) a person with lived experience with mental illness;
(j) a person with lived experience with substance use;
(k) a person with lived experience as a parent of an individual under 25 years old with a mental illness or substance use;
(l) a private provider of mental health services; and
(m) a private provider of substance use treatment services.
(2) At least three committee members shall represent a frontier or rural county within the state.
(3) At least one committee member shall be a certified peer support specialist.

R523-25-7. Appointment of Committee Members.
(1) The commission shall appoint each member of a committee, except as otherwise provided in this rule.
(2) To appoint a committee member:
(a) commission staff shall:
(i) post a call for applications on the commission's website when a committee seat is open;
(ii) review each application; and
(iii) recommend two or three candidates for each open seat to the commission chairs;
(b) the committee chairs shall review each staff recommendation, as described in Subsection (2)(a)(iii) and:
(i) nominate a final candidate for the commission to confirm; or
(ii) if the chairs determine the recommended candidates are not satisfactory, the chairs may ask commission staff to post a renewed call for applications on the commission's website.
(c) Once the chairs nominate a final candidate, the commission shall vote to confirm the nominated final candidate during the commission's monthly meeting.

KEY: behavioral health commission committee membership, behavioral health crisis response committee membership, behavioral health policy review committee membership, behavioral health commission
Date of Last Change: 2026
Authorizing, and Implemented or Interpreted Law: 26B-1-202(2)(a); 26B-5-704(4); 26B-5-801(2)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: New	**Filing ID: 58218**
Rule or section number:	**R658-1**

1. Agency Information

Title catchline:	Natural Resources, Great Salt Lake Commissioner
Building:	Natural Resources Building
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT
Mailing address:	1594 W North Temple
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Micah Safsten	801-648-0305	msafsten@utah.gov
Morgan Keller	801-644-5852	mkeller1@utah.gov

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

3. General Information

A. Rule or section catchline:
R658-1. Great Salt Lake Preservation Program
B. Purpose of the new rule or reason for the change:
This rule describes the mission, purpose, and governing procedures for the new Great Salt Lake Preservation Program and the Great Salt Lake Preservation Board.
C. Summary of the new rule or change:
This is the initial creation of this rule, which describes a program created by the legislature during the 2026 General Session.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 410 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
$0. All costs to the state related to this program are already described in the fiscal note to HB 410 (2026) at: https://le.utah.gov/~2026/bills/static/HB0410.html.
B. Local governments:
$0. This program will rarely, if ever, contract with local governments, as the program is required to exclusively lease agricultural water. If a particular lease disrupts the operations of a local government, the impact will be mitigated and/or paid for by the original funding appropriated to the program.

The cost will not be passed on to local governments.

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

$0. There are no significant impacts anticipated on small businesses. While agricultural production on some individual fields will decrease as water is being leased, this decrease in production will be temporary and highly limited.

Subsection 73-34-302(1)(b) requires that no water be leased off a single field more than two years in any five-year period. As such, small businesses serving neighboring agricultural producers will not see a significant decrease in overall agricultural activity, as only a small portion of all fields in the entire Great Salt Lake Basin will be participating in any given year.

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

$0. There are no significant impacts anticipated on non-small businesses. While agricultural production on some individual fields will decrease as water is being leased, this decrease in production will be temporary and highly limited.

Subsection 73-34-302(1)(b) requires that no water be leased off a single field more than two years in any five-year period. As such, non-small businesses serving neighboring agricultural producers will not see a significant decrease in overall agricultural activity, as only a small portion of all fields in the entire Great Salt Lake Basin will be participating in any given year.

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***)**:**

$0. Under this rule, mutual irrigation companies and other water rights holders will be contracting to lease water, and to allow their shareholders to lease water.

Some water rights holders will incur costs by virtue of signing these contracts, but those costs will either:
1) be paid for by the initial appropriation in HB 410 (2026) and after the approval of the Great Salt Lake Preservation Board, or 2) be paid for by the water rights holder, but only with their express agreement in the contract.

It is not anticipated that any other entity would have costs incurred upon them by virtue of this rule.

F. Compliance costs for affected persons:

$0. Compliance with any particular contract or agreement created under this rule would be the responsibility of the Great Salt Lake Commissioner's Office and would be paid for by the initial appropriation in HB 410 (2026), or in the operating budget of the Great Salt Lake Commissioner's Office.

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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

Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

The Program Manager of the Great Salt Lake Preservation Program, Office of the Great Salt Lake Commissioner, Micah Safsten, 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 73-34-301	Section 73-34-302	Section 73-34-303
Section 73-34-401		

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Micah Safsten, Great Salt Lake Preservation Program Manager	**Date:**	08/31/2026

R658. Natural Resources, Great Salt Lake Commissioner.
R658-1. Great Salt Lake Preservation Program.
R658-1-1. Authority.

Section 73-34-301 authorizes this rule.

R658-1-2. Definitions.

The same definitions used in Section 73-34-101 apply to this rule.

R658-1-3. Great Salt Lake Preservation Board.

(1) There is created within the Office of the Great Salt Lake Commissioner the Great Salt Lake Preservation Board that consists of the following five members:

(a) one representative of agriculture appointed by the governor as a voting member to serve a four-year term;

(b) the commissioner of the Department of Natural Resources, or the commissioner's designee, to serve as a voting member;

(c) the commissioner of the Department of Agriculture and Food, or the commissioner of agriculture and food's designee, to serve as a voting member;

(d) the commissioner, or the commissioner's designee, to serve as a nonvoting member; and

(e) the state engineer, or the state engineer's designee, to serve as a nonvoting member.

(2) The commissioner is the chair of the board.

(3) When a vacancy occurs in the membership appointed under Subsection (1)(a) for any reason, the governor shall appoint a replacement for the unexpired term.

(4)(a) Attendance of two voting members at a meeting constitutes a quorum for the transaction of business.

(b) The vote of the majority of voting members when a quorum is present is an action of the board.

(c) The board shall convene at the times and places prescribed by the chair.

R658-1-4. Rates for Leased Water.

(1) The board shall annually set rates under the program for the leasing of agricultural water from an agricultural water user.

(2) When determining rates for the leasing of water, the board shall consider the five-year average price for alfalfa hay, based on the United States Department of Agriculture, Utah Direct Hay Report.

R658-1-5. Applications.

(1) The board shall at least annually accept applications for the leasing of agricultural water for the benefit of the Great Salt Lake.

(2) The board shall at least annually award the leases of agricultural water under the program.

R658-1-6. Leasing Criteria.

(1) Subject to Section 73-34-302, the board shall establish ranking and other criteria to determine from whom the board may lease agricultural water, except that the board shall prioritize senior perfected water rights.

(2) The board may establish additional ranking criteria for the consideration of awarding leases.

(3) The board shall make available all ranking criteria for each upcoming application cycle, which may include:

(a) senior perfected water rights;

(b) priority areas;

(c) current land use; and

(d) term length.

(4) The board may lease agricultural water:

(a) only to benefit the Great Salt Lake; and

(b) if for a full irrigation season, no more than two years out of a five-year period on the same agricultural field.

R658-1-7. Conditions Imposed on the Award of a Lease.

(1) All awarded leases shall file, or have filed, an application allowing for the dedication of water to the Great Salt Lake with the Division of Water Rights.

(2) The board may require a person awarded a lease under the program to repay the state for money received under the lease if the board finds that the person failed to comply with the conditions of the lease or diverted water in violation of the lease.

(3)(a) To commence an enforcement action under Subsection (1), the board shall issue a notice of violation that includes notice of the amount of repayment for which the person is subject.

(b) The board's issuance and enforcement of a notice of violation is exempt from Title 63G, Chapter 4, Administrative Procedures Act.

(c) In consultation with the Attorney General's Office, the board may act to enforce a notice of violation under Subsection (2) if a person to whom a notice is issued fails to respond to the notice or abate the violation in a timely manner.

(d) A person subject to an enforcement action by the board may request a hearing with the board.

(e) The board may create a hearing committee for matters in considered in Subsection (3)(d).

(f) The board may issue a final order if the person to whom the notice is issued fails to respond to the notice or abate the violation in a timely manner, or after a hearing held under Subsection (d).

(g) A person may not intervene in an enforcement action commenced under this section.

(h) After issuance of a final order pursuant to Subsection (e), the board shall serve a copy of the final order on the person against whom the order is issued by:

(i) personal service under Utah Rules of Civil Procedure, Rule 5; or

(ii) certified mail.

(i)(i) A court with jurisdiction may review the board's final order de novo in Salt Lake County or the county where the violation occurred.

(ii) A person shall file a petition for judicial review of the board's final order issued under this section within 20 days from the day on which the final order was served on the person.

(j) The board may bring suit in a court with jurisdiction to enforce a final order issued under this section.

(k) If the board prevails in an action brought under Subsection (2)(h) or (i), the state may recover court costs and reasonable attorney fees.

(l) The board shall deposit money collected under this section into the General Fund as a dedicated credit to be used to implement the program.

KEY: Great Salt Lake, water leasing, agriculture, water conservation
Date of Last Change: 2026
Authorizing, and Implemented or Interpreted Law: 73-34-301; 73-34-302; 73-34-303; 73-34-401

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Repeal	**Filing ID: 58197**
Rule or section number:	**R982-502**

1. Agency Information

Title catchline:	Workforce Services, Administration
Building:	Olene Walker Building
Street address:	140 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 45244
City, state and zip:	Salt Lake City, UT 84145-0244

2. Contact Persons

Name:	**Phone:**	**Email:**
Amanda B. McPeck	801-526-9653a	ampeck@utah.gov

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

3. General Information

A. Rule or section catchline:
R982-502. Low-income ADU Loan Guarantee Pilot Program
B. Purpose of the new rule or reason for the change:
The Department of Workforce Services (Department) repeals Rule R982-502 because the Legislature repealed the authorizing statute creating the pilot program, Section 35A-8-504.5, effective 07/01/2026, in HB 68, passed in the 2026 General Session.
C. Summary of the new rule or change:
This rule is repealed in its entirety.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 68 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Department anticipates no fiscal impact from this repeal. Any fiscal impact was addressed in the fiscal note for HB 68 (2026). There are no outstanding pilot program costs.
B. Local governments:
The repeal is not expected to have any fiscal impact on local governments' revenues or expenditures because this rule does not apply to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
The Department anticipates no fiscal impact on small businesses from this repeal. Any fiscal impact was addressed in the fiscal note for HB 68 (2026). There are no outstanding loan guarantees from this pilot program.

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 from this repeal. Any fiscal impact was addressed in the fiscal note for HB 68 (2026). There are no outstanding loan guarantees from this pilot program.
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 from this repeal. Any fiscal impact was addressed in the fiscal note for HB 68 (2026). There are no outstanding loan guarantees from this pilot program.
F. Compliance costs for affected persons:
The Department identifies no compliance costs associated with the repeal of this rule. This rule imposed no compliance costs on affected persons; therefore, this repeal results in no change in compliance obligations.

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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Workforce Services, Casey R. Cameron, 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:
There is no negative impact on family health, stability, or formation not contemplated for in HB 68 (2026) which repealed this program.

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 35A-8-504.5		

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Casey R Cameron, Commissioner	**Date:**	08/25/2026

R982. Workforce Services, Administration.

[~~R982-502. Low-income ADU Loan Guarantee Pilot Program.~~

~~R982-502-1. Purpose.~~

~~The purpose of this rule is to establish standards and procedures for administering the two-year pilot program to provide loan guarantees on behalf of borrowers to ensure the repayment of low-income ADU loans, and to encourage lenders to provide capital to homeowners to facilitate the construction of accessory dwelling units to rent to low-income renters, to expand the availability of low-income housing in the state.~~

~~R982-502-2. Authority.~~

~~The legal authority for this rule is found in Section 35A-8-504.5.~~

~~R982-502-3. Definitions.~~

~~(1) Terms used in this rule are defined in Section 35A-8-504.5.~~
~~(2) In addition:~~
~~(a) "Division" means the Housing and Community Development Division.~~
~~(b) "Executive director" means the executive director of the Department of Workforce Services or the executive director's designee.~~

~~R982-502-4. Minimum Criteria.~~

~~(1) The executive director may not provide a loan guarantee for a low-income ADU loan under the pilot program unless the criteria set forth in this Section R982-502-4 are satisfied.~~
~~(2) The lender:~~
~~(a) must be a:~~
~~(i) trust company;~~
~~(ii) savings bank;~~
~~(iii) savings and loan association;~~
~~(iv) bank;~~
~~(v) credit union; or~~
~~(vi) any other entity that provides low-income ADU loans directly to borrowers;~~
~~(b) shall agree in writing, in a form determined by the Division, to participate in the pilot program; and~~
~~(c) shall make available to prospective borrowers the option of receiving a low-income ADU loan that:~~
~~(i) has a term of 15 years; and~~
~~(ii) charges interest at a fixed rate;~~
~~(d) shall determine whether to make a loan to an eligible borrower, including credit risk evaluations, based on generally accepted lending practices; and~~
~~(e) shall assist the loan applicant in the preparation of the loan application and supporting documentation and in the determination of the financial feasibility of the loan.~~

~~(3) The borrower:~~
~~(a) must be a residential property owner;~~
~~(b) shall agree in writing, in a form determined by the Division, to participate in the pilot program; and~~
~~(c) shall satisfy the credit evaluation criteria of the lender.~~

~~R982-502-5. Lender Responsibilities.~~
~~(1) After making a low-income ADU loan, the lender shall monitor the activities of the borrower on a yearly basis during the term of the loan to ensure the borrower:~~
~~(a) agrees in writing to participate in the pilot program;~~
~~(b) constructs an accessory dwelling unit on the borrower's residential property within one year after the day on which the borrower receives the loan;~~
~~(c) complies with Section R982-502-6; and~~
~~(d) complies with any other term or condition of the loan.~~
~~(2) The lender shall promptly notify the executive director in writing if the borrower fails to comply with any requirement in Subsection R982-502-5(1).~~
~~(3) The lender shall perform all necessary and standard loan servicing activities for each loan secured by a low-income ADU loan guarantee.~~

~~R982-502-6. Borrower Responsibilities.~~
~~After receipt of a low-income ADU loan, the borrower shall:~~
~~(1) construct an accessory dwelling unit on the borrower's residential property within one year after the day on which the borrower receives the loan;~~
~~(2) occupy the primary residence with which the accessory dwelling unit is associated:~~
~~(a) after the accessory dwelling unit is completed; and~~
~~(b) for the remainder of the term of the loan; and~~
~~(3) rent the accessory dwelling unit to a low-income individual:~~
~~(a) after the accessory dwelling unit is completed; and~~
~~(b) for the remainder of the term of the loan.~~
~~(4) If, during the term of the loan, the borrower sells or otherwise conveys or transfers the property with which the accessory dwelling unit is associated, the loan guarantee shall be extinguished at the time of the sale. If the purchaser assumes the loan at the time of sale, the purchaser shall be required to apply for and receive a new loan guarantee under this pilot program.~~

~~R982-502-7. Loan Terms.~~
~~Unless otherwise mutually agreed upon by the lender and borrower, the low-income ADU loan must:~~
~~(1) have a term of 15 years; and~~
~~(2) charge interest at a fixed rate.~~

~~R982-502-8. Request for Proposals.~~
~~(1) The Division shall award the administration of the pilot program based on a competitive application process. The Division will publicly issue a request for proposals.~~
~~(2) Each application will be reviewed and scored by a committee established by the Division.~~
~~(3) Scoring priorities for the award may be established by the Division and, if established, will be included in the request for proposals.~~

~~R982-502-9. Loan Loss Reserve Fund.~~
~~(1) There is created a $500,000 loan loss reserve fund to be used to secure the loan guarantees issued by the Division. The total amount of the Division's loan guarantees under this pilot program may not exceed $500,000.~~
~~(2) Division loan guarantees shall not exceed the:~~
~~(a) lesser of 75% of the loan amount or $50,000 per basement low-income ADU loan;~~
~~(b) lesser of 50% of the loan amount or $50,000 per garage low-income ADU loan; or~~
~~(c) lesser of 25% of the loan amount or $50,000 per detached low-income ADU loan.~~

~~R982-502-10. Terms of Guarantee.~~
~~(1) The term of the loan guarantee will be the shorter of the loan term or 15 years.~~
~~(2) The following restrictions apply for each loan guarantee issued by the Division:~~
~~(a) the borrower's property shall carry a recorded deed restriction requiring the accessory dwelling unit to be rented to persons whose annual income does not exceed 80% of the area median income as determined by the U.S. Department of Housing and Urban Development;~~
~~(b) if the loan is not prepaid or paid in full before the end of the loan term, the term of the deed of restriction shall be 15 years, measured from the issuance of the certificate of occupancy for the ADU;~~
~~(c) if the loan is prepaid or paid in full before the end of the loan terms, the term of the deed of restriction shall be 5 years, measured from the issuance of the certificate of occupancy for the ADU; and~~
~~(d) the lien position for the low-income ADU loan shall be limited to first, second, or third position.~~

~~**R982-502-11. Events of Default.**~~
~~(1) In addition to any event of default defined in the contract between lender and borrower, any violation by the borrower of any part of Section R982-502-6 shall be considered a default.~~
~~(2) After a loan is in default for a period of 90 days, the lender shall, within 10 days, notify the Division of the default and recommend a course of action.~~
~~(3) Upon collection of the amount guaranteed, any excess funds collected shall be applied first to principal and then to interest and be paid to the lender.~~

~~**R982-502-12. Eligible Costs.**~~
~~Reasonable and customary fees for loan origination shall be negotiated between borrowers and lenders.~~

~~**KEY: Single family housing modifications, accessory dwelling units**~~
~~**Date of Last Change: February 22, 2022**~~
~~**Authorizing, and Implemented or Interpreted Law: 35A-8-504.5**~~]

End of the Notices of Proposed Rules Section

NOTICES OF
CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends October 15, 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 January 13, 2027, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: CPR (Change in Proposed Rule)	**Filing ID: 58044**
Rule or section number:	**R66-3**
Date of previous publication (only for CPRs):	**07/01/2026**

1. Agency Information

Title catchline:	Agriculture and Food, Specialized Products
Building:	TSOB, South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT 84129
Mailing address:	PO Box 146500
City, state and zip:	Salt Lake City, UT 84114-6500

2. Contact Persons

Name:	**Phone:**	**Email:**
Amber Brown	385-245-5222	ambermbrown@utah.gov
Brandon Forsyth	801-710-9945	bforsyth@utah.gov
Trevor Eckhoff	385-549-9937	teckhoff@utah.gov

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

3. General Information

A. Rule or section catchline:

R66-3. Quality Assurance Testing on Cannabis

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

This purpose of this filing is a Change in Proposed Rule (CPR) for Rule R66-3, Quality Assurance Testing on Cannabis.

This CPR includes changes required by SB 121 (2026 General Session).

Rule R66-3 was previously filed with proposed amendments and published on 07/01/2026.

This CPR proposes additional changes to this rule before the previously proposed rule becomes effective.

C. Summary of the new rule or change:

This CPR amends Subsection R66-3-3(15) to allow the remediation of cannabis products with methods other than irradiation. Previously, remediation via irradiation was the only allowed remediation method.

The Department of Environmental Quality (department) will allow licensees to propose an alternative remediation method as part of a remediation plan submitted to the department for approval.

In addition, Subsection R66-3-3(14) is amended to require remediated cannabis products to undergo mycotoxin testing to ensure safety after remediation.

(EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the July 1, 2026, issue of the Utah State Bulletin, on page 6. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 121 (2026 General Session)

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 fiscal impact on the state's budget because staff already review and consider approval of requests from licensees. The department does not anticipate many licensees to adopt remediation methods beyond irradiation.
B. Local governments:
This CPR is not anticipated to result in fiscal impact on local governments because they do not participate in or administer the program.
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This CPR is not anticipated to result in fiscal impact on small businesses because a small business may request to utilize a remediation method. There are no expected regulatory costs related to the purchasing and operation of remediation equipment. Mycotoxin testing will be required for remediated cannabis plant and derivative products, but the department cannot calculate the costs to a small business because remediation is a voluntary decision.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
This CPR is not anticipated to result in fiscal impact on non-small businesses because a small business may request to utilize a remediation method. There are no expected regulatory costs related to the purchasing and operation of remediation equipment. Mycotoxin testing will be required for remediated cannabis plant and derivative products, but the department cannot calculate the costs to a non-small business because remediation is a voluntary decision.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This CPR is not anticipated to result in fiscal impact on other persons because it only applies to cannabis businesses licensed by the department.
F. Compliance costs for affected persons:
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
Total Fiscal Cost	**$0**	**$0**	**$0**	**$0**	**$0**
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
Total Fiscal Benefits	$0	$0	$0	$0	$0
Net Fiscal Benefits	**$0**	**$0**	**$0**	**$0**	**$0**

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 4-41a-701	Section 4-41a-501	

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:	10/15/2026

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	10/22/2026

13. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	**Date:**	08/04/2026

R66. Agriculture and Food, Specialized Products.
R66-3. Quality Assurance Testing on Cannabis.
R66-3-1. Authority and Purpose.

(1) Section 4-41a-701 authorizes this rule.

(2) This rule establishes the standards for cannabis and cannabis product potency testing. It sets limits for water activity, foreign matter, microbial life, pesticides, residual solvents, heavy metals, and mycotoxins.

R66-3-2. Definitions.

The terms defined in Section 4-41a-102 and the following shall apply to this rule:

(1) "Analyte" means a substance or chemical component that is undergoing analysis.

(2) "Cannabinoid" means any:

(a) naturally occurring derivative of cannabigerolic acid (CAS 25555-57-1); or

(b) any chemical compound that is both structurally and chemically similar to a derivative of cannabigerolic acid.

(3) "Cannabinoid concentrate" means:

(a) the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in the biomass; or

(b) any amount of natural or artificially derived cannabinoid.

(4) "Cannabinoid isolate" means a concentrated form of cannabinoid with less than a 0.3% combined concentration of THC or any THC analog that is intended for use as an ingredient in a cannabinoid product but is not grown by a Utah licensed cannabis cultivation facility.

(5) "CBD" means cannabidiol (CAS 13956-29-1).

(6) "CBDA" means cannabidiolic acid, (CAS 1244-58-2).

(7) "Certificate of analysis" (COA) means a document produced by a testing laboratory listing the quantities of the various analytes for the performed testing.

(8) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid identified as CAS #1972-08-03, the primary psychotropic cannabinoid in cannabis.

(9) "Final product" means a reasonably homogenous cannabis product created using the same standard operating procedures and the same formulation:

(a) in its final packaged form; or

(b) for vapes, in the sealed vape cartridge.

(10) "Foreign matter" means:

(a) any matter that is present in a cannabis lot that is not a part of the cannabis plant; or

(b) any matter that is present in a cannabis or cannabinoid product that is not listed as an ingredient, including seeds.

(11) "Industrial hemp" means a cannabis plant that contains less than 0.3% total THC by dry weight.

(12) "Lot" means the quantity of:

(a) flower from a single strain of cannabis and growing cycle produced on a particular date and time, following clean up until the next clean up during which the same materials are used; or

(b) trim, leaves, or other plant matter from cannabis plants produced on a particular date and time, following clean up until the next clean up.

(13) "Pesticide" means any:

(a) substance or mixture of substances, including a living organism, that is intended to prevent, destroy, control, repel, attract, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed, or other forms of plant or animal life that are normally considered to be a pest or that the commissioner declares to be a pest;

(b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and

(c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, or emulsifying agent with deflocculating properties of its own, used with a pesticide to aid in the application or effect of a pesticide.

(14) "Sampling technician" means a person tasked with collecting a representative sample of a cannabis plant product, cannabis concentrate, or cannabis product from a cannabis production establishment who is:

(a) an employee of the department;

(b) an employee of an independent cannabis laboratory that is licensed by the department to perform sampling; or

(c) a person authorized by the department to perform sampling.

(15) "Standard operating procedure" (SOP) means a document providing detailed instructions for the performance of a task.

(16) "THCA" means delta-9-tetrahydrocannabinolic acid (CAS 23978-85-0).

(17) "Total CBD" means the sum of the determined amounts of CBD and CBDA.

(18) "Unit" means each individual portion of an individually packaged product.

(19) "Unknown Cannabinoid" means any component of a cannabis plant product, cannabis concentrate, or cannabis product that a laboratory determines is likely to be a cannabinoid by comparison of physical properties, including molecular weight, retention time, and absorption spectra but is not included in Table 2 or Table 3.

(20) "Water activity" is a dimensionless measure of the water present in a substance that is available to microorganisms; calculated as the partial vapor pressure of water in the substance divided by the standard state partial vapor pressure of pure water at the same temperature.

R66-3-3. Required Cannabis, Cannabis Product, and Cannabinoid Isolate Tests.

(1) Before the transfer of cannabis biomass from a cannabis cultivation facility to a cannabis processing facility, the cultivation facility shall make a declaration to the department that the biomass to be transferred is either a cannabis plant product or a cannabis cultivation byproduct.

(2) A representative sample of each batch or lot of cannabis plant product shall be tested by an independent cannabis testing laboratory to determine:

(a) the water activity of the sample;

(b) the amount of total THC, total CBD, and any THC analog known to be present in the sample; and

(c) the presence of adulterants in the sample, as specified in Table 1.

(3) Required testing shall be performed either:

(a) before the transfer of the cannabis plant product to a cannabis processing facility; or

(b) following the transfer of the cannabis plant product to a cannabis processing facility.

(4) If a cannabis plant product is tested before being transferred to a cannabis processing facility, the cannabis plant product shall be tested for microbial contaminants and foreign matter a second time following the transfer.

(5) A cannabis processor may test a cannabis plant product bulk batch for cannabinoids. After testing, the processor shall limit processing to packaging and labeling, unless the processor:

(a) declares the plant product as a byproduct within ten business days after testing; and

(b) notifies the department.

(6) A cannabis processor may test a cannabis derivative product bulk batch for cannabinoids if post-testing processing is limited to packaging and labeling.

(7) A cannabis processor shall perform any other final product adulterant testing after packaging.

(8) Cannabis cultivation byproduct shall either be:

(a) chemically or physically processed to produce a cannabis concentrate for incorporation into a cannabis derivative product; or

(b) destroyed pursuant to Section 4-41a-405.

(9) An independent cannabis testing laboratory shall test cannabis concentrate before incorporating it into a cannabis derivative product to determine:

(a) the cannabinoid profile; and

(b) the presence of adulterants in the sample, as specified in Table 1.

(10) A medical cannabis processor shall isolate any artificially derived cannabinoids present in the cannabis concentrate to a purity of greater than 95%, with a 5% margin of error, as determined by an independent cannabis testing laboratory using liquid chromatography-mass spectroscopy or an equivalent method.

(11) Before the transfer of a cannabis product to a medical cannabis pharmacy, an independent cannabis testing laboratory shall test a representative sample of the product to determine:

(a) the water activity of the sample, as determined applicable by the department;

(b) the quantity of any cannabinoid or terpene to be listed on the product label; and

(c) the presence of adulterants in the sample, as specified in Table 1.

(12) Testing results for cannabis concentrate may be applied to cannabis product derived therefrom, provided that the processing steps used to produce the product are unlikely to change the results of the test, as determined by the department.

(13) The department may require mycotoxin testing of a cannabis plant product or cannabis product if they have reason to believe that mycotoxins may be present.

(14) The department shall require mycotoxin testing for cannabis concentrate <u>and remediated cannabis products</u>.

(15) A cannabis production facility may remediate a cannabis plant product, cannabis concentrate, or cannabis product that fails microbial testing standards[~~ by irradiation,~~] after submitting and gaining approval for a remediation plan from the department.

(16) A cannabis processing facility may remediate a cannabis concentrate or cannabis product that fails a required adulterant testing standards, after the facility submits a remediation plan, and the department approves the plan.

(17)(a) A cannabis processing facility shall submit a remediation plan to the department within 15 days of the receipt of a failed testing result.

(b) The facility shall carry out the remediation plan and prepare the cannabis product or cannabis concentrate for resampling within 60 days of department approval of the remediation plan.

(18) Resampling or retesting of a cannabis concentrate batch that fails any of the required testing standards is not allowed until the batch has been remediated.

(19) A cannabis lot or cannabis product batch that is not or cannot be remediated in the specified time shall be destroyed pursuant to Section 4-41a-405.

(20) If test results cannot be retained in the Inventory Control System, the laboratory shall:

(a) keep a record of test results;

(b) issue a COA for required tests; and

(c) keep a copy of the COA on the laboratory premises.

(21) Cannabinoid isolate shall be tested for:

(a) solvents;

(b) pesticides;

(c) microbials;

(d) heavy metals; and

(e) mycotoxins.

(22) Cannabinoid isolate shall be accompanied by a COA that complies with the standards included in Section R66-3-5 through Section R66-3-12.

(23) Cannabinoid isolate shall receive cannabinoid testing from an independent cannabis testing laboratory before being used to create a cannabis derivative product.

TABLE 1 Required Test by Sample Type			
Test	Cannabis Plant Product	Cannabis Concentrate	Cannabis Product
Moisture Content	Required	X	X
Water Activity	Required	X	X
Foreign Matter	Required	Required	Required
Potency	Required	Required	Required
Microbial	Required	Required	Required
Pesticides	Required	Required	Required
Residual Solvents	X	Required	Required
Heavy Metals	Required	Required	Required
Terpenes	Required	Required	X

R66-3-4. Sampling Cannabis and Cannabis Products.

(1) The entity that requests testing of a cannabis plant product lot, cannabis concentrate batch, or cannabis product batch shall make the entirety of the lot or batch available to the sampling technician.

(2) The lot or batch being sampled shall be contained in a single location and physically separated from other lots or batches.

(3) The sample shall be collected by a sampling technician who is unaffiliated with the entity that requested testing of the cannabis lot or cannabis product batch unless the department grants an exception.

(4) The owner of the cannabis lot or cannabis product batch and any of their employees may not assist in the selection of the sample.

(5) The sampling technician shall collect the representative sample outlined in a SOP that is ISO 17025 compliant, maintained by the laboratory that will perform the testing.

(6) When collecting the representative sample, the sampling technician shall:

(a) use sterile gloves, instruments, and a glass or plastic container to collect the sample;

(b) place tamper proof tape on the container; and

(c) appropriately label the sample pursuant to Section R66-4-6.

(7) For cannabis plant product lots, the sampling technician shall take a minimum representative sample according to the following schedule:

(a) 10 subunits with an average weight of one gram each for lots weighing 5 kilograms or less;

(b) 16 subunits with an average weight of one gram each for lots weighing 5.01-9 kilograms;

(c) 22 subunits with an average weight of one gram each for lots weighing 9.01-14 kilograms;

(d) 28 subunits with an average weight of one gram each for lots weighing 14.01-18 kilograms;

(e) 32 subunits with an average weight of one gram each for lots weighing 18.01-23 kilograms.

(8) For cannabis concentrate, the sampling technician shall take a minimum representative sample according to the following schedule:

(a) 10 mL or grams for batches of one liter or kilogram or less; or

(b) 20 mL or grams for batches of four liters or kilograms or less.

(9) For cannabis products in their final product form, the sampling technician shall take the following minimum number of sample units, the combined total weight of which must be at least 10 grams, not including packaging materials:

(a) four units for a sample product batch with 5-500 products;

(b) six units for a sample product batch with 501-1000 products;

(c) eight units for a sample product batch with 1,001-5,000 products; and

(d) ten units for a sample product batch with 5,001-10,000 products.

(10) The representative sample may include additional material if the material is necessary to perform the required testing.

R66-3-5. Moisture Content Testing and Water Activity Standards.

(1) The COA shall report the moisture content of a sample and the related lot of cannabis as a mass over mass percentage.

(2) A sample and related lot of cannabis fail quality assurance testing if the water activity of the representative sample is found to be greater than 0.65.

(3) A sample and related cannabis or cannabinoid product batch intended for human consumption fail quality assurance testing if the water activity of the representative sample is greater than 0.65, unless water is a component of the product formulation and is listed as an ingredient.

R66-3-6. Foreign Matter Standards.

A sample and related lot or batch of cannabis, cannabis product, or cannabinoid product fail quality assurance testing if:

(1) the sample contains foreign matter visible to the unaided human eye;

(2) the sample is found to contain microscopic foreign matter considered to be harmful or estimated to comprise greater than 3% of the mass of the representative sample as determined by the testing laboratory; or

(3) foreign matter is found that is suspected of having been intentionally added to the sample to increase its visual appeal or market value; or

(4) for a cannabis plant product, the total number of seeds found is greater than the net weight of the sample collected divided by 1.75.

R66-3-7. Potency Testing.

(1) A lot or batch of cannabis plant product, cannabis concentrate, or cannabis product shall have its cannabinoid profile determined and listed on a COA as total THC, total CBD, and the total concentration of any THC analog known to be present.

(2) A lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fail quality assurance testing for cannabinoid content if:

(a) it is not analyzed for each of the analytes listed in Table 2;

(b) the determined amount of any analyte exceeds its action level given in Table 2;

(c) any tetrahydrocannabinol acetate (THC-OAc) is found in a cannabis concentrate with a relative peak area greater than 1% of the total cannabinoid peak area or in a cannabis product with a relative peak area greater than 0.5% of the total cannabinoid peak area as determined by high-performance liquid chromatography with a diode array detector;

(d) any of the artificially derived cannabinoids listed in Table 3 are found to have a peak area greater than 1% of total cannabinoid peak area as determined by high-performance liquid chromatography with a diode array detector (HPLC-DAD); or

(e) greater than 10% of the total cannabinoid peak area is comprised of unknown cannabinoids after peaks smaller than 1% of the total peak area have been excluded as determined by high-performance liquid chromatography with a diode array detector (HPLC-DAD).

TABLE 2
Cannabinoid Components and Action Levels

Analyte	Chemical Abstract Service	Action Level
Δ9-Tetrahydrocannabidiol (Δ9-THC)	1972-08-03	No Limit
Δ8-Tetrahydrocannabidiol (Δ8-THC)	5957-75-5	No Limit
Δ9-Tetrahydrocannabinolic acid (THCA)	23978-85-0	No Limit
Δ9-Tetrahydrocannabivarin (THCV)	31262-37-0	No Limit
Cannabidiol (CBD)	13956-29-1	No Limit
Cannabidiolic acid (CBDA)	1244-58-2	No Limit
Cannabidivarin (CBDV)	24274-48-4	No Limit
Cannabinol (CBN)	521-35-7	No Limit
Cannabigerol (CBG)	25654-31-3	No Limit
Cannabichromene (CBC)	20675-51-8	No Limit
Cannabigerolic acid (CBGA)	25555-57-1	No Limit
Cannabichromenic acid (CBCA)	20408-52-0	No Limit

9R-Δ6a,10a-Tetrahydrocannabidiol (Δ3-THC)	95720-01-7	1%[1]
9S-Δ6a,10a-Tetrahydrocannabidiol (Δ3-THC)	95720-02-8	1%[1]
(6aR,9R)-Δ10-Tetrahydrocannabidiol	95543-62-7	1%[1]
(6aR,9S)-Δ10-Tetrahydrocannabidiol	95588-87-7	1%[1]
Cannabicitran (CBTC)	31508-71-1	2%

[1]If the laboratory performing the testing cannot chromatographically separate 9(R+S)-Δ6a,10a-Tetrahydrocannabidiol or (6aR,9(R+S))-Δ10-Tetrahydrocannabidiol, then the action level for the combined isomers will be 1.5%.

TABLE 3 Artificially Derived Cannabinoids	
Analyte	Chemical Abstract Service
Hexahydrocannabinol (HHC)	36403-90-4, 36403-91-5
3-Heptyl-delta(1)-tetrahydrocannabinol (THCP)	54763-99-4, 51768-60-6

R66-3-8. Microbial Standards.

(1) A sample and related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fail quality assurance testing for microbiological contaminants if the results exceed the limits in Table 4.

(2) Each sample and related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product shall be tested for total aerobic microbial count and total combined yeast and mold. The specific pathogens listed in Table 4 may be tested for at the discretion of the department.

TABLE 4 Microbial Analytes and Action Levels	
Material	Microbial Limit Requirement
Cannabis Plant Product	Total Aerobic Microbial Count ≤100,000 cfu/g Not detected in 1g: Salmonella spp., STEC, *Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, and Aspergillus terreus*
Cannabinoid Concentrate	Total Aerobic Microbial Count ≤10,000 cfu/g Total Combined Yeast and Mold Count ≤1,000 cfu/g Not detectable in 1g: STEC, Salmonella spp., *Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, and Aspergillus terreus*
Infused Edible Products	Total Aerobic Microbial Count ≤10,000 cfu/g Total Combined Yeast and Mold Count ≤1,000 cfu/g Not detectable in 1g: STEC, *Salmonella* spp.
Infused Non-edible Products	Total Aerobic Microbial Count ≤250 cfu/g Total Yeast and Mold Count ≤250 cfu/g Not detectable in 1g: *Pseudomonas aeruginosa, Staphylococcus aureus*

Infused Suppository Products	Total Aerobic Microbial Count ≤10,000 cfu/g Total Combined Yeast and Mold Count ≤1,000 cfu/g Not detectable in 1 g: STEC, *Salmonella* spp., *Pseudomonas, Staphylococcus aureus*

R66-3-9. Pesticide Standards.

(1) Only pesticides allowed by the department may be used in the cultivation of cannabis.

(2) If an independent cannabis laboratory identifies a pesticide that is not allowed under Subsection R66-3-9(1) and is above the action levels provided in Subsection R66-3-9(3), that lot or batch from which the sample was taken has failed quality assurance testing.

(3) A sample and related lot or batch of cannabis, cannabis product, or cannabinoid product fail quality assurance testing for pesticides if the results exceed the limits in Table 5.

TABLE 5
Pesticide Analytes and Action Levels

Analyte	Chemical Abstract Service (CAS) Registry number	Action Level ppm
Abamectin	71751-41-2	0.5
Acephate	30560-19-1	0.4
Acequinocyl	57960-19-7	2
Acetamiprid	135410-20-7	0.2
Aldicarb	116-06-3	0.4
Azoxystrobin	131860-33-8	0.2
Bifenazate	149877-41-8	0.2
Bifenthrin	82657-04-3	0.2
Boscalid	188425-85-6	0.4
Carbaryl	63-25-2	0.2
Carbofuran	1563-66-2	0.2
Chlorantraniliprole	500008-45-7	0.2
Chlorfenapyr	122453-73-0	1
Chlorpyrifos	2921-88-2	0.2
Clofentezine	74115-24-5	0.2
Cyfluthrin	68359-37-5	1
Cypermethrin	52315-07-8	1
Daminozide	1596-84-5	1
DDVP (Dichlorvos)	62-73-7	0.1
Diazinon	333-41-5	0.2
Dimethoate	60-51-5	0.2

Ethoprophos	13194-48-4	0.2
Etofenprox	80844-07-1	0.4
Etoxazole	153233-91-1	0.2
Fenoxycarb	72490-01-8	0.2
Fenpyroximate	134098-61-6	0.4
Fipronil	120068-37-3	0.4
Flonicamid	158062-67-0	1
Fludioxonil	131341-86-1	0.4
Hexythiazox	78587-05-0	1
Imazalil	35554-44-0	0.2
Imidacloprid	138261-41-3	0.4
Kresoxim-methyl	143390-89-0	0.4
Malathion	143390-89-0	0.2
Metalaxyl	57837-19-1	0.2
Methiocarb	2032-65-7	0.2
Methomyl	16752-77-5	0.4
Methyl parathion	298-00-0	0.2
MGK-264	113-48-4	0.2
Myclobutanil	88671-89-0	0.2
Naled	300-76-5	0.5
Oxamyl	23135-22-0	1
Paclobutrazol	76738-62-0	0.4
Permethrins	52645-53-1	0.2
Phosmet	732-11-6	0.2
Piperonyl_butoxide	51-03-6	2
Prallethrin	23031-36-9	0.2
Propiconazole	60207-90-1	0.4
Propoxur	114-26-1	0.2
Pyrethrins	8003-34-7	1
Pyridaben	96489-71-3	0.2
Spinosad	168316-95-8	0.2

Spiromesifen	283594-90-1	0.2
Spirotetramat	203313-25-1	0.2
Spiroxamine	118134-30-8	0.4
Tebuconazole	80443-41-0	0.4
Thiacloprid	111988-49-9	0.2
Thiamethoxam	153719-23-4	0.2
Trifloxystrobin	141517-21-7	0.2

(4) Permethrins should be measured as the cumulative residue of cis- and trans-permethrin isomers (CAS numbers 54774-45-7 and 51877-74-8).

(5) Pyrethrins should be measured as the cumulative residues of pyrethrin I (CAS 121-21-1), pyrethrin II (CAS 121-29-9), cinerin 1 (CAS 25402-06-6), and jasmolin 1 (CAS 4466-14-2).

(6) Abamectin is a composite of the amounts of avermectin B1a and avermectin B1b.

R66-3-10. Residual Solvent Standards.

(1) A sample and related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fails quality assurance testing for residual solvents if the results exceed the limits provided in Table 6, unless the solvent is:

(a) a component of the product formulation;

(b) listed as an ingredient; and

(c) generally considered to be safe for the intended form of use.

TABLE 6 List of Solvents and Action Levels		
Solvent	Chemical Abstract Service (CAS) Registry number	Action level ppm
1,2 Dimethoxyethane	110-71-4	100
1,4 Dioxane	123-9	380
1-Butanol	71-36-3	5,000
1-Pentanol	71-41-0	5,000
1-Propanol	71-23-8	5,000
2-Butanol	78-92-2	5,000
2-Butanone	78-93-3	5,000
2-Ethoxyethanol	110-80-5	160
2-methylbutane	78-78-4	5,000
2-Propanol (IPA)	67-63-0	5,000
Acetone	67-64-1	5,000
Acetonitrile	75-05-8	410
Benzene	71-43-2	2

Butane	106-97-8	5,000
Cumene	98-82-8	70
Cyclohexane	110-82-7	3,880
Dichloromethane	75-09-2	600
2,2-dimethylbutane	75-83-2	290
2,3-dimethylbutane	79-29-8	290
1,2-dimethylbenzene	95-47-6	See Xylenes
1,3-dimethylbenzene	108-38-3	See Xylenes
1,4-dimethylbenzene	106-42-3	See Xylenes
Dimethyl sulfoxide	67-68-5	5,000
Ethanol	64-17-5	5,000
Ethyl acetate	141-78-6	5,000
Ethylbenzene	100-41-4	See Xylenes
Ethyl ether	60-29-7	5,000
Ethylene glycol	107-21-1	620
Ethylene Oxide	75-21-8	50
Heptane	142-82-5	5,000
n-Hexane	110-54-3	290
Isopropyl acetate	290	5,000
Methanol	67-56-1	3,000
Methylpropane	75-28-5	5,000
2-Methylpentane	107-83-5	290
3-Methylpentane	96-14-0	290
N,N-dimethylacetamide	127-19-5	1,090
N,N-dimethylformamide	68-12-2	880
Pentane	109-66-0	5,000
Propane	74-98-6	5,000
Pyridine	110-86-1	100
Sulfolane	126-33-0	160
Tetrahydrofuran	109-99-9	720
Toluene	108-88-3	890

Xylenes	1330-20-7	2,170

(2) Xylenes are a combination of the following:
(a) 1,2-dimethylbenzene;
(b) 1,3-dimethylbenzene;
(c) 1,4-dimethylbenzene; and
(d) ethyl benzene.

R66-3-11. Heavy Metal Standards.

A sample and related lot or batch of cannabis plant product, cannabis concentrate, cannabis product, or vaporizer cartridges fail quality assurance testing for heavy metals if the results exceed the limits provided in Table 7.

TABLE 7 Heavy Metals	
Metals	Natural Health Products: Acceptable limits in parts per million (ppm)
Arsenic	<2
Cadmium	<0.82
Lead	<1.2
Mercury	<0.4

R66-3-12. Mycotoxin Standards.

A sample and related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product fails quality assurance testing for mycotoxin if the results exceed the limits provided in Table 8.

TABLE 8 Mycotoxin	
Test	Specification
Total Aflatoxins: B1, B2; G1, and G2.	<20 parts per billion (ppb) of substance
Ochratoxin A.	<20 ppb of substance

R66-3-13. Terpene Standards.

An independent cannabis testing laboratory shall test each sample and the related lot or batch of cannabis plant product, cannabis concentrate, or cannabis product for terpenes.

KEY: cannabis testing, quality assurance, cannabis laboratory, water activity standards, foreign matter standards, microbial life, pesticide standards, residual solvents standards, heavy metal standards, mycotoxin standards, terpene standards
Date of Last Change: 2026
Authorizing, and Implemented or Interpreted Law: 4-41a-501; 4-41a-701

End of the Notices of Changes in Proposed Rules Section

NOTICES OF
120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

(a) cause an imminent peril to the public health, safety, or welfare;
(b) cause an imminent budget reduction because of budget restraints or federal requirements; or
(c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (<u>example</u>) and text to be deleted is struck out with brackets surrounding the deleted text ([~~example~~]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (**. . . . . . .**) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or section Number:	**R156-92**	**Filing ID: 58199**

Effective date:	**09/01/2026**

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E. 300 S.
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Tracy Taylor	801-530-6621	trtaylor@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-92. Private Investigation Licensing Act Rule

B. Purpose of the new rule or reason for the change:
The Division of Professional Licensing (Division) is filing this proposed rule in accordance with statutory changes made by SB 149 in the 2026 General Session that moved the administration of private investigation licensing from the Department of Public Safety to the Division of Professional Licensing. New Title 58, Chapter 92, Private Investigation Licensing Act, governs four licenses: 1) private investigation agency license; 2) private investigator agent license, which is a new license; 3) private investigator registrant license; and 4) private investigator apprentice license. The Division is filing this emergency rule because Division does not have enough time to follow the traditional rule approval process to enact this rule on 09/01/2026, when administration of these professions will be transferred from the Department of Public Safety to the Division. The Division is filing this emergency rule to temporarily enact licensure requirements and will file a second rule filing following the traditional rule approval process that will permanently enact these requirements.
C. Summary of the new rule or change:
This filing enacts Rule R156-92, Private Investigation Licensing Act Rule, under new Title 58, Chapter 92, Private Investigation Licensing Act. This rule will enable the Division to administer this license as mandated by statute. The filing establishes definitions, renewal procedures, qualifications for licensure including an exam requirement for private investigator agents, continuing education requirements, operating standards, and unprofessional conduct.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 149 (2026 General Session)

5. Emergency Rule Information

A. The agency finds that regular rulemaking would:	
☒	cause an imminent peril to the public health, safety, or welfare;
☐	cause an imminent budget reduction because of budget restraints or federal requirements; or
☐	place the agency in violation of federal or state law.
B. Specific reasons and justifications for this finding:	
The Division is filing this emergency rule to ensure continued administration over the licensing of the private investigation licenses. Administration of private investigation licenses will be transferred from the Department of Public Safety to the Division of Professional Licensing.	

6. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This proposed new Rule R156-92 is not expected to impact state government revenues or expenditures beyond the fiscal impact of new Title 58, Chapter 92, Private Investigation Licensing Act, as described in the fiscal note for SB 149 (2026) at: https://le.utah.gov/~2026/bills/static/SB0149.html. This proposed new is established in accordance with the mandates of Title 58, Chapter 92, Private Investigation Licensing Act, to administer the licenses under that Chapter and establish operating standards that encompass the statutory requirements and

practices in the profession and will not affect existing state government procedures beyond those identified in the fiscal note for SB 149 (2026).
B. Local governments:
This proposed new Rule R156-92 is not expected to impact local governments' revenues or expenditures beyond the fiscal impact of new Title 58, Chapter 92, Private Investigation Licensing Act as described in the fiscal note for SB 149 (2026) at: https://le.utah.gov/~2026/bills/static/SB0149.html. This proposed new is established in accordance with the mandates of Title 58, Chapter 92, Private Investigation Licensing Act, to administer the licenses under that Chapter and establish operating standards that encompass the statutory requirements and practices in the profession and will not affect existing local government procedures beyond those identified in the fiscal note for SB 149 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This proposed new Rule R156-92 does not create new obligations for small businesses or increase the costs associated with any existing obligation for small businesses. This proposed new rule is not expected to impact small businesses' revenues or expenditures beyond the fiscal impact of new Title 58, Chapter 92, Private Investigation Licensing Act, as described in the fiscal note for SB 149 (2026) at: https://le.utah.gov/~2026/bills/static/SB0149.html. This proposed new is established in accordance with the mandates of Title 58, Chapter 92, Private Investigation Licensing Act, to administer the licenses under that Chapter and establish operating standards that encompass the statutory requirements and practices in the profession and will not affect existing small businesses' procedures beyond those identified in the fiscal note for SB 149 (2026).
D. Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This proposed new rule is not expected to impact the revenues or expenditures of persons other than small businesses, state, or local government entities beyond the fiscal impact of new Title 58, Chapter 92, Private Investigation Licensing Act as described in the fiscal note for SB 149 (2026) at: https://le.utah.gov/~2026/bills/static/SB0149.html. This proposed new is established in accordance with the mandates of Title 58, Chapter 92, Private Investigation Licensing Act, to administer the licenses under that Chapter and establish operating standards that encompass the statutory requirements and practices in the profession and will not affect existing procedures of other persons beyond those identified in the fiscal note for SB 149 (2026).
E. Compliance costs for affected persons:
As described in Box 6.E for other persons, the Division does not anticipate compliance costs for any affected persons.
F. Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed this regulatory impact analysis and determined that there is no anticipated fiscal impact on businesses.

7. 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 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-92-201

9. Agency Authorization Information

Agency head or designee and title:	Adam Watson, Assistant Division Director	**Date:**	08/25/2026

R156. Commerce, Professional Licensing.
R156-92. Private Investigation Licensing Act Rule.
R156-92-101. Title -- Authority -- Relationship to Rule R156-1.

(1) This rule is known as the "Private Investigation Licensing Act Rule."

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 92, Private Investigation Licensing Act.

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

R156-92-102. Definitions.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 92, Private Investigation Licensing Act. In addition:

(1) "Advertise," "advertising," or "advertisement" means the submission of a bid, contracting or making known by any public notice, publication, or solicitation of business, directly or indirectly, that services regulated under Title 58, Chapter 92, Private Investigation Licensing Act, are available for consideration.

(2) "Compensation" as used in Subsection (4)(a)(i) means:

(a) payment in the form of W-2 wages; or

(b) if the qualifying PI agent is a company owner of the PI agency company, the company owner's profit distributions or dividends.

(3) "Conflict of interest" includes a situation where:

(a) representation of one client will be directly adverse to the representation of another client;

(b) there is a significant risk that the individual's business, activities, or employment will materially limit the individual's ability to faithfully and impartially fulfill the individual's duties and responsibilities as a licensee under Title 58, Chapter 92, Private Investigation Licensing Act, and this rule; or

(c) an individual holds public duties and responsibilities that the individual cannot exercise concurrently with the duties and responsibilities that the individual would owe to a client as a licensee under Title 58, Chapter 92, Private Investigation Licensing Act, and this rule.

(4)(a) "Employee" means an individual providing services for a PI agency:

(i) for compensation as a W-2 employee;

(ii) who is listed on the PI agency's or employer's payroll records; and

(iii) who is under the PI agency's or employer's direction and control.

(b) "Employee" does not include an independent contractor.

(5) "General supervision" is as defined in Subsection R156-1-102a(1)(c).

(6) "PI agency" means a private investigation agency under Subsection 58-92-101(6).

(7) "PI agent" means a private investigator agent under Subsection 58-92-101(7).

(8) "PI apprentice" means a private investigator apprentice under Subsection 58-92-101(8).

(9) "PI registrant" means a private investigator registrant under Subsection 58-92-101(9).

(10) "Qualified continuing education" or "qualified CE" means professional continuing education that meets the standards under Section R156-92-309.

(11) "Supervising PI agent" as used in Section R156-92-305 means an individual who:

(a) is licensed in Utah as a PI agent and is in good standing;

(b) holds collective and individual liability with the licensee for compliance under Title 58, Chapter 92, Private Investigation Licensing Act, and this rule and may be held fully responsible for a violation; and

(c) is approved by the Division.

(12) "Unprofessional conduct" as defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 92, Private Investigation Licensing Act, is further defined under Subsection 58-1-203(1)(e), in Section R156-92-502.

(13) "Verification of Investigative Experience Form" means a form that meets the requirements of Subsection R156-92-303(1)(c) or R156-92-304(e).

(14) "Withdrawal" as used in Subsection 58-92-502(5) means the right that a licensee has to withdraw from a case and refund any portion of the retainer for which investigative work has not been completed.

R156-92-201a. Renewal Cycle -- Procedures -- Renewal Requirements.

(1) Under Subsection 58-92-201(6):

(a) a current and valid license issued to a licensee under Title 53, Chapter 9, Private Investigator Regulation Act, shall expire on the expiration date shown on the license; and

(b) a licensee with a license issued under Title 53, Chapter 9, Private Investigator Regulation Act, shall relicense under Title 58, Chapter 1, Division of Professional Licensing Act, Title 58, Chapter 92, Private Investigation Licensing Act, and this rule.

(2) Under Subsections 58-1-308(1) and 58-92-201(6), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 92, Private Investigation Licensing Act, shall be in August of each odd-numbered year.

(3) Renewal procedures shall be in accordance with Sections R156-1-308a through R156-1-308l.

(4) Under Subsections 58-1-308(3)(b)(i) and 58-92-201(6), a PI agent, or PI registrant, or PI apprentice applying for renewal shall:

(a) meet the CE requirements under Section R156-92-309; and

(b) submit to the Division:

(i) a Division-approved renewal form;

(ii) one color passport photograph that:
(A) was taken in the six months immediately preceding the date on which the licensee submits the renewal application; and
(B) if a hard copy is submitted, has the following written on the back of the photograph:
(I) the licensee's name; and
(II) the date the passport photograph was taken;
(iii) a photocopy of the licensee's government issued picture identification; and
(iv) evidence that the licensee has a current and valid surety bond that meets the requirements of:
(A) Subsection R156-92-303(1)(d), if the applicant is a PI agent;
(B) Subsection R156-92-304(1)(f), if the applicant is a PI registrant; or
(C) Subsection R156-92-305(1)(f), if the applicant is a PI apprentice.
(5) Under Subsection 58-1-308(3), a PI agent who applies for renewal of the PI agent's PI agency license shall:
(a) meet the requirements of Subsection (4); and
(b) submit to the Division:
(i) a Division-approved renewal form for a PI agency; and
(ii) evidence that the PI agency has current and valid:
(A) comprehensive general liability insurance for the licensee in an amount of at least $500,000; and
(B) workers' compensation insurance, if applicable.

R156-92-302. Qualifications for Licensure -- Background Check Requirements.

Under Subsections 58-92-302(1)(e) and (1)(f), a licensee shall submit the following with the application:
(1) two fingerprint cards; and
(2) a fee established in accordance with Section 63J-1-504 equal to the cost of conducting a check of records for each individual required to provide a fingerprint card under Subsection (1) with:
(a) the Federal Bureau of Investigation (FBI); and
(b) the Bureau of Criminal Identification (BCI) of the Utah Department of Public Safety.

R156-92-303. Qualifications for Licensure -- Experience -- Examination -- Private Investigator Agent.

(1) Under Subsection 58-92-303(1), an applicant for licensure as a PI agent shall submit the following to the Division:
(a) a copy of the applicant's government issued picture identification;
(b) a color passport photograph of the applicant that:
(i) was taken in the six months immediately preceding the date on which the applicant submits the application for licensure; and
(ii) if a hard copy is submitted, has the following written on the back of the photograph:
(A) the applicant's name; and
(B) the date the passport photograph was taken;
(c) under Subsection 58-92-303(1)(c), a completed and signed Verification of Investigative Experience Form that:
(i) verifies that the applicant has completed at least 5,000 hours of investigative experience that the applicant performed:
(A) within ten years from the date of the application; and
(B) while the applicant was working as a licensed private investigator or an investigator for a governmental entity;
(ii) describes the applicant's investigative experience in detail including:
(A) the number of hours; and
(B) the type of work which the applicant performed; and
(iii) is signed and certified by:
(A) the private investigator or governmental employer for whom the applicant performed the investigative work; or
(B) the individual for whom the applicant performed the investigative work, if the applicant cannot provide certification from a private investigator or governmental employer under Subsection (1)(c)(iii)(A);
(d) evidence that the PI agent has a current and valid surety bond:
(i) in an amount of at least $10,000; and
(ii) that meets the requirements of Subsection 58-92-303(1)(d); and
(e) an attestation that the applicant does not have a conflict of interest with the individual's duties and responsibilities under Title 58, Chapter 92, Private Investigation Licensing Act, or this rule.
(2) Under Subsection 58-92-303(1)(c) and Section 58-92-308, an applicant for licensure as a PI agent shall obtain a score of at least 75% on the Private Investigator Law and Ethics Examination.
(3)(a) Under Subsections 58-92-201(6) and 58-92-303(4), a PI agent shall notify the Division in writing and within 30 days if the PI agent's surety bond is cancelled or is expired.
(b) Under Subsections 58-92-201(6) and 58-92-303(4), if the Division receives notice that a PI agent's surety bond is cancelled or is expired under Subsection (3)(a), the Division may take action against:
(i) the PI agent's license; and
(ii) the PI agent's PI agency license, if applicable.

R156-92-304. Qualifications for Licensure -- Private Investigator Registrant.

(1) Under Subsection 58-92-304(1), an applicant for licensure as a PI registrant shall submit the following to the Division:
(a) the name of the licensed PI agency for which the applicant will be an employee or independent contractor;

(b) authorization from a licensed PI agency indicating that the PI agency will employ or contract with the applicant;
(c) a copy of the applicant's government issued picture identification;
(d) a color passport photograph of the applicant that:
(i) was taken in the six months immediately preceding the date on which the applicant submits the application for licensure; and
(ii) if a hard copy is submitted, has the following written on the back of the photograph:
(A) the applicant's name; and
(B) the date the passport photograph was taken;
(e) under Subsection 58-92-304(1)(c), a completed and signed Verification of Investigative Experience Form that:
(i) verifies that the applicant has completed at least 2,000 hours of investigative experience that the applicant performed:
(A) within ten years from the date of the application; and
(B) while the applicant was working as a licensed private investigator or an investigator for a governmental entity;
(ii) describes the applicant's investigative experience in detail including:
(A) the number of hours; and
(B) the type of work which the applicant performed; and
(iii) is signed and certified by:
(A) the private investigator or governmental employer for whom the applicant performed the investigative work; or
(B) the individual for whom the applicant performed the investigative work, if the applicant cannot provide certification from a private investigator or governmental employer under Subsection (1)(e)(iii)(A);
(f) evidence that the PI registrant applicant has a current and valid surety bond:
(i) in an amount of at least $10,000; and
(ii) that meets the requirements of Subsection 58-92-304(1)(d); and
(g) an attestation that the applicant does not have a conflict of interest with the individual's duties and responsibilities under Title 58, Chapter 92, Private Investigation Licensing Act, or this rule.
(2) Under Subsection 58-92-304(2)(a) or (b), a PI registrant shall only work under the direction of a PI agency as:
(a) an employee; or
(b) an independent contractor.
(3) Under Subsection 58-92-304(3), a PI registrant may not:
(a) advertise the licensed registrant's services;
(b) conduct investigations independent from the PI agency's direction for the general public; or
(c) employ or hire as independent contractor another licensee under Title 58, Chapter 92, Private Investigation Licensing Act.
(4)(a) Under Subsections 58-92-201(6) and 58-92-304(3), a PI registrant shall notify the Division in writing and within 30 days if the licensee's surety bond is cancelled or is expired.
(b) Under Subsections 58-92-201(6) and 58-92-304(3), if the Division receives notice that a PI registrant's surety bond is cancelled or is expired, the Division may take action against the PI registrant's license.

R156-92-305. Qualifications for Licensure -- Private Investigator Apprentice.
(1) Under Subsection 58-92-305(1)(d), an applicant for licensure as a PI apprentice shall submit the following with the application:
(a) the name of the licensed PI agency for which the applicant will be an employee or independent contractor;
(b) authorization from a licensed PI agency indicating that the PI agency will employ or contract with the applicant;
(c) a copy of the applicant's government issued picture identification;
(d) a color passport photograph of the applicant that:
(i) was taken in the six months immediately preceding the date on which the applicant submits the application for licensure; and
(ii) if a hard copy is submitted, has the following written on the back of the photograph:
(A) the applicant's name; and
(B) the date the passport photograph was taken;
(e) name and license number of the supervising PI agent for Division approval;
(f) evidence that the PI agent has a current and valid surety bond:
(i) in an amount of at least $10,000;
(ii) that shall remain in effect throughout the applicant's entire licensing period; and
(iii) that provides that the issuer of the surety bond shall notify the Division if the bond is cancelled or is expired; and
(g) an attestation that the applicant does not have a conflict of interest with the individual's duties and responsibilities under Title 58, Chapter 92, Private Investigation Licensing Act, or this rule.
(2) Under Subsection 58-92-305(2)(a) or (2)(b), a private PI apprentice shall only work:
(a) for a licensed PI agency as:
(i) an employee; or
(ii) an independent contractor; and
(b) under the general supervision of a Division-approved PI agent.
(3) Under Subsection 58-92-305(3), a PI apprentice may not:
(a) advertise the licensed PI apprentice's services;
(b) conduct investigations independent of a supervising PI agent for the general public; or
(c) employ or hire as independent contractor another licensee under Title 58, Chapter 92, Private Investigation Licensing Act; or

(d) obtain information from the Utah State Tax Commission's Motor Vehicle Division or the Department of Public Safety's Driver License Division, except the PI apprentice may utilize information from these agencies for a legitimate business need and under the general supervision and guidance of a licensed PI agency.

(4)(a) Under Subsections 58-92-201(6) and 58-92-305(3), a PI apprentice shall notify the Division in writing and within 30 days if the licensee's surety bond is cancelled or is expired.

(b) Under Subsections 58-92-201(6) and 58-92-305(3), if the Division receives notice that a PI apprentice's surety bond is cancelled or is expired, the Division may take action against the PI apprentice's license.

(c) Under Subsections 58-92-201(6) and 58-92-305(3), if the Division takes action against a PI apprentice's license under Subsection (4)(b), the PI apprentice shall notify:

(i) the PI apprentice's supervising PI agent; and

(ii) the PI apprentice's PI agency.

R156-92-309. Qualified Continuing Education (CE).

(1) Under Section 58-92-309, the qualified CE requirement for a PI agent, PI registrant, or a PI apprentice licensed under Title 58, Chapter 92, Private Investigation Licensing Act, is established in this section.

(2) During each two-year period commencing in August of each odd-numbered year, a licensee under Subsection (1) shall complete at least 16 hours of qualified CE that includes:

(a) at least four hours of ethics education provided by a nationally recognized association;

(b) at least four hours of education on Utah law, including Title 58, Chapter 92, Private Investigation Licensing Act; and

(c) at least eight hours of education:

(i) that is directly related to the licensee's scope of practice; and

(ii) obtained from a nationally recognized association.

(3) A qualified CE course shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program that is directly related to the licensee's scope of practice;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well-organized, and sequential manner consistent with the stated purpose and objective of the program;

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

(e) have records of registration and completion available for review.

(4) The number of required CE hours shall be increased or decreased proportionately based on the date of licensure within the two-year renewal cycle.

(5) The Division may defer or waive CE requirements as provided in Section R156-1-308d.

(6) A licensee shall maintain documentation sufficient to prove compliance with the CE requirements of this section for a period of three years from the end of the renewal period for which the CE hours are due.

R156-92-310. Qualified Credit for Specified Training.

(1)(a) Under Section 58-92-310, an applicant may receive credit for a portion of the required investigative experience hours in Section 58-92-307 in accordance with this section.

(b) An applicant requesting credit under this section shall submit to the Division for review:

(i) official transcripts, if the applicant is requesting credit under Subsection (2) or (4); or

(ii) evidence of having successfully completed a training or experience substantially similar to the training and experience required under Title 58, Chapter 92, Private Investigation Licensing Act, and this rule, if the applicant is requesting credit under Subsection (5).

(2) Under Subsection 58-92-310(1), an applicant with a bachelor's degree in criminal justice from an accredited college or university may receive 4,000 hours of investigative experience credit.

(3) Under Subsection 58-92-310(2), an applicant who successfully completed the state Peace Officers Standards and Training (POST) basic training course may receive 1,000 hours of investigative experience credit.

(4) Under Subsection 58-92-310(3), an applicant with a bachelor's degree in police science from an accredited college or university may receive 4,000 hours of investigative experience credit.

(5) Under Subsection 58-92-310(3), an individual may submit to the Division for review evidence that the applicant successfully completed a training or experience substantially similar to the training and experience required under Title 58, Chapter 92, Private Investigation Licensing Act, and this rule.

R156-92-311. Qualification for Private Investigation Agency Licensure -- Comprehensive General Liability Insurance -- Worker's Compensation -- Cancellation or Expiration -- Revocation -- Change in Name or Address.

(1) Under Subsections 58-92-201(6) and 58-92-311(3)(b), a PI agent applying for licensure of a PI agency shall submit to the Division:

(a) the name under which the applicant intends to do business;

(b) a current certificate of comprehensive general liability insurance policy for the PI agency that:

(i) contains a limit of liability of at least $500,000;

(ii) is continuous in form and runs concurrently with the license period; and

(iii) requires the insurance company to provide notice to the Division if the liability insurance is cancelled or expires; and

(c) a current certificate of workers' compensation insurance policy for the PI agency, if applicable.

(2)(a) The PI agency applicant's comprehensive general liability insurance under Subsection (1)(b) shall name the Division of Professional Licensing as the certificate holder; and

(b) A PI agency licensee shall maintain a current comprehensive general liability insurance:

(i) for the duration of the licensing period;

(ii) that meets the requirements of this section; and

(iii) that is available for immediate inspection by the Division during normal working hours.

(3) Under Subsection 58-92-201(6), a PI agency shall notify the Division in writing and within 30 days if the PI agency's:

(a) comprehensive general liability insurance is cancelled or is expired; or

(b) workers' compensation is cancelled or is expired.

(4) Under Subsection 58-92-201(6), if the Division receives notice that a PI agency's comprehensive general liability insurance or worker's compensation is cancelled or is expired, the Division may take action against the PI agency's license.

R156-92-312. Identification Card.

(1) Under Subsection 58-92-312(1), the Division shall issue to the licensee an identification card that includes on the identification card's face:

(a) the licensee's name;

(b) indicate that the licensee is licensed as a PI agent, PI registrant, PI apprentice, or PI agency;

(c) the license number;

(d) the license expiration date; and

(e) a current color photograph of the licensee.

(2) Under Subsections 58-92-201(6) and 58-92-312(1), the Division-issued identification card under Subsection (1) shall state that the licensee is:

(a) under the direction of a licensed PI agency and may not do investigative work independently for the public, if the licensee is a PI registrant; or

(b) under the general supervision of a licensed PI agency and may not do investigative work independently for the public, if the licensee is a PI apprentice.

R156-92-313. Operating Standards -- Prohibitions.

(1) Under Section 58-92-313, a licensee may not:

(a) wear a uniform, use a title, insignia, badge, or designation, or make any representation or statement that would reasonably cause another individual to believe that the licensee is associated with the federal government, a state government, any political subdivision of a state government, or a public law enforcement agency; or

(b) display a badge or shield in conjunction with performing the duties of a licensee under Title 58, Chapter 92, Private Investigation Licensing Act.

(2) Under Section 58-92-313, a PI agency may not use:

(a) a name that implies that the PI agency is connected to or associated with a public law enforcement agency; or

(b) a logo that bears markings similar to the seal, emblem, acronym, or configuration of a public law enforcement agency of the federal government, a state government, a state political subdivision, a municipal, or a military branch.

R156-92-314. Principal Place of Business -- Records.

(1) Under Subsection 58-92-201(6), a licensee shall meet the requirements of this section.

(2) Each PI agency shall:

(a) have at least one physical location from which the PI agency conducts normal business; and

(b) update any change in the address of the PI agency's physical location with the Division within 10 days.

(3) A PI agency licensee shall post the PI agency license issued by the Division in a conspicuous place in the PI agency's principal office.

(4) A licensee shall maintain client records for at least five years at:

(a) the licensee's principal place of business; or

(b) another location the Division approves for a licensee whose license is:

(i) expired; or

(ii) suspended or revoked.

(5) On request by the Division, a licensee shall make the records under Subsection (4) available immediately to the Division during normal business hours or another time acceptable to the parties, unless the Division grants an extension.

R156-92-315. Limited-Use License.

(1) As used in this section:

(a) "Legislative body" means:

(i) the Legislature;

(ii) the Utah House of Representatives;

(iii) the Utah Senate;

(iv) a special investigative committee; or

(v) a staff office of the Legislature.
(b) "Special investigative committee" is as defined in Subsection 36-12-9(1).
(2) Under Subsection 58-92-201(6), the Division may issue a limited-use license to a person qualified under this section.
(3) Notwithstanding any provision of this rule, a person is qualified to receive a limited-use license if the person:
(a) is licensed, in good standing, by another state, district, or territory of the United States to provide the services of a private investigator; and
(b) is retained by a legislative body to provide the services of a private investigator for:
(i) a special investigative committee; or
(ii) a purpose relating to impeachment.
(4) A person holding a limited-use license may only provide the services described in Subsection (3)(b).
(5) The Division shall issue a limited-use license to a person within five days after the day on which the Division receives notice from a legislative body that:
(a) the person meets the qualifications described in Subsection (3)(a); and
(b) the legislative body has retained the person to provide the services described in Subsection (3)(b).
(6) The Division may not:
(a) impose a qualification for the receipt of a limited-use license other than the qualifications described in Subsection (3)(a); or
(b) charge a fee to issue a limited-use license.
(7) A limited-use license expires when the person to whom it is issued is no longer retained by a legislative body to provide a service described in Subsection (3)(b).

R156-92-502. Unprofessional Conduct.

Under Subsection 58-1-203(1)(e), "unprofessional conduct" includes:
(1) committing an act listed under Subsection 58-92-302(2), whether before or after licensure;
(2) employs or contracts with any unlicensed or improperly licensed person or PI agency to conduct activities regulated under Title 58, Chapter 92, Private Investigation Licensing Act, if the licensure status was known or could have been ascertained by reasonable inquiry;
(3) fails to maintain in full force and effect comprehensive general liability insurance or workers' compensation insurance if the licensee is a PI agency;
(4) fails to maintain in full force and effect a surety bond, if the licensee is a PI agent, PI registrant, or PI apprentice;
(5) fails to notify the Division of a change of name or address under Subsection 58-1-301.7(1)(a);
(6) accepts employment, contracts, or in any way engages in employment that has an adverse impact on investigations being conducted on behalf of clients;
(7) advertises in a false, deceptive, or misleading manner;
(8) refuses to display the identification card issued by the Division to any person having reasonable cause to verify the validity of the license;
(9) is convicted of any act of illegally obtaining or disseminating private, controlled, or protected records under Section 63G-2-801; or
(10) engaging in any business, activity, or employment that:
(a) creates a conflict of interest with a licensee's duties and responsibilities under Title 58, Chapter 92, Private Investigation Licensing Act, or this rule; or
(b) infringes upon the confidentiality of a client.

R156-92-503. Penalties.

(1) In addition to the penalties in Section 58-92-503, the penalties under Sections 58-1-502 and R156-1-502 shall apply to a violation of Title 58, Chapter 92, Private Investigation Licensing Act.
(2) Citation procedures shall be in accordance with Sections 58-1-502 and 58-92-503 and Rule R156-1.

KEY: licensing, private investigator, private investigation agency, private investigator agent, private investigator registrant, private investigator apprentice
Date of Last Change: September 1, 2026
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-92-201

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or section Number:	**R156-93**	**Filing ID: 58204**

Effective date:	**09/01/2026**

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building

Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	**Phone:**	**Email:**
Tracy Taylor	801-530-6628	trtaylor@utah.gov

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

3. General Information

A. Rule or section catchline:
R156-93. Bail Bond Licensing Act Rule
B. Purpose of the new rule or reason for the change:
The Division of Professional Licensing (Division) is filing this proposed new rule in accordance with statutory changes made by SB 149 during 2026 General Session that moved the administration of bail bond licensing from the Department of Public Safety to the Division. New Title 58, Chapter 93, Bail Bond Licensing Act, governs all bail enforcement professional licenses, defined under Subsection 58-93-101(3). The Division is filing this emergency rule because Division does not have enough time to follow the traditional rule approval process to enact this rule on 09/01/2026, when administration of these professions will be transferred from the Department of Public Safety to the Division. The Division is filing this emergency proposed new rule to temporarily enact licensure requirements and will file a second rule filing following the traditional rule approval process that will permanently enact substantially similar requirements.
C. Summary of the new rule or change:
This filing enacts proposed new Rule R156-93, Bail Bond Licensing Act Rule, under new Title 58, Chapter 93, Bail Bond Licensing Act. This proposed new rule will enable the Division to administer this license as mandated by statute. The proposed new rule establishes definitions, renewal procedures, qualifications for licensure including an exam requirement for private investigator agents, continuing education requirements, operating standards, and unprofessional conduct.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 149 (2026 General Session)

5. Emergency Rule Information

A. The agency finds that regular rulemaking would:	
☒	cause an imminent peril to the public health, safety, or welfare;
☐	cause an imminent budget reduction because of budget restraints or federal requirements; or
☐	place the agency in violation of federal or state law.
B. Specific reasons and justifications for this finding:	
The Division is filing this emergency proposed new rule to ensure continued administration over the licensing of bail enforcement professionals.	

Administration of these licenses will be transferred from the Department of Public Safety to the Division of Professional Licensing.

6. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This proposed new rule is not expected to impact state government revenues or expenditures beyond the fiscal impact of new Title 58, Chapter 93, Bail Bond Licensing Act, as described in the fiscal note for SB 149 (2026) at: https://le.utah.gov/~2026/bills/static/SB0149.html. This proposed new rule is established in accordance with the mandates of Title 58, Chapter 93, Bail Bond Licensing Act, to administer the licenses under that Chapter and establish operating standards that encompass the statutory requirements and practices in the profession and will not affect existing state government procedures beyond those identified in the fiscal note for SB 149 (2026).
B. Local governments:
This proposed new rule is not expected to impact local governments' revenues or expenditures beyond the fiscal impact of new Title 58, Chapter 93, Bail Bond Licensing Act, as described in the fiscal note for SB 149 (2026) at: https://le.utah.gov/~2026/bills/static/SB0149.html. This proposed new rule is established in accordance with the mandates of Title 58, Chapter 93, Bail Bond Licensing Act, to administer the licenses under that Chapter and establish operating standards that encompass the statutory requirements and practices in the profession and will not affect existing local government procedures beyond those identified in the fiscal note for SB 149 (2026).
C. Small businesses ("small business" means a business employing 1-49 persons)**:**
This proposed new rule is not expected to impact small businesses' revenues or expenditures beyond the fiscal impact of new Title 58, Chapter 93, Bail Bond Licensing Act, as described in the fiscal note for SB 149 (2026) at: https://le.utah.gov/~2026/bills/static/SB0149.html. This proposed new rule is established in accordance with the mandates of Title 58, Chapter 93, Bail Bond Licensing Act, to administer the licenses under that Chapter and establish operating standards that encompass the statutory requirements and practices in the profession and will not affect small businesses' procedures beyond those identified in the fiscal note for SB 149 (2026).
D. Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:**
This proposed new rule is not expected to impact the revenues or expenditures of persons other than small businesses, state, or local government entities beyond the fiscal impact of new Title 58, Chapter 93, Bail Bond Licensing Act, as described in the fiscal note for SB 149 (2026) at: https://le.utah.gov/~2026/bills/static/SB0149.html. This proposed new rule is established in accordance with the mandates of Title 58, Chapter 93, Bail Bond Licensing Act, to administer the licenses under that Chapter and establish operating standards that encompass the statutory requirements and practices in the profession and will not affect existing procedures for other persons beyond those identified in the fiscal note for SB 149 (2026).
E. Compliance costs for affected persons:
This proposed new rule is not expected to impact the revenues or expenditures of persons other than small businesses, state, or local government entities beyond the fiscal impact of new Title 58, Chapter 93, Bail Bond Licensing Act as described in the fiscal note for SB 149 (2026) at: https://le.utah.gov/~2026/bills/static/SB0149.html.

F. Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):
The Commissioner of the Department of Commerce, Margaret W. Busse, has reviewed this regulatory impact analysis and determined that there is no anticipated fiscal impact on businesses outside of those fiscal impacts described in the fiscal note for SB 149 (2026) at: https://le.utah.gov/~2026/bills/static/SB0149.html.

7. 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 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-93-201

9. Agency Authorization Information

Agency head or designee and title:	Adam Watson, Assistant Division Director	**Date:**	08/28/2026

R156. Commerce, Professional Licensing.
R156-93. General Rule of the Division of Professional Licensing.
R156-93-101. Title - Authority - Organization of Rules -- Statement of Purpose and Conflicts.

(1) This rule is known as the "Bail Bond Licensing Act Rule".

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 93, the Bail Bond Licensing Act.

(3) The organization of this rule and its relationship to Rule R156-1 is described in Section R156-1-107.

(4) The Division finds that the purpose of this rule, Title 58, Chapter 93, the Bail Bond Licensing Act, and the portions of SB 149 (2026 General Session), Licensing Modifications, that deal with bail enforcement professionals is:

(a) To regulate the professions of bail enforcement professionals regulated under Title 53, Chapter 11, the Bail Bond Recovery Act prior to September 1, 2026; and

(b) to neither override nor replace Title 31A, Chapter 35, the Bail Bond Act except where expressly stated.

(c) any interpretation of this rule or Title 58, Chapter 93, the Bail Bond Licensing Act that contradicts the requirements of Title 31A, Chapter 35, the Bail Bond Act, or any rule made to enforce Title 31A, Chapter 35, the Bail Bond Act, shall be interpreted in favor of Title 31A, Chapter 35, the Bail Bond Act.

R156-93-102. Definitions.

This section establishes definitions to supplement the definitions in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 93.

(1) "Applicant" unless otherwise specified, shall mean an applicant for a license under Title 58, Chapter 93, the Bail Enforcement Professional Licensing Act including an applicant for an initial license, renewal of a license, and reinstatement of a license.

(2) "Approved basic firearms training program" means a firearms education and training program that:

(a) meets the standards for content and instruction under Section R156-93-306b; and

(b) is approved by the Division as either

(i) An approved basic firearms course for Bail Enforcement Professionals, or

(ii) an approved basic firearms training program for armed private security officers under Section R156-63a-604.

(3) "Restricted Terms" shall mean any word, term, or phrase that, regardless of intent, is reasonably likely to suggest that a bail enforcement professional is a member of any official state or federal law enforcement agency including:

(a) "State of Utah";

(b) "United States", "US", "USA", or "Federal";

(c) "Police";

(d) "Patrolman" or "Patrol Officer";

(e) "Deputy";

(f) "Marshal";

(g) "Agent" except:

(i) If used conjunction with "bail enforcement agent" or "bail recovery agent"; and

(ii) The words "bail enforcement agent" or "bail recovery agent" appears on the same line.

(h) "Trooper"; or

(i) "Sheriff".

(4) "Supervision Declaration" shall mean a written declaration by a Bail Enforcement Agent or a Bail Recovery Agent when training a Bail Recovery Apprentice that includes:

(a) State the name and license number of the Bail Enforcement Agent or Bail Recovery Agent;

(b) the name and contact information of the Bail Recovery Apprentice;

(c) a declaration the supervising agent has reviewed the supervision requirements in Section R156-93-305(2).

R156-93-301. Term of License - Expiration of License - Renewal of License - Reinstatement of License - Application Procedures.

This section establishes the term of licensure for licenses issued under Title 58 Chapter 93, under Section 58-1-102.

(1) Under Subsections 58-1-308(1) and 58-93-201(6), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 92, Private Investigation Licensing Act, shall be in August of each odd-numbered year;

(2) Renewal procedures shall be in accordance with Sections R156-1-308a through R156-1-308l.

(3) All valid and current licenses described under Section 58-93-312 issued prior to September 1, 2026 under Title 53, Chapter 11, the Bail Bond Recovery Act:

(a) shall expire on the date shown on the license; and

(b) a licensee with a license issued under Title 53, Chapter 11, the Bail Bond Recovery Act, shall relicense under Title 58, Chapter 1, Division of Professional Licensing Act, Title 58, Chapter 93 Bail Bond Licensing Act, and this rule.

(4) Under Subsection 58-1-308(3)(b)(i) a licensee under Title 58, Chapter 93 Bail Bond Licensing Act applying for renewal shall:

(a) meet the CE requirements under Section 58-93-306 and Subsection R156-93-306a(4); and

(b) submit to the Division:

(i) a Division-approved renewal form;

(ii) A renewal application fee;

(ii) a photograph meeting the standards described in Subsection R156-93-302(1)(d);

(iii) a photocopy of the licensee's government issued picture identification described in Subsection R156-302(1)(c); and

(iv) if a surety bond is required, evidence that the licensee has a current and valid surety bond.

(c) In addition to the requirements of Subsection R156-93-301(4)(a), a bail bond agency under Subsection 58-93-101(1), must submit to the Division evidence that the PI agency has current and valid:

(i) comprehensive general liability insurance meeting the minimum requirements of Subsection R156-93-303(3)(a); and

(ii) workers compensation policy or an affidavit conforming to Subsection R156-93-303(3)(b).

R156-93-302. General Qualifications.

This section describes the general qualifications for all applicants and licensees under Title 38, Chapter 93, the Bail Bond Licensing Act.

(1) All applicants for licensure under Title 58, Chapter 93 shall:

(a) use the form of application approved by the Division under Subsection 58-93-302(1)(a);

(b) pay the non-refundable processing fee;

(c) provide the Division with a copy of a state-issued photo identification that lists the applicant's name and birthday;

(d) provide one color photograph of the applicant:

(i) taken no more than six months prior to the application;

(ii) of passport quality;

(iii) containing the applicant's name written on the back of the photograph; and

(iv) in physical form or a digital format compatible with the online application described in Subsection R156-93-302a(1)(a).

(2) Under Subsections 58-1-301.5(5) and 58-93-302(1)(v), an applicant shall submit the following:

(a) two fingerprint cards or a digital fingerprint file in a form acceptable to the Division;

(b) the fee established in accordance with Section 63J-1-504 equal to the cost of conducting a check of records for each individual required to provide a fingerprint card under Subsection(1)(a) with:

(i) the Federal Bureau of Investigation(FBI); and

(ii) the Bureau of Criminal Identification(BCI) of the Utah Department of Public Safety.

(3) Under Subsection 58-93-302(2), an applicant shall disclose all professional licenses issued to the applicant in the last ten years by any other state or jurisdiction, regardless of the type or status of such license.

R156-93-303. Bail Bond Agency -- Application.

This section describes the qualifications for a Bail Bond Agency under Section 58-93-303 in addition to the general licensing requirements of under Section R156-93-302.

(1) A bail bond agency applicant shall identify the bail bond agency's qualifier under Subsection 58-93-303(1)(c) by providing the Division the qualifiers:

(a) full legal name and all previous names;

(b) social security number;

(c) date of birth;

(d) residential address within the State; and

(e) personal phone and email contact information;

(2) In addition to the requirements of Subsection R156-93-303(1), the bail bond agency's qualifier shall provide the Division with:

(a) A copy of the proposed qualifiers driver's license or state issued identification;

(b) description of the proposed qualifier's association with the agency; and

(c) a declaration under penalty of perjury that the qualifier meets the requirements of Subsection 58-93-303(1)(c).

(3) A bail bond agency applicant must provide the Division evidence of the following insurance policies:

(a) a liability insurance including:

(i) the policy number,

(ii) the expiration date of the policy,
(iii) the insurance company name and contact information, and
(iv) coverage amounts of at least $100,000 for each incident and $500,000 in total comprehensive general liability insurance requirements; and
(b) Either:
(i) A workers' compensation insurance policy naming the Division as a certificate holder, including the policy number, the expiration date of the policy, the insurance company name and contact information; or
(ii) an affidavit that the applicant does not hire employees and is therefore exempt from the requirement to have workers' compensation insurance as evidenced by a valid Workers' Compensation Coverage Waiver issued by the Utah Labor Commission.
(4) Bail bond agency applicant shall provide the Division evidence its qualifier's valid surety bond meeting the requirements of Subsection R156-93-304(1) under 58-93-304(1)(c).

R156-93-304. Bail Enforcement Agent -- Bail Recovery Agent.
This section describes the qualifications for a Bail Enforcement Agent under 58-93-101(2) or Bail Recovery Agent under 58-93-101(4) applicants in addition to the general licensing requirements of Section R156-93-302.
(1) Surety Bond. Under 58-93-304(1)(c), an applicant for Bail Enforcement Agent will provide the Division evidence of a valid surety bond meeting the following criteria:
(a) in the amount of $10,000;
(b) that is in effect throughout the entire licensing period; and
(c) that provides that the issuer of the surety bond will notify the Division if the bond is cancelled or expired.
(2) Experience. An applicant for Bail Enforcement Agent will provide the Division with proof of adequate experience under 58-93-307(1) which will the information required under Subsection R156-93-307.

R156-93-305. Bail Recovery Apprentice.
This section describes the qualifications for a Bail Recovery Apprentice applicant under 58-93-101(4) in addition to the general licensing requirements of Section R156-93-302.
(1) A Bail Recovery Apprentice applicant will provide the Division with the following information in a form the Division approves:
(a) The name and license number of the Bail Enforcement Agency employing the applicant;
(b) The name and license number of the Bail Enforcement Agent or Bail Recovery Agent supervising the applicant; and
(c) A signed supervision declaration.
(2) Supervision under subsection R156-93-305(1) shall be:
(a) Direct supervision, as described in Subsection R156-1-102a(1)(a) for the first 500 hours of supervised time;
(b) indirect supervision, as described in Subsection R156-1-102a(1)(b) for the 500 hours following the direct supervision period under Subsection R156-93-305(2)(a); and
(c) general supervision, as described in Subsection R156-1-102a(1)(c) for any hours after hours described in subsections R156-93-305(2)(a) and R156-93-305(2)(b).

R156-93-306a. Initial and Continuing Training Requirements for Applicants.
(1) To satisfy the requirements of Section 58-93-306 initial and continuing training programs must
(a) have been approved by the Department of Public Safety to provide training services of bail enforcement agents, bail bond agents prior to September 1, 2026; or
(b) receive approval from the Division in collaboration with the board before offering training services to the public;
(2) Training programs must meet the following criteria:
(a) If approved under R156-93-306a(1)(a) must re-certify under R156-93-306a(1)(b), no later than September 1, 2027;
(b) fulfill the curriculum requirements under Subsection R156-93-306a(4);
(c) taught either:
(i) in-person; or
(ii) through electronic means in real time that provides a means for immediate engagement between the instructor and the participant.
(3) An applicant shall disclose to the Division:
(a) The name of the program completed;
(b) the name of the trainer who provided the training;
(c) the email address of the trainer;
(d) the total course hours;
(e) the applicant's exam score;
(f) the date of the applicant's completion of the training course; and
(g) a signed affidavit from training stating that the information provided by the applicant under R156-93-306a(3)(a) through 306a(3)(f) is true and accurate.
(4) Continuing education under Subsection 58-93-306(3) shall:
(a) Be relevant to the licensee's professional practice;
(b) provided by a person qualified under Subsection R156-93-306a(1); and
(c) include at least 2 hours of education exclusively on Utah law, including Title 58, Chapter 93, the Bail Bond Licensing Act and R156-93; and R156-93, the Bail Bond Licensing Act Rule.

R156-93-306b. Firearms Training and Instruction.

The Section establishes the minimum qualifications for firearms training programs under Title 58, Chapter 93, Bail Bond Licensing Act.

(1) Firearms Training. If the applicant seeks to carry a firearm as a licensee under Title 58, Chapter 93, the Bail Bond Licensing Act, the applicant shall provide documentation that:

(a) the applicant completed an approved basic firearms training program under Subsection R156-93-102(2) indicating that the applicant has completed the 12-hour firearms training course required in Subsection 53-11-108(5) within 6 months of the initial application; or

(b) prior to August 31, 2026 the applicant:

(i) held an active license as a bail enforcement agent, bail recovery agent, or 0bail recovery apprentice in good standing under Title 53, Chapter 11 the Bail Bond Recovery Act,0

(ii) had completed the requirements for a concealed carry permit under Rule R722-300; and

(iii) had completed an additional 16-hour firearms training course required under Subsection 53-11-108(5).

(2) Firearms Training Instruction. An approved basic firearms training program under R156-93-102(2) shall be taught by an instructor holding the following qualifications:

(a) current Peace Officers Standards and Training firearms instructor certification; or

(b) current certification as a firearms instructor by:

(i) the National Rifle Association;

(ii) a Utah law enforcement agency;

(iii) a Federal law enforcement agency;

(c) a branch of the United States military; or(v) other qualification or certification found by the Division, in collaboration with the Board, to be equivalent.

(3) Shall include the following curriculum:

(a) at least six hours of classroom firearms instruction to include the following:

(i) the firearm and its ammunition;

(ii) care and cleaning of the firearm;

(iii) the prohibition against alterations of the firearm's firing mechanism;

(iv) firearm inspection review procedures;

(v) firearm safety on duty;

(vi) firearm safety at home;

(vii) firearm safety on the range;

(viii) legal and ethical restraints on firearms use;

(ix) explanation and discussion of target environment;

(x) stop failure drills;

(xi) explanation and discussion of stance, draw stroke, cover and concealment, and other firearm fundamentals;

(xii) armed patrol techniques;

(xiii) use of deadly force under Utah law and the provisions of Title 76, Chapter 2, Part 4, and a discussion of 18 USC 44 Section 922; and

(xiv) instruction that an armed private security officer shall not fire the officer's weapon unless there is an imminent threat to life, and at no time shall the weapon be drawn as a threat or means to force compliance with any verbal directive not involving imminent threat to life;

(b) a final examination that demonstrates the competency of the participant on the subjects included in the six hours of classroom firearms instruction, with a passing score requirement of 80%; and

(c) at least six hours of firearms range instruction to include the following:

(i) basic firearms fundamentals and marksmanship;

(ii) demonstration and explanation of the difference between sight picture, sight alignment, and trigger control; and

(iii) a recognized practical pistol course on which the applicant achieves a minimum score of 80% using regular and low light conditions.

R156-93-307. Proof of Experience.

(1) The name and contact information for all companies or institutions with whom the applicant was employed;

(2) The time periods during which the applicant was employed;

(3) The total hours of experience claimed; and

(4) The name and contact information for a supervisor who can validate the hours of experience.

R156-93-308. Qualified Credit for Specified Training.

Under Section 58-93-308, an applicant seeking credit for specified training must submit to the Division:

(1) Proof of successful completion in a degree described under Subsection 58-93-308(1) to receive credit for:

(a) 1,000 hours of experience if the applicant is seeking a license as a bail enforcement agent under Subsection 58-93-307(1); or

(b) 500 hours of experience if the applicant is seeking a license as a bail recovery agent under Subsection 58-93-307(2).

(2) Proof of successful completion of the training described under Subsection 58-93-308(2) to receive credit for:

(a) 1,000 hours of experience if the applicant is seeking a license as a bail enforcement agent under Subsection 58-93-307(1); or

(b) 500 hours of experience if the applicant is seeking a license as a bail recovery agent under Subsection 58-93-307(2).

(3) Applicants seeking credit for substantially similar experience or training under Subsection 58-93-310(3) may submit a written petition to the Division describing the experience or training for which qualified credit is sought.

R156-93-310. Operating Standards -- Representation -- Implying an Association with Public Law Enforcement Prohibited.

(1) A bail enforcement professional or agency may not use restricted terms under Subsection R156-93-102(3) in the agency's name, advertising materials, uniform, signage, correspondence, online media posts, or publications or imply any connection to or association with a public law enforcement or government agency

(2) A bail enforcement professional or agency may not use a logo that bears markings similar to the seal, emblem, acronym, or configuration of a public law enforcement agency of the federal government, a state government, a state political subdivision, a municipal, or a military branch in advertising materials, uniform, signage, correspondence, online media posts, or publications.

R156-92-311. Operating Standards - Proper Identification of Bail Enforcement Professionals.

(1) When performing the duties of a bail enforcement professional, the licensee shall carry the licensee's:

(a) Division-issued license; and

(b) current government-issued driver license or identification card.

(2) Upon request, a licensee shall produce the documents listed under Subsection(1).

R156-92-313. Badges and Insignia.

This Section describes the design and use of badges under Subsection 58-93-504(2).

(1) A bail enforcement professional may not use any badge or insignia that has not been approved by the Division.

(2) The design of a badge, may not contain any restricted terms under Subsection R156-93-102(3).

(3) A bail enforcement professional

(a) may display a badge approved by the Division under 58-93-102(3) only while actively engaging in licensed work under this Title 58, Chapter 93, the Bail Bond Licensing Act.

(b) A bail enforcement professional or agency may obtain a badge from any source, so long as it complies with the following specifications:

(i) the badge shall be 2.55 inches high and 2.66 inches wide;

(ii) the badge shall be in the shape of a five-point star on a circle;

(iii) the star shall be gold in color and the circle must be silver in color;

(iv) the center of the star shall be black in color and contain the phrase "Bail Enforcement";

(v) other than the text required under subsection R156-93-313(b)(iv) the text of the badge shall be written in block lettering and must be black;

(vi) the silver circle shall contain two panels with writing to indicate whether the agent is a bail enforcement agent or bail recovery agent; and

(vii) the badge shall contain two gold panels with writing to indicate the word "Utah" on the top panel and the agent's license number on the bottom panel.

(4) Badges shall:

(a) Be worn on the outer-most layer of clothing; and

(b) not be worn or presented in a way intended to obscure any portion of the badge.

(5) A badge design approved by the Bureau of Criminal Identification under 53-11-121 prior to September 1, 2026 shall be deemed approved under Subsection 58-93-504(2).

R156-93-502. Unprofessional Conduct.

Under Subsection 58-1-203(1)(e), "unprofessional conduct" includes:

(1) fraudulent reporting experience hours under Section R156-93-307

(2) an Bail Recovery Apprentice failing to update the supervisor declaration under Section R156-93-305;

(3) failing to replace qualifier within the periods required under Section 58-93-309;

(4) engaging in fraud or misrepresentation in applying for an original license or renewal or reinstatement of an existing license;

(5) is convicted of any act involving illegally using, carrying, or possessing a dangerous weapon;

(6) is convicted of threatening to commit any act of personal violence or force against any person;

(7) commits or permits any employee or independent contractor to commit any act during the period when the license is expired or suspended;

(8) employs or contracts with any unlicensed or improperly licensed person or agency to conduct activities regulated under this chapter if the licensure status was known or could have been ascertained by reasonable inquiry;

(9) engages bail enforcement professional services regulated by this chapter on a revoked or suspended license;

(10) advertises in a false, deceptive, or misleading manner;

(11) refuses to display the identification card issued by the Division to any person having reasonable cause to verify the validity of the license;

(12) is convicted of any act of illegally obtaining or disseminating private, controlled, or protected records under Section 63G-2-801;

(13) fails to notify the Division of a change of name or address within 60 days of the change; or

(14) failing to disclose the existence and status of any professional license under Section 58-93-302(2).

R156-92-503. Penalties.

(1) In addition to the penalties in Section 58-93-503, the penalties under Sections 58-1-502 and R156-1-502 shall apply to a violation of Title 58, Chapter 93, Bail Bond Licensing Act

(2) Citation procedures shall be in accordance with Sections 58-1-502 and 58-93-503 and Rule R156-1.

KEY: licensing, bail bond enforcement agents, bail bond recovery agents, bail bond recovery apprentices
Date of Last Change: September 1, 2026
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-308; 58-1-501(2)

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R51-2**	**Filing ID: 57932**

Effective date:	**08/31/2026**

1. Agency Information

Title catchline:	Agriculture and Food, Administration
Building:	TSOB South Bldg, Floor 2
Street address:	4315 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 146500
City, state and zip:	Salt Lake City, UT 84114-6500

2. Contact Persons

Name:	**Phone:**	**Email:**
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Camille Knudson	801-597-6010	Camillek@utah.gov

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

3. General Information

A. Rule catchline:
R51-2. Administrative Procedures and Compliance Actions

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 4-1-104	This section requires the Department of Agriculture and Food (department) to comply with the Administrative Procedures Act during adjudicative proceedings. This rule establishes uniform department procedures for agency actions, informal hearings, and appeals.
Section 4-2-103	This section authorizes the department to enforce agricultural laws, conduct hearings, issue orders, enforce quarantines, and make administrative rules.

	This rule provides the framework to carry out these duties.
Section 63G-4-203	This section directs agencies to establish rules governing informal adjudicative proceedings and this rule provides these required informal procedures for the department.

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 maintain a standardized framework across all department programs. It outlines essential procedures regarding citations, debt collection processes, fine escalation, and mandatory compliance timelines. Last spring, the department received official approval for its past-due debt collection and citation processes. This rule ensures the department remains compliant with that approval while providing clear guidelines for compliance actions, informal hearings, fine collections, and appeals. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	**Date:**	08/31/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R156-24b**	**Filing ID: 57613**

Effective date:	**08/21/2026**

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	**Phone:**	**Email:**
Lisa Martin	801-530-7632	lmartin@utah.gov

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

3. General Information

A. Rule catchline:
R156-24b. Physical Therapy Practice Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 58-24b-101 et seq.	Title 58, Chapter 24b, Physical Therapy Practice Act provides for the licensure and regulation of athletic trainers.

Subsection 58-1-106(1)(a)	This subsection establishes that it is a duty of the Division of Professional Licensing to prescribe, adopt, and enforce rules to administer Title 58, Occupations and Professions.

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 provides a mechanism to inform potential licensees of the specific requirements for licensure as allowed under statutory authority in Title 58, Chapter 24b. This rule also 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 all of which further public safety. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	**Date:**	08/21/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R156-40a**	**Filing ID: 58012**

Effective date:	**08/21/2026**

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	**Phone:**	**Email:**
Lisa Martin	801-530-7632	lmartin@utah.gov

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

3. General Information

A. Rule catchline:
R156-40a. Athletic Trainer Licensing Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 58-40a-101 et seq.	Title 58, Chapter 40a, Athletic Trainer Licensing Act provides for the licensure and regulation of athletic trainers.
Subsection 58-1-106(1)(a)	This subsection establishes that it is a duty of the Division of Professional Licensing to prescribe, adopt, and enforce rules to administer Title 58, Occupations and Professions.

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 provides a mechanism to inform potential licensees of the specific requirements for licensure as allowed under statutory authority in Title 58, Chapter 40a, Athletic Trainer Licensing Act. This rule also provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning definitions, minimum standards of practice, unprofessional conduct, and ethical standards relating to the profession all of which further public safety. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	**Date:**	08/21/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R156-41**	**Filing ID: 50272**

Effective date:	**08/21/2026**

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	**Phone:**	**Email:**
Lisa Martin	801-530-7632	lmartin@utah.gov

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

3. General Information

A. Rule catchline:
R156-41. Speech-Language Pathology and Audiology Licensing Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 58-41-101 et seq.	Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, provides for the licensure and regulation of speech-language pathologists and audiologists.
Subsection 58-1-106(1)(a)	This subsection establishes that it is a duty of the Division of Professional Licensing to prescribe, adopt, and enforce rules to administer Title 58, Occupations and Professions.

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 provides a mechanism to inform potential licensees of the specific requirements for licensure as allowed under statutory authority in Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act. This rule also provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning definitions, minimum standards of practice, unprofessional conduct, and ethical standards relating to the profession all of which further public safety. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	**Date:**	08/21/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R156-72**	**Filing ID: 58036**

Effective date:	**08/21/2026**

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	**Phone:**	**Email:**
Lisa Martin	801-530-7632	lmartin@utah.gov

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

3. General Information

A. Rule catchline:
R156-72. Acupuncture Licensing Act Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 58-71-101 et seq.	Title 58, Chapter 72, Acupuncture Licensing Act provides for the licensure and regulation of acupuncturists and the regulation of acupuncture aides.
Subsection 58-1-106(1)(a)	This subsection establishes that it is a duty of the Division of Professional Licensing to prescribe, adopt, and enforce rules to administer Title 58, Occupations and Professions.

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 provides a mechanism to inform potential licensees of the specific requirements for licensure as allowed under statutory authority in Title 58, Chapter 72, Acupuncture Licensing Act. This rule also provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning definitions, minimum standards of practice, unprofessional conduct, and ethical standards relating to the profession all of which further public safety. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	**Date:**	08/21/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R357-42**	**Filing ID: 58129**

Effective date:	**08/26/2026**

1. Agency Information

Title catchline:	Governor, Economic Opportunity
Building:	World Trade Center
Street address:	60 E South Temple, Suite 300
City, state:	Salt Lake City, UT
Mailing address:	60 E South Temple, Suite 300
City, state and zip:	Salt Lake City, UT 84111

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

A. Rule catchline:
R357-42. Redeveloping Matching Grant Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 63G-3-201(2)	This law states an agency may make a rule if authorized implicitly or explicitly by statute.
Section 63G-3-12	Creates the Redevelopment Matching Grant Program, which this rule helps administer.

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 because Section 63G-3-12 (Redevelopment Matching Grant Program) is still in effect. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Gregory Jeffs, Designee	**Date:**	08/24/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule number:	**R714-165**	**Filing ID: 53710**

Effective date:	**08/24/2026**

1. Agency Information

Title catchline:	Public Safety, Highway Patrol
Building:	Calvin Rampton Building
Street address:	4501 S 2700 W, First Floor
City, state:	Salt Lake City, UT
Mailing address:	PO Box 141775
City, state and zip:	Salt Lake City, UT 84114-1775

2. Contact Persons

Name:	**Phone:**	**Email:**
Kim Gibb	801-556-8198	kgibb@utah.gov

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

3. General Information

A. Rule catchline:
R714-165. Standards for School Buses

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 41-6a-1304	Requires the Department of Public Safety, with the advice of the State Board of Education to adopt and enforce rules to govern the design and operation of all school buses in the state when owned and operated by any school district, privately owned and operated under contract with a school district, or privately owned for use by a private school.

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 during the last five-year review of this rule.
D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required under Section 41-6a-1304, which mandates the Department of Public Safety to create rules, with the advice of the State Board of Education, to govern the design and operation of all school buses in the state. Therefore, this rule should be continued.

This rule references a link to the Standards for Utah School Buses and Operations, published by the Utah State Board of Education, that is out of date. The link will be updated in a rule amendment following the five-year review.

4. Agency Authorization Information

Agency head or designee and title:	Colonel Greg Holley, Utah Highway Patrol	**Date:**	08/24/2026

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF
RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

<u>Agriculture and Food</u>
Specialized Products
No. 58088 (Amendment) R66-30: Industrial Hemp Program - Cannabinoid Product Processors
Published: 07/15/2026
Effective: 08/21/2026

No. 58089 (Amendment) R66-31: Industrial Hemp Cannabinoid Product Testing
Published: 07/15/2026
Effective: 08/21/2026

No. 58090 (Amendment) R66-34: Industrial Hemp Retailer Permit
Published: 07/15/2026
Effective: 08/21/2026

No. 58091 (Amendment) R66-35: Cannabinoid Product Registration and Labeling
Published: 07/15/2026
Effective: 08/21/2026

Regulatory Services
No. 58092 (Repeal) R70-570: Direct-to-Sale Farmers Market Signage
Published: 07/15/2026
Effective: 08/31/2026

<u>Alcoholic Beverage Services</u>
Administration
No. 58028 (Amendment) R82-2: Type 2 and 3 Package Agencies
Published: 06/15/2026
Effective: 09/03/2026

No. 57965 (New Rule) R82-14: Liquor Transport Licensees
Published: 06/01/2026
Effective: 09/03/2026

<u>Environmental Quality</u>
Air Quality
No. 58034 (Amendment) R307-102: General Requirements: Broadly Applicable Requirements
Published: 07/01/2026
Effective: 09/02/2026

No. 58035 (Amendment) R307-110-34: Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County
Published: 07/01/2026
Effective: 09/02/2026

Drinking Water
No. 58033 (Amendment) R309-110-4: Definitions
Published: 06/15/2026
Effective: 09/01/2026

No. 58026 (Amendment) R309-200-5: Primary Drinking Water Standards
Published: 06/15/2026
Effective: 09/01/2026

No. 58027 (Amendment) R309-210: Monitoring and Water Quality: Distribution System Monitoring Requirements
Published: 06/15/2026
Effective: 09/01/2026

No. 57930 (Amendment) R309-220: Monitoring and Water Quality: Public Notification Requirements
Published: 05/15/2026
Effective: 08/26/2026

No. 57929 (Amendment) R309-225: Monitoring and Water Quality: Consumer Confidence Reports
Published: 05/15/2026
Effective: 08/26/2026

No. 57963 (Repeal and Reenact) R309-400: Improvement Priority System and Public Water System Ratings
Published: 05/15/2026
Effective: 08/25/2026

Government Operations
Data Privacy
No. 58107 (Repeal) R18-1: Relief from Data Privacy Requirements
Published: 08/01/2026
Effective: 09/09/2026

No. 58106 (New Rule) R18-2: Utah Privacy Commission Meetings
Published: 08/01/2026
Effective: 09/09/2026

Health and Human Services
Population Health, Environmental Health
No. 58101 (New Rule) R392-703: Sanitation Standards for Massage and Non-Aquatic Communal Bathing Facilities
Published: 07/15/2026
Effective: 09/02/2026

Higher Education (Utah Board of)
Administration
No. 58099 (Amendment) R765-264: Student Belief Accommodations
Published: 07/15/2026
Effective: 09/01/2026

No. 58097 (Amendment) R765-800: Free Expression on Campus
Published: 07/15/2026
Effective: 09/01/2026

No. 58098 (Amendment) R765-802: Weapons on Campus
Published: 07/15/2026
Effective: 09/01/2026

Natural Resources
Outdoor Recreation
No. 58110 (Amendment) R650-414: Nonresident OHV User Decals and Fees
Published: 08/01/2026
Effective: 09/08/2026

Forestry, Fire and State Lands
No. 58073 (Repeal and Reenact) R652-121: Wildland Fire Suppression Fund
Published: 07/15/2026
Effective: 08/24/2026

Wildlife Resources
No. 58075 (Amendment) R657-4: Possession and Release of Pen-Reared Birds
Published: 07/15/2026
Effective: 08/22/2026

No. 58081 (Amendment) R657-24: Compensation for Mountain Lion, Bear, Wolf or Eagle Damage
Published: 07/15/2026
Effective: 08/22/2026

No. 58082 (Amendment) R657-28: Use of Division Lands
Published: 07/15/2026
Effective: 08/22/2026

No. 58080 (Amendment) R657-37: Cooperative Wildlife Management Units for Big Game or Turkey
Published: 07/15/2026
Effective: 08/22/2026

No. 58076 (Amendment) R657-42: Fees, Exchanges, Surrenders, Refunds, and Reallocation of Wildlife Documents
Published: 07/15/2026
Effective: 08/22/2026

No. 58077 (Amendment) R657-54a: Taking Wild Turkey
Published: 07/15/2026
Effective: 08/22/2026

No. 58108 (Amendment) R657-59e: Stocking into Natural Lakes, Natural Flowing Streams, or Reservoirs on Natural Stream Channels
Published: 08/01/2026
Effective: 09/09/2026

No. 58078 (Amendment) R657-65: Urban Deer Control
Published: 07/15/2026
Effective: 08/22/2026

No. 58079 (Amendment) R657-69: Turkey Depredation
Published: 07/15/2026
Effective: 08/22/2026

No. 58083 (New Rule) R657-75: Wildlife Consultation Procedure for Utility Scale Renewable Energy Facilities
Published: 07/15/2026
Effective: 08/22/2026

Tax Commission
Administration
No. 58109 (Amendment) R861-1A-42: Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401
Published: 08/01/2026
Effective: 09/10/2026

Auditing
No. 58111 (Amendment) R865-6F-32: Taxation of Financial Institutions Pursuant to Utah Code Ann. Sections 59-7-302 through 59-7-321
Published: 08/01/2026
Effective: 09/10/2026

Treasurer
Unclaimed Property
No. 57967 (Amendment) R966-1-54: Preneed Funeral Insurance
Published: 08/01/2026
Effective: 09/09/2026

End of the Notices of Rule Effective Dates Section