

UTAH STATE BULLETIN

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

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

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

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

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

Office of Administrative Rules, Salt Lake City 84114

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EDITOR'S NOTES

EDITOR'S NOTE

Effective Date Error for Rule R66-3, ID 58044

The Office of Administered Rules (OAR) was notified on 09/16/2026 of an error that was published in the Notices of Rule Effective Dates pages in the September 1, 2026, issue, page 210, of the Utah State Bulletin.

The Department of Agriculture and Food (DAAF) filed an effective notice the morning of 08/07/2026 on the amendment for Rule R66-3, ID 58044. That afternoon OAR received a call that DAAF needed to file a Change in Proposed Rule (CPR) on that filing.

Our filing system (eRules) administrator backed out the effective date and reset the filing so DAAF could file the CPR in eRules. For some unknown reason, eRules still thought it was effective when the query was run against the database to create the Notices of Rule Effective Dates pages for the September 1, 2026, Bulletin.

The CPR on R66-3, ID 58044, was published in the September 15, 2026, Bulletin on page 120. The changes in the amendment will not be effective until DAAF files an effective date for the CPR.

If there are any questions, please send them to rulesonline@utah.gov.

End of the Editor's Notes Section

EXECUTIVE DOCUMENTS

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

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

PROCLAMATION

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

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

NOW, THEREFORE, I, Spencer J. Cox, governor of the state of Utah, by virtue of the authority vested in me by the Constitution and Laws of the state of Utah, do by this Proclamation call the Senate only of the 66th Legislature of the state of Utah into the 13th Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 16th day of September 2026, at 4:00 p.m., for the following purpose:

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 15th day of September 2026.

(State Seal)

Spencer J. Cox
Governor

ATTEST:

Deidre M. Henderson
Lieutenant Governor

2026-13E

End of the Executive Documents Section

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

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

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

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least November 02, 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 29, 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:** Amendment**Filing ID:** 58230**Rule or section number:****R66-34****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:
R66-34. Industrial Hemp Retailer Permit
B. Purpose of the new rule or reason for the change:
The purpose of this filing is to align the expiration and renewal period of an industrial hemp retailer permit with the specialized product retailer permit described in Title 45a, Chapter 4.
C. Summary of the new rule or change:
This filing amends Subsections R66-34-3(5) and (6) by changing the renewal date for an industrial hemp retailer permit from December 31 to April 30.
A specialized product retailer license, which also must be acquired by an industrial hemp retailer, is renewed at this time. By changing December 31 to April 30, the Department of Agriculture and Food is aligning renewal dates between the permit and the license.

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 it does not amend existing regulatory requirements.
B. Local governments:
This amendment is not anticipated to result in fiscal impact on local governments because they do not issue industrial hemp retailer permits.
C. Small businesses ("small business" means a business employing 1-49 persons):
This amendment is not anticipated to result in fiscal impact on small businesses because it does not amend existing regulatory requirements.

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

This amendment is not anticipated to result in fiscal impact on non-small businesses because it does not amend existing regulatory requirements.

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

This amendment is not anticipated to result in fiscal impact on other persons because only businesses acquire industrial hemp retailer permits.

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 4-41-103.1

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: 11/02/2026

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)	11/09/2026
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13. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	09/11/2026
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R66. Agriculture and Food, Specialized Products.**R66-34. Industrial Hemp Retailer Permit.****R66-34-1. Authority and Purpose.**

Pursuant to Section 4-41-103.1 and Subsection 4-2-103(1)(i), this rule establishes the requirements for a person seeking an industrial hemp retailer permit.

R66-34-2. Definitions.

- (1) "Conventional Food" means:
 - (a) an article used for food or drink for human consumption or the components of the article; or
 - (b) chewing gum or chewing gum components.
- (2) "Viable seeds" means seed that has a germination rate of greater than 0.0%.

R66-34-3. Industrial Hemp Retailer Permit.

(1) A person who sells, offers for sale, exposes for sale, or markets a cannabinoid product shall obtain a permit before offering the cannabinoid product for sale in Utah.

(2) To obtain an industrial hemp retailer permit, an applicant shall:

- (a) obtain a specialized product retailer license under Title 4, Chapter 45a, Specialized Product Regulation;
- (b) submit a complete application to the department;
- (c) obtain a permit for each retail establishment location or web address;
- (d) pay the nonrefundable permit fee established in the fee schedule approved by the Legislature, with the application; and
- (e) provide a copy of the retailer's Cannabinoid Tax License from the Utah Tax Commission.

(3) The department may deny a permit for an incomplete application.

(4) A permittee may renew their permit by submitting a complete application and annual renewal fee on or before April 30~~December 31~~ of each year.

(5) The department shall assess a late fee for any renewal fee submitted ~~[on or]~~ after April 30~~January 1~~, and the permittee shall pay the late fee before the department issues the renewal.

R66-34-4. Inspection and Testing.

(1) The department may randomly inspect a retailer permittee to ensure cannabinoid products distributed, or available for distribution in Utah comply with statute, this rule, and Rule R66-35.

(2) The department shall periodically sample, analyze, and test cannabinoid product distributed within the state for compliance with registration and labeling requirements, and the certificate of analysis, if applicable.

(3) The department may inspect cannabinoid product distributed or available for distribution for any other reason the department deems necessary.

(4) The department may, upon request, inspect a retailer permittee's records of receipt, inventory, and invoices to ensure cannabinoid product distributed or available for distribution in Utah is following this rule and Rule R66-35.

(5) The sample taken by the department shall be the official sample.

(6) Pursuant to Section 4-1-105, the department may take samples at no charge to the department.

R66-34-5. Retailer Permittee Responsibilities.

(1) A retailer shall provide the identity of the manufacturer or distributor of a cannabinoid product sold upon request of the department.

(2) A retailer may register the product in lieu of the manufacturer if the manufacturer has not registered the product.

R66-34-6. Viable Industrial Hemp Seed.

(1) A person who sells or markets viable industrial hemp seeds in the state may only sell viable seed to an industrial hemp producer licensed by the United States Department of Agriculture (USDA).

(2) An industrial hemp retailer that sells or distributes viable industrial hemp seed shall:

(a) keep a record of each viable industrial hemp seed sale; and

(b) submit the sales record to the department through the department's website on the day of each sale, including the following information:

(i) the company name of the industrial hemp retailer;

- (ii) the store or location name of the industrial hemp retailer making the sale;
 - (iii) the complete industrial hemp retailer permit number;
 - (iv) the first and last name of the individual who made the sale;
 - (v) the complete date of the sale, including the month, day, and year;
 - (vi) the brand name of the seeds and the quantity sold;
 - (vii) the first and last name of the individual who made the purchase;
 - (viii) the complete license number of the licensed hemp producer or grower who made the purchase; and
 - (ix) the complete address and contact information of the individual who made the purchase, including street name and house number, city, state, zip code, phone number, and email address.
- (3) An industrial hemp retailer shall maintain records for two years from the date of the hemp seed sale and make them available for inspection by the department.
- (4) An industrial hemp retailer shall provide the department with a copy of any sales records within two business days of receiving a department request.

R66-34-7. Temporary Retail Location.

An industrial hemp retailer may sell cannabinoid products at a temporary location, if they:

- (1) provide a complete application for an industrial hemp retailer permit to the department that includes the dates and location;
- (2) pay the retailer permit fee;
- (3) provides proof that they hold a Cannabinoid Tax License from the Utah Tax State Commission; and
- (4) the department approves of the temporary location.

R66-34-8. Violation.

- (1) A cannabinoid product shall be considered falsely advertised if the permittee makes a claim about a product that is not on the label.
- (2) It is a violation to:
 - (a) market or sell cannabinoid product in Utah without an industrial hemp retail permit;
 - (b) refuse inspection of a retail establishment, product for sale, or a product storage area; or
 - (c) sell cannabinoid products without a Cannabinoid Tax License from the Utah Tax Commission.

KEY: industrial hemp, retailer permit, specialized product retailer, cannabinoid tax license

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

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(i); 4-41-103.3

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58232
Rule or section number:	R66-50

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:
R66-50. Kratom Retail Permit

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

This filing amends Subsections R66-50-3(6) and (7) by changing the renewal date for a kratom retailer permit from December 31 to April 30.

A specialized product retailer license, which also must be acquired by a kratom retailer, is renewed at this time. By changing December 31 to April 30, the Department of Agriculture and Food (department) is aligning renewal dates between the permit and the license.

C. Summary of the new rule or change:

This filing amends Subsections R66-50-3(6) and (7) by changing the renewal date for a kratom retailer permit from December 31 to April 30.

A specialized product retailer license, which also must be acquired by an industrial hemp retailer, is renewed at this time. By changing December 31 to April 30, the department is aligning renewal dates between the permit and the license.

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 it does not amend existing regulatory requirements.

B. Local governments:

This amendment is not anticipated to result in fiscal impact on local governments because they do not issue kratom retailer permits.

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

This amendment is not anticipated to result in fiscal impact on small businesses because it does not amend existing regulatory requirements.

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

This amendment is not anticipated to result in fiscal impact on non-small businesses because it does not amend existing regulatory requirements.

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

This amendment is not anticipated to result in fiscal impact on other persons because only businesses acquire kratom retailer permits.

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 4-45-107		
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	09/11/2026
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R66. Agriculture and Food, Specialized Products.

R66-50. Kratom Retail Permit.

R66-50-1. Authority and Purpose.

Pursuant to Section 4-45-107, this rule establishes the requirements for a person seeking a kratom retailer permit.

R66-50-2. Definitions.

- (1) "End Consumer" means an individual who does not resell the purchased kratom product.
- (2) "Kratom Retailer Permit" means a permit that the department issues to a retailer who sells or markets any kratom product.
- (3) "License" means the Specialized Product Retailer License required under Section 4-45a-102.
- (4) "Person" means an individual, partnership, association, firm, trust, limited liability company, or corporation, or any employees of such.
- (5) "Premises" means a place where a kratom product is sold, offered for sale, exposed for sale, stored, or marketed.
- (6) "Retail Tobacco Specialty Business" means the same as defined in Sections 10-8-41.6 and 17-50-333.

R66-50-3. Kratom Retailer Permit.

- (1) A kratom retailer permit shall be obtained before a kratom product is offered for sale in Utah.

NOTICES OF PROPOSED RULES

(2) A person seeking a kratom retailer permit shall register as a Retail Tobacco Specialty Business and obtain a specialized product retailer license as required in Chapter 4-45a, Specialized Product Regulation.

(3) A person seeking a kratom retailer permit shall provide the following to the department for each individual store or retail establishment location where kratom products are sold:

- (a) the name of the person who sells, offers for sale, or markets a kratom product;
- (b) the address where the kratom product is sold, offered for sale, or marketed; and
- (c) written consent allowing a representative of the department to enter any premises where the person is selling or storing a kratom product.

(4) An applicant shall pay a non-refundable permit fee, as set in the fee schedule approved by the Legislature, to the department with the submission of the application.

(5) The department may deny a permit for an incomplete application.

(6) A permit is renewable for up to a one-year period with an annual renewal fee that a permittee shall pay on or before April 30~~[December 31st]~~ of each year.

(7) The department shall assess a late fee for a renewal of a kratom retailer permit submitted ~~[on or]~~ after April 30~~[January 1]~~, and a permittee shall pay before the renewal is issued.

R66-50-4. Inspection and Testing.

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

(2) The department shall periodically sample, analyze, and test kratom products distributed within the state for compliance with registration and labeling requirements and the certificate of analysis.

(a) Each department sample shall include at least ten grams of kratom product.

(b) The department may test kratom products for adulterants, as defined in Section R66-52-2.

(3) The department may inspect kratom products distributed or available for distribution for any other reason the department deems necessary.

(4) The department may, upon request, inspect a retailer permittee's records of receipt, inventory, and invoices to ensure that kratom products distributed or available for distribution in Utah are following Title 4, Chapter 45, Kratom Regulation Act, this rule, and Rule R66-51.

(5) The sample taken by the department shall be the official sample.

R66-50-5. Retailer Permittee Responsibilities.

(1) A retailer shall ensure that any advertisement for a kratom product sold or marketed in Utah does not appeal to children.

(2) A retailer shall provide the identity of the manufacturer or distributor of a kratom product sold upon request of the department.

R66-50-6. Violation.

(1) Each unregistered product shall be a separate violation of this rule.

(2) An advertisement shall be considered falsely advertised if the permittee makes a claim about a product that is not on the label.

(3) It is a violation to market or sell kratom products in Utah without a valid retailer permit pursuant to this rule.

(4) It is a violation to refuse inspection of a retail establishment, product for sale, or a product storage area.

(5) It is a violation to sell kratom products that have any likeness bearing resemblance to a cartoon character or fictional character.

(6) It is a violation to sell kratom products that appear to imitate a food or other product that is typically marketed toward or appealing to children.

(7) It is a violation to prepare, distribute, sell, or offer for sale a kratom product that would be potentially harmful to consumers.

KEY: kratom, retail permit, retailer, responsibilities, inspection, and testing

Date of Last Change: ~~[July 2,]~~ 2026

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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Filing ID: 58233

Rule or section number:

R70-940

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
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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:
R70-940. Standards and Testing of Motor Fuel
B. Purpose of the new rule or reason for the change:
The purpose of this amendment is to require retail fuel dealers offering E15 or ethanol blends greater than 10% by volume to use dedicated hoses, internal manifolds, and nozzle assemblies. This requirement applies exclusively to retailers that voluntarily choose to sell E15, ensuring product compatibility and protecting consumers from cross-contamination in shared hoses. The amendment also updates this rule to comply with the Rulewriting Manual for Utah.
C. Summary of the new rule or change:
This amendment updates this rule to align with Rulewriting Manual for Utah standards by rewriting text in active voice and formatting documents incorporated by reference. In Section R70-940-2, this rule establishes motor fuel standards requiring a dedicated hose, internal manifold, and nozzle assembly for retail dealers that voluntarily offer E15 or gasoline-ethanol blends greater than 10% by volume. In Section R70-940-4, the amendment clarifies dispenser labeling requirements for E15 in accordance with federal regulations.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The Department of Agriculture and Food (department) inspects approximately 45,000 retail motor fuel pumps annually across Utah. Inspectors will integrate enforcement of the dedicated hose requirement into existing routine field itineraries, creating \$0 in direct costs or savings for the state budget.
B. Local governments:
Local governments do not regulate or enforce motor fuel standards. This amendment creates \$0 in direct costs or savings for local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule creates \$0 in mandatory compliance costs for small businesses because offering E15 fuel is voluntary. Independent operators and single-store dealers that choose not to sell E15 will incur no costs. Actual aggregate costs are inestimable because offering E15 is completely optional, and the proposed changes do not mandate sales or set an implementation deadline. Each small business independently determines if, when, and how many pumps to convert based on its own budget and business strategy, which may result in phased investments extending past FY2031.

For estimation only purposes, the department researched current online equipment prices and estimates hardware costs may range from \$1,200 for a basic dedicated-hose retrofit to \$22,500 for a full dispenser replacement per pump.

Small businesses account for about 55% of the registered pumps (24,750 pumps).

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

This rule creates \$0 in mandatory compliance costs for non-small businesses because offering E15 fuel remains optional.

Regional convenience store chains and hypermarket retailers that choose not to sell E15 will incur no costs.

Actual aggregate costs are inestimable because offering E15 is completely optional, and the proposed changes do not mandate sales or set an implementation deadline. Each non-small business independently determines if, when, and how many pumps to convert based on its own capital expenditure plan, which may result in phased investments extending past FY2031.

For estimation only purposes, the department researched current online equipment prices and estimates hardware costs may range from \$1,200 for a basic dedicated-hose retrofit to \$22,500 for a full dispenser replacement per pump.

Non-small businesses account for about 45% of the registered pumps (20,250 pumps).

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 creates \$0 in mandatory fiscal impact on a person's budgets because purchasing E15 fuel is voluntary.

Motorists who choose not to buy E15 will experience no change in their personal fuel expenditures.

Actual aggregate impact on consumer budgets statewide is inestimable because buying E15 is entirely optional and depends on individual driving habits, vehicle capability, and personal purchasing decisions over time.

For motorists who voluntarily choose to buy E15, the department estimates a positive budget savings of \$0.10 to \$0.30 per gallon compared to regular unleaded gasoline.

Additionally, requiring dedicated hoses for fuel blends above 10% ethanol protects consumer budgets from unexpected engine repair costs by preventing residual fuel cross-contamination in shared hoses, which can damage small engines, motorcycles, and vehicles older than 2001.

F. Compliance costs for affected persons:

This rule creates \$0 in mandatory compliance costs for affected persons because offering and purchasing E15 fuel is voluntary and the department is not changing the compliance costs for the associated fees for this rule.

6. Regulatory Impact Summary Table

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

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	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 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 4-33-104		
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10. Incorporation by Reference Information

Incorporation by Reference:

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

Official Title of Materials Incorporated (from title page)	Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality; NIST Handbook 130; ASTM D4814-17 "Standard Specification for Automotive Spark Ignition Engine Fuel"
Publisher	101st National Conference of Weights and Measures 2017
Issue Date	December 2016
Issue or Version	2017 Edition

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)	Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality; NIST Handbook 130; ASTM D0975-17 "Standard Specification for Diesel Fuel Oils"
Publisher	101st National Conference of Weights and Measures 2017
Issue Date	December 2016
Issue or Version	2017 Edition

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: 11/02/2026

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Kelly Pehrson, Commissioner	Date:	09/11/2026
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R70. Agriculture and Food, Regulatory Services.

R70-940. Standards and Testing of Motor Fuel.

R70-940-1. Authority and ~~[Scope]~~Purpose.

(1) Section 4-33-104 authorizes this rule to administer and enforce ~~[Promulgated and enforced by authorities outlined in Utah Code, Title 4, Chapter 33, Motor Fuel Inspection Act.~~

(2) ~~[Scope:]~~ This rule establishes motor fuel performance specifications and monitoring standards to ensure consumer confidence in fuel quality.

R70-940-2. Motor Fuel Standards and Specifications.

(1) A retail dealer shall ensure that gasoline and gasoline-ethanol blends offered for sale ~~[shall]~~ have a minimum Anti-Knock Index (AKI) of 85.

(2) The ~~[D]~~department ~~[adopts]~~incorporates by reference motor fuel regulations outlined in the 2017 version of NIST Handbook 130; "Uniform Laws and Regulations in the area of legal metrology and engine fuel quality", Chapter IV, Part G, "Uniform Engine Fuels and Automotive Lubricants Regulation" with the following exceptions:

(a) Section 2.1.1, the ~~[D]~~department ~~[adopts]~~incorporates by reference the ASTM specification D4814-17, "Standard Specification for Automotive Spark-Ignition Engine Fuel" ~~[-]~~;

(b) Section 2.1.2, ~~a gasoline-ethanol blend~~ ~~[s-shall]~~ may not exceed ASTM D4814-17 Table 1 vapor pressure limits by more than:

(i) 1.0 psi, when gasoline-ethanol blends contain ~~[nine to ten volume percent]~~ 9% to 10% ethanol by volume from June 1 ~~[st]~~ through September 15 ~~[th]~~;

(ii) 1.0 psi, when gasoline-ethanol blends contain ~~[one up to and including fifteen volume percent]~~ 1% to 15% ethanol by volume for volatility classes A, B, C, and D from September 16 ~~[th]~~ through May 31 ~~[st]~~;

(iii) 0.5 psi, for gasoline-ethanol blends containing ~~[one up to and including fifteen volume percent]~~ 1% to 15% ethanol by volume for volatility class E from September 16 ~~[th]~~ through May 31 ~~[st]~~; and

(iv) ~~[V]~~vapor pressure exceptions will remain in effect until ASTM incorporates changes to the vapor pressure maximums for gasoline-ethanol blends ~~[-]~~;

(c) Section 2.2, the ~~[D]~~department ~~[adopts]~~incorporates by reference ASTM D975-17 "Standard Specification for Diesel Fuel Oils" ~~[-]~~; and

(d) Section 4.4.2, ~~[If]~~a retail dealer that adopts the standard color code is ~~[adopted]~~not required to ~~[-, no]~~ post a color key ~~[-posting is required]~~

(3) Section 3.1 in the NIST Handbook 130 is modified such that a retail dealer offering E15 or a gasoline-ethanol blend containing greater than 10% ethanol by volume, shall ensure that:

(i) all storage and dispensing equipment is compatible with E15 in accordance with federal law; and

(ii) it is dispensed through a dedicated hose, internal manifold, and nozzle assembly that may not be shared with or used to dispense gasoline or gasoline-ethanol blend containing 10% or less ethanol by volume.

R70-940-3. Storage Tank Preparation.

(1) ~~A [R]retail dealer shall clean and purge a retail storage tank[s] and associated equipment [must be cleaned and purged prior to] before the first introduction of motor fuel [meant]intended for sale.[-or,]~~

(2) A retail dealer shall [P]purge[d] a storage tank and associated equipment when switching from one type or grade of motor fuel to another.

(3) A retail dealer shall ensure that access to the bottom of a retail storage tank [shall]remains unobstructed [such that any phase separated water content may be]so that an inspector or operator may measure[d] or detect[ed] phase-separated water content from the fill connection.

R70-940-4. Certification, Documentation, and Labeling.

(1) A retail dealer shall certify [Certification-]and document[ation of] motor fuels [shall be made-]in accordance with 16_CFR Part 306, "Automotive Fuel Ratings, Certification, and Posting".

(2) A retail dealer shall [Labeling shall be regulated]label each dispensing device offering a gasoline or gasoline-ethanol blend in accordance with:

(a) [requirements in-]the 2017 version of NIST Handbook 130; "Uniform Laws and Regulations in the area of legal metrology and engine fuel quality", Chapter IV, Part G, "Uniform Engine Fuels and Automotive Lubricants Regulation"[-];

(b) 40 CFR 1090.1510 for E15 or a gasoline-ethanol blend containing greater than 10% ethanol by volume; and

(c) 16 CFR Part 306.

KEY: inspections, motor fuel, ethanol, retail fuel, pumps

Date of Last Change: ~~[February 22, 2018]~~2026

Notice of Continuation: May 5, 2026

Authorizing, and Implemented or Interpreted Law: 4-33-104

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Repeal and Readopt**Filing ID:** 58225**Rule or section number:****R156-11a****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:
David Wright	801-530-6179	davidwright@utah.gov

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

3. General Information**A. Rule or section catchline:**

R156-11a. Cosmetology and Associated Professions Licensing Act Rule

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

The Division of Professional Licensing (Division) in collaboration with the Cosmetology and Associated Professions Licensing Board (Board) is filing this proposed rule repeal and readopt for Rule R156-11a, Cosmetology and Associated Professions Licensing Act Rule due to SB 330 being passed during the 2025 General Session which repealed and reenacted Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act.

In addition, changes are also being made based on SB 117 which was passed during the 2026 General Session and changed the hours for instructor licensing and restored the cosmetology/barber license.

This proposed rule includes requirements for the five new permits created by SB 330: barbering permit; basic esthetics permit, chemical hair services permit; and haircutting permit.

In accordance with SB 330 (2025) and SB 117 (2026), this proposed rule also includes the standards and requirements for each license and permit including the curricula and minimum service counts.

This proposed rule also reorganizes and consolidates standards and requirements.

Additionally, this proposed rule renumbers and reorganizes sections and requirements to match the renumbered sections of statute.

C. Summary of the new rule or change:

This proposed rule:

- 1) defines general terms and terms specific to license or permit types are in Sections R156-11a-102 through R156-11a-102.24;
- 2) establishes the licensure requirements for each license and permit for both schools and apprenticeships including curriculum and minimum service counts to reflect changes made by SB 330 (2025) and SB 117 (2026);
- 3) establishes the standards for licensed schools;
- 4) clarifies standards for acids;
- 5) establishes the standards for approved mechanical or electrical devices;
- 6) establishes which disciplines each type of instructor license may instruct;
- 7) establishes the standards for an on-the-job training internship;
- 8) updates and clarifies the standards for apprenticeships and apprenticeship supervisors; and
- 9) updates and clarifies 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 330 (2025 General Session) and SB 117 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
For SB 330 (2025), the Division does not anticipate any fiscal impact to the state budget beyond that determined by the fiscal note for SB 330 (2025) at: https://le.utah.gov/~2025/bills/static/SB0330.html because the proposed rule changes do not apply to state governments. For SB 117 (2026) changes, the Division does not anticipate any fiscal impact to the state budget because the proposed rule changes do not apply to state governments.
B. Local governments:
The Division does not anticipate any cost or savings to local governments beyond that determined by the fiscal note for SB 330 (2025) at: https://le.utah.gov/~2025/bills/static/SB0330.html because the proposed rule does not apply to local governments. For SB 117 (2026) changes, the Division does not anticipate any fiscal impact to the local governments because the proposed rule changes do not apply to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
There are about 1,260 small businesses in Utah with cosmetologists and associated professions (NAICS codes 611511, 611519, 812111, 812112, 812113, and 812199) and other licensees engaged in the practice of cosmetology and associated professions and who may employ those engaged in the practice of cosmetology and associated professions. Some of these small businesses may experience a fiscal benefit from this rule because the businesses will have an increased opportunity to provide for the new permits. The full impact on these small businesses cannot be estimated as the necessary data is unavailable because it cannot be estimated how many of these small businesses will offer programs for the permits or how many instructors will take apprentices for the new permits and lowered hours in licensure. Some of these small businesses may see a financial cost associated with lower enrollment as some prospective students may choose to do apprenticeships instead. The full cost to these small businesses cannot be estimated as the necessary data is unavailable as to how many prospective students may enroll in the apprenticeship pathway instead of traditional schooling.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are about eight non-small businesses in Utah with cosmetologists and associated professions (NAICS codes 611511 and 611519) and other licensees engaged in the practice of cosmetology and associated professions and who may employ those engaged in the practice of cosmetology and associated professions. Some of these non-small businesses may experience a fiscal benefit from this rule because the businesses will have an increased opportunity to provide for the new permits. The full impact on these non-small businesses cannot be estimated as the necessary data is unavailable because it cannot be estimated how many of these non-small businesses will offer programs for the permits or how many instructors will take apprentices for the new permits and lowered hours in licensure. Some of these non-small businesses may see a financial cost associated with lower enrollment as some prospective students may choose to do apprenticeships instead. The full cost to these non-small businesses cannot be estimated as the necessary data is unavailable as to how many prospective students may enroll in the apprenticeship pathway instead of traditional schooling.

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 about 84,189 licensees in cosmetology and associated professions.

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, state, or local government entities, beyond that determined by the fiscal note for SB 330 (2025) at: <https://le.utah.gov/~2025/bills/static/SB0330.html>.

The proposed rule does set the curriculum and minimum service counts standards, but this is based on requirements already set in statute including the minimum hours required to obtain a license or permit.

F. Compliance costs for affected persons:

As described in Box 6E 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 Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

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

9. Citation Information

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

Section 58-11a-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

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):
10/06/2026	11:00 AM	Anchor Meeting Location: Heber M Wells Building Room 474 160 E 300 S Salt Lake City, UT Google Meet joining info: Video call link: https://meet.google.com/bcp-jqcn-stc Or dial: (US) +1 413-459-4951 PIN: 531 739 350# More phone numbers: https://tel.meet/bcp-jqcn-stc? pin=3817231605620

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)	11/09/2026
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13. Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	09/02/2026
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R156. Commerce, Professional Licensing.

~~[R156 11a. Cosmetology and Associated Professions Licensing Act Rule.~~

~~R156 11a-101. Title—Authority—Relationship to Rule R156 1.~~

- ~~_____ (1) This rule is known as the "Cosmetology and Associated Professions 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 11a, Cosmetology and Associated Professions Licensing Act.~~
- ~~_____ (3) The organization of this rule and its relationship to Rule R156 1 is as described in Section R156 1-101.~~

~~R156 11a-102. Definitions.~~

~~_____ Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and in Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act. In addition:~~

- ~~_____ (1) "Acrylic nail," as used in Section 15A-3-402 and Subsections R156 11a-704(14) and R156 11a-705(25), means an extension for natural nails molded out of a polymer powder and a liquid monomer buffed to a shine.~~
- ~~_____ (2) "Advanced pedicures," as used in Subsections 58-11a-102(45)(a)(i)(D), R156 11a-611(2), and R156 11a-703(17), means any of the following while caring for the nails, cuticles or calluses of the feet:~~
 - ~~_____ (a) utilizing manual instruments, implements, advanced electrical equipment, tools, or microdermabrasion for cleaning, trimming, softening, smoothing, or buffing;~~
 - ~~_____ (b) utilizing blades, including corn or callus planer or rasp, for smoothing, shaving or removing dead skin from the feet as defined in Section R156 11a-611; or~~
 - ~~_____ (c) utilizing topical products and preparations for chemical exfoliation as defined in Subsection R156 11a-610(4).~~
- ~~_____ (3) "Aroma therapy" means the application of essential oils that are applied directly to the skin, undiluted or in a misted dilution with a carrier oil or lotion for varied applications such as massage, hot packs, cold packs, compress, inhalation, steam or air diffusion, or in hydrotherapy services.~~
- ~~_____ (4) "BCA acid" means bichloroacetic acid.~~
- ~~_____ (5) "Body wraps," as used in Subsection 58-11a-102(45)(a)(i)(A), means body treatments utilizing products or equipment to enhance and maintain the texture, contour, integrity and health of the skin and body.~~
- ~~_____ (6) "Chemical exfoliation," as defined in Subsections 58-11a-102(45)(a)(i)(C) and R156 11a-610(4), means a resurfacing procedure performed with a chemical solution or product to remove superficial layers of the epidermis to a point no deeper than the stratum corneum.~~
- ~~_____ (7) "Dermabrasion or open dermabrasion" means the surgical application of a wire or diamond frieze for deep skin resurfacing by a physician to abrade the skin to the epidermis and possibly down to the papillary dermis.~~
- ~~_____ (8) "Dermaplane" means the use of a scalpel or bladed instrument under the general supervision of a health care practitioner to shave the upper layers of the stratum corneum.~~

- ~~(9) "Direct supervision by a licensed health care practitioner" means a health care practitioner who, acting within the scope of the licensee's license, authorizes and directs the work of a licensee pursuant to this chapter as defined under Subsection R156-1-102a(1)(a).~~
- ~~(10) "Equivalent number of credit hours" means:~~
- ~~(a) the following conversion table if on a semester basis:~~
 - ~~(i) theory 1 credit hour 30 clock hours;~~
 - ~~(ii) practice 1 credit hour 30 clock hours; and~~
 - ~~(iii) clinical experience 1 credit hour 45 clock hours; and~~
 - ~~(b) the following conversion table if on a quarter basis:~~
 - ~~(i) theory 1 credit hour 20 clock hours;~~
 - ~~(ii) practice 1 credit hour 20 clock hours; and~~
 - ~~(iii) clinical experience 1 credit hour 30 clock hours.~~
- ~~(11) "Exfoliation" means the sloughing off of non-living skin cells "corneocytes" by superficial and non-invasive means.~~
- ~~(12) "Extraction" means the following:~~
- ~~(a) "Advanced extraction," as used in Subsections 58-11a-102(45)(a)(i)(F) and R156-11a-611(2)(b), means to perform extraction with a lancet or device that removes impurities from the skin.~~
 - ~~(b) "Manual extraction," as used in Subsection 58-11a-102(35)(a), means to remove impurities from the skin with protected fingertips, cotton swabs, or a loop comedone extractor.~~
- ~~(13) "Galvanic current" means a constant low-voltage direct current.~~
- ~~(14) "General supervision by a licensed health care practitioner" means a health care practitioner who, acting within the scope of the licensee's license, authorizes and directs the work of a licensee pursuant to this chapter as defined under Subsection R156-1-102a(1)(c).~~
- ~~(15) "Health care practitioner" means:~~
- ~~(a) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act, or under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;~~
 - ~~(b) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;~~
 - ~~(c) a podiatrist under Title 58, Chapter 5a, Podiatric Physician Licensing Act; or~~
 - ~~(d) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act, acting within the supervisor's scope of practice.~~
- ~~(16) "Hydrotherapy," as used in Subsection 58-11a-102(45)(a)(i)(B), means the use of water for cosmetic purposes or beautification of the body.~~
- ~~(17) "Indirect supervision" means the supervising instructor who, acting within the scope of the licensee's license, authorizes and directs the work of a licensee pursuant to this chapter as defined under Subsection R156-1-102a(1)(b).~~
- ~~(18) "Limited chemical exfoliation" means a non-invasive chemical exfoliation and is further defined in Subsection R156-11a-610(3).~~
- ~~(19) "Lymphatic massage," as used in Subsections 58-11a-102(45)(a)(ii) and 58-11a-302(11)(d), means a method using a light rhythmic pressure applied by manual or other means to the skin using specific lymphatic maneuvers to promote drainage of the lymphatic fluid through the tissue.~~
- ~~(20) "Manipulating," as used in Subsection 58-11a-102(35)(a), means applying a light pressure by the hands to the skin.~~
- ~~(21) "Microdermabrasion," as used in Subsection 58-11a-102(45)(a)(i)(E), means a gentle, progressive, superficial, mechanical exfoliation of the uppermost layers of the stratum corneum using a closed-loop vacuum system.~~
- ~~(22) "Microneedling" means the use of multiple tiny solid needles designed to pierce the skin to stimulate collagen production or cellular renewal. Devices used may be in the form of rollers, stamps, or electronic "pens." Microneedling is also known as:~~
- ~~(a) dermal needling;~~
 - ~~(b) Collagen Induction Therapy (CIT);~~
 - ~~(c) dermal rolling;~~
 - ~~(d) cosmetic dry needling;~~
 - ~~(e) multitrepannic collagen actuation; or~~
 - ~~(f) percutaneous collagen induction.~~
- ~~(23) "NIC" means the National Interstate Council of State Boards of Cosmetology.~~
- ~~(24) "Patch test" or "predisposition test" means applying a small amount of a chemical preparation to the skin of the arm or behind the ear to determine possible allergies of the client to the chemical preparation.~~
- ~~(25) "Pedicure" means any of the following:~~
- ~~(a) cleaning, trimming, softening, or caring for the nails, cuticles, or calluses of the feet;~~
 - ~~(b) the use of manual instruments or implements on the nails, cuticles, or calluses of the feet;~~
 - ~~(c) callus removal by sanding, buffing, or filing; or~~
 - ~~(d) massaging of the feet or lower portion of the leg.~~
- ~~(26) "Source capture system," as used in Subsection 58-11a-502(6), means the source capture system required under Section 15A-3-402.~~
- ~~(27) "TCA acid" means trichloroacetic acid.~~
- ~~(28) "Unprofessional conduct" is further defined in Sections 58-1-501 and R156-11a-502.~~

~~R156-11a-301. Change of Legal Entity.~~

~~Under Section 58-11a-301, a school shall submit a new application for licensure upon any change of legal entity status. The new legal entity may not engage in practice as a licensed school until the application is approved and a license issued.~~

~~R156-11a-302a. Qualifications for Licensure—Examination Requirements.~~

~~(1) Except as otherwise provided in Sections 58-1-308 and R156-11a-308 for individuals reinstating a license, applicants for each classification listed in Subsection (2) shall pass within one year before the date of application, or within other reasonable timeframe as approved by the Division upon review of applicable extenuating circumstances, the respective examination with a passing score of at least 70% as determined by the examination provider.~~

~~(2) Under Section 58-11a-302, the examination requirements for licensure are established as follows:~~

- ~~(a) an applicant for licensure as a barber shall pass the NIC Barber Theory and Practical Examinations;~~
- ~~(b) an applicant for licensure as a cosmetologist/barber shall pass the NIC Cosmetology/Barber Theory and Practical Examinations;~~
- ~~(c) an applicant for licensure as an electrologist shall pass the NIC Electrology Theory and Practical Examinations;~~
- ~~(d) an applicant for licensure as a basic esthetician shall pass the NIC Esthetics Theory and Practical Examinations;~~
- ~~(e) an applicant for licensure as a master esthetician shall pass the NIC Master Esthetics Theory and Practical Examinations;~~
- ~~(f) an applicant for licensure as a hair designer shall pass the NIC Hair Design Theory and Practical Examinations;~~
- ~~(g) an applicant for licensure as an instructor of barbering, cosmetologist/barbering, electrology, esthetics, hair designer, nail technology, or eyelash and eyebrow technology shall pass the NIC Instructor Examinations;~~
- ~~(h) an applicant for licensure as a nail technician shall pass the NIC Nail Technology Theory and Practical Examinations; and~~
- ~~(i) an applicant for licensure as an eyelash and eyebrow technician shall pass the NIC Eyelash and Eyebrow Theory and Practical Examinations.~~

~~(3) Any substantially equivalent theory, practical, or instructor examination approved by the licensing authority of any jurisdiction is acceptable for any one or more of the examinations in Subsection (2).~~

~~R156-11a-302b. Qualifications for Licensure—Equivalency of Foreign School Education.~~

~~Under Subsection 58-11a-302(23), an applicant may demonstrate the educational equivalency of the applicant's foreign school education by submitting to the Division:~~

- ~~(1) an education or credential evaluation from an evaluator listed on the Division's website at <https://dopl.utah.gov/cosmetology/>; or~~
- ~~(2) other evidence that is satisfactory to the Division in collaboration with the Board.~~

~~R156-11a-302c. Qualifications for Licensure—Acceptance of Credit Hours.~~

~~Under Subsection 58-11a-302(24), a licensed school shall accept credit hours toward graduation as follows:~~

- ~~(1) the school shall accept credit hours toward any curriculum in Sections R156-11a-700 through R156-11a-708; and~~
- ~~(2) the credit hours accepted may not exceed the number of hours required in Subsection 58-11a-302(1)(c)(i), 58-11a-302(4)(c)(i), 58-11a-302(7)(c), 58-11a-302(10)(c)(i), 58-11a-302(11)(c)(i), 58-11a-302(14)(c)(i), 58-11a-302(17)(c)(i), or 58-11a-302(20)(c)(i) for that professional license in Utah.~~

~~R156-11a-303. Renewal Cycle—Procedures.~~

~~(1) Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle for licenses and certificates under Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act is established in Section R156-1-308a.~~

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

~~R156-11a-308. Reinstatement of License.~~

~~Under Subsection 58-1-308(5)(a), an individual may apply for reinstatement of a license between two years and five years from the date of license expiration without being required to pass the exams provided in Section R156-11a-302a.~~

~~R156-11a-502. Unprofessional Conduct.~~

~~"Unprofessional conduct" includes:~~

- ~~(1) failing to comply with the standards for school curriculums applicable to a school of barbering, cosmetology/barbering, esthetics, electrology, hair design, nail technology, or eyelash and eyebrow technology in Sections R156-11a-700 through R156-11a-708;~~
- ~~(2) using any device classified by the Food and Drug Administration as a prescriptive medical device without the appropriate level of supervision by a licensed health care practitioner acting within the licensed health care practitioner's scope of practice;~~
- ~~(3) performing a service within the individual's scope of practice without having been adequately trained to perform the service;~~
- ~~(4) failing as a supervisor to provide the appropriate level of supervision within the scope of practice in Section 58-11a-102;~~
- ~~(5) performing services within the scope of practice without having the appropriate level of supervision as required in Section 58-11a-102;~~
- ~~(6) violating any standard established in Sections R156-11a-601 through R156-11a-612;~~
- ~~(7) performing a procedure while the licensee has a known contagious disease that may be transmitted by performing the procedure unless the licensee takes medically approved measures to prevent transmission of the disease; and~~
- ~~(8) performing a procedure on a client who has a known contagious disease that may be transmitted by performing the procedure unless the licensee takes medically approved measures to prevent transmission of the disease.~~

~~R156 11a-503. Administrative Penalties—Unlawful Conduct.~~

~~(1) Citations may not be issued for third offenses, except in extraordinary circumstances approved by the chief investigator or licensing administrator. If a citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Subsection 58-11a-503(4)(h).~~

~~(2) Multiple offenses may be cited on the same citation, if the citation clearly indicates each offense and the fine that is allocated to each offense.~~

~~(3) A chief investigator or licensing administrator may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.~~

~~(4) The presiding officer shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount imposed by an investigator based upon the evidence reviewed.~~

~~R156 11a-601. Standards for Accreditation.~~

~~Under Subsection 58-11a-302(3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(9)(c)(iv), 58-11a-302(13)(c)(iv), 58-11a-302(16)(c)(iv), 58-11a-302(19)(c)(iv), or 58-11a-302(22)(c)(iv), the accreditation standards for a school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology include the following:~~

~~(1) each school shall be accredited by:~~

~~(a) the National Accrediting Commission of Career Arts and Sciences (NACCAS); or~~

~~(b) other accrediting bodies recognized by the U.S. Department of Education;~~

~~(2) each school shall maintain and keep the accreditation current;~~

~~(3) a newly licensed school shall pursue accreditation under this section using the following procedure:~~

~~(a) a new school shall:~~

~~(i) within one month of the date the school was licensed as a school by the Division, submit to an accrediting commission an application for candidate status;~~

~~(ii) within 18 months of the date the school was licensed by the Division, provide the Division evidence of receiving candidate status from the accrediting commission;~~

~~(iii) file with the Utah Department of Commerce's Division of Consumer Protection a "Request for Exemption pursuant to the Postsecondary Proprietary School Act" application, pursuant to Sections 13-34-105 and R152-34-5;~~

~~(iv) during the pendency of its application for accreditation status, comply with all applicable accreditation standards; and~~

~~(v) receive approval for accreditation within 24 months following the date it achieved candidate status; and~~

~~(b) the Division shall determine whether a newly licensed school entity has succeeded a previously licensed school entity for the purposes of achieving accreditation;~~

~~(c) if a newly licensed school is determined by the Division to be a new entity, then the newly licensed school shall comply with the accreditation deadlines in Subsection (3)(a); and~~

~~(d) if a newly licensed school is determined by the Division not to be a new entity, then the newly licensed school shall meet the accreditation deadlines previously set by its accrediting commission;~~

~~(4) the Division's determination shall be based upon whether the newly licensed school:~~

~~(a) operates on essentially the same premises as the previously licensed school;~~

~~(b) uses essentially the same staff;~~

~~(c) operates under essentially the same ownership; and~~

~~(d) maintains the previously licensed school's accreditation status with the applicable governing accreditation commission;~~

~~(5) a licensee whose accreditation has been withdrawn shall immediately notify the Division; and~~

~~(6) a licensee who fails to obtain or maintain accreditation status as required shall immediately surrender its license as a school to the Division, and failure to do so shall constitute a basis for immediate revocation of licensure under Section 63G-4-502.~~

~~R156 11a-602. Standards for the Physical Facility.~~

~~Under Subsection 58-11a-302(3)(c)(iii), 58-11a-302(6)(c)(iii), 58-11a-302(9)(c)(iii), 58-11a-302(13)(c)(iii), 58-11a-302(16)(c)(iii), 58-11a-302(19)(c)(iii), or 58-11a-302(22)(c)(iii), the standards for the physical facilities for a school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology shall include:~~

~~(1) the governing standards established by the accreditation commission; and~~

~~(2) whether or not addressed in the governing standards:~~

~~(a) enough of each type of training equipment so that each student has an equal opportunity to be properly trained;~~

~~(b) laundry facilities to maintain sanitation and sterilization; and~~

~~(c) appropriate amounts of clean towels, sheets, linen, sponges, headbands, compresses, robes, drapes, and other necessary linens for each student's and client's use.~~

~~R156 11a-603. Standards for a Student Kit.~~

~~(1) Under Subsection 58-11a-302(3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(9)(c)(iv), 58-11a-302(13)(c)(iv), 58-11a-302(16)(c)(iv), 58-11a-302(19)(c)(iv), or 58-11a-302(22)(c)(iv), a school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology shall provide to each student a list of basic kit supplies needed by that student.~~

~~(2) The basic kit may be supplied by the school or purchased independently by the student.~~

~~R156 11a-604. Standards for Prohibition Against Operation as a Barbershop, Salon, or Spa.~~

~~_____ (1) Under Subsections 58 11a-302(3)(e)(iii), 58 11a-302(6)(e)(iii), 58 11a-302(9)(e)(iv), 58 11a-302(13)(e)(iii), 58 11a-302(16)(e)(iii), 58 11a-302(19)(e)(iii), and 58 11a-302(22)(e)(iii), if a barbershop, salon, or spa is under the same ownership or is otherwise associated with a school, then the barbershop, salon, or spa shall maintain separate operations from the school.~~

~~_____ (2)(a) If the barbershop, salon, or spa is located in the same building as a school, then separate entrances and visitor reception areas are required; and~~

~~_____ (b) A barbershop, salon, or spa shall also use separate public information releases, advertisements, and names than those used by the school.~~

~~R156 11a-605. Standards for Protection of Students.~~

~~_____ Under Subsections 58 11a-302(3)(e)(iii) and (iv), 58 11a-302(6)(e)(iii) and (iv), 58 11a-302(9)(e)(iii) and (iv), 58 11a-302(13)(e)(iii) and (iv), 58 11a-302(16)(e)(iii) and (iv), 58 11a-302(19)(e)(iii) and (iv), and 58 11a-302(22)(e)(iii) and (iv), the standards that a school shall provide for the protection of its students include the following:~~

~~_____ (1) if a school ceases to operate for any reason, the school shall:~~

~~_____ (a) notify the Division within 15 days by registered or certified mail; and~~

~~_____ (b) name a trustee who shall be responsible for:~~

~~_____ (i) maintaining the student records for a minimum period of ten years; and~~

~~_____ (ii) providing student information, such as accumulated hours and dates of attendance;~~

~~_____ (2) a school shall:~~

~~_____ (a) provide to each student a copy of the written contract prepared under Section R156 11a-607; and~~

~~_____ (b) keep a daily written record of student attendance;~~

~~_____ (3) a school may not:~~

~~_____ (a) use a student to perform maintenance, janitorial, or remodeling work such as scrubbing floors, walls or toilets, cleaning windows, waxing floors, painting, decorating, or performing any outside work on the grounds or building, except a student may be required to clean up after themselves and to perform or participate in daily cleanup of work areas including the floor space, shampoo bowls, laundering of towels and linen, and other general cleanup duties that are related to the performance of client services;~~

~~_____ (b) require a student to sell products applicable to their industry as a condition to graduate but may provide instruction in product sales techniques as part of their curriculums;~~

~~_____ (c) remove hours earned by a student except that:~~

~~_____ (i) if a student is late for class, the school may require the student to retake the class before giving credit for the class; or~~

~~_____ (ii) a school may require a student to take a refresher course or retake a class toward graduation based upon an evaluation of the student's level of competency; or~~

~~_____ (d) under Subsection 58 11a-502(2)(a), require a student to participate in hair removal training that pertains to the genitals or anus of a client.~~

~~R156 11a-606. Standards for Protection of Schools.~~

~~_____ Under Subsection 58 11a-302(3)(e)(iv), 58 11a-302(6)(e)(iv), 58 11a-302(9)(e)(iv), 58 11a-302(13)(e)(iv), 58 11a-302(16)(e)(iv), 58 11a-302(19)(e)(iv), or 58 11a-302(22)(e)(iv), the standards for the protection of a school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology include the following:~~

~~_____ (1) a school may not be required to release documentation of hours earned to a student until the student has paid the tuition or fees owed to the school as provided in the terms of the contract;~~

~~_____ (2)(a) a school may accept a transfer student; and~~

~~_____ (b) a school shall determine the number of hours to be accepted toward graduation based upon an evaluation of the student's level of training under Section R156 11a-302e; and~~

~~_____ (3) any hours obtained by a student who is enrolled in an apprenticeship may not be used to satisfy any of the required hours of school instruction.~~

~~R156 11a-607. Standards for a Written Contract.~~

~~_____ (1) Under Subsection 58 11a-302(3)(e)(iv), 58 11a-302(6)(e)(iv), 58 11a-302(9)(e)(iv), 58 11a-302(13)(e)(iv), 58 11a-302(16)(e)(iv), 58 11a-302(19)(e)(iv), or 58 11a-302(22)(e)(iv), a school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology shall complete a written contract with each student before admission.~~

~~_____ (2) Each contract shall include specifically, or by reference to the school's catalogue or handbook, or both, the following:~~

~~_____ (a) the current status of the school's accreditation;~~

~~_____ (b) rules of conduct;~~

~~_____ (c) attendance requirements;~~

~~_____ (d) provisions for make-up work;~~

~~_____ (e) grounds for probation, suspension or dismissal; and~~

~~_____ (f) a detailed fee schedule which shall include the student's financial responsibility upon voluntarily leaving the school or upon being suspended from the school.~~

~~_____ (3) The school shall maintain on file for each student a copy of the contract and of any referenced catalogue or handbook and shall provide a copy of the contract and any catalogue or handbook to the Division upon request.~~

R156-11a-608. School Staff Requirements.

~~Under Subsections 58-11a-302(3)(c)(iv), 58-11a-302(6)(c)(iv), 58-11a-302(9)(c)(iv), 58-11a-302(13)(c)(iv), 58-11a-302(16)(c)(iv), 58-11a-302(19)(c)(iv), or 58-11a-302(22)(c)(iv), the staff requirements for a school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology shall include the following:~~

- ~~(1)(a) a school shall have a minimum of one licensed instructor for every 20 students, or fraction thereof, attending a practical session, and one licensed instructor for any group attending a theory session; and~~
- ~~(b) a special guest speaker may not reduce the required number of licensed instructors;~~
- ~~(2) a school may give credit for special workshops, training seminars, and competitions, or may invite a special guest speaker who is not licensed in accordance with Section 58-11a-302, to provide instruction or give practical demonstrations to supplement the curriculum as long as a licensed instructor from the school is present; and~~
- ~~(3) a student instructor may not be counted as part of the instructor staff.~~

R156-11a-609. Standards for Instructors.

~~(1) Under Subsections 58-11a-102(34), 58-11a-102(37), 58-11a-102(39), 58-11a-102(40), 58-11a-102(42), 58-11a-102(44), and 58-11a-102(47), an instructor of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology may teach:~~

- ~~(a) only in practice areas for which they have received training and are qualified to teach; and~~
- ~~(b) the use of a mechanical or electrical apparatus only if they are trained and qualified in its use.~~
- ~~(2) Under Subsection 58-11a-102(13), an individual licensed as a cosmetology/barbering instructor may teach:~~
 - ~~(a) barbering, basic esthetics, hair design, nail technology, or eyelash and eyebrow technology as part of the cosmetology/barbering or nail technology curriculums in a licensed school of barbering, cosmetology/barbering, hair design, nail technology, or a licensed eyelash and eyebrow technology; and~~
 - ~~(b) barbering, hair design, or basic esthetics in an approved apprenticeship in barbering, cosmetology/barbering, hair design, nail technology, or eyelash and eyebrow technology.~~

R156-11a-610. Standards for the Use of Acids.

~~Under Subsections 58-11a-102(35)(b), 58-11a-102(45)(a)(i)(C), and 58-11a-501(17), the standards for the use of any acid or concentration of acids shall be:~~

- ~~(1) the use of any acid or acid solution that would exfoliate the skin below the stratum corneum, including those listed in Subsections (3) and (4), is prohibited unless used under the supervision of a licensed health care practitioner;~~
- ~~(2) the following acids are prohibited unless used under the supervision of a licensed health care practitioner:~~
 - ~~(a) phenol;~~
 - ~~(b) bichloroacetic acid;~~
 - ~~(c) resorcinol, except as provided in Subsection (4)(b); and~~
 - ~~(d) any acid in any concentration level that requires a prescription;~~
- ~~(3) limited chemical exfoliation for a basic esthetician does not include the mixing, combining, or layering of skin exfoliation products or services, but does include:~~
 - ~~(a) alpha hydroxy acids of 30% or less, with a pH of not less than 3.0; and~~
 - ~~(b) salicylic acid of 15% or less;~~
- ~~(4) chemical exfoliation for a master esthetician includes:~~
 - ~~(a) acids allowed for a basic esthetician;~~
 - ~~(b) modified Jessner solution on the face and the tissue immediately adjacent to the jawline;~~
 - ~~(c) alpha hydroxy acids with a pH of not less than 1.0 and at a concentration of 50% shall include partially neutralized acids, and any acid above the concentration of 50% is prohibited;~~
 - ~~(d) beta hydroxy acids with a concentration of not more than 30%;~~
 - ~~(e) trichloroacetic acid, under Subsection 58-11a-501(17)(c), in a concentration of not more than 15%, but no manual, mechanical, or acid exfoliation can be used before treatment unless under the general supervision of a licensed health care practitioner; and~~
 - ~~(f) vitamin-based acids;~~
- ~~(5)(a) a licensee shall prepare and maintain current documentation of the licensee's cumulative experience in chemical exfoliation including:~~
 - ~~(i) courses of instruction;~~
 - ~~(ii) specialized training;~~
 - ~~(iii) on-the-job experience; and~~
 - ~~(iv) the approximate percentage that chemical exfoliation represents in the licensee's overall business; and~~
 - ~~(b) a licensee shall provide the documentation required by Subsection (5)(a) to the Division upon request;~~
 - ~~(6) a licensee may not use an acid or perform a chemical exfoliation that the licensee is not competent to use or perform through training and experience, and as documented under Subsection (5);~~
 - ~~(7) only commercially available products used in accordance with manufacturers' instructions may be used for chemical exfoliation purposes; and~~
 - ~~(8) a patch test shall be administered to each client before beginning any chemical exfoliation series.~~

R156-11a-611. Standards for Approval of Mechanical or Electrical Apparatus.

- Under Subsections 58-11a-102(45)(a)(i)(H)(II) and (I), the standards for approval of mechanical or electrical apparatus are:
- (1) a licensee may use a mechanical or electrical apparatus that is designated as a prescription medical device by the FDA only under the appropriate level of supervision by a licensed health care practitioner acting within the licensed health care practitioner's scope of practice;
 - (2) dermaplane procedures, dermabrasion procedures, blades, knives, and lancets are prohibited except for:
 - (a) advanced pedicures;
 - (b) advanced extraction of impurities from the skin; and
 - (c) dermaplane procedures for advanced exfoliation as defined in Subsection R156-11a-102(8) by a master esthetician under general supervision of a health care practitioner;
 - (3) the use of any procedure in which human tissue is cut or altered by laser energy or ionizing radiation is prohibited for individuals licensed under this chapter unless it is within the scope of practice for the licensee and under the appropriate level of supervision by a licensed health care practitioner acting within the licensed health care practitioner's scope of practice;
 - (4) To be approved, a microdermabrasion machine shall:
 - (a) be specifically labeled for cosmetic or esthetic purposes;
 - (b) be a closed-loop vacuum system that uses a tissue retention device; and
 - (c) the normal and customary use of the machine may not result in the removal of the epidermis beyond the stratum corneum; and
 - (5) To be approved, a microneedling device shall:
 - (a) be used only by a master esthetician;
 - (i) without supervision if needle penetration does not exceed 1.5 mm; or
 - (ii) with general supervision by a licensed health care practitioner if needle penetration exceeds 1.5 mm; and
 - (b) be used specifically for cosmetic or esthetic purposes.

R156-11a-612. Standards for Disclosure.

- Under Subsections 58-11a-102(35)(b) and (45)(a)(i)(C) and (E), a licensee acting within the licensee's scope of practice shall inform a client of the following before applying a chemical exfoliant, using a microneedling device, or using a microdermabrasion machine:
- (1) the procedure may only be performed for cosmetic and not medical purposes, unless the licensee is working under the supervision of a licensed health care practitioner, who is working within the scope of the practitioner's license; and
 - (2) the benefits and risks of the procedure.

R156-11a-700. Curriculum for Barber Schools.

- Under Subsection 58-11a-302(3)(e)(iv), the curriculum for a barber school shall consist of 1,000 hours of instruction in the following subject areas:
- (1) introduction consisting of:
 - (a) history of barbering; and
 - (b) an overview of the barber curriculum;
 - (2) personal, client, and shop safety including:
 - (a) aseptic techniques and sanitary procedures;
 - (b) disinfection and sterilization methods and procedures; and
 - (c) health risks to the barber;
 - (3) business and shop management including:
 - (a) developing a clientele;
 - (b) professional image;
 - (c) professional ethics;
 - (d) professional associations;
 - (e) public relations; and
 - (f) advertising;
 - (4) legal issues including:
 - (a) malpractice liability;
 - (b) regulatory agencies; and
 - (c) tax laws;
 - (5) human immune system;
 - (6) diseases and disorders of the hair and scalp including:
 - (a) bacteriology;
 - (b) sanitation;
 - (c) sterilization;
 - (d) decontamination; and
 - (e) infection control;
 - (7) implements, tools, and equipment for barbering;
 - (8) first aid;
 - (9) anatomy;
 - (10) science of barbering;
 - (11) chemistry for barbering;

- ~~_____ (12) analysis of the hair and scalp;~~
- ~~_____ (13) properties of the hair, skin, and scalp;~~
- ~~_____ (14) basic hairstyling and hair cutting including:~~
 - ~~_____ (a) draping;~~
 - ~~_____ (b) clipper variations;~~
 - ~~_____ (c) seissor cutting; and~~
 - ~~_____ (d) wet and thermal styling;~~
- ~~_____ (15) shaving and razor cutting;~~
- ~~_____ (16) mustache and beard design;~~
- ~~_____ (17) elective topics; and~~
- ~~_____ (18) Barber Examination review.~~

~~R156-11a-701. Curriculum for Electrology Schools.~~

~~_____ Under Subsection 58-11a-302(9)(c)(iv), the curriculum for an electrology school shall consist of 600 hours of instruction in the following subject areas:~~

- ~~_____ (1) introduction consisting of:~~
 - ~~_____ (a) the history of electrology; and~~
 - ~~_____ (b) an overview of the curriculum;~~
- ~~_____ (2) personal, client, and salon safety including:~~
 - ~~_____ (a) aseptic techniques and sanitary procedures;~~
 - ~~_____ (b) disinfection and sterilization methods and procedures; and~~
 - ~~_____ (c) health risks to the electrologist;~~
- ~~_____ (3) business and salon management including:~~
 - ~~_____ (a) developing a clientele;~~
 - ~~_____ (b) professional image;~~
 - ~~_____ (c) professional ethics;~~
 - ~~_____ (d) professional associations;~~
 - ~~_____ (e) public relations; and~~
 - ~~_____ (f) advertising;~~
- ~~_____ (4) legal issues including:~~
 - ~~_____ (a) malpractice and liability;~~
 - ~~_____ (b) regulatory agencies; and~~
 - ~~_____ (c) tax laws;~~
- ~~_____ (5) human immune system;~~
- ~~_____ (6) diseases and disorders of hair and skin;~~
- ~~_____ (7) implements, tools, and equipment for electrology;~~
- ~~_____ (8) first aid;~~
- ~~_____ (9) anatomy;~~
- ~~_____ (10) science of electrology;~~
- ~~_____ (11) analysis of the skin;~~
- ~~_____ (12) physiology of hair and skin;~~
- ~~_____ (13) medical definitions including:~~
 - ~~_____ (a) dermatology;~~
 - ~~_____ (b) endocrinology;~~
 - ~~_____ (c) angiology; and~~
 - ~~_____ (d) neurology;~~
- ~~_____ (14) evaluating the characteristics of skin;~~
- ~~_____ (15) evaluating the characteristics of hair;~~
- ~~_____ (16) medications affecting hair growth including:~~
 - ~~_____ (a) over the counter preparations;~~
 - ~~_____ (b) anesthetics; and~~
 - ~~_____ (c) prescription medications;~~
- ~~_____ (17) contraindications;~~
- ~~_____ (18) disease and blood-borne pathogens control including:~~
 - ~~_____ (a) pathogenic bacteria and non-bacterial causes; and~~
 - ~~_____ (b) American Electrology Association (AEA) infection control standards;~~
- ~~_____ (19) principles of electricity and equipment including:~~
 - ~~_____ (a) types of electrical currents, their measurements and classifications;~~
 - ~~_____ (b) Food and Drug Administration (FDA) approved needle type epilation equipment;~~
 - ~~_____ (c) FDA approved hair removal devices; and~~
 - ~~_____ (d) epilator operation and care;~~

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- ~~_____ (20) modalities for need type electrolysis including:~~
- ~~_____ (a) needle or probe types, features, and selection;~~
- ~~_____ (b) insertions, considerations, and accuracy;~~
- ~~_____ (c) galvanic multi-needle technique;~~
- ~~_____ (d) thermolysis manual and flash technique;~~
- ~~_____ (e) blend and progressive epilation technique; and~~
- ~~_____ (f) one and two-handed techniques;~~
- ~~_____ (21) clinical procedures including:~~
- ~~_____ (a) consultation;~~
- ~~_____ (b) health and medical history;~~
- ~~_____ (c) pre and post treatment skin care;~~
- ~~_____ (d) normal healing skin effects;~~
- ~~_____ (e) tissue injury and complications;~~
- ~~_____ (f) treating ingrown hairs;~~
- ~~_____ (g) face and body treatment;~~
- ~~_____ (h) cosmetic electrology; and~~
- ~~_____ (i) positioning and draping;~~
- ~~_____ (22) elective topics; and~~
- ~~_____ (23) Electrology Examination review.~~

R156-11a-702. Curriculum for Esthetics School—Basic Esthetician Programs.

~~_____ Under Subsection 58-11a-302(13)(c)(iv), the curriculum for an esthetics school basic esthetician program shall consist of 600 hours of instruction in the following subject areas:~~

- ~~_____ (1) introduction consisting of:~~
- ~~_____ (a) history of esthetics; and~~
- ~~_____ (b) an overview of the curriculum;~~
- ~~_____ (2) personal, client, and salon safety including:~~
- ~~_____ (a) aseptic techniques and sanitary procedures;~~
- ~~_____ (b) disinfection and sterilization methods and procedures; and~~
- ~~_____ (c) health risks to the basic esthetician;~~
- ~~_____ (3) business and salon management including:~~
- ~~_____ (a) developing a clientele;~~
- ~~_____ (b) professional image;~~
- ~~_____ (c) professional ethics;~~
- ~~_____ (d) professional associations;~~
- ~~_____ (e) public relations; and~~
- ~~_____ (f) advertising.~~
- ~~_____ (4) legal issues including:~~
- ~~_____ (a) malpractice liability;~~
- ~~_____ (b) regulatory agencies; and~~
- ~~_____ (c) tax laws;~~
- ~~_____ (5) human immune system;~~
- ~~_____ (6) diseases and disorders of the skin including:~~
- ~~_____ (a) bacteriology;~~
- ~~_____ (b) sanitation;~~
- ~~_____ (c) sterilization;~~
- ~~_____ (d) decontamination; and~~
- ~~_____ (e) infection control;~~
- ~~_____ (7) implements, tools, and equipment for basic esthetics including:~~
- ~~_____ (a) high frequency or galvanic current; and~~
- ~~_____ (b) heat lamps;~~
- ~~_____ (8) first aid;~~
- ~~_____ (9) anatomy;~~
- ~~_____ (10) science of basic esthetics;~~
- ~~_____ (11) analysis of the skin;~~
- ~~_____ (12) physiology of the skin;~~
- ~~_____ (13) facials, manual and mechanical;~~
- ~~_____ (14) limited chemical exfoliation including:~~
- ~~_____ (a) pre exfoliation consultation;~~
- ~~_____ (b) post exfoliation treatments; and~~
- ~~_____ (c) chemical reactions;~~
- ~~_____ (15) chemistry for basic esthetics;~~

- ~~_____ (16) temporary removal of superfluous hair by waxing;~~
- ~~_____ (17) treatment of the skin;~~
- ~~_____ (18) packs and masks;~~
- ~~_____ (19) aroma therapy;~~
- ~~_____ (20) application of makeup including:~~
 - ~~_____ (a) application of artificial eyelashes;~~
 - ~~_____ (b) arching of the eyebrows; and~~
 - ~~_____ (c) tinting of the eyelashes and eyebrows;~~
- ~~_____ (21) medical devices;~~
- ~~_____ (22) cardiopulmonary resuscitation (CPR);~~
- ~~_____ (23) basic facials;~~
- ~~_____ (24) chemistry of cosmetics;~~
- ~~_____ (25) skin treatments, manual and mechanical;~~
- ~~_____ (26) massage of the face and neck;~~
- ~~_____ (27) natural nail manicures and pedicures;~~
- ~~_____ (28) elective topics; and~~
- ~~_____ (29) Esthetic Examination review.~~

~~R156 11a 703. Curriculum for Esthetics School—Master Esthetician Programs.~~

~~_____ Under Subsection 58-11a-302(13)(c)(iv), the curriculum for an esthetics school master esthetician program shall consist of 1,200 hours of instruction: 600 hours shall consist of the curriculum for a basic esthetician program, and the remaining 600 hours shall be in the following subject areas:~~

- ~~_____ (1) introduction consisting of:~~
 - ~~_____ (a) history of esthetics and master esthetics; and~~
 - ~~_____ (b) an overview of the curriculum;~~
- ~~_____ (2) personal, client, and salon safety including:~~
 - ~~_____ (a) aseptic techniques and sanitary procedures;~~
 - ~~_____ (b) disinfection and sterilization methods and procedures; and~~
 - ~~_____ (c) health risks to the master esthetician;~~
- ~~_____ (3) business and salon management consisting of:~~
 - ~~_____ (a) developing clients;~~
 - ~~_____ (b) professional image;~~
 - ~~_____ (c) professional ethics;~~
 - ~~_____ (d) professional associations;~~
 - ~~_____ (e) advertising; and~~
 - ~~_____ (f) public relations;~~
- ~~_____ (4) legal issues including:~~
 - ~~_____ (a) malpractice liability;~~
 - ~~_____ (b) regulatory agencies; and~~
 - ~~_____ (c) tax laws;~~
- ~~_____ (5) the human immune system;~~
- ~~_____ (6) diseases and disorders of the skin including:~~
 - ~~_____ (a) bacteriology;~~
 - ~~_____ (b) sanitation;~~
 - ~~_____ (c) sterilization;~~
 - ~~_____ (d) contamination; and~~
 - ~~_____ (e) infection controls;~~
- ~~_____ (7) implements, tools, and equipment for master esthetics;~~
- ~~_____ (8) first aid;~~
- ~~_____ (9) anatomy;~~
- ~~_____ (10) science of master esthetics;~~
- ~~_____ (11) analysis of the skin;~~
- ~~_____ (12) physiology of the skin;~~
- ~~_____ (13) advanced facials, manual and mechanical;~~
- ~~_____ (14) chemistry for master esthetics;~~
- ~~_____ (15) advanced chemical exfoliation, including:~~
 - ~~_____ (a) pre-exfoliation consultation;~~
 - ~~_____ (b) post-exfoliation treatments; and~~
 - ~~_____ (c) reactions;~~
- ~~_____ (16) temporary removal of superfluous hair by waxing and advanced waxing;~~
- ~~_____ (17) advanced pedicures;~~
- ~~_____ (18) advanced aroma therapy;~~

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- ~~_____ (19) the aging process and its damage to the skin;~~
- ~~_____ (20) medical devices;~~
- ~~_____ (21) cardiopulmonary resuscitation (CPR) training;~~
- ~~_____ (22) hydrotherapy;~~
- ~~_____ (23) advanced mechanical and electrical devices including instruction in using:~~
 - ~~_____ (a) sanding and microdermabrasion techniques;~~
 - ~~_____ (b) galvanic or high frequency current for treatment of the skin;~~
 - ~~_____ (c) devices equipped with a brush to cleanse the skin;~~
 - ~~_____ (d) devices that apply a mixture of steam and ozone to the skin;~~
 - ~~_____ (e) devices that spray water and other liquids on the skin; and~~
 - ~~_____ (f) any other mechanical devices, esthetic preparations, or procedures approved by the Division in collaboration with the Board for the care and treatment of the skin;~~
- ~~_____ (24) elective topics;~~
- ~~_____ (25) the requirements in Section R156-11a-707;~~
- ~~_____ (26) for schools teaching lymphatic massage, under Subsections 58-11a-102(39)(a)(ii) and 58-11a-302(11)(e), 200 hours of instruction is required and shall consist of:~~
 - ~~_____ (a) 40 hours of training in anatomy and physiology of the lymphatic system;~~
 - ~~_____ (b) 70 applications of one hour each in manual lymphatic massage of the full body; and~~
 - ~~_____ (c) 90 hours of training in lymphatic massage by other means, including to energy, mechanical devices, suction assisted massage with or without rollers, compression therapy with equipment, or garment therapy; and~~
- ~~_____ (27) Master Esthetician Examination review.~~

~~R156-11a-704. Curriculum for Nail Technology Schools.~~

- ~~_____ Under Subsection 58-11a-302(19)(e)(iv), the curriculum for a nail technology school shall consist of 300 hours of instruction in the following subject areas:~~
 - ~~_____ (1) introduction consisting of:~~
 - ~~_____ (a) history of nail technology; and~~
 - ~~_____ (b) an overview of the curriculum;~~
 - ~~_____ (2) personal, client, and salon safety including:~~
 - ~~_____ (a) aseptic techniques and sanitary procedures;~~
 - ~~_____ (b) disinfection and sterilization methods and procedures; and~~
 - ~~_____ (c) health risks to the nail technician;~~
 - ~~_____ (3) business and salon management including:~~
 - ~~_____ (a) developing clientele;~~
 - ~~_____ (b) professional image;~~
 - ~~_____ (c) professional ethics;~~
 - ~~_____ (d) professional associations;~~
 - ~~_____ (e) public relations; and~~
 - ~~_____ (f) advertising;~~
 - ~~_____ (4) legal issues including:~~
 - ~~_____ (a) malpractice liability;~~
 - ~~_____ (b) regulatory agencies; and~~
 - ~~_____ (c) tax laws;~~
 - ~~_____ (5) human immune system;~~
 - ~~_____ (6) diseases and disorders of the nails and skin including:~~
 - ~~_____ (a) bacteriology;~~
 - ~~_____ (b) sanitation;~~
 - ~~_____ (c) sterilization;~~
 - ~~_____ (d) decontamination; and~~
 - ~~_____ (e) infection control;~~
 - ~~_____ (7) implements, tools, and equipment for nail technology;~~
 - ~~_____ (8) first aid;~~
 - ~~_____ (9) anatomy;~~
 - ~~_____ (10) science for nail technology;~~
 - ~~_____ (11) theory of basic manicuring including hand and arm massage;~~
 - ~~_____ (12) physiology of the skin and nails;~~
 - ~~_____ (13) chemistry for nail technology;~~
 - ~~_____ (14) artificial nail techniques consisting of:~~
 - ~~_____ (a) wraps;~~
 - ~~_____ (b) nail tips;~~
 - ~~_____ (c) gel nails;~~
 - ~~_____ (d) sculptured and other acrylic nails; and~~

- ~~_____ (e) nail art;~~
- ~~_____ (15) pedicures and massaging the lower leg and foot;~~
- ~~_____ (16) elective topics; and~~
- ~~_____ (17) Nail Technology Examination review.~~

~~R156-11a-705. Curriculum for Cosmetology/Barber Schools.~~

~~_____ Under Subsection 58-11a-302(6)(c)(iv), the curriculum for a cosmetology/barber school shall consist of 1,600 hours of instruction in the following subject areas:~~

- ~~_____ (1) introduction consisting of:~~
 - ~~_____ (a) history of barbering, cosmetology/barbering, esthetics, nail technology, eyelash and eyebrow technology; and~~
 - ~~_____ (b) overview of the curriculum;~~
- ~~_____ (2) personal, client, and salon safety including:~~
 - ~~_____ (a) aseptic techniques and sanitary procedures;~~
 - ~~_____ (b) disinfection and sterilization methods and procedures; and~~
 - ~~_____ (c) health risks to the cosmetologist/barber;~~
- ~~_____ (3) business and salon management including:~~
 - ~~_____ (a) developing clientele;~~
 - ~~_____ (b) professional image;~~
 - ~~_____ (c) professional ethics;~~
 - ~~_____ (d) professional associations;~~
 - ~~_____ (e) public relations; and~~
 - ~~_____ (f) advertising;~~
- ~~_____ (4) legal issues including:~~
 - ~~_____ (a) malpractice liability;~~
 - ~~_____ (b) regulatory agencies; and~~
 - ~~_____ (c) tax laws;~~
- ~~_____ (5) human immune system;~~
- ~~_____ (6) diseases and disorders of skin, nails, hair, and scalp including:~~
 - ~~_____ (a) bacteriology;~~
 - ~~_____ (b) sanitation;~~
 - ~~_____ (c) sterilization;~~
 - ~~_____ (d) decontamination; and~~
 - ~~_____ (e) infection control;~~
- ~~_____ (7) implements, tools, and equipment for cosmetology, barbering, basic esthetics, nail technology, and eyebrow and eyelash technology, including:~~
 - ~~_____ (a) high frequency or galvanic current; and~~
 - ~~_____ (b) heat lamps;~~
 - ~~_____ (8) first aid;~~
 - ~~_____ (9) anatomy;~~
 - ~~_____ (10) science of cosmetology/barbering, basic esthetics, nail technology, and eyebrow and eyelash technology;~~
 - ~~_____ (11) analysis of the skin, hair, and scalp;~~
 - ~~_____ (12) physiology of the human body including skin and nails;~~
 - ~~_____ (13) electricity and light therapy;~~
 - ~~_____ (14) limited chemical exfoliation including:~~
 - ~~_____ (a) pre exfoliation consultation;~~
 - ~~_____ (b) post exfoliation treatments; and~~
 - ~~_____ (c) chemical reactions;~~
 - ~~_____ (15) chemistry for cosmetology/barbering, basic esthetics, nail technology, and eyebrow and eyelash technology;~~
 - ~~_____ (16) temporary removal of superfluous hair including by waxing;~~
 - ~~_____ (17) properties of the hair, skin, and scalp;~~
 - ~~_____ (18) basic hairstyling including:~~
 - ~~_____ (a) wet and thermal styling;~~
 - ~~_____ (b) permanent waving;~~
 - ~~_____ (c) hair coloring;~~
 - ~~_____ (d) chemical hair relaxing; and~~
 - ~~_____ (e) thermal hair straightening;~~
 - ~~_____ (19) haircuts including:~~
 - ~~_____ (a) draping;~~
 - ~~_____ (b) clipper variations;~~
 - ~~_____ (c) scissor cutting;~~
 - ~~_____ (d) shaving; and~~
 - ~~_____ (e) wigs and artificial hair;~~

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- ~~_____ (20) razor cutting;~~
- ~~_____ (21) mustache and beard design;~~
- ~~_____ (22) basic esthetics including:~~
 - ~~_____ (a) treatment of the skin, manual and mechanical;~~
 - ~~_____ (b) packs and masks;~~
 - ~~_____ (c) aroma therapy;~~
 - ~~_____ (d) chemistry of cosmetics;~~
 - ~~_____ (e) application of makeup including:~~
 - ~~_____ (i) application of artificial eyelashes;~~
 - ~~_____ (ii) arching of the eyebrows; and~~
 - ~~_____ (iii) tinting of the eyelashes and eyebrows;~~
 - ~~_____ (f) massage of the face and neck; and~~
 - ~~_____ (g) natural manicures and pedicures;~~
- ~~_____ (23) medical devices;~~
- ~~_____ (24) cardiopulmonary resuscitation (CPR);~~
- ~~_____ (25) artificial nail techniques consisting of:~~
 - ~~_____ (a) wraps;~~
 - ~~_____ (b) nail tips;~~
 - ~~_____ (c) gel nails;~~
 - ~~_____ (d) sculptured and other acrylic nails; and~~
 - ~~_____ (e) nail art;~~
- ~~_____ (26) pedicures and massaging of the lower leg and foot;~~
- ~~_____ (27) the requirements in Section R156-11a-707;~~
- ~~_____ (28) elective topics; and~~
- ~~_____ (29) Cosmetology/Barber Examination review.~~

~~R156-11a-706. Curriculum for Hair Design Schools.~~

~~_____ Under Subsection 58-11a-302(16)(c)(iv), the curriculum for a hair design school shall consist of 1,200 hours of instruction in the following subject areas:~~

- ~~_____ (1) introduction consisting of:~~
 - ~~_____ (a) history of hair design; and~~
 - ~~_____ (b) overview of the curriculum;~~
- ~~_____ (2) personal, client, and salon safety, including:~~
 - ~~_____ (a) aseptic techniques and sanitary procedures;~~
 - ~~_____ (b) disinfection and sterilization methods and procedures; and~~
 - ~~_____ (c) health risks to the hair designer;~~
- ~~_____ (3) business and salon management including:~~
 - ~~_____ (a) developing clientele;~~
 - ~~_____ (b) professional image;~~
 - ~~_____ (c) professional ethics;~~
 - ~~_____ (d) professional associations;~~
 - ~~_____ (e) public relations; and~~
 - ~~_____ (f) advertising;~~
- ~~_____ (4) legal issues, including:~~
 - ~~_____ (a) malpractice liability;~~
 - ~~_____ (b) regulatory agencies; and~~
 - ~~_____ (c) tax laws;~~
- ~~_____ (5) human immune system;~~
- ~~_____ (6) diseases and disorders of hair and scalp, including:~~
 - ~~_____ (a) bacteriology;~~
 - ~~_____ (b) sanitation;~~
 - ~~_____ (c) sterilization;~~
 - ~~_____ (d) decontamination; and~~
 - ~~_____ (e) infection control;~~
- ~~_____ (7) implements, tools, and equipment for hair design, including:~~
 - ~~_____ (a) high frequency current; and~~
 - ~~_____ (b) heat lamps;~~
- ~~_____ (8) first aid;~~
- ~~_____ (9) anatomy;~~
- ~~_____ (10) science of hair design;~~
- ~~_____ (11) analysis of the hair and scalp;~~
- ~~_____ (12) physiology of the human body;~~

- _____ (13) electricity and light therapy;
- _____ (14) chemical reactions;
- _____ (15) chemistry for hair design;
- _____ (16) properties of the hair and scalp;
- _____ (17) basic hairstyling including:
 - _____ (a) wet and thermal styling;
 - _____ (b) permanent waving;
 - _____ (c) hair coloring;
 - _____ (d) chemical hair relaxing; and
 - _____ (e) thermal hair straightening;
- _____ (18) haircuts, including:
 - _____ (a) draping;
 - _____ (b) clipper variations;
 - _____ (c) scissor cutting;
 - _____ (d) shaving; and
 - _____ (e) wigs and artificial hair;
- _____ (19) razor cutting;
- _____ (20) mustache and beard design;
- _____ (21) cardiopulmonary resuscitation (CPR);
- _____ (22) elective topics; and
- _____ (23) Hair Designer Examination review.

~~R156 11a-707. Curriculum for Eyelash and Eyebrow Technology Schools.~~

_____ Under Subsection 58-11a-302(22)(c)(iv), the curriculum for an eyelash and eyebrow technology school shall consist of 100 hours of instruction in the following subject areas:

- _____ (1) introduction consisting of:
 - _____ (a) history of eyelash and eyebrow technology; and
 - _____ (b) overview of the curriculum;
- _____ (2) personal, client, and salon safety, including:
 - _____ (a) aseptic techniques and sanitary procedures;
 - _____ (b) disinfection and sterilization methods and procedures; and
 - _____ (c) health risks to the eyelash and eyebrow technician;
- _____ (3) business and salon management including:
 - _____ (a) developing clientele;
 - _____ (b) professional image;
 - _____ (c) professional ethics;
 - _____ (d) professional associations;
 - _____ (e) public relations; and
 - _____ (f) advertising;
- _____ (4) legal issues, including:
 - _____ (a) malpractice liability;
 - _____ (b) regulatory agencies; and
 - _____ (c) tax laws;
- _____ (5) human immune system;
- _____ (6) diseases, disorders, and allergies of the eye area, including:
 - _____ (a) bacteriology;
 - _____ (b) sanitation;
 - _____ (c) sterilization;
 - _____ (d) decontamination; and
 - _____ (e) infection control;
- _____ (7) implements, tools, and equipment for eyelash and eyebrow;
- _____ (8) first aid;
- _____ (9) anatomy and physiology of the eye area;
- _____ (10) application of makeup including:
 - _____ (a) application of artificial eyelashes;
 - _____ (b) arching of the eyebrows; and
 - _____ (c) tinting of the eyelashes and eyebrows;
- _____ (11) chemical reactions;
- _____ (12) chemistry for eyelash and eyebrow design;
- _____ (13) eyebrow shaping;
- _____ (14) eyelash and eyebrow extension including:
 - _____ (a) preparation;

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- ~~_____ (b) application;~~
- ~~_____ (c) aftercare; and~~
- ~~_____ (d) removal;~~
- ~~_____ (15) eyelash and eyebrow chemical services including:~~
- ~~_____ (a) lash lift;~~
- ~~_____ (b) brow lamination;~~
- ~~_____ (c) lash tinting;~~
- ~~_____ (d) brow tinting; and~~
- ~~_____ (e) aftercare;~~
- ~~_____ (16) contraindications;~~
- ~~_____ (17) elective topics; and~~
- ~~_____ (18) Eyebrow and Eyelash Examination review.~~

R156-11a-708. Curriculum for Instructor Schools.

~~_____ Under Subsection 58-11a-302(2)(d)(i), 58-11a-302(5)(d)(i), 58-11a-302(8)(d)(i), 58-11a-302(12)(d)(i), 58-11a-302(15)(d)(i), 58-11a-302(18)(d)(i), or 58-11a-302(21)(d)(i), the curriculum for an approved instructor school shall consist of instructor training in the following subjects:~~

- ~~_____ (1) motivation and the learning process;~~
- ~~_____ (2) teacher preparation;~~
- ~~_____ (3) teaching methods;~~
- ~~_____ (4) classroom management;~~
- ~~_____ (5) testing;~~
- ~~_____ (6) instructional evaluation;~~
- ~~_____ (7) laws, rules, and regulations; and~~
- ~~_____ (8) Barber, Cosmetology/Barber, Esthetics (Master level), Electrology, Hair Designer, Nail Technology, and Eyebrow and Eyelash Technology Instructors Examination review.~~

R156-11a-800. Approved Barber Apprenticeship Requirements.

~~_____ Under Subsection 58-11a-102(1), the requirements for an approved barber apprenticeship shall include the following:~~

- ~~_____ (1)(a) under Subsection 58-11a-306(1)(b)(ii), an instructor shall provide one on one direct supervision of their apprentice during the apprenticeship program, but this does not preclude an instructor from having more than one apprentice; and~~
- ~~_____ (b) if an instructor has more than one apprentice:~~
 - ~~_____ (i) the instructor may not simultaneously supervise the apprentices; and~~
 - ~~_____ (ii) the same hour or hours of instruction may not be credited toward more than one apprentice;~~
- ~~_____ (2) the apprentice shall register with the Division by submitting a form prescribed by the Division;~~
- ~~_____ (3) The instructor shall be approved by the Division for the apprenticeship, and the instructor may not have had any disciplinary action in the preceding three years;~~
- ~~_____ (4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";~~
- ~~_____ (5)(a) the instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:~~
 - ~~_____ (i) the hours of theory instruction;~~
 - ~~_____ (ii) the hours of practical instruction; and~~
 - ~~_____ (iii) the number and type of client services performed, and other services performed; and~~
- ~~_____ (b) the daily record shall be available to the Division immediately upon request;~~
- ~~_____ (6) a complete set of barber texts shall be available to the apprentice;~~
- ~~_____ (7) an apprentice may be compensated for services performed;~~
- ~~_____ (8) the instructor shall provide training and technical instruction of 1,250 hours using the curriculum defined in Section R156-11a-700;~~
- ~~_____ (9) the instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days;~~
- ~~_____ (10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-700;~~
- ~~_____ (11) hours obtained while enrolled in a school of barbering, cosmetology/barbering, or hair design may not be used to satisfy the required 1,250 hours of apprentice training; and~~
- ~~_____ (12) if an apprentice completes the apprenticeship and fails the NIC Barber Theory Examination or NIC Barber Practical Examination three times, the apprentice and instructor shall:~~
 - ~~_____ (a) meet with the Board at the next appropriate Board meeting;~~
 - ~~_____ (b) explain to the Board why the apprentice is not able to pass the examination; and~~
 - ~~_____ (c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.~~

R156-11a-801. Approved Cosmetologist/Barber Apprenticeship Requirements.

~~_____ Under Subsection 58-11a-102(1), the requirements for an approved cosmetologist/barber apprenticeship include the following:~~

- ~~_____ (1)(a) under Subsection 58-11a-306(2)(b)(ii), an instructor shall provide one-on-one direct supervision of their apprentice during the apprenticeship program, but this does not preclude an instructor from having more than one apprentice; and~~
- ~~_____ (b) if an instructor has more than one apprentice:~~
 - ~~_____ (i) the instructor may not simultaneously supervise the apprentices; and~~
 - ~~_____ (ii) the same hour or hours of instruction may not be credited toward more than one apprentice;~~
- ~~_____ (2) the apprentice shall be registered with the Division by submitting a form prescribed by the Division;~~
- ~~_____ (3) the instructor shall be approved by the Division for the apprenticeship, but the instructor may not have had any disciplinary action in the preceding three years;~~
- ~~_____ (4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";~~
- ~~_____ (5)(a) the instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:~~
 - ~~_____ (i) the hours of theory instruction;~~
 - ~~_____ (ii) the hours of practical instruction; and~~
 - ~~_____ (iii) the number and type of client services performed, and other services performed; and~~
- ~~_____ (b) the daily record shall be immediately available to the Division upon request;~~
- ~~_____ (6) a complete set of cosmetology/barber texts shall be available to the apprentice;~~
- ~~_____ (7) an apprentice may be compensated for services performed;~~
- ~~_____ (8) the instructor shall provide training and technical instruction of 2,500 hours using the curriculum defined in Section R156-11a-705;~~
- ~~_____ (9) the instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days;~~
- ~~_____ (10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-705;~~
- ~~_____ (11) any hours obtained while enrolled in a cosmetology/barber school may not be used to satisfy the required 2,500 hours of apprentice training; and~~
- ~~_____ (12) if an apprentice completes the apprenticeship and fails the NIC Barber/Cosmetology Theory Examination or NIC Barber/Cosmetology Practical Examination three times, the apprentice and instructor shall:~~
 - ~~_____ (a) meet with the Board at the next appropriate Board meeting;~~
 - ~~_____ (b) explain to the Board why the apprentice is not able to pass the examination; and~~
 - ~~_____ (c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.~~

~~R156-11a-802. Approved Basic Esthetician Apprenticeship Requirements.~~

- ~~_____ Under Subsection 58-11a-102(2), the requirements for an approved basic esthetician apprenticeship include the following:~~
- ~~_____ (1)(a) under Subsection 58-11a-306(1)(b)(ii), an instructor shall provide one-on-one direct supervision of their apprentice during the apprenticeship, but this does not preclude an instructor from having more than one apprentice; and~~
- ~~_____ (b) if an instructor has more than one apprentice:~~
 - ~~_____ (i) the instructor may not simultaneously supervise the apprentices; and~~
 - ~~_____ (ii) the same hour or hours of instruction may not be credited toward more than one apprentice;~~
- ~~_____ (2) the apprentice shall be registered with the Division by submitting a form prescribed by the Division;~~
- ~~_____ (3) the instructor shall be approved by the Division for the apprenticeship, but the instructor may not have had any disciplinary action in the preceding three years;~~
- ~~_____ (4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";~~
- ~~_____ (5)(a) the instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:~~
 - ~~_____ (i) the hours of theory instruction;~~
 - ~~_____ (ii) the hours of practical instruction; and~~
 - ~~_____ (iii) the number and type of client services performed, and other services performed; and~~
- ~~_____ (b) the daily record shall be immediately available to the Division upon request;~~
- ~~_____ (6) a complete set of esthetics texts shall be available to the apprentice;~~
- ~~_____ (7) an apprentice may be compensated for services performed;~~
- ~~_____ (8) the instructor shall provide training and technical instruction of 800 hours using the curriculum defined in Section R156-11a-702;~~
- ~~_____ (9) the instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days;~~
- ~~_____ (10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the hours required in technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-702;~~
- ~~_____ (11) any hours obtained while enrolled in a school of esthetics or cosmetology/barbering may not be used to satisfy the required 800 hours of apprentice training; and~~
- ~~_____ (12) if an apprentice completes the apprenticeship and fails the NIC Esthetics Theory Examination or NIC Esthetics Practical Examination three times, the apprentice and instructor shall:~~
 - ~~_____ (a) meet with the Board at the next appropriate Board meeting;~~
 - ~~_____ (b) explain to the Board why the apprentice is not able to pass the examination; and~~
 - ~~_____ (c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.~~

R156-11a-803. Approved Master Esthetician Apprenticeship Requirements.

- Under Subsection 58-11a-102(5), the requirements for an approved master esthetician apprenticeship include the following:
- (1)(a) under Subsection 58-11a-306(5)(b)(ii), an instructor shall provide one-on-one direct supervision of their apprentice during the apprenticeship program, but this does not preclude an instructor from having more than one apprentice; and
 - (b) if an instructor has more than one apprentice:
 - (i) the instructor may not simultaneously supervise the apprentices; and
 - (ii) the same hour or hours of instruction may not be credited toward more than one apprentice;
 - (2) the apprentice shall be registered with the Division by submitting a form prescribed by the Division;
 - (3) the instructor shall be approved by the Division for the apprenticeship, but the instructor may not have had any disciplinary action in the preceding three years;
 - (4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";
 - (5)(a) The instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:
 - (i) the hours of theory instruction;
 - (ii) the hours of practical instruction; and
 - (iii) the number and type of client services performed, and other services performed; and
 - (b) the daily record shall be immediately available to the Division upon request;
 - (6) a complete set of esthetics texts shall be available to the apprentice;
 - (7) an apprentice may be compensated for services performed;
 - (8) the instructor shall provide training and technical instruction of 1,500 hours using the curriculum defined in Section R156-11a-703;
 - (9) the instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days;
 - (10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the required hours of technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-703;
 - (11) any hours obtained while enrolled in a school of esthetics or cosmetology/barbering may not be used to satisfy the required 1,500 hours of apprentice training; and
 - (12) if an apprentice completes the apprenticeship and fails the NIC Master Esthetics Theory Examination or NIC Master Esthetics Practical Examination three times, the apprentice and instructor shall:
 - (a) meet with the Board at the next appropriate Board meeting;
 - (b) explain to the Board why the apprentice is not able to pass the examination; and
 - (c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.

R156-11a-804. Approved Hair Designer Apprenticeship Requirements.

- Under Subsection 58-11a-102(4), the requirements for an approved hair designer apprenticeship include the following:
- (1)(a) under Subsection 58-11a-306(3)(b)(ii), an instructor shall provide one-on-one direct supervision of their apprentice during the apprenticeship program, but this does not preclude an instructor from having more than one apprentice; and
 - (b) if an instructor has more than one apprentice:
 - (i) the instructor may not simultaneously supervise the apprentices; and
 - (ii) the same hour or hours of instruction may not be credited toward more than one apprentice;
 - (2) the apprentice shall be registered with the Division by submitting a form prescribed by the Division;
 - (3) the instructor shall be approved by the Division for the apprenticeship, but the instructor may not have had any disciplinary action in the preceding three years;
 - (4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";
 - (5)(a) The instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:
 - (i) the hours of theory instruction;
 - (ii) the hours of practical instruction; and
 - (iii) the number and type of client services performed, and other services performed; and
 - (b) the daily record shall be available to the Division immediately upon request;
 - (6) a complete set of hair designer texts shall be available to the apprentice;
 - (7) an apprentice may be compensated for services performed;
 - (8) the instructor shall provide training and technical instruction of 1,600 hours using the curriculum defined in Section R156-11a-706;
 - (9) the instructor shall limit the training of the apprentice to not more than 40 hours per week, and not more than five days out of every seven consecutive days;
 - (10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-706;
 - (11) any hours obtained while enrolled in a school of barbering, cosmetology/barbering, or hair design may not be used to satisfy the required 1,600 hours of apprentice training; and
 - (12) if an apprentice completes the apprenticeship and fails the NIC Hair Designer Theory Examination or NIC Hair Designer Practical Examination three times, the apprentice and instructor shall:

- ~~_____ (a) meet with the Board at the next appropriate Board meeting;~~
- ~~_____ (b) explain to the Board why the apprentice is not able to pass the examination; and~~
- ~~_____ (c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.~~

~~R156-11a-805. Approved Nail Technician Apprenticeship Requirements.~~

~~_____ Under Subsection 58-11a-102(6), the requirements for an approved nail technician apprenticeship include the following:~~

- ~~_____ (1)(a) under Subsections 58-11a-306(6)(b)(ii) and (iii), an instructor shall provide one-on-one direct supervision of a single apprentice during the apprenticeship program or one-on-two direct supervision to two apprentices during the apprenticeship program, but this does not preclude an instructor from having more than two apprentices; and~~
- ~~_____ (b) if an instructor has more than two apprentices:~~
 - ~~_____ (i) the instructor may not simultaneously supervise more than two apprentices; and~~
 - ~~_____ (ii) the same hour or hours of instruction may not be credited toward more than two apprentices;~~
- ~~_____ (2) the apprentice shall be registered with the Division by submitting a form prescribed by the Division;~~
- ~~_____ (3) the instructor shall be approved by the Division for the apprenticeship, but the instructor may not have had any disciplinary action in the preceding three years;~~
- ~~_____ (4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";~~
- ~~_____ (5)(a) the instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:~~
 - ~~_____ (i) the hours of theory instruction;~~
 - ~~_____ (ii) the hours of practical instruction; and~~
 - ~~_____ (iii) the number and type of client services performed, and other services performed; and~~
- ~~_____ (b) the daily record shall be immediately available to the Division upon request;~~
- ~~_____ (6) a complete set of nail technician texts shall be available to the apprentice;~~
- ~~_____ (7) an apprentice may be compensated for services performed;~~
- ~~_____ (8) the instructor shall provide training and technical instruction of 375 hours using the curriculum defined in Section R156-11a-704;~~
- ~~_____ (9) the instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days;~~
- ~~_____ (10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-704;~~
- ~~_____ (11) any hours obtained while enrolled in a school of nail technology or cosmetology/barbering may not be used to satisfy the required 375 hours of apprentice training; and~~
- ~~_____ (12) if an apprentice completes the apprenticeship and fails the NIC Nail Technology Theory Examination or NIC Nail Technology Practical Examination three times, the apprentice and instructor shall:~~
 - ~~_____ (a) meet with the Board at the next appropriate Board meeting;~~
 - ~~_____ (b) explain to the Board why the apprentice is not able to pass the examination; and~~
 - ~~_____ (c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.~~

~~R156-11a-806. Approved Eyelash and Eyebrow Technician Apprenticeship Requirements.~~

~~_____ Under Subsection 58-11a-102(3), the requirements for an approved eyelash and eyebrow technician apprenticeship include the following:~~

- ~~_____ (1)(a) under Subsections 58-11a-306(7)(b)(ii) and (iii), an instructor shall provide one-on-one direct supervision of a single apprentice during the apprenticeship program or one-on-two direct supervision of two apprentices during the apprenticeship program, but this does not preclude an instructor from having more than two apprentices; and~~
- ~~_____ (b) if an instructor has more than two apprentices:~~
 - ~~_____ (i) the instructor may not simultaneously supervise more than two apprentices; and~~
 - ~~_____ (ii) the same hour or hours of instruction may not be credited toward more than two apprentices;~~
- ~~_____ (2) the apprentice shall be registered with the Division by submitting a form prescribed by the Division;~~
- ~~_____ (3) the instructor shall be approved by the Division for the apprenticeship, but the instructor may not have had any disciplinary action in the preceding three years;~~
- ~~_____ (4) there shall be a conspicuous sign near the workstation of the apprentice stating, "Apprentice in Training";~~
- ~~_____ (5)(a) the instructor and apprentice shall keep a daily record that documents the total number of hours of training, which shall include:~~
 - ~~_____ (i) the hours of theory instruction;~~
 - ~~_____ (ii) the hours of practical instruction; and~~
 - ~~_____ (iii) the number and type of client services performed, and other services performed; and~~
- ~~_____ (b) the daily record shall be immediately available to the Division upon request;~~
- ~~_____ (6) a complete set of eyelash and eyebrow technician texts shall be available to the apprentice;~~
- ~~_____ (7) an apprentice may be compensated for services performed;~~
- ~~_____ (8) the instructor shall provide training and technical instruction of 125 hours using the curriculum defined in Section R156-11a-707;~~
- ~~_____ (9) the instructor shall limit the training of the apprentice to not more than 40 hours per week and not more than five days out of every seven consecutive days;~~

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- ~~_____ (10) an apprentice may not perform work on the public until the apprentice has received at least 10% of the hours of technical training, with at least a portion of that time devoted to each of the subjects in Section R156-11a-707;~~
- ~~_____ (11) any hours obtained while enrolled in a school of eyelash and eyebrow technology or cosmetology/barbering may not be used to satisfy the required 125 hours of apprentice training; and~~
- ~~_____ (12) if an apprentice completes the apprenticeship and fails the NIC Eyelash and Eyebrow Technology Theory Examination or NIC Eyelash and Eyebrow Technology Practical Examination three times, the apprentice and instructor shall:~~
 - ~~_____ (a) meet with the Board at the next appropriate Board meeting;~~
 - ~~_____ (b) explain to the Board why the apprentice is not able to pass the examination; and~~
 - ~~_____ (c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination.~~

R156-11a-810. Conflicts of Interest.

~~_____ An apprentice instructor may not be an employee of an apprentice or be involved in any relationship with an apprentice or others that would interfere with the instructor's ability to teach and train the apprentice.~~

R156-11a-901. Standards for an On-the-Job Training Internship.

~~_____ Under Subsection 58-11a-304(8), a student enrolled in a licensed cosmetology/barber school may participate in an on-the-job training internship if the student meets the following requirements:~~

- ~~_____ (1) the on-the-job training intern shall have completed at least 1,000 hours of the training contracted with a cosmetology/barber school, of which 400 hours shall be clinical hours;~~
- ~~_____ (2) there shall be a conspicuous sign near the workstation of the on-the-job training intern stating, "Intern in Training";~~
- ~~_____ (3) a licensed "on-site" cosmetology/barber shall supervise only one on-the-job training intern at a time;~~
- ~~_____ (4) an on-the-job training intern, while working under the direct supervision of an "on-site" licensed cosmetologist/barber, may perform the following procedures:~~
 - ~~_____ (a) draping;~~
 - ~~_____ (b) shampooing;~~
 - ~~_____ (c) roller setting;~~
 - ~~_____ (d) blow drying styling;~~
 - ~~_____ (e) applying color;~~
 - ~~_____ (f) removing color by rinsing and shampooing;~~
 - ~~_____ (g) removing permanent chemicals;~~
 - ~~_____ (h) removing permanent rods;~~
 - ~~_____ (i) removing rollers;~~
 - ~~_____ (j) applying temporary rinses, reconditioners, and rebuilders;~~
 - ~~_____ (k) acting as receptionists;~~
 - ~~_____ (l) doing retail sales;~~
 - ~~_____ (m) sanitizing the salon;~~
 - ~~_____ (n) doing inventory and ordering supplies; and~~
 - ~~_____ (p) handing equipment to the cosmetologist/barber supervisor;~~
- ~~_____ (5) the "on-site" cosmetologist/barber supervisor shall have in the supervisor's possession a letter, which must be updated on a quarterly basis, from the school where the on-the-job training intern is enrolled stating that the on-the-job training intern is currently in good standing at the school and is complying with school requirements; and~~
- ~~_____ (6) hours of training spent while performing on the job training as an intern may not apply toward credits required for graduation.~~

R156-11a-902. Standards for On-the-Job Instructor Training.

- ~~_____ (1) Under Subsection 58-11a-302(2)(d)(ii), 58-11a-302(5)(d)(ii), 58-11a-302(8)(d)(ii), 58-11a-302(12)(d)(ii), 58-11a-302(15)(d)(ii), 58-11a-302(18)(d)(ii), or 58-11a-302(21)(d)(ii), an individual employed by a licensed school of barbering, cosmetology/barbering, electrology, esthetics, hair design, nail technology, or eyelash and eyebrow technology may obtain on-the-job training to become a licensed instructor if they meet the requirements of this section:~~
- ~~_____ (2) The on-the-job instructor training shall be under the supervision of an instructor licensed as an instructor in the same category as the trainee, except that an instructor providing on-the-job instructor training supervision for basic esthetics instruction shall be licensed as a master esthetician.~~
- ~~_____ (3) The instructor trainee shall have an active license in the same category for which the instructor trainee is seeking licensure to instruct, except an instructor trainee receiving on-the-job training to instruct basic esthetics shall be licensed as a master esthetician.~~
- ~~_____ (4) The on-the-job instructor training shall include the following categories:~~
 - ~~_____ (a) motivation and the learning process;~~
 - ~~_____ (b) teacher preparation;~~
 - ~~_____ (c) teaching methods;~~
 - ~~_____ (d) classroom management;~~
 - ~~_____ (e) testing;~~
 - ~~_____ (f) instructional evaluation;~~
 - ~~_____ (g) laws, rules, and regulations; and~~

~~(h) Barber, Cosmetology/Barber, Esthetics (Master level), Electrology, Hair Design, Nail Technology, and Eyelash and Eyebrow Technology Instructors Examination review.~~

~~(5) The instructor trainee may not count toward the instructor to student ratio.~~

~~(6) The on the job instructor training shall be completed within one year, unless the instructor trainee provides documentation of extenuating circumstances justifying an extension.]~~

R156-11a. Cosmetology and Associated Professions Licensing Act Rule.

R156-11a-101. Title -- Authority -- Relationship to Rule R156-1.

(1) This rule is known as the "Cosmetology and Associated Professions 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 11a, Cosmetology and Associated Professions Licensing Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

R156-11a-102. General Definitions.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and in Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act. In addition:

(1) "Balayage" as used in Sections R156-11a-302.12, R156-11a-302.13, and R156-11a-302.19 means the technique of free-hand painting highlights onto the hair to create a soft and natural gradation of lightness coloration toward the end.

(2) "Brow lamination" or "brow perming" as used in Sections R156-11a-302.13, R156-11a-302.15, R156-11a-302.18, and R156-11a-302.23 means a semi-permanent treatment that restructures brow hairs using a chemical solution.

(3) "Client service" means a service performed by a student or an apprentice on another individual.

(4) "Comedone extractor" as used in Subsection (18) and Sections R156-11a-302.11, R156-11a-302.13, R156-11a-302.18, and R156-11a-302.23 means a small handheld tool used to remove blackheads and whiteheads from the skin.

(5) "CPR" as used in Sections R156-11a-102.14, R156-11a-302.18, and R156-11a-302.23 means cardiopulmonary resuscitation.

(6) "DHHS" means the Utah Department of Health and Human Services.

(7) "Division-approved licensed school" as used in Section R156-11a-302.22 means a school that:

(a) uses a curriculum approved by the Division under Subsections 58-11a-102(9)(b) and R156-11a-302.22(1)(b); and

(b) is licensed by the Division under Section 58-11a-302.22.

(8) "EPA" means the Environmental Protection Agency.

(9) "Eponychium" or "proximal nail fold" as used in Subsections (22) and 58-11a-501(6)(d) means the thickened and living tissue at the base of the fingernails and toenails.

(10) "FDA" means the Food and Drug Administration.

(11) "General supervision of a licensed health care practitioner" as used in Subsections R156-11a-102.18(4)(b)(iii) and R156-11a-302.18(6)(d)(iii) means a health care practitioner who, acting within the scope of the licensee's license, authorizes and directs the work of a licensee under this chapter as defined under Subsection R156-1-102a(1)(c).

(12) "Genitals or the anus" as used in Subsection 58-11a-502(2)(a) includes:

(a) the pubic mound or mons pubis;

(b) external reproductive organs including the penis, scrotum, testicles, vulva, vagina, or clitoris; or

(c) the perinium.

(13) "Hard wax" means a type of depilatory wax that hardens on the hair and is removed without the need for fabric strips.

(14) "Health care practitioner" as used in Section 58-11a-501 and this rule means a supervisor as defined in Subsection 58-1-505(1)(b).

(15) "Large area" as it relates to hair removal on the human body by waxing or by laser and as used in Sections R156-11a-302.11, R156-11a-302.13, R156-11a-302.14, and R156-11a-302.18 means:

(a) the back of the torso;

(b) the front of the torso;

(c) the gluteal region;

(i) including the gluteal cleft; and

(ii) not including the anus;

(d) one leg; or

(e) one arm.

(16)(a) "Limited chemical exfoliation" as used in Subsections 58-11a-302.13(1)(h), 58-11a-302.18(1)(a)(iii), 58-11a-302.23(2)(b), and R156-11a-102.18(4)(b)(i), and Sections R156-11a-302.13, R156-11a-302.18, and R156-11a-302.23 means a resurfacing procedure performed using a chemical substance such as an acid or enzyme:

(i) to dissolve dead skin cells;

(ii) to promote cell turnover; and

(iii) that does not exceed the stratum corneum.

(b) "Limited chemical exfoliation" includes the use of:

(i) a salicylic acid of up to 15%; or

(ii) an alpha hydroxy acid:

(A) of up to 30%; and

(B) with a pH of at least 3.0.

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(c) "Limited chemical exfoliation" does not include the mixing, combining, or layering of skin exfoliation products or services on the skin.

(17) "Manipulating" as used in Subsections 58-11a-302.11(1)(a), 58-11a-302.13(1)(g), 58-11a-302.18(1)(a)(xii), and 58-11a-302.23(2)(a), and Section R156-11a-302.23 means using the hands to apply light pressure to the skin.

(18) "Manual extraction" as used in Sections R156-11a-302.11, R156-11a-302.13, R156-11a-302.18, and R156-11a-302.23 means removing impurities from the skin with:

(a) a protected fingertip;

(b) a cotton swab; or

(c) a loop comedone extractor.

(19) "Natural nail manicure and pedicure," "natural nail manicure," or "natural nail pedicure" means enhancing the appearance of an individual's hand, foot, or nails:

(a) by:

(i) trimming, cutting, cleaning, manicuring, or shaping an individual's nails; or

(ii) massaging the individual's:

(A) hand up to the elbow; or

(B) foot up to the knee; and

(b) using:

(i) the licensee's hands;

(ii) mechanical preparation;

(iii) electrical preparation; or

(iv) an antiseptic, cream, exfoliating scrub, or lotion.

(20) "NIC" means the National Interstate Council of State Boards of Cosmetology.

(21) "Practical session" as used in Subsections R156-11a-102.22(2), R156-11a-302.22(4)(c)(ii)(D) and (6)(a), and R156-11a-306(2)(b)(ii)(D) means a classroom-type setting where a student or apprentice performs services on:

(a) a mannequin;

(b) a model; or

(c) another student or apprentice.

(22) "Removing proximal nail fold by e-file or other tool" as used in Subsection 58-11a-501(6)(d) includes removing the proximal nail fold:

(a) using a manual file or an e-file;

(b) by cutting; or

(c) by buffing.

(23)(a) "Safety data sheet" or "SDS" means a document that provides information regarding a product that contains chemicals including:

(i) how to handle hazardous substances;

(ii) precautions; and

(iii) response actions including:

(A) how the hazardous substances should be safely used, stored, transported, and disposed of; and

(B) emergency procedures.

(b) "Safety data sheet" may also be called a material safety data sheet or MSDS.

(24) "Shaving" as used in Subsection 58-11a-102(10)(b)(ii) does not include using a straight razor.

(25)(a) "Small area" or "medium area" as it relates to hair removal on the human body by waxing or by laser and as used in Sections R156-11a-302.11, R156-11a-302.13, R156-11a-302.14, and R156-11a-302.18, means:

(i) the neck;

(ii) the upper chest;

(iii) the arm pit or axilla;

(iv) the upper arm;

(v) the lower arm;

(vi) the hands;

(vii) the abdomen;

(viii) the sides of the torso;

(ix) the upper back;

(x) the lower back;

(xi) the gluteal region;

(A) including the gluteal cleft; and

(B) not including the anus;

(xii) the bikini area;

(xiii) the upper leg;

(xiv) the lower leg; or

(xv) the feet.

(b) "Small area" or "medium area" under Subsection (25)(a) includes a Brazilian hair removal process that does not violate Subsection 58-11a-502(2), R156-11a-302.22(4)(c)(iv), or R156-11a-306(2)(d)(iv).

(26)(a) "Sugaring" as used in Subsection 58-11a-102(10)(b)(iii) and this rule means the removal of unwanted hair by applying a mixture to the skin and then removing it.

(b) "Sugaring" includes using a mixture of lemon juice, sugar, and water to remove unwanted hair.

(27) "Soft wax" means a type of depilatory wax that:

(a) hardens on the skin and hair; and

(b) is removed with fabric strips.

(28) "Thermal styling" as used in Subsection 58-11a-304(13)(e) means hairstyling techniques that use heat to temporarily alter the shape and texture of hair including:

(a) a curling iron;

(b) a flat iron; or

(c) a hair dryer.

(29) "Unprofessional conduct" is further defined in Sections 58-1-501 and R156-11a-502.

(30) "Wet styling" refers to the process of:

(a) setting and shaping the hair while it is wet; and

(b) allowing the hair to dry in a specific form or style.

R156-11a-102.10. Definitions Specific to the Barbering Permit.

Reserved.

R156-11a-102.11. Definitions Specific to the Basic Esthetics Permit.

Reserved.

R156-11a-102.12. Definitions Specific to the Chemical Hair Services Permit.

Reserved.

R156-11a-102.13. Definitions Specific to the Cosmetology License.

Reserved.

R156-11a-102.14. Definitions Specific to the Electrology License.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and in Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act. In addition:

(1) "Blend and progressive epilation technique" means the combining of galvanic current with thermolysis current.

(2) "Galvanic current" as used in Subsection (1) and Section R156-11a-302.23 means a constant low-voltage direct current.

(3)(a) "Large area electrolysis" as used in Section R156-11a-302.14 means removing hair through electrolysis on any portion of the following:

(i) the upper chest;

(ii) the upper arm;

(iii) the lower arm.

(iv) the abdomen;

(v) the upper back;

(vi) the lower back;

(vii) the gluteal region;

(A) including the gluteal cleft; and

(B) not including the anus;

(viii) the sides of the torso;

(ix) the upper leg; or

(x) lower leg.

(b) "Large area electrolysis" includes a Brazilian hair removal process that does not violate Subsection 58-11a-502(2), R156-11a-302.22(4)(c)(iv), or R156-11a-306(2)(d)(iv).

(4)(a) "Small area electrolysis" or "medium area electrolysis" as used in Section R156-11a-302.14 means removing hair through electrolysis on one of the following areas:

(i) the brow;

(ii) the exterior of the nose;

(iii) the cheeks;

(iv) the lip;

(v) the chin;

(vi) the exterior of the ear;

(vii) the neck;

(viii) the axilla or arm pit;

(ix) the hands;

(x) the bikini area; or

(xi) the feet.

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(b) "Small area electrolysis" or "medium area electrolysis" includes a Brazilian hair removal process that does not violate Subsection 58-11a-502(2), R156-11a-302.22(4)(e)(iv), or R156-11a-306(2)(d)(iv).

(5) "Thermolysis current" as used in Subsection (1) and Section R156-11a-302.14 means using alternating current to create heat to destroy hair growth cells in the follicle.

R156-11a-102.15. Definitions Specific to the Eyelash and Eyebrow Technology License.

Reserved.

R156-11a-102.16. Definitions Specific to the Facial Hair Removal Permit.

Reserved.

R156-11a-102.17. Definitions Specific to the Haircutting Permit.

Reserved.

R156-11a-102.18. Definitions Specific to the Master Esthetics License.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and in Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act. In addition:

(1) "Advanced extraction" as used in Subsection 58-11a-302.18(1)(a)(vi) and Section R156-11a-302.18 means to perform an extraction with a lancet or device that removes impurities from the skin.

(2)(a) "Anti-aging resurfacing enhancements" as used in Subsections 58-11a-302.18(1)(a)(ix)(C) and 58-11a-302.23(2)(f)(ii) and Sections R156-11a-302.18 and R156-11a-302.23 means a treatment designed to improve the appearance of skin that has been affected by:

(i) the aging process;

(ii) sun damage; or

(iii) other environmental factors.

(b) "Anti-aging resurfacing enhancements" includes:

(i) skin tightening;

(ii) subablative scar reduction; or

(iii) skin lightening.

(3) "Body wraps" as used in Subsection 58-11a-302.18(1)(a)(i) and Section R156-11a-302.18 means body treatments utilizing products or equipment to enhance and maintain the texture, contour, integrity, and health of the skin and body.

(4)(a) "Chemical exfoliation" or "chemical exfoliant" as used in Subsections 58-11a-302.18(1) and 58-11a-501(7) and in Section R156-11a-302.18 means a resurfacing procedure performed with the use of chemical substances such as an acid or enzyme to:

(i) dissolve dead skin cells; and

(ii) promote cell turnover.

(b) "Chemical exfoliation" includes:

(i) a limited chemical exfoliation as defined in Subsection R156-11a-102(16);

(ii) using an acid with a pH of at least 1.0 including:

(A) an alpha hydroxy acid at a concentration of up to 50% with partially neutralized acids;

(B) a beta hydroxy acid with a concentration of up to 30%;

(C) a modified Jessner solution on the face or the tissue immediately adjacent to the jawline;

(D) a trichloroacetic acid under Subsection 58-11a-501(7)(c) in a concentration of up to 15%; or

(E) a vitamin-based acid; and

(iii) using one of the following acids with a pH of less than 1.0 if performed under the general supervision of a licensed health care practitioner:

(A) an alpha hydroxy acid with a concentration over 50%;

(B) a beta hydroxy acid with a concentration over 30%;

(C) a trichloroacetic acid in a concentration higher than 15% under Subsection 58-11a-501(7)(c);

(D) a vitamin-based acid;

(E) an exfoliant that contains one of the following in any concentration:

(I) bichloroacetic acid; or

(II) phenol; or

(F) a manual, mechanical, or acid exfoliation used before treatment on a client.

(5) "Corneocytes" as used in Subsections (6) and (14) means terminally differentiated keratinocytes found in the outermost layer of the skin.

(6) "Exfoliation" means the sloughing off of non-living skin cells called "corneocytes" by superficial and non-invasive means.

(7) "Hydrotherapy" as used in Subsections 58-11a-302.18(1)(a)(ii) and R156-11a-102.23(3)(g) and Section R156-11a-302.18 means the use of water for cosmetic purposes or beautification of the body.

(8) "Lymphatic massage" as used in Sections 58-11a-302.18 and R156-11a-302.18 means a method using a light and rhythmic pressure applied by manual or other means to the skin using specific lymphatic maneuvers to promote drainage of the lymphatic fluid through the tissue.

(9) "Microdermabrasion" as used in Subsection 58-11a-302.18(1)(a)(v) and Section R156-11a-302.18 means the mechanical exfoliation of the uppermost layers of the stratum corneum using a closed-loop vacuum system.

(10)(a) "Microneedling" as used in Section R156-11a-302.18 means the use of a device:

- (i) with multiple tiny solid needles designed to pierce the skin to stimulate collagen production or cellular renewal; and
- (ii) may be in the form of:

(A) a stamp; or

(B) an electronic "pen."

(b) Microneedling may also be called:

(i) dermal needling;

(ii) Collagen Induction Therapy (CIT);

(iii) cosmetic dry needling;

(iv) multitrepannic collagen actuation; or

(v) percutaneous collagen induction.

(11) "Patch test" or "predisposition test" as used in Subsection R156-11a-302.18(5)(a)(ii) means applying a small amount of a chemical preparation to a client's skin on an arm or behind an ear to determine whether the client has a possible allergy to the chemical preparation.

(12) "Photo rejuvenation" as used in Sections R156-11a-302.18 and R156-11a-302.23 means using light energy to improve the appearance of the skin and includes:

(a) acne reduction;

(b) facial erythema reduction;

(c) hemangioma reduction;

(d) pigmentation removal;

(e) spider vein reduction; or

(f) telangiectasia reduction.

(13) "Sanding" as used in Subsections 58-11a-302.18(1)(a)(v) and 58-11a-501(8) and Section R156-11a-302.18 means:

(a) using a rapidly rotating tool to remove the outermost layers of skin below the stratum corneum; and

(b) by a master esthetician who is under the appropriate level of supervision of a licensed health care practitioner acting within the scope of the health care practitioner's license.

(14) "Stratum corneum" as used in Subsections (9), (13), and R156-11a-102(16)(a)(iii), and Section R156-11a-302.18 means the outermost layer of the skin that is mostly composed of non-living corneocytes.

R156-11a-102.19. Definitions Specific to the Master Hair Design License and the Master Barbering License.

Reserved.

R156-11a-102.20. Definitions Specific to the Nail Technology License.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and in Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act. In addition:

(1)(a) "Acrylic nail" as used in Sections 15A-3-402, R156-11a-302.13, and R156-11a-302.20 means an extension for natural nails that is:

(i) molded out of a polymer powder and a liquid monomer; and

(ii) buffed to a shine.

(b) "Acrylic nail" is a type of sculptured nail as defined in Subsection (3).

(2) "E-file" or "electric nail drill" as used in Subsection 58-11a-501(6)(d) and this rule means an electric-powered rotary tool used for filing nails or removing nail enhancements.

(3)(a) "Sculptured or artificial nails" as used in Subsections 58-11a-302.13(1)(m) and 58-11a-302.20(1)(b) means a custom-formed extension that is:

(i) built directly on the natural nail using a nail form; and

(ii) sculpted with a product including acrylic, hard gel, or polygel.

(b) "Sculptured or artificial nails" does not include a nail tip.

(4) "Source capture system" as used in Subsection 58-11a-502(6) means the source capture system required under Section 15A-3-402.

R156-11a-102.21. Definitions Specific to the Instructor License.

Reserved.

R156-11a-102.22. Definitions Specific to Schools.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and in Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act. In addition, "equivalent number of credit hours" means:

(1) one credit hour of theory equals 30 clock hours; or

(2) one credit hour of practical session equals 45 clock hours.

R156-11a-102.23. Definitions Specific to the Legacy Esthetics License.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and in Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act. In addition, "aroma therapy" as used in Section R156-11a-302.23 means the application of essential oils that are applied:

- (1) directly to the skin;
- (2) undiluted or in a misted dilution with a carrier oil or lotion; and
- (3) for varied applications including:
 - (a) massage;
 - (b) hot packs;
 - (c) cold packs;
 - (d) compress;
 - (e) inhalation;
 - (f) steam or air diffusion; or
 - (g) in hydrotherapy services.

R156-11a-102.24. Definitions Specific to the Legacy Barbering License.

Reserved.

R156-11a-102.26. Definitions Specific to the Legacy Cosmetology/Barbering License.

Reserved.

R156-11a-301. Change of Legal Entity -- School.

- (1) Under Subsection 58-11a-301(1) and Section 58-11a-302.22, if a licensed school's legal entity status changes, the new legal entity school shall submit a new application for licensure.
- (2) The new legal entity school under Subsection (1) may not engage in practice as a licensed school until the Division:
 - (a) approves the new legal entity's application; and
 - (b) issues a school license to the new legal entity school.

R156-11a-302. Qualifications for Individual Licensure -- General Examination Requirements -- Equivalency of Foreign School Education -- General Requirements for Transfer of Crediting Hours -- Implementation of Curriculum Standards and Minimum Service Counts.

- (1)(a) Under Subsection 58-11a-302(1)(c) and except as otherwise provided in Sections 58-1-308 and R156-11a-303, an applicant shall pass the required examination for the applicable license or permit:
 - (i) with a score of at least 70% as determined by the examination provider; and
 - (ii) within three years immediately before the application date.
- (b) The Division may accept an applicant's theory examination, practical examination, or instructor examination:
 - (i) that is approved by the licensing authority of another jurisdiction in the United States; and
 - (ii) if the examination is substantially equivalent to the applicable Utah examination.
- (2)(a) The Division may issue a license by endorsement to an applicant under Section 58-1-302.
- (b) Under Section 58-1-302 and Subsection 58-11a-302.21(2), if an applicant was educated or trained in a jurisdiction outside the United States, the applicant may submit to the Division a credential evaluation of the applicant's education or training that:
 - (i) demonstrates the equivalency of the applicant's education or training to the requirements for the applicable Utah license or permit;and
 - (ii) is performed by a current member of the National Association of Credential Evaluation Services (NACES) at www.naces.org.
- (3) Under Subsection 58-11a-302(2)(a), a school or apprentice instructor may give credit hours toward an additional license for an individual with an existing license or permit:
 - (a) if the individual's existing license or permit is:
 - (i) valid; and
 - (ii) in good standing;
 - (b) using the individual's credit hours obtained for the existing license or permit; and
 - (c) up to the number of hours required for the additional license or permit.
- (4) Under Subsection 58-11a-302.22(4), a school or apprentice instructor may accept an individual's license or permit course work or service counts:
 - (a) that were obtained through:
 - (i) an approved apprenticeship; or
 - (ii) a licensed school or recognized school; or
 - (b) based on an evaluation of the individual's education and training performed by a current member of the National Association of Credential Evaluation Services (NACES) at www.naces.org, if the individual was educated or training in a jurisdiction outside of the United States.
- (5)(a) Under Subsection 58-11a-302.22(1)(c)(iv) and subject to Subsection (5)(b), a licensed school shall:
 - (i) teach the required curriculum topics for the applicable license or permit taught; and
 - (ii) require each student to meet the minimum service counts for the applicable license or permit taught.

(b) Under Subsections 58-11a-102(9)(a) and R156-11a-302.22(2), a licensed school that is accredited is not required to follow:

(i) the objective clock hours listed in the curriculum table for the applicable license or permit taught; and

(ii) the total hours listed for each service count in the minimum service count table for the applicable license or permit taught.

R156-11a-302.10. Qualifications for Barbering Permit -- Curriculum Standards -- Minimum Service Count Requirements -- Examination.

(1) Under Subsections 58-11a-302(1)(b) and 58-11a-302.10(3), the educational requirements and minimum service count requirements to meet the 130 hours of instruction and minimum service count requirements for a barbering permit are defined, clarified, and established in this section.

(2) Under Subsection 58-11a-302.10(3), the curriculum standards for a licensed school, recognized school, or approved apprenticeship program for a barbering permit shall include theory instruction in the following subject areas:

<u>TABLE 1</u> <u>Curriculum Subjects for the Barbering Permit</u>	
<u>Theory Topic</u>	<u>Required Objectives Include</u>
<u>Professional ethics</u>	
<u>Implements, tools, and equipment for barbering</u>	
<u>Analysis of the hair and scalp</u>	<u>Properties of hair, skin, and scalp; and working with various hair textures</u>
<u>Diseases and disorders of the hair and scalp</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>First aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA requirements;</u> <u>safety data sheet; and</u> <u>DHHS requirements including Section 26B-7-402 and Rule R392-702</u>
<u>Basic hairstyling and haircutting</u>	<u>Draping;</u> <u>clipper variations;</u> <u>scissor cutting;</u> <u>shear cutting;</u> <u>shaving and facial hair design;</u> <u>razor cutting;</u> <u>wet styling and thermal styling; and</u> <u>basic massage for head, neck, and shoulders</u>
<u>Law and rule</u>	

(3) Under Subsections 58-11a-302(1)(b) and 58-11a-302.10(3), the minimum service count requirements for a barbering permit shall include hands-on experience in the following subject areas:

<u>TABLE 2</u> <u>Minimum Service Counts for the Barbering Permit</u>	
<u>Service Count Category</u>	<u>Minimum Service Count</u>
<u>Cutting, clipping, or trimming various styles and hair textures of the head using scissors, shears, clippers, or another appliance</u>	<u>20 counts</u>
<u>Shampooing with scalp treatments</u>	<u>4 counts</u>
<u>Basic wet styling, blow drying, and thermal styling</u>	<u>5 counts</u>
<u>Removing hair from the face or neck using shaving equipment</u>	<u>28 counts</u>
<u>Beard and mustache cut and trim</u>	<u>10 counts</u>

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<u>Wigs and hairpieces for the head including cutting, wet styling, fitting, measuring, and forming caps</u>	<u>4 counts</u>
<u>Draping</u>	<u>Applicant shall complete with each service count</u>
<u>Gently massaging head, neck, and shoulders by manual or mechanical means</u>	<u>Applicant may complete with any other service</u>
<u>Client consultation</u>	<u>Applicant shall complete with each service count</u>
<u>Sanitation, sterilization, decontamination, and infection control</u>	<u>Applicant shall complete with each service count</u>
<u>Barbering permit examination review</u>	<u>1 count</u>

(4) Under Subsection 58-11a-302(1)(c), an applicant for a barbering permit shall pass the Utah Barber Assessment examination.

R156-11a-302.11. Basic Esthetics Permit -- Qualifications -- Curriculum Standards -- Minimum Service Count Requirements -- Examination.

(1) Under Subsections 58-11a-302(1)(b) and 58-11a-302.11(3), the educational requirements and minimum service count requirements to meet the 200 hours of instruction and minimum service count requirements for a basic esthetics permit are defined, clarified, and established in this section.

(2) Under Subsection 58-11a-302.11(3), the curriculum standards for a licensed school, recognized school, or approved apprenticeship program for a basic esthetics permit shall include theory instruction in the following subject areas:

<u>TABLE 3</u> <u>Curriculum Subjects for the Basic Esthetics Permit</u>	
<u>Theory Topic</u>	<u>Required Objectives Include</u>
<u>Professional ethics</u>	
<u>Implements, tools, and equipment for basic esthetics</u>	
<u>Analysis of the hair and skin</u>	<u>Properties of hair and skin</u>
<u>Diseases and disorders of the hair and skin, and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>First aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA regulations;</u> <u>safety data sheet; and</u> <u>DHHS regulations including Section 26B-7-402 and Rule R392-702</u>
<u>Hair removal</u>	<u>Draping;</u> <u>hard wax;</u> <u>soft wax;</u> <u>sugaring;</u> <u>depilatories;</u> <u>tweezing;</u> <u>shaving; and</u> <u>pre-care and post-care</u>
<u>Extractions</u>	<u>Manual extraction; and</u> <u>comedone extractor</u>
<u>Facials</u>	<u>Manual methods;</u> <u>cleansing clays;</u> <u>masks; and</u> <u>product knowledge</u>
<u>Law and rule</u>	

(3) Under Subsections 58-11a-302(1)(b) and 58-11a-302.11(3), the minimum service count requirement for a basic esthetics permit shall include hands-on experience in the following subject areas:

TABLE 4 Minimum Service Counts for the Basic Esthetics Permit	
Service Count Category	Minimum Service Count
<u>Waxing of the brow, lip, nose, cheeks, or chin using hard or soft wax or sugaring</u>	<u>20 counts</u>
<u>Removal of hair from brow, lip, nose, cheeks, or chin using a depilatory</u>	<u>3 counts</u>
<u>Removal of hair from the underarms, bikini line, leg or arms using a depilatory</u>	<u>2 counts</u>
<u>Small area waxing or medium area waxing</u>	<u>16 counts</u>
<u>Large area waxing</u>	<u>6 counts</u>
<u>Manual extractions including using a comedone extractor</u>	<u>10 counts</u>
<u>Back facial or basic facial</u>	<u>5 counts</u>
<u>Draping</u>	<u>Applicant shall complete with each service count</u>
<u>Cleansing the skin or applying an oil or an antiseptic</u>	<u>Applicant shall complete with each service count</u>
<u>Client consultation</u>	<u>Applicant shall complete with each service count</u>
<u>Sanitation, sterilization, decontamination, and infection control</u>	<u>Applicant shall complete with each service count</u>
<u>Basic esthetics permit examination review</u>	<u>1 count</u>

(4) Under Subsection 58-11a-302(1)(c), an applicant for a basic esthetics permit shall pass the Utah Basic Esthetics Assessment examination.

R156-11a-302.12. Chemical Hair Services Permit -- Qualifications -- Curriculum Standards -- Minimum Service Count Requirements -- Examination.

(1) Under Subsections 58-11a-302(1)(b) and 58-11a-302.12(3), the educational requirements and minimum service count requirements to meet the 260 hours of instruction and minimum service count requirements for a chemical hair services permit are defined, clarified, and established in this section.

(2) Under Subsection 58-11a-302.12(3), the curriculum standards for a licensed school, recognized school, or approved apprenticeship program for a chemical hair services permit shall include theory instruction in the following subject areas:

TABLE 5 Curriculum Subjects for the Chemical Hair Service Permit	
Theory Topic	Required Objectives Include
<u>Professional ethics</u>	
<u>Implements, tools, and equipment for chemical hair services</u>	
<u>Analysis of the hair and scalp</u>	<u>Properties of hair including texture, skin, and scalp</u>
<u>Diseases and disorders of the hair and scalp, and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>First aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA regulations;</u> <u>safety data sheet; and</u>

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	<u>DHHS regulations including Section 26B-7-402 and Rule R392-702</u>
<u>Coloring</u>	<u>Draping;</u> <u>the color wheel;</u> <u>understanding color theory;</u> <u>color application;</u> <u>permanent color;</u> <u>toning and glossing;</u> <u>corrective toning;</u> <u>color correction;</u> <u>filling and replacing lost pigment;</u> <u>virgin application; and</u> <u>low lights</u>
<u>Bleaching</u>	<u>Product understanding;</u> <u>best practices for using bleach;</u> <u>understanding hair texture;</u> <u>compromised hair;</u> <u>chemical breakage;</u> <u>hair porosity and elasticity;</u> <u>virgin application;</u> <u>non-virgin application;</u> <u>color correction;</u> <u>highlights;</u> <u>bleach placement;</u> <u>balayage; and</u> <u>on scalp bleach</u>
<u>Permanent or "perm" waving</u>	<u>Different types of perms;</u> <u>rod sizes;</u> <u>application best practices;</u> <u>virgin application; and</u> <u>non-virgin application</u>
<u>Chemical relaxers</u>	<u>Hair textures;</u> <u>types of relaxers and interactions;</u> <u>best practices;</u> <u>compromised hair;</u> <u>maintenance; and</u> <u>product understanding including the effects of formaldehyde, formalin, or methylene glycol</u>
<u>Law and rule</u>	

(3) Under Subsections 58-11a-302(1)(b) and 58-11a-302.12(3), the minimum service count requirements for a chemical hair services permit shall include hands-on experience in the following subject areas:

<u>TABLE 6</u> <u>Minimum Service Counts for the Chemical Hair Service Permit</u>	
<u>Service Count Category</u>	<u>Minimum Service Count</u>
<u>Permanent or "perm" waving</u>	<u>17 counts</u>
<u>Bleaching, balayage, highlighting, or lightening</u>	<u>17 counts</u>
<u>Chemical relaxer performed on virgin hair, non-virgin hair, or as a touch-up application</u>	<u>15 counts</u>

<u>Hair coloring including tinting, toning, glossing, color correction, filling or replacing lost pigment, or low lights performed on virgin hair, non-virgin hair, or as a touch-up application</u>	<u>10 counts</u>
<u>Draping</u>	<u>Applicant shall complete with each service count</u>
<u>Client consultation</u>	<u>Applicant shall complete with each service count</u>
<u>Sanitation, sterilization, decontamination, and infection control</u>	<u>Applicant shall complete with each service count</u>
<u>Chemical hair services permit examination review</u>	<u>1 count</u>

(4) Under Subsection 58-11a-302(1)(c), an applicant for a chemical hair services permit shall pass the Utah Chemical Hair Services Assessment examination.

R156-11a-302.13. Cosmetology License -- Qualifications -- Curriculum Standards -- Minimum Service Count Requirements -- Examination.

(1) Under Subsections 58-11a-302(1)(b) and 58-11a-302.13(3), the educational requirements and minimum service count requirements to meet the 1,250 hours of instruction and minimum service count requirements for a cosmetology license are defined, clarified, and established in this section.

(2) Under Subsection 58-11a-302.13(3), the curriculum standards for a licensed school, recognized school, or approved apprenticeship program for a cosmetology license shall include theory instruction in the following subject areas:

<u>TABLE 7</u> <u>Curriculum Subjects for the Cosmetology License</u>	
<u>Theory Topic</u>	<u>Required Objectives Include</u>
<u>Professional ethics</u>	
<u>Implements, tools, and equipment for cosmetology</u>	
<u>Analysis of the hair, skin, nails, and scalp</u>	<u>Properties of hair, skin, and scalp; and working with various hair textures</u>
<u>Diseases and disorders of the hair, skin, nails, and scalp, and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>First aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA regulations;</u> <u>safety data sheet; and</u> <u>DHHS requirements including Section 26B-7-402 and Rule R392-702</u>
<u>Hair types and textures</u>	<u>Cut;</u> <u>style; and</u> <u>product</u>
<u>Basic hairstyling and haircutting</u>	<u>Draping;</u> <u>clipper variations;</u> <u>scissor cutting;</u> <u>shear cutting;</u> <u>razor cutting;</u> <u>shaving and facial hair design; and</u> <u>wet styling and thermal styling</u>
<u>Hair extensions</u>	<u>Tape ins;</u> <u>wefts;</u> <u>keratin tip or "K-tip";</u> <u>application process;</u> <u>cutting and blending; and</u> <u>maintenance and care</u>

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<u>Coloring</u>	<u>Draping;</u> <u>the color wheel;</u> <u>understanding color theory;</u> <u>color application;</u> <u>permanent color;</u> <u>toning and glossing;</u> <u>corrective toning;</u> <u>color correction;</u> <u>filling and replacing lost pigment;</u> <u>virgin application; and</u> <u>low lights</u>
<u>Bleaching</u>	<u>Product understanding;</u> <u>best practices for using bleach;</u> <u>understanding hair texture;</u> <u>compromised hair;</u> <u>chemical breakage;</u> <u>hair porosity and elasticity;</u> <u>virgin application;</u> <u>non-virgin application;</u> <u>color correction;</u> <u>highlights;</u> <u>bleach placement;</u> <u>balayage; and</u> <u>on scalp bleach</u>
<u>Permanent or "perm" waving</u>	<u>Different types of perms;</u> <u>rod sizes;</u> <u>best practices;</u> <u>virgin application; and</u> <u>non-virgin application</u>
<u>Chemical relaxers</u>	<u>Hair textures;</u> <u>types of relaxers and interactions;</u> <u>best practices;</u> <u>compromised hair;</u> <u>maintenance; and</u> <u>product understanding including the</u> <u>effects of formaldehyde, formalin, or</u> <u>methylene glycol</u>
<u>Anatomy and physiology of the eye area</u>	
<u>Eyebrow extensions</u>	<u>Preparation;</u> <u>contraindications;</u> <u>aftercare; and</u> <u>removal</u>
<u>Eyelash and eyebrow chemical services</u>	<u>Preparation;</u> <u>contraindications;</u> <u>product knowledge;</u> <u>pH levels;</u> <u>lash lift;</u> <u>brow lamination;</u> <u>lash tinting;</u> <u>arching and shaping of the eyebrows;</u> <u>brow tinting; and</u> <u>aftercare</u>
<u>Hair removal</u>	<u>Draping;</u> <u>hard wax;</u> <u>soft wax;</u> <u>sugaring;</u> <u>depilatories;</u> <u>tweezing;</u> <u>shaving; and</u> <u>pre-care and post-care</u>

<u>Extractions</u>	<u>Manual extraction; and comedone extractor</u>
<u>Facials</u>	<u>Manual methods; cleansing clays; and masks</u>
<u>Chemistry for nail technology</u>	
<u>Theory of a basic manicure and a basic pedicure</u>	
<u>Artificial nail techniques</u>	<u>Wraps; nail tips; gel nails; other acrylic nails; and nail art</u>
<u>Sculptured nails</u>	<u>Hard gel; poly gel; and acrylic nail;</u>
<u>Law and rule</u>	
<u>Elective topics</u>	

(3) Under Subsections 58-11a-302(1)(b) and 58-11a-302.13(3), the minimum service count requirements for a cosmetology license shall include hands-on experience in the following subject areas:

TABLE 8 Minimum Service Counts for the Cosmetology License	
<u>Service Count Category</u>	<u>Minimum Service Count</u>
<u>Cutting, clipping, or trimming various styles and hair textures of the head using scissors, shears, clippers, or another appliance</u>	<u>40 counts</u>
<u>Shampooing with scalp treatments</u>	<u>8 counts</u>
<u>Basic wet styling, blow drying, and thermal styling</u>	<u>5 counts</u>
<u>Removing hair from the face or neck using shaving equipment</u>	<u>28 counts</u>
<u>Beard and mustache cut and trim</u>	<u>10 counts</u>
<u>Wigs and hairpieces for the head including cutting, wet styling, fitting, measuring, and forming caps</u>	<u>4 counts</u>
<u>Gently massaging head, neck, and shoulders by manual or mechanical means</u>	<u>Applicant may complete with any other service</u>
<u>Hair extensions including preparation and application</u>	<u>10 counts</u>
<u>Cutting, trimming, or blending hair extensions using scissors, shears, clippers or another appliance</u>	<u>10 counts</u>
<u>Permanent or "perm" waving</u>	<u>17 counts</u>
<u>Bleaching, balayage, highlighting, or lightening</u>	<u>17 counts</u>
<u>Chemical relaxer performed on virgin hair, non-virgin hair, or as a touch-up application</u>	<u>15 counts</u>
<u>Hair coloring including tinting, toning, glossing, color correction, filling or replacing lost pigment, or low lights, and performed on virgin hair, non-virgin hair, or as a touch-up application</u>	<u>10 counts</u>
<u>Waxing of the brow, lip, nose, cheeks, or chin using hard wax, soft wax, or sugaring</u>	<u>20 counts</u>
<u>Removal of hair from brow, lip, nose, cheeks, or chin using a depilatory</u>	<u>3 counts</u>
<u>Removal of hair from the underarms, bikini line, leg or arms using a depilatory</u>	<u>2 counts</u>
<u>Small area waxing or medium area waxing</u>	<u>16 counts</u>
<u>Large area waxing</u>	<u>6 counts</u>
<u>Manual extractions including using a comedone extractor</u>	<u>10 counts</u>
<u>Back facial or basic facial</u>	<u>5 counts</u>
<u>Cleansing the skin or applying an oil or an antiseptic</u>	<u>Applicant shall complete with each service count</u>
<u>Limited chemical exfoliation including pre-care and post-care</u>	<u>8 counts</u>
<u>Arching of the eyebrows by tweezing or waxing</u>	<u>10 counts</u>
<u>Eyelash perming or brow lamination</u>	<u>15 counts</u>
<u>Tinting eyelashes or eyebrows</u>	<u>20 counts</u>
<u>Natural nail manicure including the use of manual tools or an e-file</u>	<u>10 counts</u>
<u>Natural nail pedicure including the use of manual tools or an e-file</u>	<u>10 counts</u>
<u>Sculptured or artificial nails including the use of manual tools or an e-file</u>	<u>10 counts</u>
<u>Artificial nails including the use of manual tools or an e-file</u>	<u>10 counts</u>
<u>Removal of artificial or sculptured nails including the use of manual tools or an e-file</u>	<u>10 counts</u>

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<u>Smoothing, shaving, or removing dead skin from the feet using a blade including a corn planer, callus planer, or rasp</u>	<u>7 counts</u>
<u>Gently massage the hands, feet, lower arms, or lower legs, and by manual means</u>	<u>Applicant may complete with any other service</u>
<u>Draping</u>	<u>Applicant shall complete with each service count</u>
<u>Client consultation</u>	<u>Applicant shall complete with each service count</u>
<u>Sanitation, sterilization, decontamination, and infection control</u>	<u>Applicant shall complete with each service count</u>
<u>Electives based on technology and industry advancements</u>	
<u>Cosmetology examination review</u>	<u>1 count</u>

(4) Under Subsection 58-11a-302(1)(c), an applicant for a cosmetology license shall pass the following NIC examinations:

(a) the National Cosmetology Theory Examination;

(b) the National Cosmetology Practical Examination; and

(c) the National Cosmetology Barbering 1 (No Chemical) Practical Examination.

R156-11a-302.14. Electrology License -- Qualifications -- Curriculum Standards -- Minimum Service Count Requirements -- Examination.

(1) Under Subsections 58-11a-302(1)(b) and 58-11a-302.14(3), the educational requirements and minimum service count requirements to meet the 600 hours of instruction and minimum service count requirements for an electrology license are defined, clarified, and established in this section.

(2) Under Subsection 58-11a-302.14(3), the curriculum standards for a licensed school, recognized school, or approved apprenticeship program for an electrology license shall include theory instruction in the following subject areas:

<u>TABLE 9</u> <u>Curriculum Subjects for the Electrology License</u>	
<u>Theory Topic</u>	<u>Required Objectives Include</u>
<u>Professional ethics</u>	
<u>Implements, tools, and equipment for electrology</u>	
<u>Analysis of the hair and skin</u>	<u>Properties of hair and skin</u>
<u>Diseases and disorders of the hair and skin, and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control standards</u>
<u>Personal, client, and salon safety</u>	<u>CPR;</u> <u>first aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA regulations;</u> <u>safety data sheet; and</u> <u>DHHS regulations including Section 26B-7-402 and Rule R392-702</u>
<u>Laser</u>	<u>Laser and light physics training;</u> <u>laser technologies and application;</u> <u>and</u> <u>safety and maintenance of lasers that may be satisfied by completing the cosmetic Laser Safety Officer (LSO) course</u>
<u>Manual hair removal</u>	<u>Draping;</u> <u>hard wax;</u> <u>soft wax;</u> <u>sugaring;</u>

	<u>depilatories;</u> <u>tweezing;</u> <u>shaving; and</u> <u>pre-care and post-care</u>
<u>Principles of electricity and equipment</u>	<u>Types of electrical current,</u> <u>measurements, and classifications;</u> <u>FDA approved needle type epilation</u> <u>equipment;</u> <u>FDA approved hair removal devices;</u> <u>and</u> <u>epilator operation and care</u>
<u>Modalities for needle-type electrolysis</u>	<u>Needle or probe types, features, and</u> <u>selection;</u> <u>insertions, considerations, and</u> <u>accuracy;</u> <u>galvanic multi-needle electrolysis</u> <u>technique;</u> <u>thermolysis manual and flash</u> <u>technique;</u> <u>blend and progressive epilation</u> <u>technique; and</u> <u>one-handed and two-handed</u> <u>techniques</u>
<u>Clinical procedures</u>	<u>Health and medical history;</u> <u>contraindications;</u> <u>positioning and draping;</u> <u>face and body treatments;</u> <u>normal healing skin effects;</u> <u>tissue injury and complications;</u> <u>treating ingrown hairs; and</u> <u>pre-treatment and post-treatment</u> <u>skin care</u>
<u>Medications affecting hair growth</u>	<u>Over-the-counter preparations;</u> <u>anesthetics; and</u> <u>prescription medication</u>
<u>Physiology and histology of the hair and skin</u>	<u>Endocrinology; and</u> <u>dermatology;</u>
<u>Bacteriology</u>	<u>Pathogenic bacteria and non-</u> <u>bacterial causes</u>
<u>Cosmetic medical procedures for hair removal with laser</u>	<u>Cosmetic medical procedures under</u> <u>the cosmetic supervision</u> <u>requirements in Sections 58-1-505</u> <u>and 58-1-506</u>
<u>Law and rule</u>	
<u>Elective topics</u>	

(3) Under Subsections 58-11a-302(1)(b) and 58-11a-302.14(3), the minimum service count requirements for an electrology license shall include hands-on experience in the following subject areas:

TABLE 10 Minimum Service Counts for the Electrology License	
<u>Service Count Category</u>	<u>Minimum Service Count</u>
<u>Waxing of the brow, lip, nose, cheeks, or chin using hard wax, soft wax, or sugaring</u>	<u>10 counts</u>
<u>Removal of hair from brow, lip, nose, cheeks, or chin using a depilatory</u>	<u>3 counts</u>
<u>Removal of hair from the underarms, bikini line, leg or arms using a depilatory</u>	<u>2 counts</u>
<u>Small area waxing or medium area waxing</u>	<u>10 counts</u>
<u>Large area waxing</u>	<u>5 counts</u>
<u>Small area electrolysis or medium area electrolysis</u>	<u>30 counts</u>

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<u>Large area electrolysis</u>	<u>10 counts</u>
<u>Small area laser hair removal or medium area laser hair removal by using an approved laser device and subject to Section 58-1-506</u>	<u>5 counts</u>
<u>Large area laser hair removal using an approved laser device and subject to Section 58-1-506</u>	<u>5 counts</u>
<u>Cleansing the skin or applying an oil or an antiseptic</u>	<u>Applicant shall complete with each service count</u>
<u>Draping</u>	<u>Applicant shall complete with each service count</u>
<u>Client consultation</u>	<u>Applicant shall complete with each service count</u>
<u>Sanitation, sterilization, decontamination, and infection control</u>	<u>Applicant shall complete with each service count</u>
<u>Electives based on technology and industry advancements</u>	
<u>Electrology examination review</u>	<u>1 count</u>

(4) Under Subsection 58-11a-302(1)(c), an applicant for an electrology license shall pass the following NIC examinations:

(a) the National Electrology Theory Examination; and

(b) the National Electrology Practical Examination.

R156-11a-302.15. Eyelash and Eyebrow Technology License -- Qualifications -- Curriculum Standards -- Minimum Service Count Requirements -- Examination.

(1) Under Subsections 58-11a-302(1)(b) and 58-11a-302.15(3), the educational requirements and minimum service count requirements to meet the 270 hours of instruction and minimum service count requirements for an eyelash and eyebrow technology license are defined, clarified, and established in this section.

(2) Under Subsection 58-11a-302.15(3), the curriculum standards for a licensed school, recognized school, or approved apprenticeship program for an eyelash and eyebrow technology license shall include theory instruction in the following subject areas:

TABLE 11 Curriculum Subjects for the Eyelash and Eyebrow Technology License	
Theory Topic	Required Objectives Include
<u>Professional ethics</u>	
<u>Implements, tools, and equipment for eyelash and eyebrow technology</u>	
<u>Diseases, disorders, and allergies of the skin and eye area, and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>First aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA regulations;</u> <u>safety data sheet; and</u> <u>DHHS regulations including Section 26B-7-402 and Rule R392-702</u>
<u>Anatomy and physiology of the eye area</u>	
<u>Application of eyelashes and eyebrows</u>	<u>Preparation;</u> <u>contraindications;</u> <u>product knowledge;</u> <u>application;</u> <u>application and removal of artificial eyebrows;</u>

	<u>arching and shaping of the eyebrows;</u> <u>removal; and</u> <u>aftercare</u>
<u>Eyelash and eyebrow chemical services</u>	<u>Preparation;</u> <u>contraindications;</u> <u>product knowledge;</u> <u>application;</u> <u>pH levels;</u> <u>lash lift;</u> <u>brow lamination;</u> <u>lash tinting;</u> <u>brow tinting; and</u> <u>aftercare</u>
<u>Facial hair removal</u>	<u>Draping;</u> <u>hard wax;</u> <u>soft wax;</u> <u>sugaring;</u> <u>depilatories;</u> <u>tweezing;</u> <u>shaving; and</u> <u>pre-care and post-care</u>
<u>Law and rule</u>	
<u>Elective topics</u>	

(3) Under Subsections 58-11a-302(1)(b) and 58-11a-302.15(3), the minimum service count requirements for an eyelash and eyebrow technology license shall include hands-on experience in the following subject areas:

<u>TABLE 12</u> <u>Minimum Service Counts for the Eyelash and Eyebrow Technology License</u>	
<u>Service Count Category</u>	<u>Minimum Service Count</u>
<u>Waxing of the brow, lip, nose, cheeks, or chin using hard wax, soft wax, or sugaring</u>	<u>20 counts</u>
<u>Arching of the eyebrows by tweezing or waxing</u>	<u>10 counts</u>
<u>Eyelash perming or brow lamination</u>	<u>15 counts</u>
<u>Tinting eyelashes or eyebrows</u>	<u>20 counts</u>
<u>Classic eyelash application or applying replacement lashes</u>	<u>25 counts</u>
<u>Removal of lashes</u>	<u>20 counts</u>
<u>Draping</u>	<u>Applicant shall complete with each service count</u>
<u>Client consultation</u>	<u>Applicant shall complete with each service count</u>
<u>Sanitation, sterilization, decontamination, and infection control</u>	<u>Applicant shall complete with each service count</u>
<u>Electives based on technology and industry advancements</u>	
<u>Eyelash and eyebrow examination review</u>	<u>1 count</u>

(4) Under Subsection 58-11a-302(1)(c), an applicant for an eyelash and eyebrow technology license shall pass the following NIC examinations:

- (a) the Eyebrow and Eyelash Technician Written Examination; and
- (b) the Eyebrow and Eyelash Technician Practical Examination.

R156-11a-302.16. Facial Hair Removal Permit -- Qualifications -- Curriculum Standards -- Minimum Service Count Requirements -- Examination.

(1) Under Subsections 58-11a-302(1)(b) and 58-11a-302.16(3), the educational requirements and minimum service count requirements to meet the 50 hours of instruction and minimum service count requirements for a facial hair removal permit are defined, clarified, and established in this section.

(2) Under Subsection 58-11a-302.16(3), the curriculum standards for a licensed school, recognized school, or approved apprenticeship program for a facial hair removal permit shall include theory instruction in the following subject areas:

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TABLE 13 Curriculum Subjects for the Facial Hair Removal Permit	
Theory Topic	Required Objectives Include
<u>Professional ethics</u>	
<u>Implements, tools, and equipment for facial hair removal</u>	
<u>Analysis of the hair and skin</u>	<u>Properties of the hair and skin</u>
<u>Diseases and disorders of the skin and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>First aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA regulations;</u> <u>safety data sheet; and</u> <u>DHHS regulations including Section 26B-7-402 and Rule R392-702</u>
<u>Facial hair removal</u>	<u>Draping;</u> <u>hard wax;</u> <u>soft wax;</u> <u>sugaring;</u> <u>depilatories;</u> <u>tweezing;</u> <u>shaving; and</u> <u>pre-care and post-care</u>
<u>Law and rule</u>	

(3) Under Subsections 58-11a-302(1)(b) and 58-11a-302.16(3), the minimum service count requirements for a facial hair removal permit shall include hands-on experience in the following subject areas:

TABLE 14 Minimum Service Counts for the Facial Hair Removal Permit	
Service Count Category	Minimum Service Count
<u>Waxing of the brow, lip, nose, cheeks, or chin using hard wax, soft wax, or sugaring</u>	<u>20 counts</u>
<u>Removal of hair from brow, lip, nose, cheeks, or chin using a depilatory</u>	<u>5 counts</u>
<u>Cleansing the skin or applying an oil or an antiseptic</u>	<u>Applicant shall complete with each service count</u>
<u>Draping</u>	<u>Applicant shall complete with each service count</u>
<u>Client consultation</u>	<u>Applicant shall complete with each service count</u>
<u>Sanitation, sterilization, decontamination, and infection control</u>	<u>Applicant shall complete with each service count</u>
<u>Facial hair removal permit examination review</u>	<u>1 count</u>

(4) Under Subsection 58-11a-302(1)(c), an applicant for a facial hair removal permit shall pass the Utah Facial Hair Removal Assessment examination.

R156-11a-302.17. Haircutting Permit -- Qualifications -- Curriculum Standards -- Minimum Service Count Requirements -- Examination.

(1) Under Subsections 58-11a-302(1)(b) and 58-11a-302.17(3), the educational requirements and minimum service count requirements to meet the 150 hours of instruction and minimum service count requirements for a haircutting permit are defined, clarified, and established in this section.

(2) Under Subsection 58-11a-302.17(3), the curriculum standards for a licensed school, recognized school, or approved apprenticeship program for a haircutting permit shall include theory instruction in the following subject areas:

<u>TABLE 15</u> <u>Curriculum Subjects for the Haircutting Permit</u>	
<u>Theory Topic</u>	<u>Required Objectives Include</u>
<u>Professional ethics</u>	
<u>Implements, tools, and equipment for barbering</u>	
<u>Analysis of the hair and scalp</u>	<u>Properties of hair, skin, and scalp</u>
<u>Diseases and disorders of the hair and scalp, and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>First aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA regulations;</u> <u>safety data sheet; and</u> <u>DHHS regulations including Section 26B-7-402 and Rule R392-702</u>
<u>Hair types and textures</u>	<u>Cut;</u> <u>style; and</u> <u>product</u>
<u>Basic hairstyling and haircutting</u>	<u>Draping;</u> <u>clipper variations;</u> <u>scissor cutting;</u> <u>shear cutting;</u> <u>shaving and facial hair design;</u> <u>razor cutting;</u> <u>wet styling and thermal styling; and</u> <u>basic massage of the head, neck, and shoulders</u>
<u>Hair extensions</u>	<u>Tape ins;</u> <u>wefts;</u> <u>keratin tip or "K-tip";</u> <u>application process;</u> <u>cutting and blending; and</u> <u>maintenance and care</u>
<u>Law and rule</u>	

(3) Under Subsections 58-11a-302(1)(b) and 58-11a-302.17(3), the minimum service count requirements for a haircutting permit shall include hands-on experience in the following subject areas:

<u>TABLE 16</u> <u>Minimum Service Counts for the Haircutting Permit</u>	
<u>Service Count Category</u>	<u>Minimum Service Count</u>
<u>Cutting, clipping, or trimming various styles and hair textures of the head using scissors, shears, clippers, or another appliance</u>	<u>20 counts</u>
<u>Shampooing with scalp treatments</u>	<u>4 counts</u>
<u>Basic wet styling, blow drying, and thermal styling</u>	<u>5 counts</u>
<u>Hair extensions including preparation and application</u>	<u>10 counts</u>
<u>Cutting, trimming, or blending hair extensions using scissors, shears, clippers, or another appliance</u>	<u>10 counts</u>

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<u>Gently massaging head, neck, and shoulders by manual or mechanical means</u>	<u>Applicant may complete with any other service</u>
<u>Draping</u>	<u>Applicant shall complete with each service count</u>
<u>Client consultation</u>	<u>Applicant shall complete with each service count</u>
<u>Sanitation, sterilization, decontamination, and infection control</u>	<u>Applicant shall complete with each service count</u>
<u>Haircutting permit examination review</u>	<u>1 count</u>

(4) Under Subsection 58-11a-302(1)(c), an applicant for a haircutting permit shall pass the Utah Hair Cutting Assessment examination.

R156-11a-302.18. Master Esthetics License -- Qualifications -- Curriculum Standards -- Minimum Service Count Requirements -- Chemical Exfoliation Requirements -- Examination -- Chemical Exfoliation Requirements -- Approval of Mechanical or Electrical Devices.

(1) Under Subsections 58-11a-302(1)(b) and 58-11a-302.18(3), the educational requirements and minimum service count requirements to meet the 1,200 hours of instruction and minimum service count requirements for a master esthetics license are defined, clarified, and established in this section.

(2) Under Subsection 58-11a-302.18(3), the curriculum standards for a licensed school, recognized school, or approved apprenticeship program for a master esthetics license shall include theory instruction in the following subject areas:

<u>TABLE 17</u> <u>Curriculum Subjects for the Master Esthetics License</u>	
<u>Theory Topic</u>	<u>Required Objectives Include</u>
<u>Professional ethics</u>	
<u>Implements, tools, and equipment for master esthetics</u>	
<u>Analysis of the hair and skin</u>	<u>Properties of hair and skin</u>
<u>Diseases and disorders of the hair and skin, and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>CPR;</u> <u>first aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA regulations;</u> <u>safety data sheet; and</u> <u>DHHS regulations including Section 26B-7-402 and Rule R392-702</u>
<u>Eyelash and eyebrow chemical services</u>	<u>Preparation;</u> <u>contraindications;</u> <u>product knowledge;</u> <u>application;</u> <u>pH levels;</u> <u>lash lift;</u> <u>brow lamination;</u> <u>lash tinting;</u> <u>brow tinting; and</u> <u>aftercare</u>
<u>Manual hair removal</u>	<u>Draping;</u> <u>hard wax;</u> <u>soft wax;</u> <u>sugaring;</u> <u>depilatories;</u>

	<u>tweezing;</u> <u>shaving; and</u> <u>pre-care and post-care</u>
<u>Extractions</u>	<u>Manual extraction methods;</u> <u>advanced extraction methods; and</u> <u>comedone extractor</u>
<u>Facials</u>	<u>Manual methods;</u> <u>mechanical methods;</u> <u>cleansing clays;</u> <u>masks; and</u> <u>product knowledge</u>
<u>Laser</u>	<u>Laser and light physics training;</u> <u>laser technologies and application; and</u> <u>safety and maintenance of lasers that</u> <u>may be satisfied by completing the</u> <u>Cosmetic Laser Safety Officer (LSO)</u> <u>course</u>
<u>Cosmetic medical procedures</u> <u>allowed under statute</u>	<u>Sections 58-1-505, 58-1-506, 58-11a-</u> <u>302.18, and R156-11a-102.18</u>
<u>Chemical exfoliations</u>	<u>Limited chemical exfoliation or basic</u> <u>peels; and</u> <u>Chemical exfoliation or advanced peels</u>
<u>Body wraps</u>	
<u>Microneedling</u>	
<u>Microdermabrasion and sanding</u>	
<u>Chemistry for master esthetics</u>	
<u>Body contouring and body</u> <u>dysmorphia as it relates to body</u> <u>contouring</u>	<u>Anatomy</u>
<u>Manual lymphatic massage</u>	<u>Anatomy</u> <u>Physiology of the lymphatic system</u> <u>Associated modalities</u>
<u>Law and rule</u>	
<u>Elective topics</u>	

(3) Under Subsections 58-11a-302(1)(b) and 58-11a-302.18(3), the minimum service count requirements for a master esthetics license shall include hands-on experience in the following subject areas:

TABLE 18 Minimum Service Counts for the Master Esthetics License	
<u>Service Count Category</u>	<u>Minimum Service Count</u>
<u>Waxing of the brow, lip, nose, cheeks, or chin using hard wax, soft wax, or sugaring</u>	<u>20 counts</u>
<u>Removal of hair from brow, lip, nose, cheeks, or chin using a depilatory</u>	<u>3 counts</u>
<u>Removal of hair from the underarms, bikini line, leg or arms using a depilatory</u>	<u>2 counts</u>
<u>Small area waxing or medium area waxing</u>	<u>16 counts</u>
<u>Large area waxing</u>	<u>5 counts</u>
<u>Manual extractions including using a comedone extractor</u>	<u>10 counts</u>
<u>Back facial or basic facial</u>	<u>5 counts</u>
<u>Cleansing the skin or applying an oil or an antiseptic</u>	<u>Applicant shall complete</u> <u>with each service count</u>
<u>Limited chemical exfoliation including pre-care and post-care</u>	<u>8 counts</u>
<u>Arching of the eyebrows by tweezing or waxing</u>	<u>10 counts</u>
<u>Eyelash perming or brow lamination</u>	<u>15 counts</u>
<u>Tinting eyelashes or eyebrows</u>	<u>20 counts</u>
<u>Classic eyelash application or applying replacement lashes</u>	<u>25 counts</u>
<u>Removal of lashes</u>	<u>20 counts</u>
<u>Natural nail manicure including the use of manual tools or an e-file</u>	<u>10 counts</u>
<u>Natural nail pedicure including the use of manual tools or an e-file</u>	<u>10 counts</u>
<u>Callus removal by buffing or filing</u>	<u>7 counts</u>
<u>Lymphatic massage</u>	<u>5 counts</u>

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<u>Body wraps or hydrotherapy</u>	<u>3 counts</u>
<u>Sanding to the stratum corneum</u>	<u>5 counts</u>
<u>Microneedling</u>	<u>10 counts</u>
<u>Dermaplaning</u>	<u>10 counts</u>
<u>Other esthetic preparation using LED, galvanic, high frequency, microcurrent, or ultrasonic exfoliation</u>	<u>10 counts</u>
<u>Contouring or cryolipolysis using any radiofrequency, ultrasonic, cavitation, or laser and light device and subject to Section 58-1-506</u>	<u>5 counts</u>
<u>Chemical exfoliation or mechanical exfoliation including reactions, pre-care, and post-care and subject to Section 58-1-506</u>	<u>10 counts</u>
<u>Small area laser hair removal or medium area laser hair removal using any approved laser device and subject to Section 58-1-506</u>	<u>15 counts</u>
<u>Large area laser hair removal using any approved laser device and subject to Section 58-1-506</u>	<u>5 counts</u>
<u>Anti-aging resurfacing enhancements using any approved laser or light device and subject to Section 58-1-506</u>	<u>5 counts</u>
<u>Photo rejuvenation using any approved laser or light device and subject to Section 58-1-506</u>	<u>5 counts</u>
<u>Cleansing the skin or applying an oil or an antiseptic</u>	<u>Applicant shall complete with each service count</u>
<u>Draping</u>	<u>Applicant shall complete with each service count</u>
<u>Client consultation</u>	<u>Applicant shall complete with each service count</u>
<u>Sanitation, sterilization, decontamination, and infection control</u>	<u>Applicant shall complete with each service count</u>
<u>Electives based on technology and industry advancements</u>	
<u>Master esthetics examination review</u>	<u>1 count</u>

(4) Under Subsection 58-11a-302(1)(c), an applicant for a master esthetics license shall pass the following NIC examinations:

(a) the National Esthetics Advanced Practice Theory Examination; and

(b) the National Esthetics Advanced Practice Practical Examination.

(5)(a) Under Subsections 58-11a-302.18(1)(a)(iii) and (c)(ii), a master esthetics licensee who performs a chemical exfoliation shall:

(i) only use commercially available products for chemical exfoliation purposes in accordance with manufacturer's instructions;

(ii) administer a patch test on each client before beginning a chemical exfoliation series; and

(iii) prepare and maintain current documentation of the master esthetics licensee's cumulative experience in chemical exfoliation including:

(A) courses of instruction;

(B) specialized training;

(C) on-the-job experience;

(D) the approximate percentage that chemical exfoliation represents in the licensee's overall business; and

(E) provide the documentation required by Subsection (5)(a)(iii) to the Division upon request; and

(b) A master esthetics licensee may only use an acid or perform a chemical exfoliation if the licensee is competent:

(i) as demonstrated through training and experience; and

(ii) as documented under Subsection (5)(a)(iii).

(6)(a) Under Subsection 58-11a-302.18(1)(a)(viii)(B), a master esthetics licensee may only use a mechanical apparatus or an electrical apparatus under the parameters of Subsection (6).

(b) A master esthetics licensee shall only use a mechanical apparatus or an electrical apparatus:

(i) that is designated as a prescriptive medical device by the FDA; and

(ii) if the licensee uses it under the appropriate level of supervision by a licensed health care practitioner acting within the licensed health care practitioner's scope of practice.

(c) A master esthetics licensee shall only use microdermabrasion machine if:

(i) it is specifically labeled for cosmetic purposes or esthetic purposes;

(ii) it has a closed-loop vacuum system that uses a tissue retention device; and

(iii) the normal and customary use of the microdermabrasion machine does not result in the removal of the epidermis beyond the stratum corneum.

(d) A master esthetician licensee using an approved microneedling device:

(i) shall only use a microneedling device designed for cosmetic purposes or esthetic purposes;

(ii) may use the microneedling device without supervision if needle penetration does not exceed 1.5 millimeters (mm); and

(iii) shall use the microneedling device under the general supervision of a licensed health care practitioner if the needle penetration exceeds 1.5 millimeters (mm).

R156-11a-302.19. Master Hair Design and Master Barbering License -- Qualifications -- Curriculum Standards -- Minimum Service Count Requirements -- Examination.

(1) Under Subsections 58-11a-302(1)(b) and 58-11a-302.19(3), the educational requirements and minimum service count requirements to meet the 1,000 hours of instruction and minimum service count requirements for a master hair design and master barbering license are defined, clarified, and established in this section.

(2) Under Subsection 58-11a-302.19(3), the curriculum standards for a licensed school, recognized school, or approved apprenticeship program for a master hair design and master barbering license shall include theory instruction in the following subject areas:

TABLE 19 Curriculum Subjects for the Master Hair Design and Master Barbering License	
Theory Topic	Required Objectives Include
<u>Professional ethics</u>	
<u>Implements, tools, and equipment for master hair design and master barbering</u>	
<u>Analysis of the hair and scalp</u>	<u>Properties of hair including texture, skin, and scalp</u>
<u>Diseases and disorders of the hair and scalp, and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>First aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA regulations;</u> <u>safety data sheet; and</u> <u>DHHS regulations including Section 26B-7-402 and Rule R392-702</u>
<u>Hair types and textures</u>	<u>Cut;</u> <u>style; and</u> <u>product</u>
<u>Basic hairstyling and haircutting</u>	<u>Draping;</u> <u>clipper variations;</u> <u>scissor cutting;</u> <u>shear cutting;</u> <u>shaving and facial hair design;</u> <u>razor cutting;</u> <u>wet styling and thermal styling; and</u> <u>basic massage of the head, neck, and shoulders</u>
<u>Hair extensions</u>	<u>Tape ins;</u> <u>wefts;</u> <u>keratin tip or "K-tip";</u> <u>application process;</u> <u>cutting and blending; and</u> <u>maintenance and care</u>
<u>Coloring</u>	<u>Draping;</u> <u>the color wheel;</u> <u>understanding color theory;</u> <u>color application;</u> <u>permanent color;</u> <u>toning and glossing</u> <u>corrective toning;</u> <u>color correction;</u> <u>filling and replacing lost pigment;</u>

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	<u>virgin application; and</u> <u>low lights</u>
<u>Bleaching</u>	<u>Product understanding;</u> <u>best practices for using bleach;</u> <u>understanding hair texture;</u> <u>compromised hair;</u> <u>chemical breakage;</u> <u>hair porosity and elasticity;</u> <u>virgin application;</u> <u>non-virgin application;</u> <u>color correction;</u> <u>highlights;</u> <u>bleach placement;</u> <u>balayage; and</u> <u>on scalp bleach</u>
<u>Permanent or "perm" waving</u>	<u>Different types of perms;</u> <u>rod sizes;</u> <u>application best practices;</u> <u>virgin application; and</u> <u>non-virgin application</u>
<u>Chemical relaxers</u>	<u>Hair textures;</u> <u>types of relaxers and interactions;</u> <u>best practices;</u> <u>compromised hair;</u> <u>maintenance; and</u> <u>product understanding including the</u> <u>effects of formaldehyde, formalin, or</u> <u>methylene glycol</u>
<u>Law and rule</u>	
<u>Elective topics</u>	

(3) Under Subsections 58-11a-302(1)(b) and 58-11a-302.19(3), the minimum service count requirements for a master hair design and master barbering license shall include hands-on experience in the following subject areas:

<u>TABLE 20</u> <u>Minimum Service Counts for the Master Hair Design and Master Barbering License</u>	
<u>Service Count Category</u>	<u>Minimum Service Count</u>
<u>Cutting, clipping, or trimming various styles and hair textures of the head using scissors, shears, clippers, or another appliance</u>	<u>40 counts</u>
<u>Shampooing with scalp treatments</u>	<u>8 counts</u>
<u>Basic wet styling, blow drying, and thermal styling</u>	<u>5 counts</u>
<u>Removing hair from the face or neck using shaving equipment</u>	<u>28 counts</u>
<u>Beard and mustache cut and trim</u>	<u>10 counts</u>
<u>Wigs and hairpieces for the head including cutting, wet styling, fitting, measuring, and forming caps</u>	<u>4 counts</u>
<u>Gently massaging the head, neck, and shoulders by manual or mechanical means</u>	<u>Applicant may complete with any other service</u>
<u>Hair extensions including preparation and application</u>	<u>10 counts</u>
<u>Cutting, trimming, or blending hair extensions using scissors, shears, clippers or another appliance</u>	<u>10 counts</u>
<u>Permanent or "perm" waving</u>	<u>17 counts</u>
<u>Bleaching, balayage, highlighting, or lightening</u>	<u>17 counts</u>
<u>Chemical relaxer performed on virgin hair, non-virgin hair, or as a touch-up application</u>	<u>15 counts</u>
<u>Hair coloring including tinting, toning, glossing, color correction, filling or replacing lost pigment, or low lights, and performed on virgin hair, non-virgin hair, or as a touch-up application</u>	<u>10 counts</u>
<u>Draping</u>	<u>Applicant shall complete with each service count</u>
<u>Client consultation</u>	<u>Applicant shall complete with each service count</u>
<u>Sanitation, sterilization, decontamination, and infection control</u>	<u>Applicant shall complete with each service count</u>
<u>Electives based on technology and industry advancements</u>	
<u>Master hair design and master barbering examination review</u>	<u>1 count</u>

(4) Under Subsection 58-11a-302(1)(c), an applicant for a master hair design and a master barbering license shall pass the following NIC examinations:

- (a) the Hair Design Theory Examinations; and
- (b) the Barber Styling Practical Examinations.

R156-11a-302.20. Nail Technology License -- Qualifications -- Curriculum Standards -- Minimum Service Count Requirements -- Examination.

(1) Under Subsections 58-11a-302(1)(b) and 58-11a-302.20(3), the educational requirements and minimum service count requirements to meet the 300 hours of instruction and minimum service counts requirement for a nail technology license are defined, clarified, and established in this section.

(2) Under Subsection 58-11a-302.20(3), the curriculum standards for a licensed school, recognized school, or approved apprenticeship program for a nail technology license shall include theory instruction in the following subject areas:

<u>TABLE 21</u> <u>Curriculum Subjects for the Nail Technology License</u>	
<u>Theory Topic</u>	<u>Required Objectives Include</u>
<u>Professional ethics</u>	
<u>Implements, tools, and equipment for nail technology including electrical equipment based on technology and industry advancements</u>	
<u>Anatomy and physiology of nails and skin</u>	
<u>Diseases and disorders of the nails and skin, and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>First aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA regulations;</u> <u>safety data sheet; and</u> <u>DHHS regulations including Section 26B-7-402 and Rule R392-702</u>
<u>Chemistry for nail technology</u>	
<u>Theory of basic manicures and basic pedicures</u>	
<u>Artificial nail techniques</u>	<u>Wraps;</u> <u>nail tips;</u> <u>gel nails; and</u> <u>other acrylic nails</u>
<u>Sculptured nail techniques</u>	<u>Hard gel;</u> <u>poly gel; and</u> <u>acrylic nail</u>
<u>Law and rule</u>	
<u>Elective topics</u>	

(3) Under Subsections 58-11a-302(1)(b) and 58-11a-302.20(3), the minimum service count requirement for a nail technology license shall include hands-on experience in the following subject areas:

<u>TABLE 22</u> <u>Minimum Service Counts for the Nail Technology License</u>	
<u>Service Count Category</u>	<u>Minimum Service Count</u>
<u>Natural nail manicure including the use of manual tools or an e-file</u>	<u>10 counts</u>
<u>Natural nail pedicure including the use of manual tools or an e-file</u>	<u>10 counts</u>

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<u>Sculptured or artificial nails including the use of manual tools or an e-file</u>	<u>10 counts</u>
<u>Artificial nails including the use of manual tools or an e-file</u>	<u>10 counts</u>
<u>Removal of sculptured or artificial nails including the use of manual tools or an e-file</u>	<u>10 counts</u>
<u>Smoothing, shaving, or removing dead skin from the feet using a blade including a corn planer, callus planer, or rasp</u>	<u>7 counts</u>
<u>Gently massaging the hands, feet, lower arms, or lower legs by manual means</u>	<u>Applicant may complete with any other service</u>
<u>Client consultation</u>	<u>Applicant shall complete with each service count</u>
<u>Sanitation, sterilization, decontamination, and infection control</u>	<u>Applicant shall complete with each service count</u>
<u>Electives based on technology and industry advancements</u>	
<u>Nail technology examination review</u>	<u>1 count</u>

(4) Under Subsection 58-11a-302(1)(c), an applicant for a nail technology license shall pass the following NIC examinations:

(a) the National Nail Technology Theory Examination; and

(b) the National Nail Technology Practical Examination.

R156-11a-302.21. Instructor License -- Qualifications -- Curriculum Standards -- Minimum Service Count Requirements -- Examination -- Standards for On-The-Job Training.

(1) Under Subsections 58-11a-302(1)(b) and 58-11a-302.21(1)(d), the educational requirements and minimum service count requirements to meet the 75 hours of instruction and minimum service count requirements for an instructor license are defined, clarified, and established in this section.

(2) Under Subsection 58-11a-302.21(1)(d), the curriculum standards for a licensed instructor training program or an on-the-job instructor training program for the instructor license shall include theory instruction in the following subject areas:

<u>TABLE 23</u> <u>Curriculum Subjects for the Instructor License</u>	
<u>Theory Topic</u>	<u>Required Objectives and Experience</u>
<u>Instructional planning</u>	<u>Syllabus preparation;</u> <u>course outline development;</u> <u>theory lecture development;</u> <u>demonstration lesson plan development;</u> <u>content delivery;</u> <u>identify student learning styles and needs; and</u> <u>application of written, practical, and oral assessments</u>
<u>Instructional methods</u>	<u>Methods of instruction;</u> <u>recognizing obstacles to learning;</u> <u>employing communication skills;</u> <u>time management techniques; and</u> <u>assessing student learning</u>
<u>Theory and practical classroom</u>	<u>Managing physical and virtual learning environments;</u> <u>instructor professional responsibilities; and</u> <u>maintaining a safe learning environment</u>

(3) Under Subsections 58-11a-302(1)(b) and 58-11a-302.21(1)(d), the minimum service count requirements for a licensed instructor training program or an on-the-job instructor training program for an instructor license shall include hands-on experience in the following subject areas:

TABLE 24 Minimum Service Counts for the Instructor License	
Service Count Category	Minimum Service Count
<u>Develop an original theory lecture that also includes training on blood exposure procedures</u>	<u>1 count</u>
<u>Present an original theory lecture to a licensed instructor at the school or salon</u>	<u>1 count</u>
<u>Develop a demonstration lesson plan that also includes training on blood exposure procedures</u>	<u>1 count</u>
<u>Present a demonstration lesson plan to a licensed instructor at the school or salon</u>	<u>1 count</u>

(4)(a) Under Subsection 58-11a-302.21(1)(d)(ii), an on-the-job instructor trainee shall be employed:

(i) at a licensed school; or

(ii) at a salon.

(b) The on-the-job instructor training shall be under the supervision of an instructor licensed as an instructor.

(c) The on-the-job instructor trainee may not count as an instructor in regard to the instructor to student ratio.

(5) Under Subsection 58-11a-302(1)(c), an applicant for an instructor license shall pass the NIC National Instructor Theory Examination.

(6) Under Subsection 58-11a-302.21(3)(b):

(a) an individual licensed as a barbering instructor may instruct the practice of barbering as described in Subsection 58-11a-302.10(1);

(b) an individual licensed as a basic esthetics instructor may instruct the practice of:

(i) basic esthetics as described in Subsection 58-11a-302.11(1); and

(ii) facial hair removal;

(c) an individual licensed as a chemical hair services instructor may instruct the practice of chemical hair services;

(d) an individual licensed as a cosmetologist instructor may instruct the practice of:

(i) barbering;

(ii) basic esthetics;

(iii) chemical hair services;

(iv) cosmetology;

(v) facial hair removal;

(vi) haircutting;

(vii) manual hair removal;

(viii) master hair design and master barbering; and

(ix) nail technology;

(e) an individual licensed as an electrology instructor may instruct the practice of:

(i) electrology;

(ii) manual hair removal; and

(iii) facial hair removal;

(f) an individual licensed as an eyelash and eyebrow technology instructor may instruct the practice of eyelash and eyebrow technology;

(g) an individual licensed as a facial hair removal instructor may instruct the practice of facial hair removal;

(h) an individual licensed as a haircutting instructor may instruct the practice of haircutting;

(i) an individual licensed as a master esthetic instructor may instruct the practice of:

(i) basic esthetics;

(ii) eyelash and eyebrow technology;

(iii) facial hair removal;

(iv) master esthetics; and

(v) manual hair removal;

(j) an individual licensed as a master hair design instructor or a master barbering instructor may instruct the practice of:

(i) barbering;

(ii) chemical hair services;

(iii) haircutting; and

(iv) master hair design and master barbering;

(k) an individual licensed as a nail technology instructor may instruct the practice of nail technology;

(l) an individual licensed as a legacy esthetics instructor under Subsection 58 may instruct the practice of:

(i) basic esthetics as described in Subsection 58-11a-302.11(1);

(ii) eyelash and eyebrow technology;

(iii) manual hair removal; and

(iv) facial hair removal;

(m) an individual licensed as a legacy barbering instructor under may instruct the practice of:

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- (i) barbering as described in Subsection 58-11a-302.10(1); and
- (ii) barbering as described in Subsection 58-11a-302.24(2);
- (n) an individual licensed as a cosmetology and associated trades instructor may instruct the instructor training course; or
- (o) an individual licensed as a legacy cosmetologist/barbering instructor may instruct the following:
 - (i) barbering;
 - (ii) basic esthetics;
 - (iii) chemical hair services;
 - (iv) cosmetology;
 - (v) eyelash and eyebrow technology;
 - (vi) facial hair removal;
 - (vii) haircutting;
 - (viii) manual hair removal;
 - (ix) master hair design and master barbering; and
 - (x) nail technology.

R156-11a-302.22. Licensed School -- Standards for School Accreditation -- Physical Facilities Requirements -- Standards for Protection of Students -- School Staff Requirements -- Written Contract.

- (1) Under Subsections 58-11a-102(9) and 58-11a-302.22(1)(c), a school seeking Division licensure shall:
 - (a) meet the accreditation requirements under Subsection (2); or
 - (b) submit the school's curriculum to the Division for approval under Subsection 58-11a-102(9)(b) to become a Division-approved licensed school as defined in Subsection R156-11a-102(7).
- (2)(a) Under Subsection 58-11a-302.22(1)(c)(iv), the accreditation standards for school licensure under Subsection 58-11a-102(9)(a) are defined, clarified, and established in Subsection (2).
 - (b) A school seeking accreditation shall:
 - (i) submit an application to an accrediting organization requesting candidate status within one month of the school receiving Division licensure;
 - (ii) provide evidence to the Division that the school has received candidate status from the accrediting organization within 18 months after Division licensure; and
 - (iii) receive accreditation from the accrediting organization within 24 months after receiving candidate status under Subsection (2)(b)(ii).
 - (c) A licensed school that is accredited shall:
 - (i) be accredited by an accrediting body recognized by the U.S. Department of Education; and
 - (ii) maintain current accreditation.
 - (d) If an accrediting body withdraws an accredited school's accreditation, the accredited school shall notify the Division in writing within five days of receiving the accrediting body's notice of accreditation withdrawal.
 - (e)(i) A school shall surrender each Division-issued license within five days of receiving notification that the school:
 - (A) did not obtain the required accreditation status; or
 - (B) failed to maintain its accreditation.
 - (ii) If a school fails to surrender a license under Subsection (2)(e)(i), the Division may pursue license revocation under Section 63G-4-502.
- (3) Under Subsection 58-11a-302.22(1)(c)(iii), the physical facilities of a licensed school under Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act, shall:
 - (a) meet the governing standards established by the accreditation commission, if the licensed school is accredited;
 - (b) meet the standards under DHHS Rule R392-702;
 - (c) maintain enough of each type of training equipment to allow each student to have an equal opportunity to be trained; and
 - (d) if located in the same building as a barbershop, salon, spa, or other similar business:
 - (i) be clearly distinguishable from the barbershop, salon, spa, or other business; and
 - (ii) maintain separate:
 - (A) names;
 - (B) entrances;
 - (C) visitor reception areas;
 - (D) advertisements; and
 - (E) public information releases.
- (4)(a) Under Subsection 58-11a-302.22(1)(c)(iv), a licensed school shall meet the standards in Subsection (4) for the protection of each student.
 - (b) A licensed school shall provide each student with a copy of the student's written contract that meets the requirements of Subsection (7).
 - (c) A licensed school may require a student to:
 - (i) clean up an area after the student has used it; and
 - (ii) perform or participate in daily cleanup of work areas including:
 - (A) the service area;
 - (B) the floor space;

- (C) laundering the towels and linen; or
- (D) another general cleanup duty that is related to the performance of a client service or a practical session.
- (d) A licensed school may not:
 - (i) use a student to perform maintenance, janitorial, or remodeling work including:
 - (A) scrubbing the floor, a wall, or a toilet;
 - (B) cleaning a window;
 - (C) waxing the floor;
 - (D) painting;
 - (E) decorating; or
 - (F) performing any outside work on the grounds or building.
 - (ii) require a student to sell products applicable to the industry as a condition to graduate;
 - (iii) remove any hour earned by a student except that:
 - (A) if a student is late for a specific class session, the school may require the student to retake the specific class session before giving credit for the class; or
 - (B) based on the student's level of competency, the school may require a student to take a refresher course or retake a class toward completion of the training program; or
 - (iv) require a student to perform an activity listed under Subsection 58-11a-502(2) including for hair removal.
- (e) If a licensed school ceases to operate, the school shall:
 - (i) notify the Division within 15 days by registered mail or certified mail; and
 - (ii) name a trustee who shall:
 - (A) maintain student records for at least ten years; and
 - (B) upon a student's request, provide information including an accounting of the student's:
 - (I) accumulated hours; and
 - (II) dates of attendance.
- (5)(a) Under Subsections 58-11a-302.22(1)(c)(iv) and (2)(b) and in addition to Subsection (4), a Division-approved licensed school shall meet the standards of Subsection (5) for the protection of each student.
- (b) A Division-approved licensed school shall provide each student with:
 - (i) a complete set of textbooks pertaining to the license or permit; and
 - (ii) a list of basic kit supplies needed during the training that may be:
 - (A) supplied by the Division-approved licensed school; or
 - (B) purchased independently by the student.
- (6)(a) Under Subsection 58-11a-302.22(1)(c)(iv), a licensed school shall have at least one licensed instructor in attendance for every 20 students or fraction thereof for every practical session.
- (b) Under Subsection 58-11a-302.22(1)(c)(iv), a licensed school shall have at least one licensed instructor in attendance for every 20 students or fraction thereof when students perform a client service.
- (7) Under Subsection 58-11a-302.22(1)(c)(iv), a licensed school shall complete a written contract with each student before admission that:
 - (a) is signed by:
 - (i) the licensed school's authorized agent; and
 - (ii) the student;
 - (b) includes:
 - (i) the rules of conduct for:
 - (A) the licensed school;
 - (B) the instructors; and
 - (C) the student;
 - (ii) a class outline including:
 - (A) the expected timeline to complete the training; and
 - (B) the distribution of each basic kit supply item, if the instructor is providing the basic kit supply items;
 - (iii) the attendance requirements;
 - (iv) the provisions for make-up work;
 - (v) the grounds for the student being:
 - (A) placed on probation;
 - (B) suspended; and
 - (C) dismissed from the school; and
 - (vi) a detailed fee schedule that includes:
 - (A) the total cost of program that covers the entire scope of practice for the license or permit;
 - (B) the refund amounts; and
 - (C) the student's financial responsibility upon being:
 - (I) placed on probation;
 - (II) suspended; and
 - (III) dismissed from the school; and
 - (c) the school's current accreditation status, if the school is accredited.

R156-11a-302.23. Legacy Esthetics License -- Qualifications -- Curriculum Standards -- Examination.

(1) Under Subsections 58-11a-302.23(3) and (4), the curriculum standards for a licensed school or an approved apprenticeship program for a legacy esthetics license shall include the following:

TABLE 25 Curriculum Subjects for the Legacy Esthetics License	
<u>Theory Topic</u>	<u>Required Objectives and Experience</u>
<u>Overview of the curriculum</u>	
<u>History of esthetics</u>	
<u>Implements, tools, and equipment for esthetics</u>	<u>High-frequency current or galvanic current; and heat lamps</u>
<u>Analysis of the hair and skin</u>	<u>Properties of the hair and skin</u>
<u>Diseases and disorders of hair and skin, and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>CPR;</u> <u>first aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA regulations;</u> <u>safety data sheet; and</u> <u>DHHS regulations including Section 26B-7-402 and Rule R392-702</u>
<u>Manual hair removal</u>	<u>Draping;</u> <u>hard wax;</u> <u>soft wax;</u> <u>sugaring;</u> <u>depilatories;</u> <u>tweezing;</u> <u>shaving; and</u> <u>pre-care and post-care</u>
<u>Extractions</u>	<u>Manual extractions; and</u> <u>comedone extractor</u>
<u>Facials</u>	<u>Manual methods;</u> <u>mechanical methods;</u> <u>cleansing clays;</u> <u>masks; and</u> <u>product knowledge</u>
<u>Natural nail manicures</u>	
<u>Natural nail pedicures</u>	
<u>Client consultation</u>	
<u>Draping</u>	
<u>Cleansing, stimulating, manipulating, exercising, or applying an oil or an antiseptic to the skin</u>	
<u>Eyelash and eyebrow</u>	<u>Arching eyebrows by tweezing and waxing;</u> <u>eyelash perming;</u> <u>brow lamination;</u> <u>tinting eyelashes;</u> <u>tinting eyebrows;</u> <u>securing the lashes using tape or a pad;</u> <u>removal of lashes or eyebrows;</u> <u>classic eyelash application;</u> <u>classic eyebrow application; and</u> <u>applying replacement lashes</u>
<u>Callous removal by buffing or filing</u>	

<u>Massage of the face and neck</u>	<u>Manual means; and mechanical means</u>
<u>Human immune system</u>	
<u>Anatomy</u>	
<u>Science of esthetics</u>	
<u>Physiology of the skin</u>	
<u>Chemistry of esthetics</u>	
<u>Treatment of the skin</u>	
<u>Hot packs and cold packs</u>	
<u>Aroma therapy</u>	
<u>Medical devices</u>	
<u>Chemistry of cosmetics</u>	
<u>Manual skin treatments and mechanical skin treatments</u>	
<u>Limited chemical exfoliation</u>	<u>Pre-exfoliation consultation; post-exfoliation treatments; and chemical reactions</u>
<u>Laser hair removal subject to Section 58-1-506</u>	<u>Laser and light physics training; laser technologies and application; and safety and maintenance of lasers that may be satisfied by completing the cosmetic Laser Safety Officer (LSO) course</u>
<u>Anti-aging resurfacing enhancements subject to Section 58-1-506</u>	<u>Skin tightening; and skin lightening</u>
<u>Photo rejuvenation subject to Section 58-1-506</u>	<u>Pigmentation removal; spider vein reduction; telangiectasia reduction; sublative scar reduction; acne reduction; facial erythema reduction; and hemangioma reduction</u>
<u>Law and rule</u>	
<u>Business and salon management</u>	<u>Developing clientele; professional image; professional ethics; professional associations; public relations; and advertising</u>
<u>Legal issues</u>	<u>Malpractice liability; regulatory agencies; and tax laws</u>
<u>Elective topics</u>	
<u>Esthetic examination review</u>	

(2) Under Subsection 58-11a-302(1)(c), an applicant for a legacy esthetics license shall pass the following NIC examinations:

- (a) the National Esthetics Theory Examination; and
- (b) the National Esthetics Practical Examination.

R156-11a-302.24. Legacy Barbering License -- Qualifications -- Curriculum Standards -- Examination.

(1) Under Subsections 58-11a-302.24(3) and (4), the curriculum standards for a licensed school or approved apprenticeship program for a legacy barbering license shall include the following:

<u>TABLE 26</u> <u>Curriculum Subjects for the Legacy Barbering License</u>	
<u>Theory Topic</u>	<u>Required Objectives and Experience</u>
<u>Overview of the curriculum</u>	
<u>History of barbering</u>	
<u>Implements, tools, and equipment for barbering</u>	

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<u>Analysis of the hair and scalp</u>	<u>Properties of hair, skin, and scalp;</u> <u>working with various hair textures; and</u> <u>basic massage for head, neck, and shoulders</u>
<u>Diseases and disorders of the hair and scalp, and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>First aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA requirements;</u> <u>safety data sheet; and</u> <u>DHHS requirements including Section 26B-7-402 and Rule R392-702</u>
<u>Basic hairstyling and haircutting</u>	<u>Draping;</u> <u>clipper variations;</u> <u>scissor cutting;</u> <u>shear cutting;</u> <u>shaving and facial hair design;</u> <u>razor cutting; and</u> <u>wet styling and thermal styling</u>
<u>Law and rule</u>	
<u>Business and salon management</u>	<u>Developing clientele;</u> <u>professional image;</u> <u>professional ethics;</u> <u>professional associations;</u> <u>public relations; and</u> <u>advertising</u>
<u>Legal issues</u>	<u>Malpractice liability;</u> <u>regulatory agencies; and</u> <u>tax laws</u>
<u>Elective topics</u>	
<u>Barbering examinations review</u>	

(2) Under Subsection 58-11a-302(1)(c), an applicant for a legacy barbering license shall pass the following NIC examinations:

(a) the National Barber Theory Examination; and

(b) the National Barber 1 (No Chemical) Practical Examination.

R156-11a-302.26. Legacy Cosmetology/Barbering License -- Qualifications -- Curriculum Standards -- Examination.

(1) Under Subsections 58-11a-302.26(3) and (4), the curriculum standards for a licensed school or an approved apprenticeship program for a legacy cosmetology/barbering license shall include the following:

<u>TABLE 27</u> <u>Curriculum Subjects for the Legacy Cosmetology/Barbering License</u>	
<u>Theory Topic</u>	<u>Required Objectives Include</u>
<u>Overview of the curriculum</u>	
<u>History of cosmetology, barbering, esthetics, nail technology, and eyelash and eyebrow technology</u>	
<u>Implements, tools, and equipment for cosmetology, barbering, esthetics, nail technology, and eyelash and eyebrow technology</u>	<u>High-frequency current or galvanic current; and</u> <u>heat lamps</u>
<u>Analysis of the hair, skin, nails, and scalp</u>	<u>Properties of hair, skin, and scalp; and</u> <u>working with various hair textures</u>

<u>Diseases and disorders of the hair, skin, nails, and scalp, and prevention</u>	<u>Bacteriology;</u> <u>sanitation;</u> <u>sterilization;</u> <u>decontamination; and</u> <u>infection control</u>
<u>Personal, client, and salon safety</u>	<u>CPR;</u> <u>first aid;</u> <u>disinfection methods and procedures;</u> <u>sterilization methods and procedures;</u> <u>aseptic techniques;</u> <u>sanitary procedures;</u> <u>blood exposure procedures;</u> <u>EPA regulations;</u> <u>safety data sheet; and</u> <u>DHHS requirements including Section 26B-7-402 and Rule R392-702</u>
<u>Hair types and textures</u>	<u>Cut;</u> <u>style; and</u> <u>product</u>
<u>Basic hairstyling and haircutting</u>	<u>Draping;</u> <u>clipper variations;</u> <u>scissor cutting;</u> <u>shear cutting;</u> <u>razor cutting;</u> <u>shaving and facial hair design; and</u> <u>wet styling and thermal styling</u>
<u>Hair extensions</u>	<u>Tape ins;</u> <u>wefts;</u> <u>keratin tip or "K-tip";</u> <u>application process;</u> <u>cutting and blending; and</u> <u>maintenance and care</u>
<u>Coloring</u>	<u>Draping;</u> <u>the color wheel;</u> <u>understanding color theory;</u> <u>color application;</u> <u>permanent color;</u> <u>toning and glossing;</u> <u>corrective toning;</u> <u>color correction;</u> <u>filling and replacing lost pigment;</u> <u>virgin application; and</u> <u>low lights</u>
<u>Bleaching</u>	<u>Product understanding;</u> <u>best practices for using bleach;</u> <u>understanding hair texture;</u> <u>compromised hair;</u> <u>chemical breakage;</u> <u>hair porosity and elasticity;</u> <u>virgin application;</u> <u>non-virgin application;</u> <u>color correction;</u> <u>highlights;</u> <u>bleach placement;</u> <u>balayage; and</u> <u>on scalp bleach</u>
<u>Permanent or "perm" waving</u>	<u>Different types of perms;</u> <u>rod sizes;</u> <u>best practices;</u> <u>virgin application; and</u> <u>non-virgin application</u>

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<u>Chemical relaxers</u>	<u>Hair textures;</u> <u>best practices;</u> <u>compromised hair;</u> <u>maintenance; and</u> <u>product understanding including the effects of</u> <u>formaldehyde, formalin, or methylene glycol</u>
<u>Anatomy and physiology of the eye area</u>	
<u>Eyebrow extensions</u>	<u>Preparation;</u> <u>contraindications;</u> <u>aftercare;</u> <u>placement; and</u> <u>removal</u>
<u>Eyelash and eyebrow chemical services</u>	<u>Preparation;</u> <u>contraindications;</u> <u>product knowledge;</u> <u>application</u> <u>pH levels;</u> <u>lash lift;</u> <u>brow lamination;</u> <u>lash tinting;</u> <u>arching and shaping of the eyebrows;</u> <u>brow tinting; and</u> <u>aftercare</u>
<u>Hair removal</u>	<u>Draping;</u> <u>hard wax;</u> <u>soft wax;</u> <u>sugaring;</u> <u>depilatories;</u> <u>tweezing;</u> <u>shaving; and</u> <u>pre-care and post-care</u>
<u>Extractions</u>	<u>Manual extraction; and</u> <u>comedone extractor</u>
<u>Facials</u>	<u>Manual methods;</u> <u>cleansing clays; and</u> <u>masks</u>
<u>Chemistry for nail technology</u>	
<u>Theory of a basic manicure and a basic pedicure</u>	
<u>Artificial nail techniques</u>	<u>Wraps;</u> <u>nail tips;</u> <u>gel nails;</u> <u>other acrylic nails; and</u> <u>nail art</u>
<u>Sculptured or artificial nails</u>	<u>Hard gel;</u> <u>poly gel; and</u> <u>acrylic nail;</u>
<u>Human immune system</u>	
<u>Anatomy</u>	
<u>Science of esthetics</u>	
<u>Physiology of the skin and nails</u>	
<u>Electricity and light therapy</u>	
<u>Chemistry of esthetics and nail technology</u>	
<u>Treatment of the skin</u>	
<u>Hot packs and cold packs</u>	
<u>Aroma therapy</u>	
<u>Medical devices</u>	
<u>Chemistry of cosmetics</u>	
<u>Manual skin treatments and mechanical skin treatments</u>	

<u>Limited chemical exfoliation</u>	<u>Pre-exfoliation consultation;</u> <u>post-exfoliation treatments; and</u> <u>chemical reactions</u>
<u>Laser hair removal subject to Section 58-1-506</u>	<u>Laser and light physics training;</u> <u>laser technologies and application; and</u> <u>safety and maintenance of lasers that may be</u> <u>satisfied by completing the Cosmetic Laser</u> <u>Safety Officer (LSO) course</u>
<u>Anti-aging resurfacing enhancements subject to</u> <u>Section 58-1-506</u>	<u>Skin tightening; and</u> <u>skin lightening</u>
<u>Photo rejuvenation subject to Section 58-1-506</u>	<u>Pigmentation removal;</u> <u>spider vein reduction;</u> <u>telangiectasia reduction;</u> <u>sublative scar reduction;</u> <u>acne reduction;</u> <u>facial erythema reduction; and</u> <u>hemangioma reduction</u>
<u>Law and rule</u>	
<u>Business and salon management</u>	<u>Developing clientele;</u> <u>professional image;</u> <u>professional ethics;</u> <u>professional associations;</u> <u>public relations; and</u> <u>advertising</u>
<u>Legal issues</u>	<u>Malpractice liability;</u> <u>regulatory agencies; and</u> <u>tax laws</u>
<u>Elective topics</u>	
<u>Cosmetology/Barber Examination review</u>	

(2) Under Subsection 58-11a-302(1)(c), an applicant for a legacy cosmetology/barbering license shall pass the following NIC examinations:

- (a) the National Cosmetology Theory Examination;
- (b) the National Cosmetology Practical Examination; and
- (c) the National Cosmetology Barbering 1 (No Chemical) Practical Examination.

R156-11a-303. Renewal Cycle -- Procedures -- Reinstatement of License.

(1) Under Subsections 58-1-308(1) and 58-11a-303(1)(a), the renewal date for the two-year renewal cycle for licenses and permits under Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act is established in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Sections R156-1-308a through R156-1-308l.

(3) Under Subsection 58-1-308(5)(a), an individual may apply for reinstatement of a license or permit between two years and five years from the date that the license or permit expired without being required to retake and pass the applicable examination for that license or permit.

R156-11a-304. Standards for an On-the-Job Training Internship.

(1) Under Subsection 58-11a-304(8), a student enrolled at a licensed school may participate in an on-the-job training internship to obtain service counts toward a license or a permit if the student meets the requirements of this section.

(2) The student intern may only provide a service:

- (a) that is within the scope of practice for the license or permit for which the student is in training; and
- (b) after completing:
 - (i) the theory for the service being provided; and
 - (ii) at least one service count for the service being provided.

(3) The student intern shall be under the direct supervision of a licensed instructor whose scope of practice includes the practice areas for which the student intern is in training.

(4) The licensed instructor may only supervise one student intern at a time.

(5) The licensed school shall provide a letter to the licensed instructor:

- (a) stating that the student intern is:
 - (i) currently in good standing at the school; and
 - (ii) complying with school requirements; and
- (b) that is:
 - (i) updated at least every 90 days; and
 - (ii) available to the Division upon request.

- (6) The student intern's workstation shall have a conspicuous sign stating, "Intern in Training".

R156-11a-306. Apprenticeship Requirements -- Standards for Apprenticeship -- Standards for Protection of Apprentices -- Standards for a Written Contract.

- (1) Under Subsection 58-11a-102(1), an approved apprenticeship program shall meet the following requirements:
- (a) the apprentice instructor may not:
 - (i) have had any disciplinary action in the preceding three years;
 - (ii) instruct an apprentice unless the instructor is a Division-approved apprentice instructor; or
 - (iii) be an employee of an apprentice;
 - (b) the apprentice instructor shall:
 - (i) provide each apprentice with:
 - (A) a copy of the written contract that meets the requirements of Subsection (3);
 - (B) a complete set of textbooks pertaining to the license or permit; and
 - (C) a list of basic kit supplies needed during the apprenticeship that may be:
 - (I) supplied by the apprentice instructor; or
 - (II) purchased independently by the apprentice;
 - (ii) follow the curriculum standards requirements for the applicable license or permit for which the apprentice is in training;
 - (iii) ensure that the apprentice completes the required minimum service counts for the license or permit for which the apprentice is in training; and
 - (iv) keep daily records:
 - (A) verifying the total number of hours of training including:
 - (I) the topics covered each day;
 - (II) the hours of theory instruction;
 - (III) the hours of practical instruction; and
 - (IV) the minimum service counts completed each day; and
 - (B) that are available to the Division upon request; and
 - (v) limit an apprentice's training to not more than five days out of every seven consecutive days;
 - (c) an apprentice may:
 - (i) provide services to the public after the apprentice has received at least 10% of the required:
 - (A) theory training; and
 - (B) practical training hours; and
 - (ii) be compensated for services performed as established in the written contract that meets the requirements of Subsection (3); and
 - (d) the apprentice's workstation shall have a conspicuous sign stating, "Apprentice in Training".
- (2) Under Subsection 58-11a-102(1), an approved apprenticeship program shall include the following standard apprentice protections:
- (a) if an apprentice instructor and apprentice disassociate for any reason, the apprentice instructor shall provide the apprentice with a written record of:
 - (i) all theory training and hours that the apprentice completed; and
 - (ii) all service counts and hours that the apprentice completed;
 - (b) an apprentice instructor may require an apprentice to:
 - (i) clean up an area after the apprentice has used it; and
 - (ii) perform or participate in daily cleanup of work areas including:
 - (A) the service area;
 - (B) the floor space;
 - (C) laundering the towels and linen; or
 - (D) another general cleanup duty that is related to the performance of a client service or a practical session;
 - (c) An apprentice instructor may not:
 - (i) use an apprentice to perform maintenance, janitorial, or remodeling work including:
 - (A) scrubbing the floor, a wall, or a toilet;
 - (B) cleaning a window;
 - (C) waxing the floor;
 - (D) painting;
 - (E) decorating; or
 - (F) performing any outside work on the grounds or building;
 - (ii) require an apprentice to sell products applicable to the industry as a condition to graduate;
 - (iii) remove an hour earned by a student except that an apprentice instructor may require an apprentice to take a refresher course toward completion of the training program based on the apprentice's level of competency; or
 - (iv) require an apprentice to perform an activity listed under Subsection 58-11a-502(2) including for hair removal.
- (3) Under Subsection 58-11a-102(1), an apprentice instructor shall complete a written contract with each apprentice before starting the apprenticeship that:
- (a) is signed by:
 - (i) the apprentice instructor; and

- (ii) the student; and
- (b) includes:
 - (i) the rules of conduct for:
 - (A) the apprentice instructor; and
 - (B) the apprentice;
 - (ii) a class outline including:
 - (A) the expected timeline to complete the training; and
 - (B) the distribution of each basic kit supply item, if the apprentice instructor is providing the basic kit supply items;
 - (iii) the attendance requirements;
 - (iv) the provisions for make-up work;
 - (v) the grounds for disassociation between the apprentice instructor and apprentice; and
 - (vi) a detailed fee schedule that includes:
 - (A) the refund amounts; and
 - (B) the apprentice's financial responsibility upon disassociation.

R156-11a-502. Unprofessional Conduct.

Under Subsections 58-1-203(1)(e) and 58-11a-102(18), "unprofessional conduct" includes:

- (1) using a device classified by the FDA as a prescriptive medical device without the appropriate level of supervision by a licensed health care practitioner acting within the licensed health care practitioner's scope of practice;
- (2) performing a service within the individual's scope of practice without having been adequately trained to perform the service;
- (3) performing a procedure while the licensee has a known contagious disease that may be transmitted by performing the procedure without taking medically approved measures to prevent transmission of the disease;
- (4) performing a procedure on a client who has a known contagious disease that may be transmitted by performing the procedure without taking medically approved measures to prevent transmission of the disease;
- (5) using a product that contains:
 - (a) formaldehyde;
 - (b) formalin; or
 - (c) methylene glycol;
- (6) use of a dermal roller;
- (7) violating a standard established in Subsection R156-11a-302.18(5) or (6);
- (8) violating a standard established in Section R156-11a-302.22; or
- (9) violating a standard established in Section R156-11a-306.

R156-11a-503. Administrative Penalties - Unlawful Conduct.

(1) In addition to the penalties in Section 58-11a-503, the penalties under Sections 58-1-502 and R156-1-502 shall apply to a violation of Title 58, Chapter 11a, Cosmetology and Associated Professions Licensing Act.

(2) Citation procedures shall be in accordance with Sections 58-1-502 and 58-11a-503 and Rule R156-1.

KEY: ~~barber, cosmetologist, cosmetologist/barber, esthetician, electrologist, hair designer, nail technician, eyelash and eyebrow technician~~ barbering, basic esthetics, chemical hair services, cosmetology, electrology, eyelash and eyebrow technology, facial hair removal, haircutting, master esthetics, master hair design and master barbering, nail technology, esthetics, cosmetology/barbering, licensed instructor, licensed school, license, permit, apprenticeship

Date of Last Change: ~~March 24, 2025~~ 2026

Notice of Continuation: January 10, 2022

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

NOTICE OF SUBSTANTIVE CHANGE	
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TYPE OF FILING: Amendment	Filing ID: 58238
Rule or section number:	R277-113

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	ben.Rasmussen@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-113. LEA Fiscal and Auditing Policies
B. Purpose of the new rule or reason for the change:
This rule is being amended to remove the oversight category.
C. Summary of the new rule or change:
The amendments specifically update the Section R277-113-3 title and clarify the responsibilities of the Superintendent and the Internal Audit Department.
The amendments also remove an oversight category 3 from this rule.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The amendments remove Oversight Category 3 from this rule, update the title of Section R277-113-3, shift training provision responsibilities from the Superintendent to the Internal Audit Department, and correct the title of Legislative Fiscal Analysts. Because these changes solely reassign existing duties between internal state departments and remove an obsolete oversight categorization, there are no incremental costs or savings associated with this change.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The amendments strictly update state-level administrative titles and internal department responsibilities. Because these modifications do not alter the fiscal, accounting, or auditing requirements required of Local Educational Agencies (LEAs), there are no incremental costs or savings on local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule governs LEA fiscal and auditing policies and internal Board of Education responsibilities. Because the amendments do not interact with, regulate, or require services from small businesses, there are no incremental costs or savings.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

Because no individuals, partnerships, or non-governmental entities are regulated or affected by the internal transfer of training responsibilities or the removal of the oversight category, there are no incremental costs or savings.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The amendments do not mandate any new actions, reporting requirements, or operational changes for any affected persons or entities outside of the Utah State Board of Education (USBE).

Because no new compliance actions are generated by the stricken or added language, there are no incremental compliance costs.

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

8. Family Impact Information

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

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-501(1)(e)
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	11/02/2026

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)	11/09/2026
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13. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	09/15/2026
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R277. Education, Administration.**R277-113. LEA Fiscal and Auditing Policies.****R277-113-1. Authority~~[;]~~ and Purpose~~[; and Oversight Category]~~.**

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
 - (c) Subsection 53E-3-501(1)(e)(i), which directs the Board to establish rules and minimum standards for school productivity and cost effectiveness measures;
 - (d) Subsection 53E-3-501(1)(e)(iv), which allows the Board to adopt rules regarding financial, statistical, and student accounting requirements;
 - (e) Section 53E-3-602, which allows the Board to approve auditing standards for LEA governing boards;
 - (f) Section 53E-3-603, which requires the Board to verify accounting procedures of LEA governing boards for determining the allocation of Uniform School Funds;
 - (g) Section 53E-5-202, which directs the Board to adopt rules to implement a statewide accountability system;
 - (h) Subsection 53G-5-404(4), which requires charter schools to make the same annual reports required of other public schools, including an annual financial audit report;
 - (i) Subsection 53F-2-209(2), which requires the Board to make rules for flexible use of restricted funds; and
 - (j) ESSA, which requires states to revise and redesign school accountability systems.
- (2) The purpose of this rule is to:
 - (a) require LEAs to formally adopt and implement policies regarding the management and use of public funds;
 - (b) provide minimum standards, procedures, and definitions for LEA policies;
 - (c) direct that LEAs make policies, procedures, and training materials available to the public and readily accessible on LEA or public school websites, to the extent of resources available;
 - (d) require LEAs to train employees in:
 - (i) appropriate financial practices;
 - (ii) necessary accounting procedures; and
 - (iii) ethical financial practices;
 - (e) specify uniform budgeting, accounting, and auditing procedures for LEAs consistent with GAAP, GAAS, and GAGAS; and
 - (f) establish reporting and accounting requirements for LEAs to enable the Board to comply with ESSA.

~~[(3) This Rule R277-113 is categorized as Category 3 as described in Rule R277-111.]~~

R277-113-2. Definitions.

- (1) "Administration" means:
 - (a) an LEA superintendent or director;
 - (b) a deputy or associate superintendent or director;
 - (c) a business administrator or manager; or
 - (d) another LEA educational administrator, designated staff, or a designated educational service provider.
- (2) "Arm's length transaction" means a transaction between two unrelated, independent, and unaffiliated parties or a transaction between two parties acting in their own self interest that is conducted as if the parties were strangers so that no conflict of interest exists.
- (3) "Cash" or "cash receipts" means cash, checks, credit cards, electronic payments via a website or a mobile payment application, or other items used for payment.
- (4) "Exclusive contract or arrangement" means an agreement requiring a buyer to purchase or exchange needed goods or services from one seller.
- (5) "GAAP" means Generally Accepted Accounting Principles or a common framework of accounting rules and standards for financial reporting promulgated by GASB.

(6) "GAAS" means Generally Accepted Auditing Standards or a set of auditing standards and guidelines promulgated by the Auditing Standards Board of the American Institute of Certified Public Accountants.

(7) "GAGAS" means Generally Accepted Government Auditing Standards or a set of auditing standards and guidelines promulgated by the Government Accountability Office.

(8) "GASB" means the Governmental Accounting Standards Board whose purpose is to establish GAAP for state and local governments within the United States.

(9) "Internal controls" means a process, implemented by an entity's governing body, administration, or other personnel, designed to:

(a) provide reasonable assurance regarding the achievement of objectives in the following categories:

(i) effectiveness and efficiency of operations;

(ii) reliability of reporting for internal and external use; and

(iii) compliance with applicable laws and regulations;

(b) provide reasonable assurance regarding the achievement of the following objectives over state and federal awards:

(i) proper recording and accounting for transactions, to:

(A) permit the preparation of reliable financial statements and state and federal reports;

(B) maintain accountability over assets; and

(C) demonstrate compliance with state and federal statutes, regulations, and the terms and conditions of state and federal awards;

and

(ii) execution of transactions in compliance with:

(A) state and federal statutes and regulations; and

(B) the terms and conditions of state or federal awards; and

(c) safeguard funds, property, and other against loss from unauthorized use or disposition.

(10) "Non-operating LEA" means an LEA that has not received minimum school program funds or federal funds and is not providing educational services during a fiscal year, such as an LEA in a start-up period.

(11) "N-size" means the minimum size necessary to disclose or display data to ensure maximum student group visibility while protecting student privacy.

(12) "Operating LEA" means an LEA that has received state minimum school program funds or federal funds and is providing educational services during a fiscal year.

(13)(a) "Provided, sponsored, or supported by a school" has the same meaning as defined in Section R277-407-2.

(b) "Provided, sponsored, or supported by a school" does not apply to non-curricular clubs specifically authorized and meeting the requirements of Sections 53G-7-704 through 53G-7-707.

(14) "Public funds" has the same meaning as that term is defined in Subsection 51-7-3(26).

(15) "Title IX" refers to that portion of the United States Education Amendments of 1972 codified as 20 U.S.C. 1681 through 20 U.S.C. 1688.

(16) "Utah Public Officers' and Employees' Ethics Act," means Title 67, Chapter 16, which provides standards of conduct for officers and employees of the state of Utah and its political subdivisions in areas where there are actual or potential conflicts of interest between public duties and private interests.

R277-113-3. Superintendent and the Internal Audit Department Responsibilities.

(1) The Superintendent shall provide training, informational materials, and model policies for use by LEAs in developing LEA and public school-specific financial policies.

(2) The Superintendent shall provide online training and resources for LEAs regarding the use and management of public funds and ethical practices for licensed Utah educators who manage, control, participate in fundraising, or expend public funds.

(3) ~~The Superintendent~~ The Internal Audit Department shall provide training and informational materials for use by LEA governing boards in establishing their audit committees and internal audit programs in compliance with Section 53G-7-402.

(4) The Superintendent shall provide and establish a cycle for state review of LEA fiscal policies and standards.

(5) The Superintendent shall work with and provide information upon request to the Utah State Auditor's Office, the Legislative Fiscal ~~Auditors~~ Analysts, the Office of the Legislative Auditor General, and other state agencies with the right to information from the Board.

R277-113-4. LEA Audit Responsibilities.

(1) The presiding officer of an LEA governing board shall ensure that the members of the governing board and audit committee are provided with training on the requirements of Title 53G, Chapter 7, Part 4, Internal Audits, and this Section R277-113-4 as part of the member on-boarding process.

(2) The training described in Subsection (1) shall:

(a) comply with Title 63G, Chapter 22, State Training and Certification Requirements; and

(b) use the online training and informational materials provided by the Superintendent in accordance with Subsection R277-113-

3(3).

(3) An LEA governing board shall:

(a) designate board members to serve on an audit committee, consistent with Subsection 53G-7-401(1); and

(b) maintain the following information on the LEA's website:

(i) names of the governing board members who serve on the audit committee; and

(ii) if required by Subsection 53G-7-402(2);

(A) the name and contact information of the internal audit director; and

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(B) a copy of the LEA's annual audit plan.

(4) An LEA audit committee shall:

(a) ensure the LEA obtains all audits, agreed-upon procedures, engagements, and financial reports required by Section 51-2a-201 and Subsection 53G-5-404(4);

(b) provide an independent forum for internal auditors, internal audit contractors, and other regulatory bodies to report findings of fraud, waste, abuse, non-compliance, or control weaknesses, particularly if LEA administration is involved;

(c) ensure that corrective action on findings, concerns, issues and exceptions reported by independent external auditors, internal auditors, or other regulatory bodies are resolved in a timely manner by LEA administration;

(d) present, as appropriate, information and reports from the audit committee's meetings to the LEA board; and

(e) receive, as appropriate, reports of reviews, monitoring, or investigations conducted by LEA administration and ensure appropriate corrective action is taken in a timely manner.

(5) With regards to engagements completed by an independent external auditor, an LEA audit committee shall:

(a) manage the audit procurement and quality process in compliance with Title 63G, Chapter 6a, State Procurement Code and Rule R123-5;

(b) ensure that the independent external auditor has access to directly communicate with the audit committee;

(c) review disagreements between independent external auditors and LEA administration;

(d) consider LEA responses to audits or agreed-upon procedures; and

(e) determine the scope and objectives of other non-audit services, as necessary.

(6) An LEA audit committee shall if required by Section 53G-7-402:

(a) establish an internal audit program that provides internal audit services for the programs administered by the LEA;

(b) advise the LEA board in the appointment of an audit director or in contracting for internal audit services in accordance with Subsection 53G-7-402(3);

(c) conduct or advise the LEA board in an annual evaluation of the internal audit director or contractors providing internal audit services;

(d) prioritize the internal audit plan based on risk;

(e) receive regular updates on the internal audit plan and internal audit project progress; and

(f) receive final internal audit reports from internal auditors or contractors providing internal audit services.

R277-113-5. LEA Fiscal Responsibilities and Required Fiscal Policies.

(1) An LEA shall review the LEA's fiscal policies and procedures regularly.

(2) An LEA shall develop a plan for annual training of LEA and public school employees on policies and procedures enacted by the LEA specific to job function.

(3) LEA fiscal policies and procedures shall be available at each LEA main office, at individual public schools, and be publicly available on the LEA's website.

(4) LEA fiscal policies, procedures, and training may have different components, specificity, and levels of complexity for public elementary and secondary schools.

(5) An LEA may have one or more policies to satisfy the minimum requirements of this Rule R277-113.

(6) An LEA fiscal policy may reference specific training manuals or other resources that provide detailed descriptions of business practices which are too lengthy or detailed to include in the LEA policy.

(7) A public education foundation established by an LEA shall follow the requirements set forth in Section 53E-3-403.

(8)(a) An LEA shall ensure that the LEA's written fiscal policies and procedures address applicable state and federal statutes and regulations.

(b) The requirements set forth in this Section R277-113-5 are minimum requirements.

(c) An LEA may include other related items, provide LEA specific policy and guidance, and set policies that are more restrictive and inclusive than the minimum provisions established by Board rule.

(9) LEA fiscal policies shall include the following:

(a) a program accounting policy that establishes internal controls and procedures to record program revenues and expenditures in accordance with:

(i) GAAP; and

(ii) the school fee provisions in Section R277-407-12;

(b) a program accounting policy that:

(i) accurately reflects the use of funds for allowable costs and activities;

(ii) requires that transactions be recorded when they occur;

(iii) allows adjusting journal entries during the year and at the end of the year, in accordance with GAAP; and

(iv) requires that initial transactions, and adjusting entries if applicable, be recorded in the proper program, utilizing the following codes as established by the Board approved chart of accounts:

(A) fund;

(B) function;

(C) program;

(D) location; and

(E) object or revenue code, as applicable;

- (c) a cash handling policy, which shall address cash receipts, including cash, checks, credit cards, electronic payments via a website or a mobile payment application, and other items used for payment, collected at the LEA and individual public schools and shall include:
 - (i) establishment of internal controls and procedures over the collection, deposit, and reconciliation of cash receipts received; and
 - (ii) compliance with Subsection 51-4-2(2) regarding deposits.
- (d) an expenditure policy, which shall address expenditures made by the LEA and individual public schools and shall include:
 - (i) establishment of internal controls and procedures over the initiation, approval and monitoring of expenditures, including:
 - (A) credit, debit, or purchase card transactions;
 - (B) employee reimbursements;
 - (C) travel; and
 - (D) payroll;
 - (ii) directives regarding the appropriate use of the LEA's tax exempt status number;
 - (iii) compliance with Section 63G-6a-1204 regarding length of multi-year contracts;
 - (iv) compliance with:
 - (A) Title 63G, Chapter 6a, Utah Procurement Code;
 - (B) Board rule regarding construction and improvements; and
 - (C) federal Title IX requirements, found in 20 U.S.C. 1681, et seq.;
 - (v) requirements for LEA contracts, including:
 - (A) inclusion of specific scope of work language;
 - (B) inclusion of federal requirements;
 - (C) inclusion of language regarding data privacy and use, where appropriate; and
 - (D) legal review before LEA approval; and
 - (vi) procedures and documentation maintained by the LEA if the LEA chooses to enter into exclusive contracts or arrangements consistent with state procurement law and the LEA procurement policy; and
 - (vii) procedures for determining allowability of costs in accordance with relevant regulations and terms and conditions of awards;
- (e) a fundraising policy that:
 - (i) establishes procedures for LEA and public school fundraising in general;
 - (ii) establishes an approval process for fundraising activities for school sponsored activities;
 - (iii) provides for compliance with the requirements of Rule R277-408; and
 - (iv) includes:
 - (A) specific designation of employees by title or job description who are authorized to approve fundraising and school sponsored fundraising activities;
 - (B) establishment of internal controls and procedures over the approval of fundraising and school sponsored activities and compliance with associated cash handling and expenditure policies;
 - (C) directives regarding the appropriate use of the LEA's tax exempt status number and issuance of charitable donation written disclosure in accordance with IRS regulations;
 - (D) procedures governing LEA or public school employee interaction with parents, donors, and organizations doing fundraisers not provided, supported, or sponsored, by a school or LEA;
 - (E) disclosure requirements for LEA and public school employees approving, managing, or overseeing fundraising activities, who also have a financial or controlling interest or access to bank accounts in the fundraising organization or company;
 - (F) provisions establishing compliance with:
 - (I) Utah Constitution, Article X, Section 2, establishing a free public education system;
 - (II) Rule R277-408; and
 - (III) federal Title IX requirements, found in 20 U.S.C. 1681, et seq.
 - (v) may include procedures governing:
 - (A) student participation and incentives offered to students;
 - (B) allowable types of individual or group fundraising activities; and
 - (C) participation in school sponsored activities by volunteer or outside organizations;
 - (f) an LEA donation and gift policy that includes:
 - (i) an acceptance and approval process for:
 - (A) monetary donations;
 - (B) donations and gifts with donor restrictions;
 - (C) donations of gifts, goods, materials, or equipment; and
 - (D) donation of funds or items designated for construction or improvements of facilities;
 - (ii) establishment of internal controls and procedures over the acceptance and approval of donations and gifts and compliance with associated cash handling and expenditure policies;
 - (iii) directives regarding the appropriate use of the LEA's tax exempt status number, and issuance of charitable donation written disclosure in accordance with IRS regulations;
 - (iv) procedures regarding the objective valuation of donations or gifts if advertising or other services are offered to the donor in exchange for a donation or gift;
 - (v) procedures governing LEA or public school employee conduct with parents, donors, and nonschool sponsored organizations;
 - (vi) procedures establishing provisions for direct donations or gifts to the LEA or LEA programs, individual public school or public school programs;

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- (vii) provisions restricting donations from being directed at specific LEA employees, individual students, vendors, or brand name goods or services;
- (viii) compliance with:
 - (A) Title 63G, Chapter 6a, Utah Procurement Code;
 - (B) state law and Board rule regarding construction and improvements;
 - (C) IRS regulations and tax deductible directives; and
 - (D) Title IX;
- (ix) procedures for:
 - (A) accepting donations and gifts through an LEA's legally organized foundation, if applicable;
 - (B) recognition of donors; or
 - (C) granting naming rights; and
- (g) an LEA Financial Reporting policy, which shall include the following:
 - (i) a requirement that the LEA shall ensure external audits of LEA financial reporting, compliance, and performance, in accordance with GAAS and GAGAS;
 - (ii)(A) a requirement that the LEA shall provide financial reporting in a manner consistent with the basis of accounting as required by GAAP, as applicable to the entity; and
 - (B) a requirement that the basis of accounting will be GASB; and
 - (iii) a requirement that the LEA shall provide data and information consistent with budgeting, accounting, including the uniform chart of accounts for LEAs, and auditing standards for Utah LEAs provided online annually by the Superintendent.
- (10) The Superintendent shall maintain a School Finance website with applicable Utah statutes, Board rules, and uniform rules for:
 - (a) budgeting;
 - (b) financial accounting, including a chart of accounts required for an LEA;
 - (c) student membership and attendance accounting;
 - (d) indirect costs and proration;
 - (e) financial audits;
 - (f) statistical audits; and
 - (g) compliance and performance audits.

R277-113-6. LEA Governing Board Fiscal Responsibilities.

- An LEA governing board shall have the following responsibilities:
- (1) approve written fiscal policies and procedures required by Section R277-113-5;
 - (2) ensure, considering guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission, that LEA administration establish, document, and maintain an effective internal control system for the LEA;
 - (3) develop a process to regularly discuss and review LEA:
 - (a) budget and financial reporting practices;
 - (b) financial statements and annual financial and program reports;
 - (c) financial position;
 - (d) expenditure of restricted funds to ensure administration is complying with applicable laws, regulations, and award terms and conditions; and
 - (e) systems and software applications for compliance with financial and student privacy laws;
 - (4) receive the results of required annual audits from the external auditor in accordance with Section R123-5-5;
 - (5) oversee procurement processes in compliance with Title 63G, Chapter 6a, Utah Procurement Code, and Rule R277-115, including:
 - (a) reviewing the scope and objectives of LEA contracts or subawards with entities that provide business or educational services;
- and
- (b) receiving reports regarding the compliance and performance of entities with contracts or subawards;
 - (6) ensure the procurement process for an external auditor is in compliance with Section R123-5-4; and
 - (7) ensure LEA administration implements sufficient internal controls over the functions of entities with contracts or subawards to perform services on behalf of the LEA.

R277-113-7. Reporting of School Level Expenditures.

- (1) In accordance with ESSA, the Superintendent shall make public the per pupil expenditures of federal, state, and local funds, for each LEA and each school in the state.
 - (a) The Superintendent shall exclude expenditures that:
 - (i) are non-current;
 - (ii) do not reflect the day-to-day operations of an LEA or school;
 - (iii) do not contribute to k-12 education; or
 - (iv) are significant, unique expenditures that may skew data in certain years and thwart year-to-year comparison.
 - (b) The Superintendent shall publish and make available a comprehensive list of expenditures that are excluded from per pupil expenditure information.
- (2) The Superintendent's school level report for each school shall include:
 - (a) average daily membership for the fiscal year covered by the report;

- (b) an indicator if the school is:
 - (i) a Title I School; or
 - (ii) a Necessarily Existent Small School;
- (c) grade levels served by each school;
- (d) student demographics;
- (e) expenditures recorded at the school level and central expenditures allocated to each school by:
 - (i) federal program expenditures; and
 - (ii) state and local combined expenditures;
- (f) calculated per pupil expenditures; and
- (g) average teacher salary.
- (3) The Superintendent may not report expenditure data for a school with an n-size of less than 10.

R277-113-8. LEA Accounting Requirements.

- (1) Each LEA shall:
 - (a) record revenues and expenditures in compliance with the Board approved chart of accounts;
 - (b) record expenditures using school location codes that can be mapped to official school location codes used in the Board system of record;
 - (c) record expenditures using approved district and school codes in the Board system of record;
 - (d) submit expenditures using location codes in the Utah Public Education Financial System;
 - (e) perform program accounting in accordance with GAAP and this rule; and
 - (f) ensure that fee and fee waiver accounting aligns with GASB34.
- (2) Each LEA shall record and report the following expenditures for each school annually:
 - (a) salaries;
 - (b) benefits;
 - (c) supplies;
 - (d) contracted services; and
 - (e) equipment.
- (3) If an LEA pays for contracted services that occur at the school level, the LEA shall record the payments to the contractors in the appropriate function and object codes established under Subsection (2) at the school level.
- (4)(a) An LEA shall record centralized administrative costs to the administrative location code.
- (b) The Superintendent shall allocate such costs to each school based on school enrollment.
- (5) The Superintendent shall present one expenditure report for a school receiving more than one report card under Subsection R277-497-4(8).
- (6) If an LEA reports expenditures in programs, the LEA shall report the expenditures to one or more schools.
- (7) Each LEA shall request reimbursement for federal programs no less than semi-annually as funds are available.
- (8) Each LEA shall submit an intent to fully expend or waive a federal award nine months before the end of the federal program grant award period.

R277-113-9. Activities Provided, Sponsored, or Supported by a School.

- (1) An LEA or school shall comply with this Section R277-113-9 for all activities provided, sponsored, or supported by a school.
- (2) An LEA shall ensure that revenues raised from or during activities provided, sponsored, or supported by a school are classified, recorded, and deposited as public funds in compliance with LEA cash handling, program accounting, and expenditure of funds policies as required by Section R277-113-5.
- (3) An LEA shall:
 - (a) maintain records in sufficient detail to:
 - (i) track individual contributions and expenditures;
 - (ii) track overall financial outcomes; and
 - (iii) verify compliance with relevant regulations; and
 - (b) make records of activities available to parents, students, and donors, except as restricted by state or federal law;
- (4) An LEA may establish LEA specific rules or policies:
 - (a) designating categories of activities or groups as provided, sponsored, or supported by the school; and
 - (b) regarding use of facilities or LEA resources.
- (5) An LEA shall document their annual review of fundraising activities that support or subsidize LEA or public school-authorized clubs, activities, sports, classes, or programs to determine if the activities are provided, sponsored, or supported by a school.
- (6)(a) An LEA may enter into contractual agreements to allow for fundraising and use of LEA facilities.
- (b) An agreement under Subsection (6)(a) shall take into consideration the LEA's fiduciary responsibility for the management and use of public funds, resources, and assets.
- (c) An LEA shall review an agreement under Subsection (6)(a) with the LEA's insurer or legal counsel to consider risk to the LEA.
- (7) An LEA shall comply with this Subsection (7) for any activity not provided, sponsored, or supported by a school:
 - (a) an LEA shall conduct transactions at arm's length;
 - (b) an LEA may not co-mingle revenue and expenditures with public funds; and

NOTICES OF PROPOSED RULES

(c) a public school employee may only provide educational services outside of the employee's regular employment consistent with Rule R277-107.

R277-113-10. LEA Policies and Compliance with State and Federal Law.

- (1) An LEA is responsible to ensure that its policies comply with the following:
 - (a) Utah Constitution Article X, Section 3;
 - (b) Title 63G, Chapter 6a, Utah Procurement Code;
 - (c) Title 51, Chapter 4, Deposit of Funds Due State;
 - (d) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
 - (e) Family Educational Rights and Privacy Act, 20 U.S.C. 1232g;
 - (f) Title 63G, Chapter 2, Government Records Access and Management Act;
 - (g) Title 53G, Chapter 7, Part 5, Student Fees;
 - (h) Title 53G, Chapter 7, Part 6, Textbook Fees;
 - (i) Section 53E-3-403, Establishment of Public Education Foundations;
 - (j) Title 53G, Chapter 7, Part 7, Student Clubs Act;
 - (k) Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
 - (l) Additional state legal compliance guides for operating LEAs and non-operating LEAs as published by the office of the state Auditor;

- (m) Subsection 51-7-3(26), Definition of Public Funds;
 - (n) Title 53G, Chapter 7, Part 4, Internal Audits;
 - (o) Rule R277-407, School Fees;
 - (p) Rule R277-107, Educational Services Outside of Educator's Regular Employment;
 - (q) Rule R277-217, Utah Educator Standards;
 - (r) Rule R277-605, Coaching Standards and Athletic Clinics;
 - (s) Rule R123-5, Audit Requirements for Audits of Political Subdivisions and Governmental Nonprofit Corporations; and
 - (t) 2 CFR. 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2020).
- (2) An LEA shall include the following requirements of Title IX in LEA policies:
 - (a) Fundraising shall equitably benefit males and females;
 - (b) Males and females shall have reasonably equal access to facilities, fields, and equipment;
 - (c) School sponsored activities shall be reasonably equal for males and females.

R277-113-11. LEA Recordkeeping for Flexible Use of Restricted Funds.

- (1) An LEA may reallocate funds for flexible uses as described in Section 53F-2-209.
- (2) An LEA that makes flexible adjustments as described in Subsection (1) shall report accounting transactions and adjust entries utilizing the Board approved chart of accounts, including:
 - (a) a dedicated program code;
 - (b) dedicated other financing codes for program transfers of state restricted funds; and
 - (c) expenditure details, if applicable.
- (3) An LEA that makes flexible adjustments under this section shall ensure that the LEA continues to meet:
 - (a) federal maintenance of effort requirements; and
 - (b) other state or federal requirements on restricted funding, including requirements for program-specific effort, matching, and equity.
- (4) The Superintendent shall publish online a list of eligible state restricted programs meeting requirements of Section 53F-2-209 no later than May 30 of each year.

R277-113-12. Applicability to the Utah Schools for the Deaf and the Blind.

The Utah Schools for the Deaf and the Blind shall comply with:

- (1) Subsection R277-113-5(9)(f);
- (2) Section R277-113-9;
- (3) Section R277-113-10; and
- (4) Section R277-113-11.

KEY: school sponsored activities, public funds, fiscal policies and procedures, audit committee

Date of Last Change: 2026[July 8, 2025]

Notice of Continuation: September 9, 2021

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401(4); 53E-3-501(1)(e)

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58239
Rule or section number:	R277-305

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, Utah 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-305. School Leadership License Areas of Concentration and Programs
B. Purpose of the new rule or reason for the change:
The amendments are needed to update language and align requirements with another rule.
C. Summary of the new rule or change:
The amendments remove an oversight Category 4 and update language on program competencies for school administrators.
Under the proposed language, the Superintendent would prepare program competencies consistent with the Effective Administrator Standards in Rule R277-330.
(EDITOR'S NOTE: The proposed amendment on Rule R277-330 is under ID 58241 in this issue, October 1, 2026, of the Bulletin.)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
The amendments remove the oversight Category 4 designation and update the rule to allow the Superintendent to establish program competencies consistent with the Effective Administrator Standards in Rule R277-330, rather than listing them explicitly within this rule.
Because these updates strictly streamline administrative language and align existing standards without requiring new state operations or expenditures, there are no incremental costs or savings to the state budget.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
The changes consolidate and update the competency and clinical experience requirements for school leadership preparation programs.
Because these modifications govern the structure of leadership preparation programs and do not impose new operational, accounting, or funding requirements on Local Education Agencies (LEAs), there are no incremental costs or savings to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This rule strictly governs the licensure areas of concentration and preparation program standards for public school administrators.

Because the amendments do not interact with, mandate services from, or regulate small businesses, there are no incremental costs or savings.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses, revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

This rule shifts the detailed list of program competencies into guidelines established by the Superintendent and removes the explicit rule requirement for passing a school leadership assessment.

Because these changes modify programmatic approval criteria and individual licensure pathways without imposing new aggregate fees or financial burdens on candidates or program providers, there are no incremental costs or savings.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The stricken language removes a previously mandated school leadership assessment and specific clinical experience checklists, while the new language requires the demonstration of competencies as established by the Superintendent.

Because these adjustments strictly alter academic and programmatic requirements rather than imposing direct financial fees or out-of-pocket expenses on licensure candidates, there are no 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 State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

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

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Section 53E-6-201
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	09/15/2026
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R277. Education, Administration.**R277-305. School Leadership License Areas of Concentration and Programs.****R277-305-1. Authority^[s] and Purpose^[s], and Oversight Category^[s].**

(1) This rule is authorized by:

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

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

(c) Section 53E-6-201, which permits the Board to issue certificates for educators.

(2) The purpose of this rule is to:

(a) specify the requirements for a professional school leadership license area of concentration;

(b) specify the standards which the Board expects of a school leadership preparation program before program approval.

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

R277-305-2. Definitions.

(1) "Clinical experience" means a structured opportunity in which a program candidate is mentored by a licensed educator and evaluated by an LEA administrator or university preparation program faculty member, to develop and demonstrate competency in the skills and knowledge necessary to be an effective school leader.

(2) "School leadership license area of concentration" means the initial credential issued by the Board that authorizes a holder to be employed as a school principal, vice-principal, or assistant principal.

R277-305-3. School Leadership License Area of Concentration Requirements.

(1) The Superintendent shall issue a professional school leadership license area of concentration to an individual that applies for the license and meets all requirements in this section.

(2) The requirements for a professional school leadership license area of concentration shall include a master's degree or more advanced degree, and either;

(a) ~~[(i) passage of a school leadership assessment approved by the Superintendent; and~~

~~[(ii)]~~ a recommendation from a Board-approved school leadership preparation program pursuant to the process described in Rule R277-303; or

(b) a valid NASDTEC Stage 2 license in school leadership.

R277-305-4. School Leadership Preparation Programs.

(1) Before approval by the Superintendent, a preparation program for school leadership shall:

NOTICES OF PROPOSED RULES

(a) demonstrate how it will prepare candidates to meet the Utah Educational Leadership Standards described in Rule R277-330;
(b) subject to Subsection (2), establish weighted entry requirements that consider prior leadership experiences of applicants and are designed to select high quality candidates to enter the licensure program;

(c) include school-based clinical experiences for a candidate to observe, practice skills, and reflect on school leadership that:

- (i) are significant in number, depth, breadth, and duration;
- (ii) are progressively more complex;
- (iii) occur in multiple schools;
- (iv) include working with both elementary and secondary teachers and students; and
- (v) occur throughout the preparation program;

(d) require the demonstration of school leadership competencies as established by the Superintendent.~~[competency in:~~

~~(i) properly utilizing data, including student performance data, to evaluate educator and school performance and provide actionable information to educators to improve instruction;~~

~~(ii) facilitating educator use of technology to support and meaningfully supplement the learning of students;~~

~~(iii) collaborating with stakeholder groups to create a shared vision, mission, and goals for a school;~~

~~(iv) implementing the shared vision, mission, and goals for a school:~~

~~(A) as a principal; and~~

~~(B) as an assistant principal supporting the school principal;~~

~~(v) communicating effectively with parents, community groups, staff, and students;~~

~~(vi) understanding parents' rights, consent, requests, and reasonable accommodations under Utah Code, including Section 53G-6-803, and Board rule;~~

~~(vii) recognizing effective and ineffective instructional practice to ensure authentic learning and assessment experiences for all students;~~

~~(viii) implementing a multi-tiered system of supports in individual classrooms and the school as a whole;~~

~~(ix) counseling and coaching educators in relation to the educator's evaluation, professional learning, and student performance to improve the educator's practice;~~

~~(x) understanding the laws and legal ramifications surrounding school leadership decisions and practices;~~

~~(xi) understanding the requirements and LEA responsibilities of the IDEA;~~

~~(xii) ensuring a safe, secure, emotionally protective, and healthy school environment, including the prevention of bullying and youth suicide;~~

~~(xiii) establishing and maintaining a school culture that supports inquiry, risk-taking, innovation, and learning of both students and teachers;~~

~~(xiv) connecting management operations, policies, and resources to the vision and values of the school; and~~

~~(xv) understanding internal controls.]~~

(2) ~~[Beginning on January 1, 2020, the]~~The entry requirements described in Subsection (1)(b) shall require an individual entering a Board-approved education leadership licensure program to:

(a) clear a USBE fingerprint background check described in:

(i) statute; and

(ii) background check rule;

(b) hold a:

(i) Utah professional educator license; or

(ii) an equivalent out of state license;

(c) have been deemed effective or higher by:

(i) an evaluation system meeting the standards of Rule R277-323; or

(ii) the LEA's equivalent on the applicant's most recent evaluation;

(d) have a confidential recommendation from:

(i) the individual's immediate administrative supervisor; or

(ii) an LEA-level administrator with knowledge regarding the individual's potential as a school leader; and

(e) pass an interview conducted by the program to measure the potential of the individual as a school leader.

(3) A Board-approved education leadership licensure program may waive the entrance requirements described in Subsections (2)(b) through (c) based on program established guidelines for no more than 10% of an incoming cohort.

~~[(4) For a program applicant accepted on or after January 1, 2020, an approved school leadership licensure program shall require multiple opportunities for a program applicant to successfully demonstrate application of knowledge and skills gained through the program in one or more clinical experiences in each of the following competencies:~~

~~(a) analyzing school assessment data from common formative assessments, summative assessments, standardized assessments, and interim or benchmark assessments with school staff and with individual teachers;~~

~~(b) administering all aspects of a teacher evaluation system that meets the requirements of:~~

~~(i) Rule R277-323; or~~

~~(ii) the LEA's equivalent;~~

~~(c) administering all aspects of an evaluation system for an education support professional;~~

~~(d) planning, organizing, conducting, and evaluating the effectiveness of a professional learning activity for school staff;~~

~~(e) supporting or overseeing a school-based learning team;~~

~~(f) working with a School Community Council, including the annual development and evaluation of a school's Teacher and Student Success Act plan and School LAND Trust plan;~~
~~(g) performing formal and informal classroom observations for improving instruction;~~
~~(h) acting as the LEA representative in IEP and 504 accommodation plan meetings;~~
~~(i) appropriately handling cases of student discipline referred to the school office;~~
~~(j) supervising school activities and monitoring the process for collecting and handling fees and gate receipts; and~~
~~(k) implementing a school's screening and hiring process, including interviews and the notification of successful and unsuccessful applicants.]~~

R277-305-5. Superintendent Responsibilities.

(1) The Superintendent shall ensure that the model mentoring program required under Rule R277-308 includes induction for new school leaders.

(2) The Superintendent shall include a list of resources for potential school leadership candidates to help them prepare for school leadership on the Utah Leading through Effective and Dynamic Education website.

(3) The Superintendent shall implement a network for principals.

(4) The Superintendent shall create a depository of school principal learning resources that can be utilized by LEAs in the Utah Leading through Effective and Dynamic Education website.

KEY: school leadership license, program

Date of Last Change: ~~2026~~**December 8, 2025**

Notice of Continuation: March 11, 2024

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-6-201

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58240
Rule or section number:	R277-323

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-323. Public Educator Evaluation
B. Purpose of the new rule or reason for the change:
The amendments are due to the passage of SB 241 in the 2026 General Session.
C. Summary of the new rule or change:
The amendments make updates to the requirements for a School District Educator Evaluation System.
The amendments also remove an oversight Category 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 241 (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 change is not expected to have fiscal impacts on state government revenues or expenditures. The amendments remove the oversight Category 3 designation and update evaluation system requirements to align with SB 241 (2026). Because these changes strictly align rule language with state statute and remove obsolete administrative text without creating new state-level programs or operational duties, there are no incremental costs or savings to the state budget.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The stricken language removes the specific requirement for a local board to consult with a joint committee and review the evaluation system in an open meeting, replacing it with a requirement to be consistent with Sections 53G-11-506 and 53G-11-507. The amendments also remove a prescriptive list of multiple inputs previously required for a district educator evaluation system. Because these changes streamline evaluation system criteria to match existing statutory requirements and do not impose new financial or operational burdens on Local Education Agencies (LEAs), there are no incremental costs or savings to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule governs internal evaluation systems for public educators. Because the amendments do not interact with, mandate services from, or regulate small businesses, there are no incremental costs or savings.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The scope of this rule changes is limited to school district evaluation frameworks. Because no individuals, partnerships, or non-governmental entities are financially regulated or affected by the updated educator evaluation criteria, there are no incremental costs or savings.

F. Compliance costs for affected persons:

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

The scope of the rule changes is limited to school district evaluation frameworks.

Because no individuals, partnerships, or non-governmental entities are financially regulated or affected by the updated educator evaluation criteria, there are no incremental costs or savings.

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

8. Family Impact Information

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

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Section 53G, Chapter 11, Part 5
Subsections 53E-3-501(1)(a)(i) and (ii)		

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: 11/02/2026

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	09/15/2026
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R277. Education, Administration.**R277-323. Public Educator Evaluation.****R277-323-1. Authority~~[,]~~ and Purpose~~[, and Oversight Category]~~.**

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
 - (c) Title 53G, Chapter 11, Part 5, School District and Utah Schools for the Deaf and the Blind Employee Requirements, which requires the Board to make rules to establish a framework for the evaluation of educators and set policies and procedures related to educator evaluations; and
 - (d) Subsections 53E-3-501(1)(a)(i) and (ii), which require the Board to establish rules and minimum standards for the qualification and certification of educators and for required school administrative and supervisory services.
- (2) The purpose of this rule is to:
- (a) provide a framework for educator evaluation systems;
 - (b) describe the requirements for district policies related to educator evaluation; and
 - (c) establish requirements for determining annual summative educator effectiveness ratings.
- ~~[(3) This rule is categorized as Category 3 as described in Rule R277-111.]~~

R277-323-2. Definitions.

- (1) "Academic growth" means demonstration of student learning through formative assessment measures identified by the LEA, school, or educator within the school year.
- (2) "Administrator" has the same meaning as that term is defined in Section 53G-11-501.
- (3) "Certified evaluator" means an educator with training in evaluating educator performance and demonstrated competency in using an educator evaluation tool to rate educator performance according to established standards.
- (4) "Chronically absent" means that a student:
 - (a) was enrolled in an LEA for at least 60 calendar days; and
 - (b) missed 10% or more of the student's instructional days, whether the absence was excused or not.
- (5) "Continued professional growth" means incremental measures of improvement relevant to the Utah Effective Educator Standards.
- (6) "Educator" has the same meaning as that term is defined in Section 53G-11-501.
- (7) "Educator evaluation system" means a school district's process, policies, and procedures for evaluating an educator's performance in the educator's assignments.
- (8) "Formative assessment measures" means planned, ongoing processes used for educators to engage in reflection and growth of professional skills and includes opportunities to receive feedback on strengths or weaknesses of specific knowledge, skills, and abilities.
- (9) "Evaluator" means an individual who is responsible for an educator's summative evaluation in accordance with this Rule R277-323.
- (10) "Local board" means a school district's elected board of education or for the Utah Schools of the Deaf and the Blind, the Board.
- (11) "Observation" means a formal or informal visit made by an administrator to an educator's classroom for the purpose of gathering formative information, providing feedback for growth, and informing decisions related to the educator's summative evaluation.
- (12) "Performance" means the combination of an educator's professionalism consistent with:
 - (a) the Utah Effective Educator Standards;
 - (b) student academic growth; and
 - (c) continued professional growth as an educator.
- (13) "Summative evaluation" means an evaluation that is used to make decisions or ratings of an educator's performance and that may inform decisions on salary, continued employment, personnel assignments, transfers, or dismissals, consistent with a school district's policies.
- (14) "Summative evaluation rating" means an annual rating of an educator's performance that assigns one of three levels, that may be defined as:
 - (a) One -- The educator did not meet performance expectations;
 - (b) Two -- The educator partially met performance expectations by demonstrating evidence of continued professional growth or demonstrating evidence of student academic growth;
 - (c) Three -- The educator met performance expectations by demonstrating evidence of continued professional growth and demonstrating evidence of student academic growth.
- (15) "Unsatisfactory performance" means a level one summative evaluation rating.
- (16) "Utah Effective Educator Standards" means the standards established in Rule R277-330, as applicable to the assignment for which an evaluator evaluates an educator.

R277-323-3. School District Educator Evaluation Systems.

(1) A local board shall adopt a district educator evaluation system ~~[in consultation with a joint committee established by the local board as required by]~~ consistent with the requirements of Sections 53G-11-506 and 53G-11-507.

~~[(2) A local board shall review and approve its educator evaluation system in an open meeting.~~

~~[(3) A district educator evaluation system shall:~~

~~_____ (a) evaluate educators based on the Utah Effective Educator Standards;~~

~~_____ (b) include a description of school district processes for gathering, using, and protecting individual educator evaluation data;~~

~~_____ (c) include valid and reliable methods and tools to implement an evaluation;~~

~~_____ (d) include a systematic process for evaluating all educators holding an educator license during an evaluation cycle of up to four years;~~

~~_____ (e) include a summative evaluation rating consistent with this Rule R277-323; and~~

~~_____ (f) take into account multiple inputs as required by Section 53G-11-507, including:~~

~~_____ (i) self-evaluation of performance in relation to the Utah Effective Educator Standards;~~

~~_____ (ii) student and parent input;~~

~~_____ (iii) for administrators, feedback from teachers, including input on the effectiveness of evaluating employee performance in a school or school district for which the administrator has responsibility;~~

~~_____ (iv) results of multiple observations done with tools aligned to the Utah Effective Educator Standards;~~

~~_____ (v) evidence of student academic growth, as specified by the school district; and~~

~~_____ (vi) other indicators of professional improvement as specified by the school district.]~~

~~[(4)](2) A school district may use an evaluation cycle extending up to four years, which includes:~~

~~_____ (a) a summative evaluation at least once every four years; and~~

~~_____ (b) annual formative assessment measures, including:~~

~~_____ (i) at least one observation conducted by an administrator;~~

~~_____ (ii) additional observations, with feedback, which may be provided by a peer, mentor, instructional coach, administrator or other professional designated by the district; and~~

~~_____ (iii) a planned ongoing process for the educator to engage in reflection and growth related to the Utah Effective Teaching Standards.~~

~~[(5)](3) A school district may not use year-end state testing data in determining an educator's summative evaluation rating.~~

~~[(6)](4) A school district may not use data from a student who is chronically absent in determining an educator's summative evaluation rating.~~

~~[(7)](5) A school district shall align its employee compensation system, with the district's educator evaluation system in accordance with Subsection 53G-11-518(1).~~

~~[(8)](6) To form the school district's educator evaluation system, a local school board may adopt:~~

~~_____ (a) the Utah Model Educator Evaluation System approved by the Board;~~

~~_____ (b) an adapted system; or~~

~~_____ (c) a system developed by the school district consistent with this rule and Rule R277-330.~~

R277-323-4. Systems Reliability.

A school district shall establish an evaluator reliability process to ensure the reliability of its educator evaluation system that:

(1) identifies criteria for use in assigning evaluation ratings

(2) provides professional development opportunities for all evaluators that:

(a) assures evaluators understand the Utah Effective Educator Standards;

(b) improve evaluator proficiency in recognizing the criteria described in Subsection (1)(a); and

(c) give the evaluator an opportunity to demonstrate their abilities to rate an educator in accordance with the Utah Effective Educator Standards;

(3) designate qualified raters as certified;

(4) assure that each educator is rated by a certified evaluator; and

(5) include a process for maintaining a certified evaluator's skills.

R277-323-5. Notice and Review.

(1) At least 15 days before an educator's first evaluation, a school district shall provide an educator with:

(a) notification of the evaluation process;

(b) access to relevant evaluation instruments; and

(c) notice of potential consequences, including discipline and termination, if an educator fails to meet performance expectations.

(2) A school district's educator evaluation system shall:

(a) provide for clear and timely discussion of an evaluation with the educator;

(b) provide a written copy of the evaluation to the educator;

(c) allow an educator to respond to any part of the evaluation; and

(d) attach the educator's response to the evaluation if the response is provided in writing.

(3) An educator who is dissatisfied with an evaluation may submit a written request for review within 15 days after receiving notice of the written evaluation.

(4) A school district shall conduct a review as described in this section and Section 53G-11-508.

(5) A school district conducting a review under Subsection (4) shall:

NOTICES OF PROPOSED RULES

- (a) use a certified evaluator;
- (i) with experience in evaluating educators; and
- (ii) who is not employed by the school district; and
- (b) conduct the review in accordance with Utah Effective Educator Standards.
- (6) A certified evaluator described in Subsection (5)(a) shall:
 - (a) review the school district's educator evaluation policies and procedures;
 - (b) review the evaluation process conducted for the educator;
 - (c) review the evaluation data from the professional performance, student academic growth, and stakeholder input components;
 - (d) review an educator's written response, if submitted in accordance with Subsection 53G-11-508(1)(b); and
 - (e) report findings, in writing, to the school district's superintendent for action.
- (7) The school district superintendent shall determine if the initial educator evaluation was issued in accordance with:
 - (a) the school district's educator evaluation policies;
 - (b) the requirements of the Utah Effective Educator Standards;
 - (c) Title 53G, Chapter 11, Employees; and
 - (d) this Rule R277-323.

R277-323-6. Support for Educators.

(1) If an educator receives an unsatisfactory performance rating, a school district shall provide the educator with support for academic impact improvement consistent with Title 53G, Chapter 11, Part 5, School District and Utah School for the Deaf and the Blind Employee Requirements, including:

- (a) assessing the professional learning needs of the educator; and
- (b) providing mentors, coaches, or instructional specialists to assist the educator in establishing timelines and benchmarks for improving academic impact.

(2) A school district may provide assistance to any educator in need of support with professional growth as an educator or student academic growth.

R277-323-7. Superintendent Responsibilities.

(1) The Superintendent shall develop a model educator evaluation system that includes performance expectations consistent with this rule.

(2) The Superintendent shall evaluate and recommend tools and measures for use by school districts in developing and implementing educator evaluation systems.

(3) The Superintendent shall annually monitor 10% of school district educator evaluation systems.

R277-323-8. School District Revisions.

A school district shall amend the district educator evaluation system to align with any future revisions to the Utah Effective Educator Standards and implement any changes within two years from the effective date of revisions to Rule R277-330.

R277-323-9. Applicability.

(1) This rule shall become effective beginning in the 2024-2025 school year, except for the following subsections, which a district shall implement no later than June 30, 2029:

- (a) Subsection R277-323-3(3)(e);
- (b) Subsection R277-323-3(4); and
- (c) Subsection R277-323-3(6).

(2) A requirement for a school district under this Rule R277-323 is also applicable to the Utah Schools for the Deaf and the Blind.

KEY: evaluation

Date of Last Change: 2026~~December 10, 2024~~

Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53E-3-401(4); 53G, Chapter 11, Part 5; 53E-3-501(1)(a)(i) and (ii)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58241
Rule or section number:	R277-330

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S

City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-330. Utah Effective Educator Standards
B. Purpose of the new rule or reason for the change:
The amendments make revisions to the Utah School Leadership Standards.
C. Summary of the new rule or change:
The amendments specifically create standards for educational leaders that are designed to elevate student success, promote educator quality and effectiveness, and optimize oversight and accountability.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures. The amendments repeal the previous Educational Leadership Standards and replace them with eight updated standards, including Vision, Professionalism and Ethics, Culture and Climate, Personnel Support and Supervision, Systems Improvement, Community Engagement, Instructional Leadership, and Resource and Fiscal Management. Because these changes strictly update the language and framework of professional leadership standards without creating new state-level programs, generating revenue, or requiring additional state expenditures, there are no incremental costs or savings.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. The new rule language outlines the updated knowledge, skills, and dispositions required for school leaders, shifting the focus to strategic planning, school culture, systems improvement, and instructional leadership. While these standards update the competencies expected of local administrators and provide a foundation for evaluation criteria, they do not impose new financial mandates, accounting requirements, or operational costs on Local Education Agencies (LEAs). Because the changes are limited to professional standards, there are no incremental costs or savings.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule strictly governs internal educational and leadership standards for public school educators and administrators. Because the amendments do not interact with, mandate services from, or regulate small businesses, there are no incremental costs or savings.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses, revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

The scope of the rule changes is limited to the professional standards for educational leaders within the public education system.

Because no individuals, partnerships, or non-governmental entities outside of the public school system are regulated or financially affected by the updated leadership standards, there are no incremental costs or savings.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The amendments update the professional expectations, training criteria, and evaluation frameworks for educational leaders.

Because these changes strictly alter professional and academic criteria rather than imposing direct financial fees, fines, or out-of-pocket expenses on individual administrators, there are no 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 State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒
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9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53E-3-501(1)(a)
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.
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A. Comments will be accepted until:	11/02/2026
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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)	11/09/2026
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13. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	09/15/2026
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R277. Education, Administration.**R277-330. Utah Effective Educator Standards.****R277-330-1. Authority and Purpose.**

(1) This rule is authorized by:

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

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

(c) Subsection 53E-3-501(1)(a), which requires the Board to establish rules and minimum standards for the qualification and certification educators and for required school administrative and supervisory services.

(2) The purpose of this rule is to establish statewide effective educational standards for:

(a) teachers;

(b) administrators;

(c) school counselors;

(d) school psychologists;

(e) speech-language pathologists;

(f) speech-language technicians;

(g) audiologists; and

(h) school social workers.

R277-330-2. Definitions.

(1) "Administrator" has the same meaning as defined in Subsection 53G-11-501(1).

(2) "Educator" has the same meaning as defined in Subsection 53G-11-501(6).

(3) "Utah Effective Educator Standards means:

(a) the Effective Teaching Standards described in Section R277-330-6;

(b) the Educational Leadership Standards described in Section R277-330-7;

(c) the Speech-Language Technician standards described in Subsection R277-306-5(1)(c);

(d) the 2019 American School Counselors Association Professional Standards and Competencies;

(e) the 2020 National Association of School Psychologists Professional Standards;

(f) the 2020 American Speech-Language-Hearing Association Standards and Implementation Procedures for the Certificate of Clinical Competence in Speech-Language Pathology;

(g) the 2020 American Speech-Language-Hearing Association Standards and Implementation Procedures for the Certificate of Clinical Competence in Audiology; and

(h) the 2012 National Association of Social Workers Standards for School Social Work Services.

R277-330-3. Incorporation by Reference.

(1) This rule incorporates by reference:

(a) the 2019 American School Counselor Association Professional Standards and Competencies;

(b) the 2020 National Association of School Psychologists Professional Standards;

NOTICES OF PROPOSED RULES

(c) the 2020 American Speech-Language-Hearing Association Standards and Implementation Procedures for the Certificate of Clinical Competence in Speech-Language Pathology;

(d) the 2020 American Speech-Language-Hearing Association Standards and Implementation Procedures for the Certificate of Clinical Competence in Audiology; and

(e) the 2012 National Association of Social Workers Standards for School Work Services.

(2) A copy of these resources can be located at the offices of the Utah State Board of Education, <https://schools.utah.gov/administrativerules/documentsincorporated>, and:

(a) for Subsection (1)(a), <https://www.schoolcounselor.org/getmedia/a8d59c2c-51de-4ec3-a565-a3235f3b93c3/SC-Competencies.pdf>;

(b) for Subsection (1)(b), <https://www.nasponline.org/standards-and-certification/nasp-2020-professional-standards-adopted>;

(c) for Subsection (1)(c), <https://www.asha.org/certification/2020-slp-certification-standards/>;

(d) for Subsection (1)(d), <https://www.asha.org/certification/2020-audiology-certification-standards/>; and

(e) for Subsection (1)(e), <https://www.socialworkers.org/LinkClick.aspx?fileticket=1Ze4-9-Os7E%3D&portalid=0>.

R277-330-4. Establishment of Standards.

(1) The Board ~~hereby~~ establishes the Utah Effective Educator Standards as the foundation of educator development, which includes:

(a) alignment of teacher and school administrator programs;

(b) expectations for licensure; and

(c) screening, hiring, induction, and mentoring of beginning educators in all license areas.

(2) The Utah Effective Educator Standards:

(a) ensure implementation of Utah's core standards; and

(b) serve as the basis for evaluation.

(3) The Superintendent shall:

(a) base the model educator assessment system described in Subsection R277-323-8(1) on the Utah Effective Educator Standards; and

(b) provide resources, including professional learning opportunities, which assist LEAs in integrating the Utah Effective Educator Standards into educator practices.

R277-330-5. LEA Responsibilities.

(1) An LEA shall develop policies to support teachers, school administrators, and other licensees in implementation of the Utah Effective Educator Standards.

(2) An LEA shall develop and support professional learning experiences in connection with an educator's professional learning plan for re-licensure using the Effective Educator Standards to assess educator progress toward implementation of the standards.

(3) An LEA shall adopt educator assessment systems aligned with the Utah Effective Educator Standards and consistent with Rule R277-323.

(4) An LEA shall use the Utah Effective Educator Standards as a basis for the development of a collaborative professional culture to facilitate student learning.

(5) An LEA shall implement induction and mentoring activities for beginning educators that support implementation of the Utah Effective Educator Standards.

R277-330-6. Effective Teaching Standards.

(1) The Effective Teaching Standards described in this ~~[S]~~section:

(a) describe the knowledge, skills, and dispositions that are the hallmark of effective instruction; and

(b) highlight practices associated with effective teaching.

(2) A Utah educator shall demonstrate a commitment to ongoing growth and development of instructional competency within the following areas:

(a) Learners and Learning -- demonstrating attention to the impact of unique learner characteristics on development and growth;

(b) Instructional Design Clarity:

(i) previewing classroom content;

(ii) demonstrating clarity in organizing and sequencing instruction; and

(iii) effective planning for learning and student engagement.

(c) Instructional Practice:

(i) engaging in high quality instructional practices that are data informed;

(ii) exhibiting a collaborative approach to teaching and learning; and

(iii) meeting the learning needs of each student.

(d) Classroom Climate -- creating academic, physical, social, and emotional conditions with emphasis on academic performance; and

(e) Professional Responsibility -- demonstrating an awareness of and adherence to professional and ethical standards within their school and with families and communities, as required in Rule R277-217, Educator Standards and LEA Reporting.

R277-330-7. Educational Leadership Standards.

~~[(1) The Educational Leadership Standards described in this Section describe expectations for school administrators, including:~~

- _____ (a) meeting the Effective Teaching standards;
- _____ (b) having the knowledge and skills to guide and supervise the work of educators;
- _____ (c) leading the school learning community; and
- _____ (d) managing the school's learning environment in order to provide effective, high quality instruction to all Utah students.
- _____ (2) In addition to meeting the Effective Teaching Standards, a school administrator shall demonstrate the traits, skills, and work functions designated in the following areas:
- _____ (a) Visionary Leadership — promoting the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is largely shared and supported by stakeholders;
- _____ (b) Teaching and Learning — promoting the success of every student by advocating, nurturing, and sustaining a school focused on teaching and learning conducive to student, faculty, and staff growth;
- _____ (c) Management for Learning — promoting the success of every student by ensuring management of the organization, operation, and resources for a safe, efficient, and effective learning environment;
- _____ (d) Community Collaboration:
 - _____ (i) promoting the success of every student by collaborating with faculty, staff, parents, and community members;
 - _____ (ii) responding to diverse community interests; and
 - _____ (iii) mobilizing community resources;
- _____ (e) Ethical Leadership — promoting the success of every student by acting with, and ensuring a system of, integrity, fairness, equity, and ethical behavior; and
- _____ (f) Systems Leadership — promoting the success of every student by understanding, responding to, and influencing the interrelated systems of political, social, economic, legal, and policy contexts affecting education.]
- _____ (1)(a) These standards articulate the knowledge, skills, and dispositions that a Utah educator needs to demonstrate to prepare for and serve as a school leader.
- _____ (b) These standards provide the foundation for more descriptive competencies, evaluation and accountability criteria, professional training and goal setting, and other supporting tools and resources to meet the state's leadership development goals and objectives.
- _____ (2) To elevate student success, promote educator quality and effectiveness, and optimize oversight and accountability, Utah educational leaders apply the following standards:
- _____ (a) Vision -- cultivating a vision and mission that empowers learners through strategic planning and educational skills grounded in effective practices, including innovation.
- _____ (b) Professionalism and Ethics:
 - _____ (i) modeling ethical and professional leadership, integrity, self-reflection, and fairness;
 - _____ (ii) using clear communication and a collaborative approach to be a trusted figure within the school community; and
 - _____ (iii) actively implementing law, policy, and the Utah Educator Standards.
- _____ (c) Culture and Climate -- establishing and maintaining a positive culture that fosters a safe environment, meaningful participation and authentic connections, within the school system that include students, family, and staff members.
- _____ (d) Personnel Support and Supervision:
 - _____ (i) communicating expectations clearly, effectively, and consistently with staff;
 - _____ (ii) conducting formal and informal evaluations; and
 - _____ (iii) providing specific and targeted growth-oriented feedback, professional learning, and support.
- _____ (e) Systems Improvement -- strategically designing, implementing, and sustaining coherent systems grounded in evidence-based inquiry, shared accountability, adaptive leadership, and continuous data informed school improvement to build norms and pathways leading to student success and organizational capacity.
- _____ (f) Community Engagement -- engaging with parents and stakeholders to partner with the greater community to support each student's academic success and well-being.
- _____ (g) Instructional Leadership -- ensuring the use of effective teaching strategies that optimize rigorous student learning and growth, assessment practices that inform and promote effective teaching, and interventions for individual student learning needs.
- _____ (h) Resource and Fiscal Management -- professionally and ethically allocating and managing school resources to support teachers and staff and to optimize student learning.

KEY: effective educators, effective leadership, standards

Date of Last Change: 2026[October 11, 2023]

Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53E-3-401(4); 53E-3-501(1)(a)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58242
Rule or section number:	R277-608

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education

NOTICES OF PROPOSED RULES

Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7500	ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-608. Emergency Safety Interventions and Prohibition of Corporal Punishment
B. Purpose of the new rule or reason for the change:
The amendments are due to the passage of SB 181 during the 2026 General Session.
C. Summary of the new rule or change:
The amendments specifically update requirements for seclusion rooms.
The amendments also remove an oversight Category 3 from 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:	SB 181 (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 change is not expected to have fiscal impact on state government revenues or expenditures.
The amendments require the Superintendent to monitor Local Education Agency (LEA) compliance with physical standards for seclusion rooms and remove the oversight Category 3 designation.
Because these modifications incorporate new monitoring into existing administrative operations in response to SB 181 (2026), they do not require additional state expenditures or generate new revenue.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.
This rule updates physical standards for seclusion rooms, requiring rooms built after 07/01/2026, to include a push panel, and mandates that older rooms be retrofitted by 07/01/2032.
LEAs must also retain audio and video records of seclusion room use, submit compliance plans, and conduct annual safety inspections.
Because these operational and facility requirements are due to the passage of SB 181 (2026), the administrative rule change itself is not expected to have incremental fiscal impact on local government revenues or expenditures.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This rule strictly governs public school safety interventions, LEA reporting procedures, and public school facilities.

Because the amendments do not interact with, mandate services from, or regulate small businesses, there are no incremental costs or savings.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

The scope of the amendments is limited to emergency safety intervention protocols within LEAs.

Because no individuals, partnerships, or non-governmental entities outside of the public school system are regulated or financially affected by these internal standards, there are no incremental costs or savings.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

This rule outlines facility compliance plans, audio/visual retention schedules, and annual reporting actions required by LEAs.

Because these administrative and facility requirements are borne entirely by the LEAs and do not impose individual fees, fines, or out-of-pocket expenses on private citizens or school employees, there are no 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
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7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

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

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Section 53G-8-301
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	09/15/2026
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R277. Education, Administration.**R277-608. Emergency Safety Interventions and Prohibition of Corporal Punishment.****R277-608-1. Authority~~[5]~~ and Purpose~~[5, and Oversight Category]~~.**

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Section 53G-8-301, which describes the instances when school employees may use reasonable and necessary physical restraint and seclusion, outlines the physical standards for seclusion rooms, and prohibits the infliction of corporal punishment on a student in educational settings.
- (2) The purpose of this rule is to:
- (a) direct LEAs to have policies in place that prohibit corporal punishment consistent with the law; and
 - (b) outline the required provision of an LEA's written policy regarding the development, implementation, and monitoring of emergency safety interventions in all schools and for all students within each LEA's jurisdiction.
 - (c) outline safety standards and compliance plan verification for seclusion rooms.
- ~~[(3) This Rule R277-608 is categorized as Category 3 as described in Rule R277-111.]~~

R277-608-2. Definitions.

- (1)(a) "Chemical restraint" means the use of medication administered to a student, including medications prescribed by the student's physician or other qualified health professional, on an as-needed basis for the sole purpose of involuntarily limiting the student's freedom of movement.
- (b) Chemical restraints are prohibited by the Board.
- (2) "Comprehensive Emergency Safety Intervention Training" means a training required for key identified school employees that has the components described in Subsection R277-608-4(4).
- (3) "Corporal punishment" means the same as defined in Section 53G-8-301.
- (4) "Disengagement strategies" means strategies for safely and effectively releasing or separating oneself or others from a situation, person, or engagement to protect oneself or others.
- (5)(a) "Emergency safety intervention" or "ESI" means the same as defined in Section 53G-8-301.
- (b) An emergency safety intervention may not be used for disciplinary purposes.

(6) "Emergency safety intervention committee" or "ESI committee" means an emergency safety intervention committee as described in Section R277-608-6.

(7) "Functional behavior assessment" or "FBA" is a systematic process used to understand the function and purpose of a student's specific, interfering behavior and factors that contribute to the behavior's occurrence and nonoccurrence for developing effective positive behavioral interventions, supports, and other strategies to mitigate or eliminate the interfering behavior.

(8) "Foundational Behavior Support Training" means a training required for all school employees who supervise students, or may be asked to assist in managing a student's behavior that has the components described in Subsection R277-608-4(1).

(9) "Immediate danger" or "Immediate and significant threat" means:

(a) the imminent risk of physical violence toward self or others, or other physical behaviors which are likely to cause imminent risk of substantial or serious bodily injury.

(10) "Local Education Agency (LEA)" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(11)(a) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement.

(b) Mechanical restraints are prohibited except for protective and stabilizing restraints as prescribed by an appropriate medical or related services professional, restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation, and any device used by a law enforcement officer in carrying out law enforcement duties.

(12) "Physical escort" has the same meaning as defined in Section 53G-8-301.

(13) "Physical restraint" has the same meaning as defined in Section 53G-8-301.

(14) "Push panel" means a panel or plate in a seclusion room that is flush with the interior of a door that allows a door to be pushed open from the interior without requiring a door knob or door handle.

(15) "School employee" means:

(a) a school teacher;

(b) a school staff member;

(c) a school administrator; or

(d) any other person employed, directly or indirectly, by an LEA.

(e) "School Employee" does not mean a law enforcement officer.

~~(15)~~(16) "Seclusion" means the same as defined in Section 53G-8-301.

~~(16)~~(17) "Serious bodily injury" has the same meaning as defined in Subsection 76-1-101.5(17).

~~(17)~~(18) "Substantial bodily injury" has the same meaning as defined in Subsection 76-1-101.5(18).

R277-608-3. LEA Policies and Procedures for the Use of Emergency Safety Interventions.

(1) Policies established by LEAs for the use of ESI for all students shall include:

(a) a statement that key identified school employees may use reasonable and necessary physical restraint only in self-defense, or when otherwise appropriate to the circumstances outlined in Subsection 53G-8-301(4);

(b) an ESI may not be used in place of appropriate less restrictive interventions;

(c) a definition of a key identified school employee for whom the ongoing comprehensive ESI training outlined in Subsection R277-608-4(3) will be provided;

(d) procedures to be followed when using an ESI according to the implementation requirements in Section 53G-8-301 and Section R277-608-5, including:

(i) continual observation through a vision panel as described in Subsection 53G-8-301(14)(f)(iii) ~~R277-608-5(12)(d)~~;

(ii) release criteria;

(iii) documentation;

(iv) notification to administration ~~outlined in Section R277-608-5~~;

(v) notification to a student's parent ~~consistent with in Section R277-608-5~~;

(vi) debriefing;

(vii) reporting; ~~and~~

(viii) post-ESI assessment and monitoring of students; and

(e) all other requirements related to use of seclusion consistent with Subsection 53G-8-301(10).

(2) An LEA ESI policy shall include whether the LEA allows individual schools to ~~designate an enclosed area for the sole purpose of~~ build seclusion rooms.

(a) if an LEA allows individual schools to ~~designate an enclosed area for the sole purpose of~~ build seclusion rooms, the policy shall ~~additionally~~ outline:

(i) requirements and prohibitions for the ~~designated enclosed area~~ seclusion room in accordance with Subsection 53G-8-301(14), Rules R392-200 and R710-4; and

(ii) a written procedure outlining the approval process including:

(A) requirements that a school proposing to ~~designate an enclosed area~~ build a seclusion room include in their proposal a written description outlining the data and reasoning for building a seclusion room ~~designating an enclosed area~~;

(B) approval by the LEA governing board in consultation with the LEA's ESI committee; ~~and~~

(C) requirements for the ~~around a~~ written notification provided to parents within the school community before ~~the designation of an enclosed area~~ building a seclusion room; ~~and~~

(D) requirements to report to the Superintendent that a new seclusion room has been built, its location and that it complies with the physical standards described in Subsection 53G-8-301(14) by the end of the school year in which the construction is complete; and

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(E) requirements to report to the Superintendent if a seclusion room is no longer in use by the end of the school year in which the room is no longer being used.

(3) Policies and procedures for the use of an ESI for a student should be consistent with evidence- and research-based practices including the prohibition of:

(a) Physical restraint, subject to the requirements of Section R277-608-5, except when the physical restraint is allowed as described in Section 53G-8-301;

(b) prone, or face-down, physical restraint;

(c) supine, or face-up, physical restraint;

(d) physical restraint that obstructs the airway of a student or adversely affects a student's primary mode of communication;

(e) mechanical restraint, except as consistent with Section R277-608-2;

(f) chemical restraint~~[-except as consistent with Section R277-608-2];~~

(g) seclusion, subject to the requirements of Section R277-608-5 and Subsection 53G-8-301(10)(a)(iii), except when a student presents an immediate danger ~~[of serious physical harm]~~ to self or others;

(h) for a student with a disability, ESIs written into a student's individualized education program (IEP), as a planned intervention, unless:

(i) ~~[school personnel, the family, and]~~ the IEP team ~~[agree]~~ has documented less restrictive means have been attempted;

(ii) a FBA has been conducted;~~[-and]~~

(iii) a positive behavior intervention, based on data analysis has been written into the plan and implemented; and

(iv) the emergency safety intervention is only used when there is an immediate danger to self or others.

~~[(j)](i)~~ other dangerous practices as defined by the LEA, including dangerous practices outlined in the Least Restrictive Behavioral Interventions (LRBI) Technical Assistance manual incorporated by reference in Section R277-609-7.

(4) An LEA shall have in place, as part of its LEA special education policies, procedures, and practices, which include:

(a) criteria~~[-]~~ and steps for using ESI with students with disabilities consistent with state and federal law.

R277-608-4. Emergency Safety Interventions (ESI) Training Requirements.

(1) ~~All~~ Beginning with the 2025-2026 school year, all school employees who supervise students, or who may be asked to assist in managing a student's behavior, shall receive foundational behavior support training, which shall include:

(a) behavioral or emotional crisis management including de-escalation strategies consistent with the ~~[(f)]LRBI~~ manual incorporated by reference into Section R277-609-7; and

(b) LEA policies related to ESI.

(2) The foundational behavior support training, described in Subsection R277-608-4(1), must be completed within two months or 30 days if working directly with a student with disabilities, of employment and ~~[bi-annually]~~ every other year, thereafter.

(3) Key identified school employees shall receive comprehensive ESI training that is research- and evidence-based in addition to the foundational behavior support training.

(4) The ~~[(c)]~~ comprehensive ESI training shall include:

(a) disengagement strategies;

(b) the appropriate, safe, and effective use of ESI; and

(c) documentation of ESI.

(5) The comprehensive ESI training shall be completed before a school employee may use an ESI with a student and annually, thereafter.

R277-608-5. Implementation of Physical Restraint and Seclusion.

(1) Physical restraint may only be used when a student presents an immediate danger to self or others and when no other safe or effective intervention is available.

(2) A school employee may not use physical restraint as a means of discipline or punishment.

(3) When used consistently with the LEA policy under Section R277-608-3:

(a) a physical restraint must be immediately terminated when:

(i) A student is no longer an immediate danger to self or others; or

(ii) A student is in severe distress; and

(b) the use of physical restraint shall be for the minimum time necessary to ensure safety, as reasonably understood by the school employee, and a release criteria, as outlined in LEA policies, must be implemented.

(4) A school employee may not use physical restraint on a student for more than the shortest of the following before stopping, releasing, and reassessing the intervention used:

(a) the amount of time described in the LEA's comprehensive ESI training program;

(b) 30 minutes; or

(c) when law enforcement intervenes.

(5) If a school employee physically restrains a student, the school or the school employee shall provide notice immediately, and ~~[may not exceed]~~ no later than 15 minutes after use, ~~to~~ to:

~~[(a)]~~ (a) The notice described in Subsection R277-608-5(5) shall be provided to:

~~[(i)]~~ (a) the student's parent; and

~~[(ii)]~~ (b) school administration.

(6) If a school employee physically restrains a student, the school or the school employee shall provide documentation of the physical restraint to the LEA's ESI committee described in Section R277-608-6, and the student's parent.

(7) A notice described in Subsection (5) shall be documented within the student information systems (SIS) records.

(8) Seclusion may only be used when a student presents an immediate danger to self or others and when no other safe or effective intervention is available.

(9) A school employee may not use seclusion:

- (a) as a behavioral intervention;
- (b) as a disciplinary practice;
- (c) for coercion, retaliation, or humiliation;
- (d) due to inadequate staffing; or
- (e) for the staff member's convenience.

(10) A school employee may not place a student in seclusion for more than 30 minutes, per occurrence except as consistent with Subsection 53G-8-301(10)(e).

(11) If a school employee uses seclusion, the school employee shall:

- (a) use the minimum time necessary to ensure safety, as reasonably understood by the school employee;
- (b) use release criteria outlined in LEA policies;
- (c) ensure that any door remains unlocked consistent with the fire and public safety requirements described in Rules R392-200 and R710-4;

(d) ensure the student is observed at all times by personnel who have received the comprehensive ESI training; and

(e) have used other less restrictive interventions before the use of seclusion.

(12) If a school employee uses seclusion in a seclusion room, this room must meet the physical standards outlined in Subsection 53G-8-301(14).

~~[(12)]~~(13) If a student is placed in seclusion, the school or the school employee shall provide notice immediately, and ~~[not to exceed]~~no later than 15 minutes after use, to:

- (a) the student's parent; and
- (b) school administration.

~~[(13)]~~(14) If a student is placed in seclusion, the school employee shall provide documentation of the seclusion to the LEA's ESI committee described in Section R277-608-6, and the student's parents.

~~[(14)]~~(15) A notice described in Subsection (12) shall be documented within the ~~[student information systems (SIS)]~~SIS records.

~~[(15)]~~(16) If a school employee uses any ESI, a school shall provide a parent with a copy of any notes or additional documentation, including a description of the physical space in which the seclusion occurred or the type of physical restraint that was used, taken during the use of the ESI upon request of the student's parent.

~~[(16)]~~(17) Within 48 hours of the school using an ESI with a student, a school shall provide notice to a parent that the parent may request a copy of any notes or additional documentation taken during the use of the ESI.

~~[(17)]~~(18) A parent may request a time to meet with school staff and administration to discuss the use of an ESI.

R277-608-6. LEA Emergency Safety Intervention (ESI) Committee.

(1) An LEA shall establish an ESI Committee.

(2) An LEA's ESI Committee shall:

(a) include:

- (i) at least one administrator;
- (ii) at least one licensed educational professional with behavior support training and knowledge in both state law and LEA discipline policies related to ESIs;

(iii) at least one parent or guardian of a student enrolled in the LEA, appointed by the LEA; and

(iv) at least one other licensed educator;

(b) meet often enough to monitor the use of ESI in the LEA;

(c) determine and recommend professional learning needs;

(d) shall develop policies for processes to resolve concerns regarding the use of ESIs; and

(e) ensure that each emergency incident where a school employee uses an ESI is documented, in accordance with Subsection 53G-8-301(11) in the LEA's ~~[student information system]~~SIS and reported annually to the Superintendent.

R277-608-7. Physical Standards for Seclusion Rooms.

(1) All seclusion rooms built after July 1, 2026 shall be built:

(a) to meet the physical standards for seclusion rooms outlined in Subsection 53G-8-301(14); and

(b) with a push panel as defined in Subsection R277-608-2(14).

(2) If an LEA has a seclusion room that was built before July 1, 2026, the LEA has until July 1, 2032 to retrofit the seclusion room to meet the physical standards outlined in Utah Code 53G-8-301(14) and the additional standards outlined in this section.

(3) An LEA must immediately ensure a seclusion room meets all physical standards that can be reasonably implemented without major construction.

R277-608-8. Audio or Video Retention Requirements for Seclusion Rooms.

LEAs shall retain audio and video records of each use of a seclusion room in accordance with the record retention schedule posted on the Division of Archives and Records Services (DARS) website.

R277-608-9. LEA Compliance with Physical Standards for Seclusion Rooms.

- (1) Each LEA that operates or plans to construct a seclusion room must report to the Superintendent by December 31, 2026.
- (2) For any seclusion rooms the LEA determines are out of compliance with the physical standards outlined in Subsection 53G-8-301(14) and Section R277-608-7, the LEA must submit a compliance plan to the Superintendent, including:
 - (a) the location of the seclusion room;
 - (b) each physical standard that is out of compliance;
 - (c) how the LEA will come into compliance with each physical standard;
 - (d) the timeframe to get into compliance not to exceed July 1, 2032;
 - (e) how the LEA will track progress with compliance efforts; and
 - (f) the LEA employee who will be responsible for reporting progress to the Superintendent.
- (3) An LEA must report progress to the Superintendent annually by June 30 until compliance is achieved.
- (4) If a violation of the physical standards of a seclusion room is reported to the LEA, the LEA will report the violation and the corrective action plan to the Superintendent within 30 business days of receipt of the report.
- (5) Upon receiving an LEA's corrective action plan, the Superintendent shall monitor implementation of the plan in accordance with Section R277-608-7 and Subsections R277-608-9(2) and (3).
- (6) If an LEA fails to develop a corrective action plan or fails to bring a seclusion room into compliance with the physical standards of Section R277-608-7 by the applicable timeframes established in Section R277-608-7 and Subsection R277-608-9(3), the Superintendent shall initiate further action in accordance with Rule R277-114.

R277-608-10. Requirements for Safety Inspections for Seclusion Rooms.

- (1) An LEA must inspect each seclusion room built within its schools at least annually.
- (2) Inspections shall evaluate compliance with all physical standards outlined in Subsection 53G-8-301(14) and Section R277-608-7 of this rule.
- (3) An LEA will provide an assurance to the Superintendent annually through the assurances document that:
 - (a) a safety inspection has occurred; and
 - (b) whether the seclusion room was in compliance with all physical standards outlined in Subsection 53G-8-301(14) and Section R277-608-7 of this rule.
- (4) If an LEA fails to complete safety inspections or fails to meet the physical standards by July 1, 2032, the Superintendent will follow the processes for violations outlined in Subsection R277-608-13(5).

R277-608-11. LEA Prohibition of Corporal Punishment Policy.

An LEA policy shall include:

- (1) a prohibition of corporal punishment consistent with the law;
- (2) appropriate sanctions for LEA employees who use corporal punishment; and
- (3) appeal procedures for LEA employees disciplined for a violation of the LEA's policy.

R277-608-12. LEA Responsibilities and Reporting.

- (1) An LEA shall have procedures for the collection, maintenance, and periodic review of documents or records of the use of ESIs at schools within the LEA.
- (2) An LEA shall provide documentation, in accordance with Subsection 53G-8-301(11) of any school, program, or LEA's use of ESI to the Superintendent annually.

R277-608-13. Superintendent Responsibilities.

- (1) The Superintendent shall define the procedures for the collection, maintenance, and review of records described in Subsection R277-608-8(1).
- (2) The Superintendent shall periodically review:
 - (a) All ESI data submitted to the Superintendent;
 - (b) All LEA special education behavior intervention, procedures, and policies; and
 - (c) ESI data as related to students with disabilities who are eligible or being evaluated for special education services in accordance with [Utah's Program Improvement and Planning System (UPIPS)]Rule R277-750.
- (3) The Superintendent shall provide technical assistance to LEAs in developing and implementing policies and training employees in the appropriate use of ESI to the extent of resources available.
- (4) The Superintendent shall monitor LEA compliance with the physical standard requirements for seclusion rooms in a manner determined by the Superintendent.
- ~~(4)~~(5) The Superintendent shall include data collected under~~[information in]~~ Subsection 53G-8-301(3)(a) in the State Superintendent's Annual Report described in Section 53E-1-203.
- ~~(5)~~(6) Violations of law and this Board rule will be handled through the appropriate process as outlined in Rule R277-114, Rule R277-123, Rule R277-211 or the Utah Special Education Rules incorporated by reference into Rule R277-750.

(7) The Superintendent shall take corrective action against an LEA that:

(a) is nonresponsive after receiving a notice of noncompliance; or

(b) has an ESI committee that has not created a plan or resolved the issues of noncompliance.

KEY: emergency safety interventions, corporal punishment

Date of Last Change: ~~2026~~ November 21, 2025

Notice of Continuation: June 28, 2022

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53G-8-301

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Filing ID: 58243

Rule or section number:

R277-631

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-631. Student Toilet Training Requirements
B. Purpose of the new rule or reason for the change:
The amendments are due to the passage of SB 58 during the 2026 General Session.
C. Summary of the new rule or change:
The amendments establish requirements governing personal care independence requirements for public school enrollment beginning with the 2026-2027 school year.
In addition, the amendments revise statutory references, update the implementation date, and conform the disability exception to statute.
The amendments also remove an oversight Category 2 from 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:	SB 58 (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 change is not expected to have fiscal impact on state government revenues or expenditures.

The amendments update the language from "toilet training" to "personal care independence," revise statutory references, update the implementation date to the 2026-2027 school year, conform the disability exception to SB 58 (2026), and remove the oversight Category 2 designation.

Because these changes solely update terminology, align rule text with state statute, and remove obsolete categorization language, they do not create new state programs or require additional state expenditures.

B. Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

The amendments shift the enrollment requirement implementation date to the 2026-2027 school year and update the vocabulary from "toilet training" to "personal care independence".

This rule also clarifies that Local Education Agencies (LEAs) may enroll students who cannot meet these independence requirements due to a suspected disability subject to federal child find requirements or an IEP/504 plan.

Because these modifications reflect changes mandated by the passage of SB 58 (2026) and strictly update terminology and timelines without imposing new operational or financial burdens on LEAs, there are no incremental costs or savings to local governments.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

This rule strictly governs student enrollment requirements for public schools regarding personal care independence.

Because the amendments do not interact with, mandate services from, or regulate small businesses, there are no incremental costs or savings to small businesses.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

This rule updates the vocabulary and timeline for student personal care independence expectations at the time of public school enrollment.

Because these changes alter enrollment criteria rather than imposing direct financial fees, fines, or out-of-pocket expenses on parents or students, there are no 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 State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

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

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Section 53G-7-230
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	09/15/2026
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R277. Education, Administration.**R277-631. Student ~~[Toilet Training]~~ Personal Care Independence Requirements.****R277-631-1. Authority~~[s]~~ and Purpose~~[s]~~ and Oversight Category~~[s]~~.**

(1) This rule is authorized by:

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

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

NOTICES OF PROPOSED RULES

(c) S[ub]section ~~[53G-7-203(6)]~~53G-7-230, which requires the Board to make rules ~~[related to student toilet training]~~establishing personal care independence standards for public school enrollment.

(2) The purpose of this rule is to establish ~~[toilet training]~~personal care independence requirements and exceptions for public school enrollment.

~~[(3) This Rule R277-631 is categorized as Category 2 as described in Rule R277-111.]~~

R277-631-2. Definitions.

(1)(a) ~~["Toilet trained"]~~"Personal Care Independence" means that a student ~~[can]~~is toilet trained, including the ability to:

- (i) communicate the need to use the bathroom to an adult;
- (ii) sit down on a toilet;
- (iii) use the toilet without assistance;
- (iv) undress and dress as necessary; and
- (v) tend to personal hygienic needs after toileting.

(b) If an accident occurs a ~~["toilet trained" child]~~student who demonstrates personal care independence can independently tend to hygienic needs and change clothes.

(2) A student ~~[is not "toilet trained"]~~does not meet the personal care independence requirements if the student:

(a) does not meet the criteria in Subsection (1); or

(b) has accidents with sufficient frequency to impact the educational experience of the student or the student's peers, as determined by an LEA.

R277-631-3. LEA Requirements.

(1)(a) Beginning in the ~~[2025-2026]~~2026-2027 school year, except as provided in Subsection (b) an LEA may not enroll a student unless the student ~~[is toilet trained]~~meets the personal care independence requirements.

(b) An LEA may enroll a school-aged student who is ~~[not able to be toilet trained]~~unable to meet the personal care independence requirements because of a suspected disability that is subject to federal child find requirements or that is described in an IEP or Section 504 plan.

(2) As part of an LEA's enrollment process, an LEA shall require an assurance from the parent of an incoming student ~~[that the student is toilet trained as required under]~~that the student meets the personal care independence requirements described in Subsection (1)(a).

(3) If an LEA denies enrollment under Subsection (1)(a), the LEA shall provide services consistent with the school's requirements under Subsection 53G-6-302(6) or 53G-6-502(3).

R277-631-4. Background Checks.

(1) An LEA may adopt a policy requiring a background check for a parent's designee entering in public multi-stall restrooms for the purposes of aiding in ~~[toilet training pursuant to Subsection R277-631-3(3)(c) or]~~personal care independence.

(2) An LEA shall ensure that toilet training assistance for a student who is ~~[not toilet trained, as provided under Subsection R277-631-3(3)(c)]~~unable to meet personal care independence requirements occurs in a private or cleared restroom.

KEY: personal care independence, toilet training, kindergarten

Date of Last Change: 2026~~[August 7, 2025]~~

Authorizing, and Implemented or Interpreted Law: Article X, Section 3; 53E-3-401(4); ~~[53G-7-203(6)]~~53G-7-230

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New	Filing ID: 58244
Rule or section number:	R277-633

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	ben.rasmussen@schools.utah.gov

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

3. General Information**A. Rule or section catchline:**

R277-633. Dyslexia Screening Pilot Program

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

This new rule is due to the passage of HB 393 during the 2026 General Session

C. Summary of the new rule or change:

This new rule implements the Dyslexia Screening Pilot Program by establishing application procedures, screening and reporting requirements, criteria for approving dyslexia screeners, and administrative requirements for participating Local Education Agencies (LEAs).

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 393 (2026 General Session)

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

This proposed rule is not expected to have fiscal impact on state government revenues or expenditures.

This new Rule R277-633 implements the Dyslexia Screening Pilot Program as required by the passage of HB 393 (2026).

This rule requires the Superintendent to publish application forms, procure an intervention vendor, and establish a process for reviewing and approving dyslexia screeners.

Because this rule strictly outlines the administrative procedures to implement the legislative mandate of HB 393 (2026) without generating new state-level programs beyond the statute, there are no incremental costs or savings associated with this rule.

B. Local governments:

This proposed rule is not expected to have fiscal impact on local governments' revenues or expenditures.

This new rule establishes application procedures, screening intervals, and data reporting standards for district and charter schools participating in the pilot program.

Participating schools must provide assurances that they will allocate local funds as required by Subsection 53F-5-226(4)(c), screen students using approved tools, and document intervention delivery.

Because the administrative rule strictly establishes the framework for a legislatively created pilot program and provides a free screener option developed by Utah partner institutions, it does not mandate new, unbudgeted expenditures on all LEAs.

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

This proposed rule is not expected to have fiscal impact on small businesses' revenues or expenditures.

This rule governs public school pilot programs, student screening protocols, and internal state reporting requirements.

Because this rule does not regulate, mandate services from, or interact with small businesses, there are no incremental costs or savings.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses', revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

The scope of this new rule is limited to the administrative requirements for the Dyslexia Screening Pilot Program within participating public schools.

Because no individuals, partnerships, or non-governmental entities outside of the public education system are financially regulated or affected by the program's framework, there are no incremental costs or savings.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

This rule outlines application, screening, and reporting criteria for participating LEAs.

Because these administrative requirements are borne entirely by the participating public schools and do not impose individual fees, fines, or out-of-pocket expenses on students or parents, there are no 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 State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒
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9. Citation Information

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

Section 53E-3-401	Section 53F-5-226	
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.
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A. Comments will be accepted until:	11/02/2026
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12. Effective Date Information

This rule change MAY become effective on:	11/09/2026
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(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	09/15/2026
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R277. Education, Administration.**R277-633. Dyslexia Screening Pilot Program.****R277-633-1. Authority and Purpose.**

(1) This rule is authorized by:

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

(b) Section 53E-3-401, which authorizes the Board to make rules to execute the Board's duties and responsibilities under state law;
and

(c) Section 53F-5-226, which requires the Board to administer the Dyslexia Screening Pilot Program and make rules governing the program.

(2) The purpose of this rule is to establish procedures and standards for:

(a) applications to participate in the Dyslexia Screening Pilot Program;

(b) selection of participating district and charter schools;

(c) approval and accessibility of dyslexia screeners;

(d) screening intervals and screening compliance;

(e) intervention delivery and reporting;

(f) data collection and annual reporting; and

(g) program oversight consistent with Section 53F-5-226.

R277-633-2. Definitions.

(1) "Approved screener" means a dyslexia screener that the Board has approved under this rule and placed on the approved list described in Section 53F-5-226.

(2) "Intervention school" means the rural elementary school and urban elementary school selected under Section 53F-5-226 to receive dyslexia intervention.

(3) "Participating school" means a district or charter school selected to participate in the Program.

(4) "Program" means the Dyslexia Screening Pilot Program created in Section 53F-5-226.

(5) "Rural Elementary School" means the same as that term is defined in Subsection 53F-5-226(1)(c).

(6) "Utah Partner Institutions" means the University of Utah Education Policy Center and the University of Utah College of Education.

(7) "Urban Elementary School" means the same as that term is defined in Subsection 53F-5-226(1)(c).

R277-633-3. Application Process.

(1) The Superintendent shall publish an application form and application deadline for participation in the Program.

(2) An application shall include:

(a) the school or schools for which participation is requested;

(b) the applicant's proposed implementation plan;

(c) the applicant's data collection and reporting capacity;

(d) the applicant's assurances that it will use only Board-approved screeners for Program purposes;

(e) the applicant's assurances that it will comply with screening, intervention, reporting, and accessibility requirements; and

NOTICES OF PROPOSED RULES

- (f) any other information reasonably necessary for the Board to administer the Program; and
- (g) the applicant's assurance that it will allocate local funds as required by Subsection 53F-5-226(4)(c).
- (3) As a condition of participation, a participating district or charter school shall comply with:
 - (a) Section 53F-5-226;
 - (b) this rule; and
 - (c) program requirements established by the Superintendent consistent with Section 53F-5-226 and this rule.
- (4) The Board may consider, at a minimum, the following in selecting participating schools:
 - (a) evidence of need;
 - (b) readiness to implement the Program;
 - (c) ability to collect and report required data;
 - (d) capacity to implement the Program, including administration of the approved screener, intervention, reporting, and program evaluation; and
 - (e) any other factor consistent with the purposes of the Program.
- (5) The Board may limit the number of participating schools based on available appropriations and the scope of the pilot.

R277-633-4. Selection of Intervention Schools and Vendor.

- (1) From among the participating schools, the Board shall select:
 - (a) one rural elementary school; and
 - (b) one urban elementary school
- to receive dyslexia intervention under the Program.
- (2) The Superintendent shall procure an intervention vendor in accordance with Title 63G, Chapter 6a, Utah Procurement Code.
 - (3) The Board may coordinate the intervention procurement and delivery with the Utah partner institutions.

R277-633-5. Approved Dyslexia Screeners.

- (1) The Superintendent shall establish a process including submission procedures and timelines for reviewing dyslexia screeners submitted for approval under the Program.
- (2) A person requesting approval of a dyslexia screener shall submit the information required by the Superintendent to demonstrate that the screener satisfies the requirements of Section 53F-5-226 and this rule.
- (3) The Superintendent may request additional documentation necessary to complete the review.
- (4) In evaluating a dyslexia screener for approval, the Superintendent shall determine whether the screener:
 - (a) demonstrates validity and reliability in identifying students who may be at risk for characteristics of dyslexia;
 - (b) aligns with nationally recognized practices for dyslexia screening;
 - (c) provides information that may be used to inform instructional decisions, intervention planning, progress monitoring, reporting, or referral for additional evaluation;
 - (d) is appropriate for use with the grade levels identified in Section 53F-5-226; and
 - (e) is reasonably available for use by participating district and charter schools.
- (5) The Superintendent may consult with literacy specialists, institutions of higher education, or other subject matter experts when reviewing a dyslexia screener.
- (6) Upon determining that a dyslexia screener satisfies the requirements of this rule, the Superintendent shall recommend the screener for inclusion on the Board's approved list.
- (7) The Board shall maintain and publish on its website the approved list of dyslexia screeners required under Section 53F-5-226.
- (8) The Board may remove a dyslexia screener from the approved list if the Board determines that the screener no longer satisfies the approval criteria established in this rule.
- (9) Removal does not affect screenings completed before removal.

R277-633-6. Screening Requirements.

- (1) A participating district or charter school shall use an approved screener when screening a student for dyslexia under the Program.
- (2) Beginning July 1, 2027, a participating district or charter school shall screen a student who meets the criteria in Section 53F-5-226 using an approved screener.
- (3) A participating district or charter school shall administer the dyslexia screener following the benchmark reading assessment administered in accordance with Rule R277-406-4 when a student meets the criteria described in Section 53F-5-226.
- (4) In addition to the screening described in Subsection (3), a participating district or charter school shall provide additional screening for a kindergarten or first grade student when teacher observation or parent concern indicates characteristics of dyslexia.
- (5) A participating district or charter school shall provide the parent of a participating student with timely information regarding dyslexia screening conducted under the Program, the results of the screening, and available interventions, consistent with Sections 53E-4-307 and 53F-5-226.
- (6) A participating district or charter school may use the free screener developed by the Utah partner institutions to satisfy the screening requirements of the Program.
- (7) A participating district or charter school shall maintain records sufficient to document compliance with screening requirements.

R277-633-7. Intervention Delivery and Reporting.

- (1) A participating district or charter school shall document intervention delivery as required by the Board.

- (2) Documentation shall include, at a minimum:
- (a) the intervention provided;
 - (b) the dosage of the intervention;
 - (c) the duration of the intervention;
 - (d) the student's response to the intervention; and
 - (e) any updates to the student's IEP or 504 Accommodation Plan, if applicable.
- (3) A participating district or charter school shall submit annual reports to the Board in the form and by the date established by the Board.
- (4) The Utah partner institutions shall provide annual reports, in the format prescribed by the Superintendent, to the Board regarding the creation and outcomes of the screener developed under Section 53F-5-226.

R277-633-8. Data, Accessibility, and Privacy.

- (1) The Superintendent may establish the data elements required for annual reporting.
- (2) A participating district or charter school shall provide the data elements required by the Superintendent in the form and manner established by the Superintendent.
- (3) The Superintendent and participating schools shall make reasonable efforts to ensure that Program materials, screener access, and reporting tools are accessible to users with disabilities and compatible with assistive technology, as appropriate.
- (4) The Superintendent and participating schools shall handle student data in a manner consistent with applicable privacy and confidentiality requirements.

KEY: dyslexia, screening, pilot programs, literacy

Date of Last Change: 2026

Authorizing, and Implemented, or Interpreted Law: 53E-3-401; 53F-5-226

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58245
Rule or section number:	R277-702

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-702. Procedures for the Utah High School Completion Diploma
B. Purpose of the new rule or reason for the change:
The amendments are needed to clarify the requirements for students taking the High School Equivalency (HSE) exam.
C. Summary of the new rule or change:
The amendments specifically update Section R277-702-4, Eligibility for HSE Testing, to clarify when non-resident students can take a high school equivalency exam in Utah and to clarify when Utah residents can complete a high school equivalency exam online.
In addition, the amendments remove an oversight Category 2 from this rule.

5. Fiscal Information

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

A. State budget:

This rule change is not expected to have fiscal impact on state government revenues or expenditures.

The amendments remove the oversight Category 2 designation and update Section R277-702-4 to clarify when non-resident students can take a high school equivalency exam in Utah and when Utah residents can complete the exam online.

Because these modifications merely clarify residency and testing modalities without creating new state-level programs, changing funding mechanisms, or requiring additional state personnel, there are no incremental costs or savings associated with this rule change for the state budget.

B. Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

This rule updates Section R277-702-4, Eligibility for HSE Testing, allowing any individual to take the Utah HSE exam at an in-person testing center in Utah regardless of residency, and permitting Utah residents to take an online proctored exam if they are working with a Utah State Board of Education (USBE) sponsored prep center or cannot access in-person testing due to unique circumstances.

Because these adjustments strictly expand eligibility and testing access options for individual candidates and do not mandate new administrative actions, facilities, or unbudgeted expenditures from Local Education Agencies (LEAs), there are no incremental costs or savings to local governments.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This rule strictly governs candidate eligibility criteria and procedures for the Utah High School Completion Diploma.

Because the amendments do not interact with, mandate services from, or regulate small businesses, there are no incremental costs or savings to small businesses.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses', revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

The amendments clarify that non-residents may take an HSE exam at in-person testing centers in Utah, and that Utah residents may take an online proctored exam under specific conditions. While this provides more flexible access to testing for individual candidates, it does not alter the underlying, uniform fees for the Utah high school completion diploma as adopted by the Superintendent.

Because this rule does not impose new financial burdens or reduce existing fees on individuals or non-governmental entities as a class, there are no incremental costs or savings.

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

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

This rule updates the eligibility pathways for individuals seeking to take an HSE exam, specifically regarding online testing and non-resident in-person testing.

Because these updates expand options rather than imposing new mandatory financial fees, fines, or out-of-pocket compliance expenses on candidates seeking testing, there are no 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 State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

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

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-501(1)(b)	Section 53E-3-401
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	09/15/2026
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R277. Education, Administration.**R277-702. Procedures for the Utah High School Completion Diploma.****R277-702-1. Authority~~[,] and Purpose~~[, and Oversight Category].~~~~**

- (1) This rule is authorized by:
- (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board;
 - (b) Subsection 53E-3-501(1)(b), which directs the Board to adopt rules regarding access to programs, competency levels, and graduation requirements; and
 - (c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law.
- (2) The purpose of this rule is to describe the standards and procedures required for an individual to obtain a Utah High School Completion Diploma.
- ~~[(3) This Rule R277-702 is categorized as Category 2 as described in Rule R277-111.]~~

R277-702-2. Definitions.

- (1) "High school equivalency exam" or "HSE exam" means a Board approved examination whose test modules are aligned with:
 - (a) current high school core standards; and
 - (b) the college and career readiness standards for adult education.
- (2) "Out-of-school youth" means an individual 16 to 19 years of age whose high school cohort has not graduated and who is no longer enrolled in a K-12 program of instruction.
- (3) "Utah high school completion diploma" means a completion diploma issued by the Board and distributed by a Board-approved contractor, to an individual who has passed all subject modules of the HSE exam at a Utah HSE exam testing center.

R277-702-3. Administrative Procedures and Standards for Testing and Certification.

- (1)(a) The Superintendent shall contract with a third party contractor in accordance with state procurement law to administer HSE exams in the state.
- (b) The Superintendent may contract with public non-profit institutions within the state to administer HSE exams and provide related testing services.
- (c) The Superintendent shall determine the number and location of the institutions designated as testing centers in a manner that ensures that the test is reasonably accessible to potential applicants.
- (d) The Superintendent shall develop requirements for HSE exam testing centers in conjunction with the contractor approved in accordance with Subsection (1)(a).
- (2) The Superintendent shall develop minimum scores required for passing an HSE exam in conjunction with a vendor chosen in accordance with Subsection (1)(a).
- (3) The Superintendent shall award a diploma to a candidate who receives a passing score on an HSE exam.

R277-702-4. Eligibility for HSE Testing.

- (1)~~(a)~~ Any individual may take a Utah HSE exam at an in-person testing center in Utah regardless of state of residency.
- ~~(b) A Utah resident may take an online proctored exam if:~~
 - ~~(i) the student is actively working with a USBE sponsored prep center; or~~
 - ~~(ii) the student cannot access in-person testing due to geography, disability, or other unique circumstances.~~
- (2) A candidate for the HSE exam:
 - (a) shall be at least 16 years of age when of registration for the exam; and
 - (b) may not be enrolled in any Utah k-12 school unless enrolled in the Focused Graduation Pathway as described in Rule R277-722.
- (3) A 16-year-old candidate shall submit a completed state of Utah HSE Candidate and Adult Education Eligibility Form, which shall include:
 - (a) verification in a manner approved by the Superintendent that the candidate is not enrolled in a school;
 - (b) verification that the candidate understands and accepts the consequences and educational choices associated with the candidate's withdrawal from a K-12 program of instruction, including the prohibition from returning to a K-12 program anywhere in Utah upon successful passing of an HSE exam; and
 - (c) signed acknowledgment from the candidate's parent or guardian specifically stating that the candidate and parent or guardian:
 - (i) understand and accept the consequences and educational choices associated with the candidate's decision to withdraw from a K-12 program of instruction; and
 - (ii) authorize the candidate to take an HSE exam; and
 - (d) verification from a representative of a Utah state-sponsored adult education district program that the candidate demonstrates academic competencies to meet with success in passing the HSE exam.
- (4) A student enrolled in the Focused Graduation Pathway as described in Rule R277-722 may take a Utah HSE exam while enrolled in any participating Utah K-12 school and does not need to submit a completed state of Utah HSE Candidate and Adult Education Eligibility Form.

(5) A 16 year-old candidate may provide a marriage certificate in lieu of the requirement of Subsection (3)(c) if the candidate is married.

(6) A 17 or 18 year-old candidate whose cohort has not graduated shall submit a state of Utah HSE Candidate and Adult Education Eligibility Form, which shall include:

- (a) verification in a manner approved by the Superintendent that the candidate is not enrolled in school; and
- (b) the signature of the candidate's parent or guardian authorizing the test.

(7) A candidate may submit a marriage certificate in lieu of the requirement contained in Subsection (5)(b) if the candidate is married.

(8) An out-of-school youth of school age who has not successfully passed all HSE exam modules shall be allowed to return to a k-12 public school before the time their class graduates with the understanding and expectation that all necessary requirements for the traditional k-12 diploma shall be completed before issuance of a regular high school diploma.

(9) An out-of-school youth of school age who has received a Utah high school completion diploma is not eligible to return to a k-12 public school unless it is required for provision of a free appropriate public education under the Individuals with Disabilities Education Act, 20 U.S.C., Chapter 33.

R277-702-5. Fees.

(1) The Superintendent, with approval of the Board, shall adopt uniform fees for the Utah high school completion diploma and uniform forms, deadlines, and accounting procedures to administer this program for inclusion with the contract with the contractor identified in accordance with Subsection R277-702-3(1)(a).

(2) An approved testing center may only collect a fee in accordance with the amounts and procedures approved pursuant to Subsection (1).

R277-702-6. Official Transcripts.

(1) The Board shall accept HSE exam scores when an original score is reported by:

- (a) a Board-approved HSE exam testing center;
 - (b) the transcript service of the Defense Activity for Non-Traditional Educational Support;
 - (c) a Veterans Administration hospital or center; or
 - (d) a contractor selected by the Superintendent in accordance with Subsection R277-702-3(1)(a) or the contractor's authorized agent.
- (2) The Superintendent shall include a candidate's HSE exam result on the candidate's official transcript.

R277-702-7. Adult High School Outcomes.

(1) A local board of education may adopt standards and procedures for awarding up to five units of credit on the basis of test results which may be applied toward an adult education secondary diploma only if the student was enrolled in an adult education program before July 1, 2009 and an approved HSE exam was transcribed before July 1, 2009.

(2) An individual who took and passed an approved HSE exam before January 1, 2002 may enroll in an adult education program now and in the future to obtain an adult education secondary diploma upon completion of graduation requirements as defined in Rule 277-733, but may not apply for a previously issued HSE exam certificate to be converted to a Utah high school completion diploma.

(3) An individual who took and passed an approved HSE exam in the state of Utah between the dates of January 1, 2002 and June 30, 2009 may apply for a Utah high school completion diploma to replace the originally issued HSE exam certificate issued by the Board or they may enroll in an adult education program to complete the necessary requirements for an adult education secondary diploma.

R277-702-8. HSE Exam Security.

(1) The following individuals may have access to the HSE exam:

- (a) Board staff approved by the Superintendent;
- (b) Authorized test examiners;
- (c) A contractor selected pursuant to Subsection R277-702-3(1)(a) and the contractor's agents;
- (d) Approved exam candidates during exam administration; or
- (e) An individual granted access in writing by the Superintendent.

(2) A test facilitator shall administer an HSE exam in strict accordance with procedures and guidelines specified by the Superintendent and the contractor approved in accordance with Subsection R277-702-3(1)(a).

(3) School staff members may not:

- (a) provide a student directly or indirectly with specific questions or answers from any official HSE exam;
- (b) allow a student access to any testing material, in any form, before test administration; or
- (c) knowingly and intentionally do anything that would inappropriately affect the security, validity, or reliability of an exam score of any individual student or group taking an HSE exam.

(4) A licensed educator who intentionally violates this Section R277-702-8 may be subject to disciplinary action under Section 53E-6-604 and Rule R277-217.

KEY: adult education, educational testing, student competency

Date of Last Change: 2026[February 7, 2025]

Notice of Continuation: September 3, 2026

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-501(1)(b); 53E-3-401

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal	Filing ID: 58246
Rule or section number:	R277-712

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-712. Personalized, Competency-based Learning Grant Programs
B. Purpose of the new rule or reason for the change:
This rule is being repealed because it is no longer funded.
C. Summary of the new rule or change:
This rule is no longer needed because all of the funding has been distributed and the programs have ended.
This rule is repealed in its entirety.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule repeal is not expected to have fiscal impact on state government revenues or expenditures.
The repeal of Rule R277-712 eliminates the administrative structure, application processes, and review committee for the Personalized, Competency-based Learning Grant Programs.
Because all funding for these grants has been distributed and the programs have concluded, repealing this obsolete rule will not generate new state expenditures or alter ongoing state revenues.
B. Local governments:
This rule repeal is not expected to have fiscal impact on local governments' revenues or expenditures.
This rule repeal removes the application procedures, pre-grant training requirements, and outcome-based measurement criteria previously used by local education agencies (LEAs) to access the Personalized, Competency-based Learning grants.
Because the grant program is no longer funded and has ended, local governments are no longer receiving or expending these specific funds, meaning the repeal itself does not create incremental costs or savings.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule repeal is not expected to have fiscal impact on small businesses' revenues or expenditures.

The repealed rule strictly governed a state grant program for public education agencies.

Because this rule did not regulate, mandate services from, or provide direct funding to small businesses, there are no incremental costs or savings.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses', revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

The scope of the repealed rule was limited to the administration of state grants to LEAs.

Because no individuals, partnerships, or non-governmental entities were financially regulated or funded by this specific rule, there are no incremental costs or savings to other persons.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The repeal of this rule removes obsolete administrative procedures for an unfunded grant program that applied strictly to LEAs.

Because this rule did not impose individual fees, fines, or compliance expenses on private citizens or school employees, there are no 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 State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

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

9. Citation Information

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

Utah Constitution, Article X, Section 3	Title 53F, Chapter 5, Part 5	Subsection 53E-3-401(4)
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	09/15/2026
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R277. Education, Administration.**~~[R277-712. Personalized, Competency-based Learning Grant Programs.~~****~~R277-712-1. Authority and Purpose.~~**

- ~~(1) This rule is authorized by:~~
 - ~~(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and~~
 - ~~(b) Section 53F-5-502, which requires the Board to:~~
 - ~~(i) define outcome-based measures for each type of grant awarded to LEA's;~~
 - ~~(ii) establish a grant application process;~~
 - ~~(iii) establish a review committee; and~~
 - ~~(iv) adopt metrics to analyze the quality of a grant application; and~~
 - ~~(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.~~
- ~~(2) The purpose of this rule is to:~~
 - ~~(a) define outcome-based measures for each type of grant awarded to LEA's;~~
 - ~~(b) establish a grant application process;~~
 - ~~(c) establish a review committee; and~~
 - ~~(d) adopt metrics to analyze the quality of a grant application.~~

~~R277-712-2. Definitions.~~

- ~~(1) "Grant" means:~~
 - ~~(a) a planning grant under Section 53F-5-503;~~
 - ~~(b) an implementation grant under Section 53F-5-504; or~~
 - ~~(c) an expansion grant under Section 53F-5-505.~~
- ~~(2) "Grant program" means the same as that term is defined in Section 53F-5-501.~~
- ~~(3) "Review committee" means the committee established by the Board in accordance with Subsection 53F-5-502(3)(c).~~

~~R277-712-3. Personalized Competency-based Learning Review Committee Membership and Duties.~~

- ~~(1) The review committee shall include the following individuals:~~
 - ~~(a) the Deputy Superintendent of Instructional Services or the Deputy's designee, who is a non voting member of the review committee;~~
 - ~~(b) one member who is an expert in blended learning;~~
 - ~~(c) one member who is an expert in STEM education;~~

- _____ (d) one member who is an expert in assessment of student learning;
- _____ (e) one member who is a former school district Superintendent;
- _____ (f) one member who is a current school administrator;
- _____ (g) one member who is a current charter school administrator;
- _____ (h) one member who is a former LEA administrator;
- _____ (i) one member who is a current teacher;
- _____ (j) one member who is a former teacher; and
- _____ (k) one member who is a current school district superintendent.
- _____ (2) In addition to the committee members described in Subsection (1), the review committee may select additional grant application reviewers to assist the review committee with the work described in Subsection (3).
- _____ (3) The review committee shall:
 - _____ (a) establish metrics to analyze the quality of a grant application;
 - _____ (b) review an LEA's grant application to determine whether the grant application:
 - _____ (i) meets the criteria described in applicable statute and rule; and
 - _____ (ii) should be selected by the Board to receive a grant;
 - _____ (c) make a recommendation to the Superintendent and the Board on which grant applications should be selected by the Board; and
 - _____ (d) perform other duties as directed by:
 - _____ (i) the Board; or
 - _____ (ii) the Superintendent.

R277-712-4. Pre-grant Approval Requirements.

- _____ (1) Before an LEA submits a grant application to the review committee for approval by the Board, the LEA shall have at least two LEA representatives participate in the personalized, competency based learning grant application technical assistance training conducted by the Superintendent, including:
 - _____ (a) the school district superintendent or charter school executive director; and
 - _____ (b)(i) the LEA's curriculum director; or
 - _____ (ii) the LEA's proposed personalized, competency based learning program manager.
- _____ (2) A member of an LEA's local school board or charter school governing board and other staff identified by the applying LEA may also participate in the technical assistance training described in Subsection (1).

R277-712-5. Grant Application.

- _____ (1) An LEA may apply for a grant by submitting an application to the Superintendent.
- _____ (2) The Superintendent shall:
 - _____ (a) develop a grant application for each phase of the grant program;
 - _____ (b) set a deadline for the application to be submitted to the Superintendent; and
 - _____ (c) make the grant application available to LEAs on the Board's website.

R277-712-6. Procedure and Requirements for Awarding a Grant.

- _____ (1) The review committee and the Superintendent shall make recommendations to the Board based on:
 - _____ (a)(i) the criteria described in Subsection 53F-5-503(2) for a planning grant;
 - _____ (ii) the criteria described in Subsection 53F-5-504(2) for an implementation grant; or
 - _____ (iii) the criteria described in Subsection 53F-5-505(2) for an expansion grant;
 - _____ (b) the LEA's proposed budget for the LEA's personalized, competency based learning program; and
 - _____ (c) the LEA's outcome-based measurements described in Subsection (2).
- _____ (2)(a) An LEA shall include outcome-based measurements as part of the LEA's personalized, competency based learning program to measure the performance of the LEA's plan.
 - _____ (b) The outcome-based measurements described in Subsection (2)(a) shall include at least one measurement of student growth and proficiency.
 - _____ (c) The outcome-based measurements described in Subsection (2)(a) may include:
 - _____ (i) parent and student satisfaction with the LEA's personalized, competency based learning program;
 - _____ (ii) cost savings;
 - _____ (iii) an increase in the LEA's graduation rate;
 - _____ (iv) number of credits earned by students through the personalized, competency based learning program; and
 - _____ (v) other quality program indicators as listed in Utah's Personalized Competency-Based Learning Education Framework.
- _____ (3) An LEA may be awarded each subsequent phase of the grant program only after:
 - _____ (a) successful participation in the previous phase; and
 - _____ (b) Board approval of the LEA's plan.
- _____ (4) If an LEA's grant application is denied by the Board:
 - _____ (a) an LEA may submit a new grant application the next year following the first denial;
 - _____ (b) an LEA may only submit a planning grant application the next year following a second denial and the LEA shall:
 - _____ (i) request technical assistance from the Superintendent prior to re-applying; and
 - _____ (ii) demonstrate increased understanding of personalized, competency based learning implementation upon re-application.

NOTICES OF PROPOSED RULES

~~KEY: personalized, competency-based learning, grant programs~~

~~Date of Last Change: November 8, 2021~~

~~Notice of Continuation: September 3, 2026~~

~~Authorizing, and Implemented or Interpreted Law: Art X Sec 3; Title 53E, Chapter 5, Part 5; 53E-3-401(4)]~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal	Filing ID: 58247
Rule or section number:	R277-720

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-720. Reimbursement Program for Early Graduation from Personalized, Competency-Based Learning Program
B. Purpose of the new rule or reason for the change:
This rule is being repealed because it is no longer necessary.
C. Summary of the new rule or change:
This rule needs to be repealed because the funding for the grant was not renewed.
This rule is repealed in its entirety.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule repeal is not expected to have fiscal impact on state government revenues or expenditures.
The repeal of Rule R277-720 removes the administrative structures and formulas used for the Reimbursement Program for Early Graduation from Personalized, Competency-Based Learning Program.
Because the funding for this grant was not renewed, the program is no longer active. The repeal of this obsolete rule will not generate new state expenditures or alter ongoing state revenues.
B. Local governments:
This rule repeal is not expected to have fiscal impact on local governments' revenues or expenditures.
This rule repeal removes the application procedures, personalized learning designations, and reimbursement calculations previously used by Local Education Agencies (LEAs) to seek funds for eligible students who graduated early.

Because the underlying grant funding was not renewed by the legislature, LEAs are no longer receiving these reimbursements. Therefore, the administrative repeal of this rule itself does not create incremental costs or savings to local governments.

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

This rule repeal is not expected to have fiscal impact on small businesses' revenues or expenditures.

This repealed rule strictly governed a state reimbursement program for public education agencies based on student graduation timelines.

Because this rule did not regulate, mandate services from, or provide direct funding to small businesses, there are no incremental costs or savings.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

The scope of the repealed rule was limited to the administration of state reimbursements to LEAs.

Because no individuals, partnerships, or non-governmental entities were financially regulated or funded by this specific rule, there are no incremental costs or savings to other persons.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

The repeal of this rule removes obsolete administrative procedures for an unfunded reimbursement program that applied strictly to local education agencies.

Because this rule did not impose individual fees, fines, or compliance expenses on private citizens or school employees, there are no 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

NOTICES OF PROPOSED RULES

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

7. Regulatory Impact Analysis Approval

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

8. Family Impact Information

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

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Subsection 53F-2-511(1)(c)(ii)
Subsection 53F-2-511(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: 11/02/2026

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	09/15/2026
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R277. Education, Administration.

~~R277-720. Reimbursement Program for Early Graduation from Personalized, Competency Based Learning Program.~~

~~R277-720-1. Authority and Purpose.~~

- ~~(1) This rule is authorized by:~~
- ~~(a) Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board;~~
 - ~~(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;~~
 - ~~(c) Subsection 53F-2-511(1)(c)(ii), which allows the Board to make rules to specify additional criteria for an LEA to be eligible for a personalized, competency-based learning early graduation reimbursement; and~~
 - ~~(d) Subsection 53F-2-511(6), which allows the Board to make rules for the administration of the Reimbursement Program for Early Graduation from Personalized, Competency Based Learning.~~

~~R277-720-2. Definitions.~~

- ~~(1) "Eligible LEA" means an LEA that:~~
- ~~(a) has demonstrated to the Board that the LEA or a school within the LEA provides and facilitates personalized competency-based learning that is based on the core principles described in Section 53F-5-502; and~~
 - ~~(b) has an approved personalized, competency-based learning program that includes:~~
 - ~~(i) at least one outcome measure for each indicator level required by the Superintendent;~~
 - ~~(ii) outcome measures that are disaggregated by student subgroups where possible; and~~
 - ~~(iii) at least one outcome measure for student growth and proficiency.~~
 - ~~(2) "Eligible student" means a student who:~~
 - ~~(a) meets the requirements described in Subsection 53F-2-511(1)(d);~~
 - ~~(b) has been flagged by an LEA as a personalized competency-based learning participant.~~

- ~~(3) "Program" means the Reimbursement Program for Early Graduation from Personalized, Competency Based Learning described in Section 53F-2-511.~~
- ~~(4) "Review Committee" means the Personalized Competency-based Learning Review Committee created in Section R277-712-3.~~

~~R277-720-3. Personalized, Competency Based Learning Designation.~~

- ~~(1) To receive a personalized, competency-based learning designation, an eligible LEA shall:~~
- ~~(a) submit an application in the form prescribed by the Superintendent to the review committee;~~
- ~~(b) submit the application in Subsection (1)(a) no later than April 1 of the school year prior to the school year in which the LEA intends to seek reimbursement; and~~
- ~~(c) have an approved personalized, competency-based learning plan pursuant to Rule R277-712.~~
- ~~(2) The review committee shall review each application and make recommendations to the Board based on the Board approved personalized, competency-based learning core principals and measures described in Rule R277-712.~~
- ~~(3) The Board shall approve or deny the recommendations made by the review committee in a timely manner.~~
- ~~(4) If approved, an eligible LEA's personalized, competency-based learning designation shall continue for three years, provided the school continues to implement a personalized, competency-based learning model.~~
- ~~(5) An eligible LEA may not retroactively use an approved personalized, competency-based learning designation for reimbursement of eligible students.~~
- ~~(6) An LEA may claim reimbursement for eligible students in the school year after establishing a personalized, competency-based learning designation and in subsequent years, as long as the designation continues.~~

~~R277-720-4. Early Graduation Reimbursement.~~

- ~~(1) An eligible LEA with a personalized, competency-based learning designation may seek reimbursement for an eligible student in October for membership generated by the eligible student in the previous school year.~~
- ~~(2) The reimbursement amount shall be calculated by the Superintendent in the following manner:~~
- ~~(a) the amount of weighted pupil unit lost due to early graduation for each eligible student shall be determined as described by Subsection 53F-2-511(5);~~
- ~~(b) the total amount of lost weighted pupil unit for each eligible student shall be used to establish an LEA aggregate total and a statewide aggregate total for all eligible students;~~
- ~~(c) if the statewide aggregate total is equal to or less than the total amount allocated for the program by the legislature, an eligible LEA shall be reimbursed the LEA aggregate total;~~
- ~~(d) if the statewide aggregate total exceeds the total amount allocated for the program by the legislature, an eligible LEA shall be reimbursed a prorated amount proportionate to the percentage that the LEA aggregate total is of the statewide aggregate total.~~
- ~~(3) An LEA shall not receive a reimbursement for an eligible student that exceeds the amount outlined in Subsection 53F-2-511(5)(a).~~

~~KEY: personalized, competency-based learning, reimbursements, early graduation~~

~~Date of Last Change: November 8, 2021~~

~~Notice of Continuation: September 3, 2026~~

~~Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-2-511(1)(c)(ii); 53F-2-511(6)~~

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58248
Rule or section number:	R277-727

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-727. School Meals Program
B. Purpose of the new rule or reason for the change:
The amendments are the result of the passage of HB 100 during the 2026 General Session.
C. Summary of the new rule or change:
The rule amendments clarify reduced-price lunch reimbursement procedures, meal debt communications, and Local Education Agency (LEA) responsibilities while preserving existing administration of school meals program revenues.

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 100 (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 change is not expected to have fiscal impact on state government revenues or expenditures. The amendments to Rule R277-727 implement the provisions of HB 100 (2026), which requires the Utah State Board of Education to administer the state reduced-price lunch reimbursement program and oversee LEA meal debt communications. This rule mandates that the Superintendent establish procedures for distributing revenues, monitoring LEA participation, and recovering funds distributed in error, subject to legislative appropriations. Because these administrative duties strictly execute a funded legislative mandate and do not independently generate new state revenues or unbudgeted expenditures beyond what the legislature appropriated for HB 100 (2026), there are no incremental costs or savings associated with this rule change for the state budget.
B. Local governments:
This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. This rule updates require eligible LEAs to provide reimbursable lunches at no charge to eligible students, submit supporting documentation for reimbursement, and direct all meal debt communications exclusively to parents or guardians. LEAs are also required to maintain written meal charge policies and consider food waste reduction measures. Because these requirements are the direct result of the passage of HB 100 (2026), and the reimbursements are subject to legislative appropriations, the administrative rule itself does not create independent incremental costs or savings to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures. This rule strictly governs public school meal programs, LEA reimbursement procedures, and internal debt communication protocols. Because the amendments do not interact with, mandate services from, or regulate small businesses, there are no incremental costs or savings to small businesses.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

The scope of the amendments is limited to the administration of the school meals program, specifically concerning reduced-price lunch reimbursements and how LEAs manage student meal debt communications.

While eligible students will receive lunches at no charge under HB 100 (2026), the rule itself is an administrative vehicle for a legislatively-funded program and does not financially regulate or impose new costs on individuals, partnerships, or non-governmental entities.

Therefore, there are no incremental costs or savings.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

This rule outlines the procedures LEAs must follow to receive state reimbursements and manage student meal debt.

Because these administrative and policy requirements are borne entirely by the local education agencies and do not impose individual fees, fines, or out-of-pocket compliance expenses on students, parents, or private citizens, there are no 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 State Superintendent of the Utah State Board of Education, Molly Hart, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

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

9. Citation Information

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

Utah Constitution, Article X, Section 3	Subsection 53E-3-401(4)	Section 53E-3-510
Section 53F-2-423		

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: 11/02/2026

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Ben Rasmussen, Director of Policy	Date:	09/15/2026
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R277. Education, Administration.**R277-727. School Meals Program.****R277-727-1. Authority and Purpose.**

(1) This rule is authorized by:

- (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
- (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
- (c) Section 53E-3-510, ~~[which allows the Board to control how meals program revenue may be disbursed, transferred, or drawn upon]~~ which authorizes the Board to administer the school meals program and apportion school meals program revenues; and
- (d) ~~Section 53F-2-423, which requires the Board to reimburse LEAs for eligible reduced-price lunches and administer the state reduced-price lunch reimbursement program.~~

(2) The purpose of this rule is to:

- (a) ~~[define school meals programs]~~ establish procedures for administering and apportioning school meals program revenues under Section 53E-3-510; and
- (b) ~~[outline how the school meals program revenue may be distributed.]~~ establish procedures for administering the state reduced-price lunch reimbursement program under Section 53F-2-423;
- (c) clarify LEA responsibilities related to implementation of school meals requirements; and
- (d) establish monitoring and reporting requirements necessary to administer the program.

R277-727-2. Definitions.

(1) "Eligible LEA" means a school district or charter school participating in the National School Lunch Program that is eligible to receive reimbursement under Section 53F-2-423.

(2) "Eligible student" means a student enrolled in kindergarten through grade 12 who qualifies for reduced-price meals under the National School Lunch Program.

~~[(4)](3)~~ "Federal child nutrition laws" means the Richard B. Russell National School Lunch Act, 79 P.L. 396, 60 Stat. 230, and the Child Nutrition Act of 1966, 89 P.L. 642, 80 Stat. 885.

(4) "Meal debt" means unpaid charges owed to an LEA for school meals. Meal debt includes delinquent debt while collection efforts are ongoing and may become bad debt if determined to be uncollectable in accordance with applicable federal requirements.

(5) "National School Lunch Program" means the same as defined in 7 C.F.R. 210.2.

(6) "Reimbursable lunch" means a lunch that meets USDA reimbursement requirements under the National School Lunch Program.

~~[(2)](7)~~ "School meals program" means ~~[a program that meets the requirements in 7 CFR 210, 220, or 225.]~~ a program that operates in accordance with the requirements of 7 C.F.R. Parts 210, 220, or 225.

R277-727-3. School Meals Program Reimbursement.

- ~~(1)~~ The Superintendent shall administer school meals program revenues in accordance with Section 53E-3-510.
- ~~(2)~~ The Superintendent shall establish procedures for apportioning and distributing school meals program revenues to LEAs in accordance with Section 53E-3-510.
- ~~(3)~~ The Superintendent may establish reporting, documentation, and verification procedures necessary to administer the school meals program and comply with applicable state and federal requirements.
- ~~(4)~~ The Superintendent shall monitor LEA participation and reimbursement requests pursuant to federal law.
- ~~[(4)](5)~~ An LEA shall receive a state reimbursement for each meal served pursuant to a school meals program through a state reimbursement rate established by the Superintendent.
- ~~[(2)](6)~~ The Superintendent shall determine the state reimbursement rate by considering:
 - (a) the previous year's state reimbursement rate;
 - (b) statewide participation rates in school meals programs;
 - (c) the amount of state liquor tax revenues collected pursuant to Subsection 32B-2-304(4); and
 - (d) additional considerations established by the Board.
- ~~[(3)](7)~~ The Superintendent shall establish at least twice a year a flat rate per reimbursable meal served pursuant to a school meals program.
- ~~[(4)](8)~~ The Superintendent may establish an additional reimbursement rate if there is incremental state liquor tax revenue collected compared to the total collected amount in fiscal year 2021.
- ~~[(5)](9)~~ An LEA may receive an additional state reimbursement amount per reimbursable meal served if the LEA has established school meals programs enhancements including:
 - (a) increased meal quality;
 - (b) innovative meal access;
 - (c) locally purchased products; or
 - (d) improved meal presentation.
- ~~[(6)](10)~~ The Superintendent shall establish:
 - (a) the qualifying criteria for an additional state reimbursement described in Subsection ~~[(4)](8)~~; and
 - (b) appropriate monitoring procedures in accordance with Federal child nutrition laws.
- ~~[(7)](11)~~ The Superintendent shall establish the additional state reimbursement rate by considering:
 - (a) the previous year's additional state reimbursement rate;
 - (b) participation rates of school meals programs for LEAs with school meals programs enhancements;
 - (c) the amount of incremental state liquor tax revenues collected to be set aside; and
 - (d) additional considerations established by the Board.

R277-727-4. LEA Responsibilities.

- ~~(1)~~ An eligible LEA shall provide a reimbursable lunch at no charge to an eligible student as required by Section 53F-2-423.
- ~~(2)~~ An eligible LEA seeking reimbursement shall submit information and supporting documentation in the form and manner established by the Superintendent.
- ~~(3)~~ An eligible LEA shall maintain records sufficient to support reimbursement requests and demonstrate compliance with applicable state and federal requirements.
- ~~(4)~~ An eligible LEA shall direct communications regarding a student's meal debt only to the student's parent or guardian, consistent with Section 53F-2-423.
- ~~(5)~~ An LEA shall ensure that meal service practices do not publicly identify, stigmatize, or place responsibility on a student for resolving meal debt.
- ~~(6)~~ Nothing in this rule prohibits school personnel from responding to a student's request for information regarding the student's own meal account, provided the communication:
 - (a) is initiated by the student;
 - (b) is conducted privately and respectfully; and
 - (c) is not used to collect meal debt from the student.
- ~~(7)~~ An eligible LEA shall maintain a written meal charge policy consistent with applicable federal requirements.
- ~~(8)~~ An LEA shall consider appropriate food waste reduction measures, consistent with Subsection 53F-2-423(6).

R277-727-5. Reduced-Price Lunch Reimbursement.

- ~~(1)~~ Subject to legislative appropriations, the Superintendent shall provide reimbursement to eligible LEAs in accordance with Section 53F-2-423.
- ~~(2)~~ The Superintendent shall establish reimbursement procedures consistent with state law.
- ~~(3)~~ If appropriated funds are insufficient to fully reimburse participating LEAs, reimbursements shall be distributed in accordance with Section 53F-2-423.

R277-727-6. Monitoring.

- (1) The Superintendent may review reimbursement documentation submitted by an LEA.
- (2) An LEA shall provide documentation requested by the Superintendent to verify reimbursement claims.
- (3) If reimbursement funds are distributed in error, the Superintendent may recover those funds in accordance with applicable state and federal law.

KEY: school meals, child nutrition, reimbursement

Date of Last Change: 2026~~[June 24, 2024]~~

Notice of Continuation: May 13, 2026

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-510; 53F-2-423

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58249
Rule or section number:	R277-914

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Ben Rasmussen	801-538-7992	ben.rasmussen@schools.utah.gov

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

3. General Information

A. Rule or section catchline:
R277-914. Career and Technical Student Organizations
B. Purpose of the new rule or reason for the change:
The amendments clarify the governance for Career and Technical Student Organizations (CTSOs) while supporting the Utah State Board of Education's administration of career and technical education programs
C. Summary of the new rule or change:
The amendments revise and clarify definitions, improve organization and readability, update cross-references, and make technical and conforming changes throughout this rule.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have fiscal impact on state government revenues or expenditures.
The amendments to Rule R277-914 redefine "Career and technical education," replace the definition of "CTE programs of study" with a definition for "Program," and establish that CTOSs must comply with policies and procedures established by the Superintendent.
Because these updates strictly clarify internal definitions, reorganize cross-references, and do not introduce new state programs, expenditures, or funding formulas, there are no incremental costs or savings associated with this rule change for the state budget.

B. Local governments:

This rule change is not expected to have fiscal impact on local governments' revenues or expenditures.

This rule updates the definitions related to career and technical education (CTE) programs and clarifies the governance structure of CTSOs.

Because this rule strictly reorganizes internal administrative definitions and clarifies the responsibilities of CTSO advisory boards without imposing new operational requirements or financial burdens on local education agencies, there are no incremental costs or savings to local governments.

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

This rule change is not expected to have fiscal impact on small businesses' revenues or expenditures.

This rule strictly governs student organizations and CTE programs within the public education system.

Because the amendments do not interact with, mandate services from, or regulate small businesses, there are no incremental costs or savings to small businesses.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses, and it does not require any expenditures of, or generate revenue for non-small businesses.

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

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

The scope of the amendments is limited to updating definitions and oversight requirements for state-level CTSOs.

Because no individuals, partnerships, or non-governmental entities are financially regulated or affected by the updated CTE definitions, there are no incremental costs or savings to other persons.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons.

This rule clarifies CTSO definitions and advisory board duties without creating new financial fees, fines, or out-of-pocket expenses for students or educators.

Because these administrative updates do not impose individual compliance costs, there are no 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

NOTICES OF PROPOSED RULES

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

8. Family Impact Information

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

9. Citation Information

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

Subsection 53E-3-507(1)

Subsection 53E-3-507(3)

Subsection 53E-3-401(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:

11/02/2026

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:

Ben Rasmussen, Director of Policy

Date:

09/15/2026

R277. Education, Administration.

R277-914. Career and Technical Student Organizations.

R277-914-1. Authority and Purpose.

(1) This rule is authorized by:

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

(b) Subsection 53E-3-507(1), which directs the Board to establish minimum standards for career and technical programs in the public education system;

(c) Subsection 53E-3-507(3), which directs the Board to cooperate with federal and state governments to administer programs which promote and maintain career and technical education; and

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

(2) The purpose of this rule is to:

(a) make Career and technical student organizations programmatically and fiscally accountable to the Board; and

(b) provide procedures and supervision toward that end.

R277-914-2. Definitions.

(1) "Career and technical education" or "CTE" means organized educational programs ~~[or courses in a secondary school that~~

- ~~_____ (a) teach current industry specific skills and knowledge;~~
- ~~_____ (b) prepare a student for employment; and~~
- ~~_____ (c) can prepare a student for postsecondary employment where entry requirements do not require a baccalaureate or advanced degree.]that:~~
- ~~_____ (a) prepare students for a wide range of high-skill, high-demand or emerging careers;~~
- ~~_____ (b) provide all students with a seamless education system from public education to postsecondary education, driven by a Plan for College and Career Readiness as defined in Rule R277-462; and~~
- ~~_____ (c) provide students competency-based instruction, hands-on experiences, and certified occupational skills, culminating in meaningful employment.~~
- ~~[_____ (2) "CTE programs of study" means programs organized into clusters that include:~~
- ~~_____ (a) agriculture, food, and natural resources;~~
- ~~_____ (b) architecture and construction;~~
- ~~_____ (c) arts, audio or vision technology, and communications;~~
- ~~_____ (d) business, finance, and marketing;~~
- ~~_____ (e) computer science and information technology;~~
- ~~_____ (f) education and training;~~
- ~~_____ (g) engineering and technology;~~
- ~~_____ (h) health science;~~
- ~~_____ (i) hospitality and tourism;~~
- ~~_____ (j) human services;~~
- ~~_____ (k) law, public safety, corrections, and security;~~
- ~~_____ (l) manufacturing; and~~
- ~~_____ (m) transportation, distribution, and logistics.]~~
- ~~[(3)](2) "Career and technical student organization" or "CTSO" means a designated student leadership organization that:~~
- ~~(a) provides opportunities for students to learn and practice:~~
- ~~(i) leadership development;~~
- ~~(ii) academic and technical skills; and~~
- ~~(iii) community involvement; and~~
- ~~(b) are intra-curricular organizations which are integral to the career and technical programs at the secondary and postsecondary levels of instruction; and~~
- ~~(c) have local, state and national affiliation.~~
- ~~[(4)](3) "CTSO state advisor" means a professional in identified program areas designated by the Superintendent to direct a career and technical student leadership organization statewide.~~
- ~~(4) "Program" means a combination of CTE courses within a pathway and cluster that provides the competencies needed for specific certifications, job placement, or continued postsecondary training.~~

R277-914-3. Student Organization Advisory Boards.

- (1) Each student organization designated by the Superintendent shall establish a statewide organization advisory board of not less than five members, one of which must be the Superintendent or designee.
- (2) Each CTSO shall develop and follow organization by-laws, which shall be available on the CTSO's website.
- (3) Each CTSO advisory board shall have advisory fiscal oversight for the organization.
- (4) Each CTSO advisory board shall conduct an annual performance evaluation of the work performed by the respective CTSO advisor.
- (5) Each CTSO shall comply with the policies and procedures established by the Superintendent.

R277-914-4. Fiscal Oversight of Student Organizations.

- (1) A CTSO advisory board shall act consistent with fiscal procedures provided by the Superintendent.
- (2) A CTSO advisory board shall submit the required financial records and reports for monitoring on a schedule established by the Superintendent.
- (3) A CTSO's financial records shall be submitted for review whenever there is a change in the CTSO state advisor.
- (4) The funds designated for management of student organizations at the state level shall be dispersed by the Superintendent for CTSOs through the grants management system.
- (5) Additional funds allocated by the legislature as CTE student organization funds shall be used for:
 - (a) oversight and management of state CTSO programs, including:
 - (i) national conference travel;
 - (ii) salaries; and
 - (iii) state level advisors, operations, and management; and
 - (b) if funds are available, CTSO grants to an LEA.

KEY: secondary education, career and technical education

Date of Last Change: 2026[November 8, 2024]

NOTICES OF PROPOSED RULES

Notice of Continuation: September 3, 2026

Authorizing, and Implemented or Interpreted Law: 53E-3-507(1); 53E-3-507(3); 53E-3-401(4)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58237
Rule or section number:	R380-100

1. Agency Information

Title catchline:	Health and Human Services, Administration
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 142003
City, state and zip:	Salt Lake City, UT 84114-2003

2. Contact Persons

Name:	Phone:	Email:
Angie McCourt	385-505-3502	amccourt@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

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

3. General Information

A. Rule or section catchline:
R380-100. Americans with Disabilities Act Grievance Procedures
B. Purpose of the new rule or reason for the change:
Upon internal review, the Department of Health and Human Services (department) determined this rule should be updated to clarify definitions and the procedures for processing alleged ADA/Title II grievances against the department.
Additionally, HB 384, passed in the 2026 General Session, updated the title of the department's "executive director" to "commissioner," making it necessary to update that term in this rule.
C. Summary of the new rule or change:
This filing updates citations relevant to this rule and clarifies definitions and procedures for processing alleged ADA/Title II grievances against the department.
It updates language to match wording in statute, use consistent phrasing for clarity, and align with current practice.
It also replaces the phrase "executive director" with "commissioner."
Additionally, this filing makes style and formatting changes to comply with the Rulewriting Manual for Utah and align with other rules under the department.

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 384 (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 on the state budget, as this filing clarifies the role of different positions in the existing process for complaints and does not add to, modify, or remove any responsibilities or restrictions of the department.

B. Local governments:

There is no anticipated fiscal impact on local governments, as this rule does not apply to this group.

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

There is no anticipated fiscal impact on small businesses, as this rule does not apply to this group.

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

There is no anticipated fiscal impact on small businesses, as this rule does not apply to this group.

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

There is no anticipated fiscal impact on other persons, who are the individuals who file a complaint, as this filing clarifies the role of different positions within the department in the existing process for complaints and does not add to, modify, or remove any responsibilities or restrictions of an individual filing a complaint.

F. Compliance costs for affected persons:

There are no anticipated compliance costs for the state or other persons as a result of this filing, as this filing clarifies the role of different positions within the department in the existing process for complaints.

This filing does not add to, modify, or remove any responsibilities or restrictions of the department or an individual filing a complaint.

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:	☒
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9. Citation Information

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

Section 26B-1-202

Subsection 63G-3-201(3)

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.
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A. Comments will be accepted until:
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11/02/2026

12. Effective Date Information

This rule change MAY become effective on:	11/09/2026
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(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Commissioner	Date:	09/14/2026
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R380. Health and Human Services, Administration.**R380-100. Americans with Disabilities Act Grievance Procedures.****R380-100-1. Authority and Purpose.**(1)(a) ~~[This rule is made under authority of]~~ Section 26B-1-202 and Subsection 63G-3-201(3) authorize this rule.

(b) As required by 28 CFR 35.107, the Utah Department of Health and Human Services, as a public entity that employs more than 50 persons, adopts and publishes the grievance procedures within this rule for the prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. 12131 through 12134, as amended.

(2)(a) ~~The purpose of this rule is to implement 28 CFR 35, which in turn implements Title II of the ADA [Americans with Disabilities Act], which provides~~ providing that no individual shall be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by the department because of a disability.(b) ~~This rule ensures any person with a disability is afforded an equal opportunity to benefit from department services, programs, and activities.~~**R380-100-2. Definitions.**(1) "ADA [C]oordinator" means the employee assigned by the commissioner ~~[executive director]~~ to investigate ~~[and] or~~ facilitate the prompt and equitable resolution of a complaint[s] filed by a qualified ~~[persons] individual~~ with a disability[ies]. ~~[The ADA coordinator may be a representative of the Department of Human Resource Management assigned to the Department.]~~

(2) "Commissioner" means the commissioner of the department.

(3) "Delegated representative" means an individual delegated by the commissioner to assist with an appeal, as described in Section

R380-100-6.

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

(3)(a) ~~Designee~~ "Designee" means an individual ~~[appointed]~~ designated by the ~~[executive director or a]~~ director to investigate allegations of Title II ADA noncompliance in the event the ADA coordinator is unable or unwilling to conduct an investigation for any reason, including a conflict of interest.(b) ~~A designee does not have to be an employee of the department. [; however, the designee must have a working knowledge of the responsibilities and obligations required of employers and employees by the ADA.]~~(4)(b) ~~Director~~ "Director" means the head of the department's ~~[division]~~ operational unit ~~[of the department]~~ affected by a complaint filed under this rule.

(5)(a) "Disability" means a physical or mental impairment that substantially limits at least one major life activity for a person.

(b) An individual is considered a person with a disability if that individual:

(i) has a disability;

(ii) has a history or record of a disability; or

(iii) is regarded as having a disability, ~~[; with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.]~~(6) ~~Executive Director~~ "Executive Director" means the executive director of the department.

(7)(a) "Major life activity[ies]" means

(a) bending;

(b) breathing;

- (c) caring for oneself;
 - (d) communicating;
 - (e) concentrating;
 - (f) eating;
 - (g) hearing;
 - (h) learning;
 - (i) lifting;
 - (j) performing manual tasks;
 - (k) reading;
 - (l) seeing;
 - (m) sleeping;
 - (n) speaking;
 - (o) standing;
 - (p) thinking;
 - (q) walking;
 - (r) working;
 - (s) the operation of a major bodily function, including:
 - (i) bladder function;
 - (ii) bowel function;
 - (iii) brain function;
 - (iv) circulatory function;
 - (v) digestion;
 - (vi) endocrine function;
 - (vii) immune system function;
 - (viii) neurological function;
 - (ix) normal cell growth;
 - (x) reproduction; and
 - (xi) respiratory function; or
 - (t) anything else the department determines to be a major life activity[include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, and working. A major life activity also includes the operation of a major bodily function, such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions].
- (9)(a) "Operational unit" or "OU" means an agency within the department, including a division, office, or standalone operation, whose director reports to the commissioner, a deputy commissioner, or an assistant deputy commissioner.
- (b) The Utah State Hospital and the Utah State Developmental Center are each considered an OU.
- [~~(8)~~](10) "Qualified [F]individual" means an individual who meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the department, regardless of whether that individual has:
- (a) any reasonable modification to a rule, policy, or practice;
 - (b) the removal of any architectural, communication, or transportation barrier; or
 - (c) the provision of auxiliary aid and services.[—A "qualified individual" is also an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that individual holds or desires.]

R380-100-3. Filing of Complaints.

(1) Any qualified individual may file a complaint alleging noncompliance with Title II of the ADA[Americans with Disabilities Act], as amended[, or the federal regulations promulgated thereunder].

(2)(a) [~~Q~~](10) The qualified individual[s] shall file the[is] complaint[s] with the department's ADA coordinator[—unless the complaint alleges that the ADA coordinator was non-compliant, in which case qualified individuals shall file their complaints with the department's designee.

(3) Qualified individuals shall file their complaints] within 90 days after the date of the alleged noncompliance to facilitate the prompt and effective consideration of pertinent facts and appropriate remedies. This complaint may be filed by:

- (i) following the instructions on the disability ombuds services page of the ombuds services website;
- (ii) emailing dhscustomerexperience@utah.gov;
- (iii) calling 801-538-4580; or
- (iv) mailing the complaint to:
 - Multi-Agency State Office Building
 - Utah Department of Health and Human Services
 - Office of Ombudsman - 1st Floor
 - 195 North 1950 West
 - Salt Lake City, UT 84116

(b)[; however, the executive director]. The commissioner [has the discretion to direct that the grievance process be utilized to address]may direct the ADA coordinator to process a legitimate complaint[s] filed more than 90 days after the alleged noncompliance.

(4)3 Each complaint shall:

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- (a) include the complainant's name~~[-and]~~, mailing or email address, and phone number;
- (b) describe~~[include]~~ the nature and extent of the individual's disability;
- (c) describe the action the complainant alleges is prohibited by Title II of the ADA~~[department's alleged discriminatory action]~~ in sufficient detail to inform the department of the nature and date of the alleged violation;
- (d) describe the desired modification or resolution to the alleged prohibited action that the complainant is seeking~~[action and accommodation desired]~~; and
- (e) ~~[be signed by the complainant or by a legal representative]~~if the complaint is being submitted on behalf of the complainant, provide documentation confirming the person submitting the complaint is an authorized representative for the complainant.
- (5) ~~[C]~~Any complaint[s] filed on behalf of a class[es] or third party[ies] shall describe or identify by name, if possible, [the]any individual who the complaint allege[d]s was subjected to an action prohibited by Title II of the ADA~~[victims of discrimination]~~.
- (6) If the complaint is not submitted in writing, the ADA coordinator or designee shall transcribe or otherwise ~~[reduce]~~make a written record of the complaint~~[to writing]~~ upon receipt of the complaint.
- (7) By ~~[the]~~filing of a complaint or a subsequent appeal, the complainant authorizes necessary parties to conduct a ~~[confidential]~~ review of relevant information, including:
 - (a) records classified as private or controlled under ~~[the Government Records Access and Management Act,]~~ Subsection 63G-2-302(1)(b) and Section 63G-2-304~~[-]~~; consistent with 42 U.S.C. 12112(d)(4)(A), (B), and (C) and 42 U.S.C. Section 12112(d)(3)(B) and (C), and
 - (b) relevant information otherwise protected by statute, rule, regulation, or other law.

R380-100-4. Investigation of Complaints.

- (1) The ADA coordinator or designee shall investigate each complaint[s] to the extent necessary to assure relevant facts are collected and documented~~[- This may]~~, including~~[e]~~ gathering ~~[all]~~any applicable information ~~[listed]~~described in Subsections R380-100-3(4) and R380-100-3(7) ~~[of this rule]~~ if ~~[it is]~~ the complainant has not already provided that information~~[-not made available by the complainant]~~.
- (2) ~~[F]~~In making a recommendation, the ADA coordinator or designee may ~~[seek assistance from]~~consult with the:
 - (a) ~~[the]~~ Attorney General's staff~~[-and]~~;
 - (b) ~~[the]~~ department's human resource ~~[and]~~ or budget staff; ~~or~~ in determining what action, if any, should be taken on the complaint. The ADA coordinator or designee may also consult with-
 - (c) ~~[the]~~ director of the affected ~~[division]~~OU~~[- in making a recommendation]~~.
- (3)(a) ~~[F]~~Before making any recommendation described in Subsection (3)(b), the ADA coordinator or designee ~~[shall]~~may consult with a representative[s] from ~~[other]~~each state agency~~[-ies]~~ that may be affected by the ~~[decision]~~recommendation, including the:
 - (i) Governor's Office of Planning and Budget~~[-]~~;
 - (ii) ~~[the Department of Human Resource Management, the Division of Risk Management, the]~~ Division of Facilities Construction and Management~~[-]~~; and
 - (iii) ~~[the]~~ Office of the Attorney General~~[-before]~~.
- (b) The ADA coordinator or designee may consult with each potentially affected state agency, as described in Subsection (3)(a), before making any recommendation that would:
 - (i) involve an expenditure of funds that would require a separate appropriation beyond ~~[what is reasonably able to]~~ a reasonable modification~~[be accommodated within the applicable]~~ to an existing applicable line item~~[-so that it would require a separate appropriation]~~; or
 - (ii) require a facility modification[s]~~[-]~~; or
 - (c) require reassignment to a different position.]

R380-100-5. Recommendation and Decision.

- (1)(a) Within ~~[45]~~30 working days after receiving ~~[the]~~ a complaint, the ADA coordinator or designee shall submit a written recommendation to the director indicating what action, if any, the ADA coordinator or designee believes should be taken on the complaint.~~[The recommendation shall be in writing or in another accessible format suitable to the complainant.]~~
- (2)(b) If the ADA coordinator or designee cannot make a recommendation within the ~~[45]~~30 working day period described in Subsection (1)(a), the ADA coordinator or designee shall notify the complainant ~~[shall be notified]~~ in writing, or ~~[in]~~ another accessible format suitable to the complainant, ~~[stating]~~ and specify in that notification the reason for the delay ~~[why the recommendation is delayed]~~ and what additional time is needed to make the recommendation.
- (3)(a) ~~[The director may confer with the ADA coordinator or designee and the complainant and may accept or change the recommendation to resolve the complaint.]~~ The director shall provide a written decision indicating whether the director accepts, rejects, or will modify the ADA coordinator or designee's recommendation~~[make a decision]~~ within 15 working days after ~~[the director's receipt of]~~ receiving the recommendation~~[- from the ADA coordinator or designee]~~.
- (b) If the director cannot make a decision within the 15 working day period described in Subsection (3)(a), the director shall notify the complainant in writing, or another accessible format suitable to the complainant, and specify in that notification the reason for the delay and what additional time is needed to make the decision.
- (4) ~~[The director shall take reasonable steps to implement the decision.]~~ The ~~[director]~~ ADA coordinator or designee shall ensure the director's decision ~~[shall be]~~ is delivered to the complainant in writing, or ~~[in]~~ another accessible format suitable to the complainant~~[-and shall be promptly delivered to the complainant]~~.
- (5) Once the director has made a decision on the ADA coordinator or designee's recommendation, the director shall take reasonable steps, as necessary, to implement the decision.

R380-100-6. Appeals.

(1)(a) ~~The~~A complainant may appeal the director's decision to the ~~executive director~~commissioner within ten working days after the complainant[s] ~~receipt of~~receives the director's decision.

(2)(b) ~~The~~Any appeal shall be in writing, or ~~in~~another accessible format ~~reasonably suited~~suitable to the complainant[s ability], and describe in sufficient detail why the decision does not effectively address the complainant's needs.

(3)2(a) The ~~executive director~~commissioner may name a ~~designee~~delegated representative to assist ~~on~~with the appeal.

(b) The delegated representative may not be the:

(i) ADA coordinator or designee; or ~~and~~

(ii) the director's designee may not also be the executive director's designee for the appeal].

(4) In the appeal the complainant shall describe in sufficient detail why the decision does not effectively address the complainant's needs.]

(5)3(a) The ~~executive director or designee~~commissioner or delegated representative shall review the ADA coordinator or designee's recommendation, the director's decision, and ~~the~~each point[s] raised ~~on~~through the appeal before reaching a decision.

(b) The ~~executive director~~commissioner may direct additional investigation as necessary.

(c)(i) ~~The~~Before making any decision described in Subsection (3)(c)(ii), the ~~executive director~~commissioner or delegated representative ~~shall~~may consult with a representative[s] from ~~other~~each state agency[ies] that would be affected by the decision, including the:

(A) Governor's Office of Planning and Budget[?];

(B) ~~the Department of Human Resource Management, the Division of Risk Management, the~~ Division of Facilities Construction and Management[?]; and

(C) ~~the~~ Office of the Attorney General.

(ii) The commissioner or delegated representative may consult with each potentially affected state agency, as described in Subsection (3)(c)(i), before making any decision that would:

(a) involve an expenditure of funds that would require a separate appropriation beyond a reasonable modification to an existing[what is reasonably able to be accommodated within the] applicable line item[so that it would require a separate appropriation]; or

(b) require a facility modification[s], or

(c) require reassignment to a different position.]

(6)4(a) The ~~executive director~~commissioner or delegated representative shall issue a final decision within 15 working days after receiving the complainant's appeal[. The decision shall be] in writing, or ~~in~~another accessible format suitable to the complainant[, and shall be promptly delivered to the complainant].

(7)(b) If the ~~executive director~~commissioner or ~~designee~~delegated representative cannot reach a final decision within the 15 working day period described in Subsection (4)(a), the commissioner or delegated representative shall notify the complainant ~~shall be notified~~ in writing, or ~~by~~another accessible format suitable to the complainant, ~~why the final decision is being~~and specify in that notification the reason for the delay[ed] and ~~the~~what additional time is needed to reach a final decision.

R380-100-7. Record Classification.

(1) Any ~~R~~record[s] created ~~in~~through administering this rule ~~are~~is classified as ~~is~~protected under Subsections 63G-2-305(9), 63G-2-305(22), 63G-2-305(24), and 63G-2-305(25).

(2) After issuing a decision under Section R380-100-5 or a final decision upon appeal under Section R380-100-6, any portion[s] of the record pertaining to ~~the~~a complainant's medical condition shall be classified as ~~is~~private under Subsection 63G-2-302(1)(b) or ~~is~~controlled under Section 63G-2-304, ~~consistent with 42 U.S.C. 12112(d)(4)(A), (B), and (C) and 42 U.S.C. 12112(d)(3)(B) and (C), at the option of the ADA coordinator~~as deemed appropriate by the ADA coordinator or designee.

(3) ~~The~~Each director or commissioner's written decision ~~of the division director or executive director~~shall be classified as ~~is~~public[?].

(4) ~~and~~ aAny other record[s], except a controlled record[s] under Subsection ~~R380-100-7~~(2), shall be classified as ~~is~~private[?].

R380-100-8. Relationship to Other Laws.

This rule does not prohibit or limit the use of any remedy[ies] available to an individual[s] under:

(a)1 ~~the state Anti-Discrimination Complaint Procedures, Section 34A-5-107, and Section 67-19-32;~~

(b) ~~the~~the federal ADA Complaint Procedures, 28 CFR 35.170 through 28 CFR 35.178; or

(c)2 any other ~~Utah State~~state or federal law that provides equal or greater protection for the rights of individuals with disabilities.

KEY: grievance procedures, disabled persons

Date of Last Change: ~~June 5, 2023~~2026

Notice of Continuation: April 15, 2022

Authorizing, and Implemented or Interpreted Law: 26B-1-202; 63G-3-~~140~~201(2)3

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Repeal and Readopt	Filing ID: 58220
Rule or section number:	R501-8

1. Agency Information

Title catchline:	Health and Human Services, Human Services Program Licensing
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT

2. Contact Persons

Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	dlbcrules@utah.gov
Jada Stelmach	801-230-4296	dlbcrules@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:
R501-8. Outdoor Youth Programs
B. Purpose of the new rule or reason for the change:
The purpose of this filing is to address the health and safety standards and statutory requirements of congregate care programs offering outdoor youth programs, regulated by the Office of Licensing (OL), under the Department of Health and Human Services (department). The rule changes comply with the rulemaking requirements in Sections 26B-2-124 and 26B-2-124.1, introduced in SB 297 in the 2025 General Session, as well as a renumbering of Section 26B-2-104 to 26B-2-902, enacted through HB 472 passed in the 2026 General Session. SB 297 (2025) amended Section 26B-2-124 by adding definitions and requirements specific to congregate care program regulation and requiring OL to make rules describing additional mandatory provisions for a disruption plan, suicide prevention plan, objective criteria that a congregate care program shall apply in determining whether a child is in crisis, and how congregate care program shall notify OL when a child begins receiving services. Based on changes from SB 297 (2025), Section 26B-2-124 also requires OL to make rules defining key terms and establish rules necessary to administer the section. SB 297 (2025) also enacted Section 26B-2-124.1, which requires OL to adopt rules. Section 26B-2-124.1 establishes the Congregate Care Advisory Committee and, in consultation with this committee, requires OL to adopt by rule a set of applicable minimum safety requirements and make rules to implement and enforce that section. This section also requires OL to, in consultation with the committee, regulate admissions criteria for congregate care programs and define levels of congregate care. OL and the committee are in the process of developing the standard and intensive levels of congregate care and will update this rule when the levels of congregate care have been determined. Additionally, this filing will update the style and formatting of this rule to be consistent with other rules in the department and align with the Rulewriting Manual for Utah. Proposed changes to this rule resulted in a significant amount of markups, making the filing difficult to follow in an amendment format. Therefore, the department determined it is appropriate to organize this filing as a repeal and readopt.
C. Summary of the new rule or change:
This filing adds the definition of "child in crisis" and outlines criteria for a child to qualify as a candidate for and gain admission to an outdoor youth program. This filing includes requirements for any regulated provider to develop a discharge plan and suicide prevention plan for any client served in an outdoor youth program.

Additionally, this filing describes the requirement for providers to post and distribute a notice related to the congregate care ombudsman, and references applicable statute regarding provider requirements.

This filing adds a requirement that program administration keep client records for program evaluation available for client and parent or legal guardian review upon request.

This filing updates statutory references throughout this rule, as well as updating the title catchline and rule catchline and separates out the "Scope" section from the "Authority and Purpose" section.

Multiple sections are reorganized to support clarity for providers and the public.

This filing clarifies language related to requirements throughout this rule, as well as updating requirements regarding the weight of a backpack a client can carry, communication system requirements to include additional options beyond a radio system, and supervision requirements.

This filing adds "Background Checks" and "Compliance" sections to align with other department rules.

This filing also updates references that were renumbered through HB 472 (2026).

Additionally, it makes style and formatting changes to align with the Rulewriting Manual for Utah and other rules under the department.

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 297 (2025 General Session), HB 472 (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 result in a cost or savings on the state budget as congregate care providers are already regulated by OL.

This filing is intended to make clear the health and safety requirements for congregate care providers offering outdoor youth programs.

Any content that did not previously exist under other department rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered in the fiscal note for SB 297 (2025).

Any new content in this rule related to a disruption plan and suicide prevention plan for a client in a congregate care program provides specifics for an existing requirement and is not anticipated to introduce any cost or savings.

While the time needed for OL to conduct licensing reviews of congregate care providers offering outdoor youth programs may be reduced as a result of this filing containing only relevant requirements, licensors are not likely to reduce work to the point of a measurable savings to the state budget.

No new processes are being added to licensing reviews of these providers.

The fiscal note for SB 297 (2025) is available at:
<https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/SB0297S05.fn.pdf>.

The department does not anticipate any fiscal impact on the state budget as a result of the style and formatting changes, additional clarifying language changes, and revised client backpack weight, expanded communication system requirements, and supervision requirements included in this filing.

B. Local governments:

This filing is not anticipated to impact local governments' revenues or expenditures because congregate care providers are regulated by OL and not local governments.

There will be no change in local business licensing or any other item with which local government is involved.

Additionally, OL has not identified any providers offering outdoor youth programs that qualify as local governments.

The department does not anticipate any fiscal impact on the local governments as a result of the style and formatting changes, additional clarifying language changes, and revised client backpack weight, expanded communication system requirements, and supervision requirements included in this filing.

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

This filing is not anticipated to result in a cost or savings on small businesses, as OL already regulates congregate care providers and have already been complying with this rule's requirements as part of OL's existing licensing process.

Any content that did not previously exist under other department rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered under the state budget in the fiscal note for SB 297 (2025).

Any new content in this rule related to a disruption plan and suicide prevention plan for a client in a congregate care program provides specifics for an existing requirement and is not anticipated to introduce any cost or savings.

No new licensing processes have been added to increase costs for small business compliance.

The department does not anticipate any fiscal impact on small businesses as a result of the style and formatting changes, additional clarifying language changes, and revised client backpack weight, expanded communication system requirements, and supervision requirements included in this filing.

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

This filing is not anticipated to result in a cost or savings on non-small businesses, as OL already regulates congregate care providers.

Any content that did not previously exist under other department rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered under the state budget in the fiscal note for SB 297 (2025).

Any new content in this rule related to a disruption plan and suicide prevention plan for a client in a congregate care program provides specifics for an existing requirement and is not anticipated to introduce any cost or savings.

No new licensing processes have been added to increase costs for non-small business compliance.

The department does not anticipate any fiscal impact on the non-small businesses as a result of the style and formatting changes, additional clarifying language changes, and revised client backpack weight, expanded communication system requirements, and supervision requirements included in this filing.

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

This filing is not anticipated to result in a cost or saving on persons other than small businesses, non-small businesses, state, or local governments, as OL already regulates congregate care providers.

Any content that did not previously exist under other department rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered under the state budget in the fiscal note for SB 297 (2025).

Any new content in this rule related to a disruption plan and suicide prevention plan for a client in a congregate care program provides specifics for an existing requirement and is not anticipated to introduce any cost or savings.

No new licensing processes have been added to increase costs for persons other than small businesses, non-small businesses, state, or local government entities.

The department does not anticipate any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities as a result of the style and formatting changes, additional clarifying language changes, and revised client backpack weight, expanded communication system requirements, and supervision requirements included in this filing.

F. Compliance costs for affected persons:

Affected persons would be the small businesses, non-small businesses, and persons other than small businesses, non-small businesses, state, or local government entities, including nonprofit entities, providing congregate care outdoor youth program services.

Additionally, OL, as the regulatory body for health and safety standards for department providers, is affected by this filing.

Any content that did not previously exist under other department rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered under the state budget in the fiscal note for SB 297 (2025).

Any new content in this rule related to a disruption plan and suicide prevention plan for a client in a congregate care program provides specifics for an existing requirement and is not anticipated to introduce any cost. There is no anticipated compliance cost for affected persons as a result of this rule.

OL already regulates these providers and there is no anticipated cost associated with licensing reviews eliminating parts of the review that do not apply to this provider type.

The department does not anticipate any compliance costs for affected persons as a result of the style and formatting changes, additional clarifying language changes, and revised client backpack weight, expanded communication system requirements, and supervision requirements included in this filing.

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-2-124

Section 26B-2-902

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:

11/02/2026

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:

Tracy S. Gruber, Commissioner

Date:

09/02/2026

~~R501. Health and Human Services, Administration, Administrative Services, Licensing.~~

~~R501-8. Outdoor Youth Programs.~~

~~R501-8-1. Authority, Purpose, and Scope.~~

~~_____ (1) This rule is authorized by Section 62A-2-106 and establishes standards for the licensure of outdoor youth programs. This rule is intended to supplement the general provisions required of each human services program in Rule R501-1.~~

~~_____ (2) In the event of conflict, this rule shall supersede other rules under Title R501.~~

~~R501-8-2. Definitions.~~

~~_____ (1) The terms used in this rule are defined in Sections 62A-2-101 and R501-1-3.~~

~~_____ (2) "Essential equipment" means:~~

~~_____ (a) food;~~

~~_____ (b) potable water;~~

~~_____ (c) sunscreen;~~

~~_____ (d) insect repellent;~~

~~_____ (e) personal hygiene items;~~

~~_____ (f) sleeping bags rated for the current seasonal conditions;~~

~~_____ (g) an additional shelter and ground pad for colder months when the average nighttime temperature is 39 degrees F. or lower; and~~

~~_____ (h) basic clothing list and protective gear to ensure client protection against seasonal change in the environment.~~

~~_____ (3) "Field" means geographic area in which program hiking, camping and related client services occur.~~

~~_____ (4) "Field Office" means the office where coordination of field operations take place.~~

~~R501-8-3. Administration.~~

~~_____ (1) Each outdoor youth program shall provide an educational component as determined by the Utah State Board of Education for clients 18 years of age or younger who have been removed from their educational opportunities for more than one month. The administrators of the program shall meet and document cooperation with the State Board of Education in accordance with Section 62A-2-108.1.~~

~~_____ (2) Each outdoor youth program that advertises as providing educational credit to clients shall be approved by the Utah State Board of Education.~~

~~_____ (3) Each outdoor youth program shall have a written policy for ensuring that any staff member involved in a suspected incident of child abuse or code of conduct violation does not work directly with the youth involved or any other youth in the program until the investigation is completed or formal charges have been filed and adjudicated.~~

R501-8-4. Program Requirements.

- _____ (1) Each program that operates in Utah and another state shall meet the requirements for licensure as established by each state.
- _____ (2) The program field director, program executive director, and governing body for each expedition group shall develop and approve a written plan which may not expose clients to unreasonable risks.
- _____ (3) Each outdoor youth program shall provide the office with each outdoor youth program training plan governing consequences for client and staff conduct, and the office shall review and approve the plan before implementation.
- _____ (4) Each outdoor youth program shall ensure that each client has clothing and equipment to protect the client from the environment. This equipment may never be removed, denied, or made unavailable.
- _____ (5) During an expedition, if a client refuses or cannot hike or to carry the client's equipment, the group shall cease hiking. Each program shall establish, document, and resolve the reasons for the client's refusal or inability to continue before hiking continues.
- _____ (6) Each outdoor youth program shall ensure that deprivation of essential equipment or items shall not be used as a consequence.
- _____ (7) Each outdoor youth program shall conduct an individual assessment of each client's recommended backpack weight. Each backpack weight guideline may not exceed 20 % of the client's body weight. If a client is required to carry other items, the total weight carried shall not exceed 30 % of the client's body weight unless individually documented with parental permission to exceed this ratio.
- _____ (8) Each outdoor youth program shall provide clients with clean clothing at least weekly and shall provide a means for each client to bathe or otherwise clean the client's body at least twice weekly.
- _____ (9) Hiking shall not exceed the physical capability of the weakest member of the group. Hiking shall be prohibited at temperatures above 90 degrees F. or at temperatures below ten degrees F.
- _____ (10) A field staff in each group shall carry a means to accurately measure and display the current temperature.
- _____ (11) Each expedition plan including map routes, anticipated schedules, and times shall be carried by the field staff and recorded in the field office.
- _____ (12) A field staff in each group shall maintain a signed daily log or dictate a recorded log to be transcribed and signed immediately following termination of the activity to contain the following information:
 - _____ (a) each critical incident;
 - _____ (b) prescription compliance;
 - _____ (c) each medical concern;
 - _____ (d) each behavioral concern or refusal to hike and how the concern is addressed;
 - _____ (e) each unusual occurrence; and
 - _____ (f) each log entry shall be recorded in an un-editable format and remain available to the office upon request.
- _____ (13) Each program staff shall be required to carry an accurate, reliable time piece accurately reflecting the time of day and for documentation purposes in log notes and incident reports.
- _____ (14) Program administration is responsible to train each staff regarding the standards of this section and to regularly monitor and ensure compliance.

R501-8-5. Staff, Interns, and Volunteers.

- _____ (1) Each outdoor youth program shall have a governing body and an executive director who shall have responsibility and authority over the policies and activities of the program and shall coordinate office and support services and training. The executive director shall have the following qualifications:
 - _____ (a) be at least 25 years of age;
 - _____ (b) have a bachelor's degree or equal training and experience in a related field;
 - _____ (c) have at least two years of outdoor youth program administrative experience;
 - _____ (d) have at least 30 credit hours education in recreational therapy or related experience or one year outdoor youth program field experience;
 - _____ (e) demonstrate knowledge and understanding of relevant licensing rules; and
 - _____ (f) have completed each required staff training.
- _____ (2) Each outdoor youth program shall have a direct care field director who has primary responsibility for coordinating field operations, managing field staff, operating the field office, and supervising emergency response procedures.
- _____ (3) A field director or a qualified designee shall:
 - _____ (a) be trained as a direct care staff in accordance with Section R501-1-14;
 - _____ (b) be at least 25 years of age;
 - _____ (c) have a bachelor's degree or equal training and experience in a related field;
 - _____ (e) have at least two years of outdoor youth program field experience;
 - _____ (d) visit in the field at least two days a week with no more than five days between visits; and
 - _____ (e) document each field visit, including:
 - _____ (i) the condition of each client;
 - _____ (ii) interactions with clients and staff;
 - _____ (iii) incidents and interventions to be reported to each client's guardian and the office;
 - _____ (iv) each report of compliance with Subsection 62A-2-123(6) regarding weekly confidential communication with family; and
 - _____ (v) staff compliance with each policy and rule.
- _____ (4) Each outdoor youth program shall have field support staff to be responsible for delivering supplies and mail to the field, communication with each client in the field, and first aid support.

NOTICES OF PROPOSED RULES

~~(5) Each outdoor youth program group shall have direct care senior field staff working directly with the client who shall meet the following qualifications:~~

~~(a) be trained as a direct care staff in accordance with Section R501-1-14;~~

~~(b) be at least 21 years of age;~~

~~(c) have an associate's degree or high school diploma with 30 credit hours of education and training or comparable experience and training in a related field; and~~

~~(d) have six months outdoor youth program field experience or comparable experience which shall be documented in the individual's personnel file.~~

~~(6) Each outdoor youth program shall have direct care field staff working directly with the clients who shall meet the following qualifications:~~

~~(a) be at least 20 years of age;~~

~~(b) have a high school diploma or equivalent;~~

~~(c) have 48 field days of outdoor youth program experience or comparable experience which shall be documented in the individual's personnel file; and~~

~~(d) exhibit skilled leadership.~~

~~(7) Each outdoor youth program shall have direct care assistant field staff as required to meet or exceed staff to client ratios. Assistant field staff shall meet the following qualifications:~~

~~(a) be at least 19 years of age;~~

~~(b) have a high school diploma or equivalent;~~

~~(c) have 24 field days of outdoor youth programs experience; and~~

~~(d) exhibit skilled leadership.~~

~~(8) Each outdoor youth program shall have a licensed physician and mental health professional accessible to each client.~~

~~(9) Each outdoor youth program may have interns or volunteers who are learning the program practices while completing educational requirements.~~

~~(a) Each intern shall be at least 19 years of age.~~

~~(b) Each volunteer shall be at least 18 years of age.~~

~~(c) Staff training shall be completed by each incoming staff including interns and volunteers regardless of background experience.~~

~~(d) Each volunteer and intern shall be supervised by the clinical director, program administration, or senior direct care staff.~~

~~(e) Each intern and volunteer shall never directly supervise a client.~~

R501-8-6. Client Supervision.

~~(1) Each youth group shall be directly supervised by at least two direct care staff, one of which must be a direct care senior field staff.~~

~~(2) Each field group may not exceed 16 people with a ratio of at least one staff per four clients. Staff shall count towards the field group size.~~

~~(3) Each volunteer shall be counted as a client in figuring staff to client ratios.~~

~~(4) Field group size may not exceed the number specified by federal, state, or local agencies in whose jurisdiction the program is operated.~~

R501-8-7. Staff Training.

~~(1) An outdoor youth program shall provide at least 80 hours initial staff training.~~

~~(2) Initial staff training may not be considered completed until the staff have demonstrated to the field director proficiency in each of the following areas:~~

~~(a) counseling, teaching and supervisory skills;~~

~~(b) water, food, and shelter procurement, preparation, and conservation;~~

~~(c) low impact wilderness expedition and environmental conservation skills and procedures;~~

~~(d) client management, including containment, control, safety, conflict resolution, and behavior management;~~

~~(e) instruction in safety procedures and safe equipment use, fuel, fire, life protection, and related tools;~~

~~(f) instruction in emergency procedure, medical treatment, evacuation, weather, signaling, fire, and dealing with runaway and lost clients;~~

~~(g) sanitation procedures, water, trash, human waste, food handling;~~

~~(h) wilderness medicine, including health issues related to acclimation, exposure to the environment, and anaphylaxis;~~

~~(i) CPR, standard first aid, first aid kit contents and use, and the program's medication management policy and procedure;~~

~~(j) navigation skills, including map and compass use and contour and celestial navigation;~~

~~(k) local environmental precautions, including terrain, weather, spiders, ticks, scorpions, snakes, insects, predatory animals, poisonous plants, giardia, frostbite, hypothermia, heat exhaustion, dehydration, responses to adverse situations, and emergency evacuation;~~

~~(l) leadership and judgment;~~

~~(m) report writing, including required development and maintenance of logs; and~~

~~(n) federal, state, and local regulations.~~

~~(3) At least 80 hours of initial staff training shall be completed, documented, and maintained in each staff personnel file.~~

~~(4) The field director or equally qualified designee shall document in each personnel file how the field director or qualified designee determined that each staff has demonstrated proficiency in each of the required topic areas as listed in Subsection (2) of this section.~~

- ~~_____ (5) Each initial staff training and demonstration of proficiency must be completed and documented before the staff may count in the staff client ratio.~~
- ~~_____ (6) Each program shall provide and document on-going staff training to improve proficiency in knowledge and skills and to maintain certifications.~~

R501-8-8. Staff Health Requirements.

- ~~_____ (1) Before engaging in any field activity, each staff shall adhere to the following:~~
- ~~_____ (a) each field staff, intern, and volunteer shall have an annual physical examination and health history signed by a licensed medical professional;~~
- ~~_____ (b) a recognized physical stress assessment shall be completed as part of the physical examination of each staff;~~
- ~~_____ (c) the physical examination of each staff shall be reviewed and maintained by the provider in the staff personnel file; and~~
- ~~_____ (d) each program staff, intern, and volunteer shall submit to drug and alcohol screening upon request.~~

R501-8-9. Client Admission Requirements.

- ~~_____ (1) Each client shall be no younger than 13 years of age and no older than 17 years of age and shall have a current health history report which includes notation of client physical limitations and prescriptive medications.~~
- ~~_____ (2) The health history report shall be completed, submitted, and verified by each client's parent or guardian as part of the intake screening or assessment in accordance with Sections R501-1-18 and R501-1-23 and before entry into the field.~~
- ~~_____ (3) An admissions assessment shall be conducted by a treatment professional before each client enters into the field and shall include the following:~~
- ~~_____ (a) a review of each client's social and psychological history with the client's parent or legal guardian before enrollment; and~~
- ~~_____ (b) an interview with the client before entrance into the field program.~~
- ~~_____ (4) before entry into the field and within 15 days of admission to the program, the following requirements must be met:~~
- ~~_____ (a) a licensed medical professional must review each client's health history report and conduct a physical examination; and~~
- ~~_____ (b) the program shall provide a physical examination form to a licensed medical professional that clearly states a description of the physical demands and environment of the program, and requires the following information before a client may enter the field:~~
- ~~_____ (i) a urinalysis drug screen;~~
- ~~_____ (ii) a complete blood count (CBC) unless waived in writing by the client's parent or guardian;~~
- ~~_____ (iii) a complete metabolic profile (CMP) unless waived in writing by the client's parent or guardian;~~
- ~~_____ (iv) a urinalysis for possible infections;~~
- ~~_____ (v) a pregnancy test;~~
- ~~_____ (vi) a physical stress assessment;~~
- ~~_____ (vii) a determination by the physician if detoxification is indicated for client before entrance into field portion of the program;~~
- ~~_____ (viii) any other tests as necessary to assess fitness for the field portion of the program; and~~
- ~~_____ (ix) a medical professional shall review current and historical medical data and approve the client to enter the field with recommendations for any medical monitoring.~~
- ~~_____ (5) A copy of each client's medical forms and approvals shall be maintained at the field office and another copy shall be carried by staff members in a waterproof container throughout the field expedition.~~
- ~~_____ (6) Each program must clinically review each client's psychological history and conduct an additional psychological assessment as clinically necessary before the client's entry into the field.~~
- ~~_____ (7) Upon admission and for a period of no fewer than three days in the field, direct care field staff shall closely monitor each client for any health problems that may be a result of hiking or living outdoors.~~

R501-8-10. Water and Nutritional Requirements.

- ~~_____ (1) At least six quarts of potable water shall be available per person per day, plus one additional quart per person for each five miles hiked. Although it is not required that the entire amount be hand carried, water shall always be accessible during hiking.~~
- ~~_____ (2) In temperatures above 90 degrees F., staff shall make sure each client's fluid intake is at least three quarts of water per day.~~
- ~~_____ (3) Each field group in the field shall always have electrolyte replacement available.~~
- ~~_____ (4) In temperatures above 80 degrees F., water shall be available for coating each client's body, and other techniques shall be available for cooling as needed.~~
- ~~_____ (5) Potable water shall be available at each campsite. Water cache location information shall be verified with field staff before the group leaves camp each day.~~
- ~~_____ (6) No expedition group shall depend on aerial drops for water. Aerial water drops shall be used for emergency situations only.~~
- ~~_____ (7) Water from natural sources shall be made safe to drink through boiling, filtering, or disinfection in accordance with the center for disease control guidance.~~
- ~~_____ (8) Each outdoor youth program shall have a written menu describing food supplied to the client which shall provide at least 3,000 calories per day while in the field. There must be fresh fruit and vegetables available at least twice a week. Food shall never be withheld from a client for any reason. If no fire is available, other food of equal caloric value, which does not require cooking, shall be available.~~
- ~~_____ (a) The menu shall be adjusted to increase minimum dietary needs as energy expenditure, including exercise and climate conditions, dictate.~~
- ~~_____ (b) Food shall be from a balance of the food groups.~~
- ~~_____ (c) Forage items may not count toward the determination of caloric intake.~~

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~~———— (d) Multiple vitamin supplements shall be offered daily.~~

R501-8-11. Health Care.

~~———— (1) Each outdoor youth program shall provide first aid treatment promptly.~~

~~———— (2) When a client has an illness or physical complaint that does not respond to or cannot be treated by standard first aid, the program shall immediately arrange for the client to be seen and treated as indicated by a licensed medical professional.~~

~~———— (3) Each client's physical condition shall be assessed at least every 14 days by a qualified medical professional. Blood pressure, heart rate, allergies, and general physical condition shall be checked and documented. Any assessment concerns shall be documented, and the client shall be taken to the appropriate medical professional for treatment. There may be no consequences issued to a client for requesting to see a health care professional or for anything said to a health care professional.~~

~~———— (4) Each prescription and over the counter medication shall be kept in the secure possession of designated staff and provided to clients in accordance with labels or prescription directions.~~

~~———— (5) Staff shall be trained for medication administration in accordance with Rule R501-1 and shall communicate with the field director and document reason and plan for any lost or missing prescription medication.~~

~~———— (6) A foot check will be conducted at least twice daily and documented.~~

R501-8-12. Safety.

~~———— (1) Each first aid kits shall include sufficient supplies for the activity, location, and environment as approved by the program's medical professional. First aid kit supplies shall be available during each field activity.~~

~~———— (2) Each outdoor youth program shall have a support system that meets the following criteria:~~

~~———— (a) reliable daily two way radio communications between groups and with support staff, with additional charged battery packs and a reliable backup system of contact in the event the radio system fails;~~

~~———— (b) the support vehicles and field office shall be equipped with first aid equipment;~~

~~———— (c) the support and field staff shall have access to contact information including telephone numbers, locations, contact personnel, maps, medical forms, and procedures for an emergency evacuation or field incident; and~~

~~———— (d) daily morning and evening contacts shall be completed between field staff, support staff, and the field office and contacts shall be documented in the field office log daily.~~

R501-8-13. Field Office.

~~———— (1) Each program shall maintain a field office.~~

~~———— (2) Communication systems between the field and the field office shall be monitored 24 hours a day when clients are in the field.~~

~~———— (3) Support staff shall respond immediately to any emergency situation.~~

~~———— (4) Support staff on duty shall be within one hour of any field group.~~

~~———— (5) When staff are not present in the field office a contact telephone number shall be posted on the field office door and the field director shall designate responsible on call staff who shall continually monitor communications and remain available and able to access all necessary equipment and files within 15 minutes.~~

~~———— (6) Field office staff shall adhere to the following:~~

~~———— (a) maintain current staff and client records in accordance with Rule R501-1;~~

~~———— (b) maintain a master map of each activity area;~~

~~———— (c) maintain copies of each expeditionary route with its schedule and itinerary to be immediately available to the office and emergency medical services, law enforcement or search and rescue agencies as needed;~~

~~———— (d) maintain a log of daily communications;~~

~~———— (e) be responsible for training and orientation, management of field personnel, related files, and records; and~~

~~———— (f) be responsible for maintaining communications, inspecting equipment, and overseeing medical incidents.~~

R501-8-14. Environmental Requirements.

~~———— (1) Each outdoor youth program shall adhere to land use agency requirements including sanitation and low impact camping.~~

~~———— (2) Each client shall be continuously supervised in the observance of low impact camping requirements.~~

~~———— (3) Personal hygiene supplies shall be of biodegradable materials or packed out and properly disposed of.~~

R501-8-15. Evaluation.

~~———— (1) Following the wilderness experience, each client shall receive a debriefing to include a written summary of the client's participation and the progress the client achieved.~~

~~———— (2) Each guardian, client, or other involved individuals shall be provided the opportunity and be encouraged to submit a written evaluation of the wilderness experience, which shall be retained by the program in the client file record.~~

R501-8-16. Individual Experiences.

~~———— (1) If an outdoor youth program conducts an individual component for clients as part of the program, the program shall have and follow written policies and procedures, which shall include the following:~~

~~———— (a) an assessment of each client's ability to safely participate in the experience;~~

~~———— (b) a description of the individual component to ensure that each client is not exposed to an unreasonable risk;~~

~~———— (c) guardian permission for the youth to participate in the experience;~~

- ~~_____ (d) a policy that individual experiences are not required and must be entered voluntarily by the client or only as clinically indicated;~~
- ~~_____ (e) a policy of providing preparatory instruction and guidance to the client before an individual experience;~~
- ~~_____ (f) an individual assessment of client readiness;~~
- ~~_____ (g) a description of the maximum duration of each individual experience;~~
- ~~_____ (h) a policy explaining that a solo experience may not be used as a punishment or general practice;~~
- ~~_____ (i) a policy that each staff shall be familiar with the area chosen to conduct individual experiences;~~
- ~~_____ (j) a supervision plan for each individual event with a frequent check in to allow each client to rescind voluntary participation and go back to the group;~~
- ~~_____ (k) documentation of the duration of each individual event;~~
- ~~_____ (l) a plan for managing emergencies; and~~
- ~~_____ (m) documentation of how each individual program component is not used as seclusion or in violation of Section 62A-2-123.~~

R501-8-17. Stationary Camp Sites.

- ~~_____ (1) A program offering a stationary camp that does not provide a 24-hour outdoor group living environment may require residential treatment licensure.~~
- ~~_____ (2) An outdoor youth program that maintains a designated building to serve a client shall be subject to fire, health, and safety standards.~~
- ~~_____ (a) A stationary outdoor youth program camp shall be inspected by a certified fire inspector before being occupied and on an annual basis thereafter. A copy of the inspection shall be maintained at the outdoor youth program camp.~~
- ~~_____ (b) At least one 2-A-10BC type fire extinguisher shall be in a group of tents within a 75-foot travel distance.~~
- ~~_____ (c) Flammable liquids may not be used to start fires, be stored in structures that house clients, or be stored near ignition sources. If generators are used, they will only be refueled by staff when the generator is not running and cool to the touch.~~
- ~~_____ (d) A stationary outdoor youth program camp shall be inspected by the local health department before being occupied and on an annual basis thereafter. A copy of the inspection shall be maintained at the site of the camp.~~
- ~~_____ (e) Food shall be stored, prepared, and served in a manner that is protected from contamination.~~
- ~~_____ (f) Each water supply shall be from a source that is accepted by the local health authority according to Rule R392-300, Recreation Camp Sanitation, at the time of application and for annual renewal of such licenses.~~
- ~~_____ (g) Sewage shall be disposed of through a public system, or in absence of a public system, in a manner approved by the local health authority, according to Rule R392-300, Recreation Camp Sanitation.]~~

R501. Health and Human Services, Human Services Program Licensing.

R501-8. Outdoor Youth Programs.

R501-8-1. Authority and Purpose.

- ~~_____ (1) Sections 26B-2-124, 26B-2-124.1 and 26B-2-902 authorize this rule.~~
- ~~_____ (2) This rule provides basic health and safety standards for outdoor youth program licensure.~~
- ~~_____ (3) This rule is intended to supplement any general provision required of each human services program in Rule R501-1.~~

R501-8-2. Definitions.

~~_____ Terms used in this rule are defined in Sections 26B-2-101, 26B-2-124, and 26B-2-124.1 and Rules R380-600 and R501-1. Additionally:~~

- ~~_____ (1) "Child in crisis" means a child who is experiencing a situation where the child's mental health or safety is at immediate risk.~~
- ~~_____ (a) A child in crisis may exhibit extreme behaviors or emotions that require immediate intervention and support, including:~~
 - ~~_____ (i) destruction of property;~~
 - ~~_____ (ii) engaging in self-injurious behavior;~~
 - ~~_____ (iii) experiencing severe aggression, agitation, or hostility;~~
 - ~~_____ (iv) expressing suicidal thoughts;~~
 - ~~_____ (v) extreme emotional changes, including intense anger, irritability, or sadness;~~
 - ~~_____ (vi) hallucinating or experiencing delusions; or~~
 - ~~_____ (vii) withdrawal or isolation.~~
- ~~_____ (b) A child in crisis is a reportable critical incident.~~
- ~~_____ (2) "Direct Access Clearance System" or "DACS" means the online system used by the Office of Background Processing (OBP), under the Division of Licensing and Background Checks, for processing and monitoring background checks for any applicant with direct access to a client in a human services program.~~
- ~~_____ (3) "Essential equipment" means:~~
 - ~~_____ (a) food;~~
 - ~~_____ (b) potable water;~~
 - ~~_____ (c) sunscreen;~~
 - ~~_____ (d) insect repellent;~~
 - ~~_____ (e) personal hygiene items;~~
 - ~~_____ (f) a sleeping bag rated for the current weather conditions;~~
 - ~~_____ (g) an additional shelter and ground pad for colder months when the nighttime temperature is below 40 degrees Fahrenheit; and~~
 - ~~_____ (h) basic clothing and protective gear to ensure client protection against any weather change in the environment where the program is taking place.~~

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(4) "Field" means any geographic area where program hiking, camping, or any related client service occurs.

(5) "Field office" means the physical office for the coordination of any field operation.

(6) "Program" means the same as "program or facility" is defined in Section 26B-2-701.

R501-8-3. Scope.

Each program shall comply with any applicable federal, state, or local law, rule, or ordinance, including:

(1) Section 26B-2-123;

(2) Section 26B-2-124;

(3) Rule R380-80;

(4) Rule R380-600;

(5) Rule R500-4;

(6) Rule R501-1;

(7) Rule R501-14; and

(8) this rule.

R501-8-4. Administration.

(1) Each program shall comply with Section 26B-2-116 to coordinate educational services requirements for each client by completing the youth education coordinating form found on the Office of Licensing (OL) website.

(2) Each program shall ensure each client record includes:

(a) the client name, date of birth, and identified gender;

(b) accurate parent or legal guardian contact information;

(c) a list of any client's authorized contact as identified by the client's parent, legal guardian, or sending agency or private agency, including each authorized contact's:

(i) name;

(ii) phone number; and

(iii) relationship to the client;

(d) any signed agreement and consent form; and

(e) any clinical recommendation.

(3) Each program shall maintain a process for the retention of each client record for seven years or until a client turns 21 years old, whichever comes later.

(4) A program may not solicit or accept payment from, or on behalf of, a client in the program, unless:

(a) the client meets the approved admissions criteria described in Subsection R501-8-5(4); and

(b) the client's parent or legal guardian has signed a contract for the program's services.

(5) Any program that serves a client who has been placed in a Utah program from outside of Utah shall comply with Title 80, Chapter 2, Part 9, Interstate Compact on Placement of Children (ICPC).

(6) The provider may not serve any client from out of state without a disruption plan, as described in Section 26B-2-124.

(7) The provider may demonstrate compliance with Subsection (6) by producing the ICPC-100A and ICPC-100B forms as required by the ICPC Regulations or a disruption plan.

(8) The provider shall report any out-of-state private placement to OL by completing the congregate care out-of-state placement report, available on the OL website, no later than the fifth business day of each month.

(9) In conspicuous places where each visitor, staff, and client may see, the program shall post a congregate care ombudsman notice form in compliance with each requirement in Subsection 26B-2-124(7)(a).

(10) In addition to posting the congregate care ombudsman notice described in Subsection (9), the program shall ensure each client, the client's parent or legal guardian, OL, and each sending agency or private agency receives a copy of the congregate care ombudsman notice.

R501-8-5. Client Admission Requirements.

(1) A program may only serve a client who is 13 through 17 years old.

(2) Before admission into the program, each client shall have a current health history report which includes documentation of any physical limitation and required prescription medication for the client.

(3) The health history report described in Subsection (2) shall be completed by each client's parent or legal guardian as part of the intake screening or assessment, in accordance with Sections R501-1-12 through R501-1-13.

(4) Each program shall develop, maintain, and adhere to an admissions review process that:

(a) is approved by OL during initial and renewal licensure;

(b) aligns with the admissions criteria described in Section 26B-2-124;

(c) outlines the process for identifying a qualified candidate who can be safely served in the program, including an assessment of each candidate in consideration of the:

(i) candidate's behavior;

(ii) candidate's diagnosis;

(iii) candidate's individual situation;

(iv) candidate's trauma history;

(v) population and age of each client the program already serves;

(vi) physical facility;

- (vii) programming; and
- (viii) ability of current staff to manage the candidate; and
- (d) outlines how to identify an individual not considered a qualified candidate.
- (5) The provider shall ensure, upon admission, a disruption plan is tailored to each client and includes:
 - (a) any plausible reason identified in the admissions process for possible discharge or transfer;
 - (b) an aftercare plan for disruption, which includes any resource available to the client;
 - (c) a plan for safe transportation, including:
 - (i) any return to the client's state of origin;
 - (ii) to the client's parent or legal guardian; or
 - (iii) to a higher level of care program or setting, as needed, that:
 - (A) provides increased clinical treatment and enhanced supervision to address any client need; and
 - (B) excludes any receiving center, detention facility, and any immediate crisis stabilization setting, such as an emergency room or a short-term acute care hospital;
 - (d) a signed statement from the client's parent or legal guardian outlining the plan for the client in the event of an unplanned disruption in care;
 - (e) current emergency contact information of the client's parent or legal guardian, including the parent or legal guardian's:
 - (i) name;
 - (ii) address;
 - (iii) phone number; and
 - (iv) email address;
 - (f) each individual responsible for the client's return if there is a disruption in placement at the program; and
 - (g) a statement acknowledging the program retains jurisdiction and responsibility for the client while the client remains in Utah or, if the client is from Utah, until the client is released to a parent or legal guardian.
 - (6) Each program shall develop a suicide prevention plan for each client upon admission, including an initial evaluation and a component to reevaluate the client's needs and fit within the scope of services provided.
 - (7) Before each client enters into the program, a licensed medical professional shall conduct an admissions assessment that includes:
 - (a) a review of the client's social and psychological history with the client's parent or legal guardian before enrollment; and
 - (b) an interview with the client before entrance into the field portion of the program.
 - (8) Within 15 days of a client's admission into the program and before the client enters the program:
 - (a) a licensed medical professional shall review the client's health history report and conduct and document a physical examination of the client; and
 - (b) the client shall undergo medical and physical testing and assessment, including:
 - (i) a complete blood count (CBC), unless waived in writing by the client's parent or legal guardian;
 - (ii) a complete metabolic profile (CMP), unless waived in writing by the client's parent or legal guardian;
 - (iii) a physical stress assessment;
 - (iv) a pregnancy test for any female client;
 - (v) a urinalysis;
 - (vi) a urinalysis drug screen; and
 - (vii) any other test necessary, as determined by a licensed medical professional to assess fitness of the client for the field portion of the program.
 - (9) A licensed medical professional shall make a determination if detoxification is indicated for a client before the client enters into field portion of the program.
 - (10) The program shall maintain documentation of each client's health history report and medical and physical testing and assessment.
 - (11) A licensed medical professional shall review current and historical medical data and include any recommendation for medical monitoring in approval for the client to enter the program.
 - (12) The program shall provide a physical examination form to a licensed medical professional that includes a description of the program activities and any environmental and physical demand of the program.
 - (13) A copy of any medical form and licensed medical professional recommendation and approval for each client shall be:
 - (a) maintained at the field office; and
 - (b) physically in possession of a program staff member in a waterproof container throughout any program field activity.
 - (14) For each client, the program shall:
 - (a) review and document the client's psychological history; and
 - (b) conduct an additional psychological assessment before the client's entry into the field, as needed.
 - (15) Upon admission to the program and for at least three days in the field, direct care field staff shall closely monitor each client for any health problem that may be a result of hiking, camping and living outdoors, or any other program field activity.

R501-8-6. Background Checks.

- (1) A program shall submit to OBP a human services program background check for each program staff, intern, and volunteer, in accordance with Section 26B-2-120 and Rule R501-14.
- (2) The program shall designate an individual who is responsible for:
 - (a) ensuring and documenting how each applicant is directly supervised for the entirety of that applicant's supervised employment term before receiving the eligible determination;

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- (b) ensuring an application is submitted in DACS within 14 days of each staff becoming associated with the program;
- (c) initiating, monitoring, and maintaining background checks in DACS for each individual with direct access;
- (d) maintaining compliance with Rule R501-14;
- (e) managing communications with OBP and OL;
- (f) monitoring DACS and taking necessary action when an eligibility status changes; and
- (g) separating any staff in DACS within five days of that staff:
 - (i) no longer being associated with the program; or
 - (ii) having an ineligible determination status from OBP on a background check with no pending appeal.
- (3) The program shall ensure each direct care staff, contracted staff, volunteer, and intern has an eligible background check determination before permitting that individual to work unsupervised with a client, except as excluded in Rule R501-14.

R501-8-7. Staff, Intern, and Volunteer Requirements.

- (1)(a) Each program shall have an executive director, or an equivalent position, and governing body.
- (b) The executive director, or equivalent position, and governing body shall:
 - (i) be responsible for any program policy, procedure, and field activity; and
 - (ii) coordinate and document any required staff training.
- (2) The program shall ensure the executive director, or equivalent:
 - (a) is at least 25 years old;
 - (b) has a bachelor's degree or equal training and experience in a related field;
 - (c) has at least two years of outdoor youth program administrative experience;
 - (d) has least 30 credit hours education in recreational therapy or related experience or one year of outdoor youth program field experience;
 - (e) has demonstrated knowledge and understanding of each rule and regulation associated with serving clients; and
 - (f) has completed any required staff training.
- (3) Each program shall have a licensed medical professional accessible to each client.
- (4) Each program shall have a mental health professional accessible to each client.
- (5) Each program shall have a direct care field director who has primary responsibility for:
 - (a) the coordination of any field operation;
 - (b) management of any field staff;
 - (c) any operation of the field office; and
 - (d) the supervision of any emergency response procedure.
- (6) The program shall ensure the direct care field director or a qualified designee:
 - (a) is at least 25 years old;
 - (b) receives training as a direct care staff in accordance with Sections R501-1-15 and R501-1-16;
 - (c) has a bachelor's degree or equal training and experience in a related field; and
 - (d) has at least two years of outdoor youth program field experience.
- (7) The direct care field director or qualified designee shall:
 - (a) visit each program field group in the field at least two days a week with no more than five days between each visit; and
 - (b) document each field visit, including:
 - (i) the condition of each client;
 - (ii) any interaction between clients and staff;
 - (iii) any incident or intervention to be reported to each client's parent or legal guardian or OL;
 - (iv) each report of compliance with Subsection 26B-2-123(6) regarding weekly confidential communication with family; and
 - (v) staff compliance with each applicable policy and rule.
- (8) The program shall ensure each direct care senior field staff:
 - (a) is at least 21 years old;
 - (b) receives training as a direct care staff in accordance with Sections R501-1-15 and R501-1-16;
 - (c) has an associate's degree or high school diploma with 30 credit hours of education and training or comparable experience and training in a related field; and
 - (d) has six months of outdoor youth program field experience or comparable experience.
- (9) The program shall ensure each direct care field staff:
 - (a) is least 20 years old;
 - (b) has a high school diploma or equivalent; and
 - (c) has at least 60 days of outdoor youth program field experience or comparable experience.
- (10) The program shall ensure each assistant field staff:
 - (a) is at least 19 years old;
 - (b) has a high school diploma or equivalent; and
 - (c) has at least 24 days of outdoor youth program field experience.
- (11) Each program shall have field support staff to be responsible for:
 - (a) the delivery of any supplies or mail to the field;
 - (b) communication with each client in the field; and
 - (c) first aid support.

(12) Each program may have one or more interns or volunteers to support program activities.

(a) Any program intern shall be at least 19 years old.

(b) Any program volunteer shall be at least 18 years old.

(13) Each program intern or volunteer shall:

(a) complete any required staff training before working in the program;

(b) be directly supervised by the executive director, or equivalent, direct care field director, or direct care senior field staff; and

(c) never directly supervise any client.

(14) Each program shall have direct care staff as required to meet or exceed any applicable staff-to-client ratio described in Section R501-8-10.

R501-8-8. Staff Training.

(1)(a) Each program shall provide staff 80 total hours of initial training, which shall cover each topic in Subsection (2).

(b) The program shall ensure the initial staff training is completed and documented in each staff personnel file.

(c) The program direct care field director shall document in each staff personnel file how that staff has demonstrated proficiency in each topic in Subsection (2).

(d) Each staff must complete the initial training before that individual is counted as staff in the staff-to-client ratio for client supervision.

(2) Staff shall demonstrate proficiency to the direct care field director for each of the following training topics:

(a) health and safety topics, including:

(i) cardiopulmonary resuscitation (CPR);

(ii) standard first aid;

(iii) use of the program first aid kit;

(iv) the program medication management policy and procedure;

(v) any emergency procedure involving any client or staff, including:

(A) medical treatment;

(B) evacuation and signaling;

(C) significant weather events, including any fire, flood, or natural disaster; and

(D) management of any lost client; and

(vi) navigation skills, including:

(A) physical map and compass use; and

(B) contour and celestial navigation;

(b) client supervision and management, including:

(i) conflict resolution; and

(ii) behavior management;

(c) any outdoor camping and living practice and procedure, including:

(i) water, food, and shelter procurement, preparation, and conservation;

(ii) any low-impact wilderness expedition practice;

(iii) any environmental conservation procedure;

(iv) any sanitation procedure for food and water handling and human waste and trash disposal;

(v) wilderness medicine, including any health issue related to:

(A) acclimation;

(B) exposure to the environment; and

(C) anaphylaxis; and

(vi) any procedure for responding to any local environmental precaution, including:

(A) terrain and weather;

(B) management of any incident involving any:

(I) animal, insect, or reptile, including a spider, tick, scorpion, snake, insect, and predatory animal; and

(II) poisonous plants and giardia;

(C) treatment of:

(I) dehydration;

(II) frostbite;

(III) heat exhaustion; and

(IV) hypothermia; and

(D) any response to an adverse situation, or emergency evacuation;

(d) report writing, including required development and maintenance of logs; and

(e) any applicable federal, state, and local rule or regulation.

(3) Each program administration shall provide and document on-going staff training to improve proficiency in knowledge and skills and to maintain any staff certifications.

R501-8-9. Field Office Requirements.

(1) Each program shall maintain a field office with staff, including on-duty field support staff.

NOTICES OF PROPOSED RULES

- (2) The communication system between each program field group and the field office shall be monitored 24 hours a day when any client and staff member is in the field.
- (3) On-duty field support staff shall respond immediately to any emergency situation.
- (4) On-duty field support staff shall be within a distance of no more than one hour's travel to any program field group.
- (5) When staff are not present in the field office:
 - (a) a contact telephone number shall be posted on the field office door; and
 - (b) the field director shall designate responsible on-call staff who shall:
 - (i) continually monitor communications; and
 - (ii) remain available and able to access any necessary equipment or files within 15 minutes of notification.
- (6) Field office staff shall maintain and be responsible for:
 - (a) communication with any program field group, including a daily log of any such communication;
 - (b) inspecting any equipment or supply used by the program in the field;
 - (c) any medical incident involving any client, staff, intern, or volunteer;
 - (d) any staff or client record in accordance with Rule R501-1;
 - (e) a master map of each program field activity area; and
 - (f) a copy of each program field activity route with the schedule and itinerary to be immediately available upon request by OL, emergency medical services, law enforcement, or a search and rescue agency.

R501-8-10. Program Requirements.

- (1) Each program that operates in Utah and another state shall meet the requirements for licensure as established by each state.
- (2) The program direct care field director, executive director or equivalent, and governing body for each program field group shall develop and approve a written plan which shall prevent any client or staff from any unreasonable risk.
- (3) Each program shall:
 - (a) provide OL with the training plan governing any consequence for client and staff misconduct; and
 - (b) OL shall review and approve the plan before implementation.
- (4)(a) Each program shall ensure that each client has clothing, bedding, and equipment to protect the client from the environment.
 - (b) This clothing, bedding, and equipment may never be removed, denied, or made unavailable to the client.
- (5)(a) A program group shall stop any program field activity if a client:
 - (i) refuses to continue;
 - (ii) cannot continue due to a physical or mental health issue; or
 - (iii) cannot carry required program equipment or supplies.
- (b) Each program shall document and resolve any reason for the client's refusal or inability to continue before the program field activity continues.
- (6) Each program shall ensure that deprivation of essential equipment or supplies is not used as a consequence.
- (7)(a) Each program shall conduct an individual assessment of each client's recommended backpack weight.
 - (b) Each backpack weight guideline, including any required equipment and supplies, may not exceed 15% of the client's body weight.
- (8) Each program shall provide clients with:
 - (a) clean clothing and bedding at least weekly;
 - (b) clean clothing or bedding when soiled;
 - (c) dry clothing or bedding when wet; and
 - (d) a means for each client to bathe or otherwise clean the client's body at least twice weekly.
- (9)(a) The program shall ensure any hiking program field activity does not exceed the physical capability of the weakest member of the program field group.
 - (b) A hiking program field activity for a client may only be permitted when the temperature is between 33 degrees Fahrenheit and 81 degrees Fahrenheit, except as described in Subsection (9)(c).
 - (c) Hiking may be permitted when the temperature is 32 degrees Fahrenheit or below if the program field group is moving to an area that provides increased safety and protection from a major storm or cold front to the group.
- (10) A field staff in each program field group shall:
 - (a) physically possess a means to accurately measure and display the current temperature;
 - (b) measure the current temperature at least 15 minutes before the start of any hiking program field activity; and
 - (c) measure the current temperature at least two times a day with a minimum of three hours between each check for daily log and report documentation.
- (11)(a) Each program field activity plan shall include each map route, anticipated schedule, and departure and return time.
 - (b) A copy of the program field activity plan shall be:
 - (i) recorded in the field office log; and
 - (ii) maintained by a field staff in the field.
- (12)(a) A field staff in each program field group shall maintain a signed daily log after each program field activity ends, containing each:
 - (i) critical incident;
 - (ii) prescription medication compliance;
 - (iii) medical concern;
 - (iv) behavioral concern or refusal to hike and how that concern or refusal is addressed; and

- (v) unusual occurrence.
- (b) Each log entry shall be available to OL for review upon request.
- (13) Each program staff shall be required to have a time piece in the staff's physical possession that accurately reflects the time of day for daily log and report documentation.
- (14) Program administration shall train each staff regarding any program requirement standard.
- (15) Each program shall maintain a phone number to be used as described in Subsections 26B-2-124(4)(g) through 26B-2-124(4)(h).
- (16) If a client is a child in crisis, the program shall:
 - (a) notify the client's parent or legal guardian as soon as reasonably possible but no later than five hours after the time at which the client's state of crisis first begins; and
 - (b) make every reasonable effort to connect a client by telephone to an authorized contact who:
 - (i) attempts to contact the client by calling the program's telephone number, as described in Subsection (15); and
 - (ii) is an authorized contact under Subsection R501-8-4(2)(c).
- (17) Each program shall make every reasonable effort to connect any authorized contact who calls the program in an attempt to contact a client with that client by phone.

R501-8-11. Client Supervision.

- (1) Each program field group shall ensure:
 - (a) at least two direct care staff, one of whom shall be a direct care senior field staff, shall supervise each group;
 - (b) two direct care staff shall always be on-duty; and
 - (c) the group maintains a staff-to-client ratio of at least one staff to every four clients, except:
 - (i) as otherwise required by a Department of Health and Human Services contract; or
 - (ii) a group may reduce the staff-to-client ratio to at least one staff to every 16 clients during client sleeping hours if such a reduction in client supervision meets the needs of the client population.
- (2)(a) Each program field group may not exceed 16 total people with a staff-to-client ratio of at least one staff to every four clients.
- (b) Direct care staff shall count toward the total program field group size.
- (c) Program field group size may not exceed the staff-to-client ratio specified by any federal, state, or local agency with jurisdiction where the program is in operation.
- (3) Each intern or volunteer shall be counted as a client for a staff-to-client ratio.
- (4) Direct care staff shall conduct and document line-of-sight check-ins at least every 15 minutes when a client is outside the staff's line of sight and during sleeping hours.

R501-8-12. Staff, Intern, and Volunteer Health Requirements.

- (1) Before beginning any program field activity, each staff, intern, or volunteer shall have a licensed medical professional complete and sign:
 - (a) an annual physical examination, which includes a physical stress assessment; and
 - (b) a health history form.
- (2) The physical examination of each staff, intern, or volunteer shall be reviewed by the program administration and maintained by the program in the personnel file.

R501-8-13. Water and Nutritional Requirements.

- (1) The program shall ensure each client, staff, intern, and volunteer participating in any program field activity has access to:
 - (a) at least six quarts of potable water each day; and
 - (b) one additional quart of potable water for each five miles hiked.
- (2) Program staff shall ensure water is always immediately accessible for any client, staff, intern, and volunteer while hiking.
- (3) Each program field group in the field shall have daily access to an electrolyte replacement.
- (4) Any time the temperature reaches at least 90 degrees Fahrenheit, staff shall ensure each client's fluid intake is at least three quarts of water per day.
- (5) If the temperature reaches at least 80 degrees Fahrenheit, program staff shall ensure water is available for each client to use for cooling.
- (6) Each campsite shall have potable water available.
- (7) Staff at the field office shall verify water cache location information with field staff before the program field group leaves camp each day.
- (8)(a) A program field group may not depend on an aerial drop for water.
- (b) An aerial water drop may only be used in an emergency situation.
- (9) When using water from a natural source, a staff, intern, or volunteer shall boil, filter, or disinfect the water to make the water safe to drink, in accordance with the Center for Disease Control and Prevention (CDC) guidance.
- (10) Each program shall have a written menu describing food supplied to each client during a program field activity.
 - (a) Food supplied to each client shall provide at least 3,000 calories per day while in the field.
 - (b) A staff, intern, or volunteer may not withhold food, including any available spice, or water from a client for any reason.
 - (c) If no fire is available for cooking, food that does not require cooking shall be available for each client.
 - (d) The menu shall be adjusted to increase minimum dietary needs based on energy expenditure, including exercise and climate conditions.

NOTICES OF PROPOSED RULES

- (e) Food shall be a balance of the food groups and include fresh fruits and vegetables at least twice a week.
- (f) Any foraged item may not be counted toward the total minimum daily caloric intake.
- (g) A multivitamin supplement may be offered daily.

R501-8-14. Health Care Requirements.

- (1) Each program shall provide first aid treatment as needed.
- (2) When a client has any illness or physical complaint that does not respond to or cannot be treated by first aid, the program shall immediately arrange for a licensed medical professional to see and treat the client.
- (3) Each client's physical condition shall be assessed at least every 14 days by a licensed medical professional.
 - (a) Staff shall check and document each client's blood pressure, heart rate, general physical condition, and any allergies.
 - (b) Staff shall document any physical health assessment concern and arrange for a licensed medical professional to treat the client.
 - (c) There may not be any retaliatory or punitive repercussion for:
 - (i) a client requesting to see a licensed medical professional; or
 - (ii) information discussed between a client and licensed medical professional.
- (4) Staff shall conduct and document a foot check at least twice daily.
- (5) Each client's prescription or over-the-counter medication shall be:
 - (a) kept in the secure possession of designated staff; and
 - (b) provided by staff to the intended client in accordance with the medication's directions.
- (6) Each staff shall:
 - (a) receive training for medication administration in accordance with Section R501-1-15; and
 - (b) if a client's prescription medication is lost or missing:
 - (i) communicate with the field director about the lost or missing medication;
 - (ii) document the reason for any loss or circumstances relevant to any missing medication; and
 - (iii) develop a plan in the case of any lost or missing client prescription medication.

R501-8-15. Safety Requirements.

- (1) Each first aid kit for the program shall:
 - (a) include sufficient supplies for the program field activity, location, and environment;
 - (b) be approved by the program's licensed medical professional before the program field activity; and
 - (c) be available during each program field activity.
- (2) Any support vehicle used by a program or field office shall be equipped with first aid equipment.
- (3) Each program shall have a communication support system, including:
 - (a) a reliable two-way radio system, Global Positioning System (GPS) handheld device, satellite messenger, satellite phone, or cellphone for daily communication between each program field group and support staff;
 - (b) an additional charged battery pack for the system described in Subsection (3)(a); and
 - (c) a reliable backup system for communication in the event the system described in Subsection (3)(a) fails.
- (4) Each support and field staff shall have access to program and client contact information, including each:
 - (a) client's parent or legal guardian's telephone number;
 - (b) location;
 - (c) contact personnel;
 - (d) map;
 - (e) medical form; and
 - (f) procedure for an emergency evacuation or field incident.
- (5)(a) Field staff, support staff, and the field office shall communicate each morning and evening.
- (b) The field office shall document each communication in the field office log daily.

R501-8-16. Environmental Requirements.

- (1) Each program shall adhere to any applicable land use agency requirement, including for sanitation and low-impact camping.
- (2) Each client shall be continuously supervised while completing any low-impact camping requirement.
- (3) Any personal hygiene supplies used in the program shall be:
 - (a) composed of biodegradable materials;
 - (b) packed out; or
 - (c) disposed of properly.

R501-8-17. Program Evaluation.

- (1) After a program field activity, program administration shall:
 - (a) debrief each client about the program field activity; and
 - (b) document the client's participation in each program field activity and progress toward any individual goal in a written summary;
- and
 - (c) have these client records available for review upon request from the client and client's parent or legal guardian.
- (2)(a) The program shall provide each client and parent or legal guardian of the client with the opportunity to submit a written evaluation of the program field activity.

(b) The program shall retain any submitted evaluation in the client file record.

R501-8-18. Additional Requirements for Individual Components.

If a program conducts any individual component for a client as part of the program, the program shall develop, implement, and comply with written policies and procedures, including:

- (1) parent or legal guardian permission for the client to participate in the individual component;
- (2) a description of the individual component to prevent any client from being exposed to unreasonable risk;
- (3) a plan for managing any emergency;
- (4) a policy explaining that an individual component may not be used as a punishment or general practice;
- (5) a policy of providing preparatory instruction and guidance to the client before any individual component;
- (6) a policy that any individual component is not a program requirement and each client must voluntarily enter the component to participate;
- (7) a policy that each staff shall be familiar with the area used for the individual component;
- (8) a supervision plan for each individual component with a frequent check-in between staff and the client to allow each client to rescind voluntary participation and return to the program field group;
- (9) an assessment of the client's ability to safely participate in the individual component;
- (10) an individual assessment of client readiness;
- (11) documentation of how each individual component is not used as seclusion or in violation of Subsection 26B-2-123(2); and
- (12) documentation of the duration of each individual component.

R501-8-19. Additional Requirements for Stationary Program Camp Sites.

- (1) A program that maintains a designated building to serve any client shall be subject to each applicable fire, health, and safety standard.
 - (a) A certified fire inspector shall inspect any stationary camp before use and otherwise as required by the local fire authority.
 - (b) At least one 2-A:10-B:C fire extinguisher shall be in at least one tent for each group of tents within 75 feet of each other.
 - (c) Any flammable liquid may not:
 - (i) be used to start a fire;
 - (ii) be stored in any structure that houses a client; or
 - (iii) be stored near any ignition source.
 - (d) If a generator is used at any stationary camp site, staff shall refuel the generator only when the generator is not running and cool to the touch.
 - (e) The local health department shall inspect any stationary program camp before use and otherwise as required by the local health department.
 - (f) Food shall be stored, prepared, and served in a manner that protects the food from contamination.
 - (g) Each water supply shall be from a source that is accepted by the local health authority in accordance with Rule R392-300.
 - (h) Sewage shall be disposed of through a public system, or in absence of a public system, in a manner approved by the local health authority and in accordance with Rule R392-300.
- (2) The program shall maintain a copy of each inspection for a stationary program camp site at the applicable stationary camp site.

R501-8-20. Compliance.

Any person who violates this rule may be subject to the penalties in Rule R380-600 and Title 26B, Chapter 2, Part 7, Penalties and Investigations.

KEY: licensing, human services, youth

Date of Last Change: ~~March 7, 2022~~ 2026

Notice of Continuation: October 3, 2022

Authorizing, and Implemented or Interpreted Law: ~~62A-2-401 et seq.~~ 26B-2-124; 26B-2-124.1; 26B-2-902

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58227
Rule or section number:	R614-1-3

1. Agency Information

Title catchline:	Labor Commission, Occupational Safety and Health
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146600

City, state and zip:	Salt Lake City, UT 84114-6600
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2. Contact Persons

Name:	Phone:	Email:
Holly Lawrence	801-530-6494	hlawrence@utah.gov
Floyd Johnson	801-530-6898	fjohnson@utah.gov
Chris Hill	801-530-6113	chill@utah.gov

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

3. General Information

A. Rule or section catchline:
R614-1-3. Definitions
B. Purpose of the new rule or reason for the change:
The purpose of this amendment is to update definitions within Utah's Occupational Safety and Health (UOSH) rules to align with UOSH's revised employer reporting requirements for work-related injuries.
C. Summary of the new rule or change:
The proposed amendment: 1) removes the definition of "disabling, serious or significant injury"; 2) adds the definition of "amputation"; and 3) adds the definition of "inpatient hospitalization".

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
Implementing the proposed amendment will create budget savings for UOSH by reducing administrative resources needed to process reported work-related injuries. In both fiscal year 2024 and 2025, about 23% of reported work-related incidents (198 of 849 and 201 of 881, respectively) required formal investigation. This means that approximately 77% of accidents reported to UOSH do not result in an investigation. By updating definitions to align with revised employer reporting requirements for work-related injuries, UOSH expects a decrease in total reports from industry, allowing UOSH to redirect resources more efficiently. While these changes will reduce the workload, the exact financial savings are difficult to quantify due to the unpredictable nature of incident processing times.
B. Local governments:
Local governments have no administration or enforcement obligations under the proposed amendment.
C. Small businesses ("small business" means a business employing 1-49 persons):
Implementing the proposed amendment will create budget savings for small businesses by reducing administrative resources needed to report work-related injuries to UOSH. In both fiscal year 2024 and 2025, about 23% of reported work-related incidents (198 of 849 and 201 of 881, respectively) required formal investigation. This means that approximately 77% of accidents reported to UOSH do not result in an investigation. By updating definitions to align with revised reporting requirements, the overall reporting burden for work-related injuries will be reduced, allowing small businesses to redirect resources more efficiently. While these changes will reduce the workload, the exact financial savings are difficult to quantify due to the unpredictable nature of incident processing times.

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

Implementing the proposed amendment will create budget savings for non-small businesses by reducing administrative resources needed to report work-related injuries to UOSH.

In both fiscal year 2024 and 2025, about 23% of reported work-related incidents (198 of 849 and 201 of 881, respectively) required formal investigation. This means that approximately 77% of accidents reported to UOSH do not result in an investigation.

By updating definitions to align with revised reporting requirements, the overall reporting burden for work-related injuries will be reduced, allowing non-small businesses to redirect resources more efficiently.

While these changes will reduce the workload, the exact financial savings are difficult to quantify due to the unpredictable nature of incident processing times.

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 updates definitions to align with revised employer reporting requirements for work-related injuries and will not result in additional costs or savings on persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

This amendment updates definitions to align with revised employer reporting requirements for work-related injuries and will not result in additional 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	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 Utah Labor Commission, Jaceson R. Maughan, has reviewed and approved this regulatory impact analysis.

This rule will not have a significant fiscal impact on businesses.

This rule will decrease the administrative burden on businesses and UOSH, allowing resources to be utilized more effectively.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒
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9. Citation Information

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

Title 34A, Chapter 6		
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.
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A. Comments will be accepted until:	11/02/2026
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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)	11/09/2026
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13. Agency Authorization Information

Agency head or designee and title:	Jaceson R. Maughan, Commissioner	Date:	08/17/2026
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R614. Labor Commission, Occupational Safety and Health.**R614-1. General Provisions.****R614-1-3. Definitions.**

A. "Access" means the right and opportunity to examine and copy.

B. "Adjudication" means the Adjudication Division within the Labor Commission.

C. "Administrator" means the director of UOSH.

D. "AG's Office" means the Utah Office of the Attorney General.

E. "Amputation" means the traumatic loss of a limb or other external body part. Amputations include the complete or partial removal of a body part, such as a limb or appendage; fingertip amputations, with or without bone loss; medical amputations resulting from irreparable damage; and amputations of body parts that have since been reattached. Amputations do not include avulsions, enucleations, degloving, scalping, severed ears, or broken or chipped teeth.

~~[E.]~~F. "CFR" means the Code of Federal Regulations.

~~[F.]~~G. "Commission" means the Labor Commission.

~~[G.]~~H. "CSHO" means a compliance safety and health officer authorized by UOSH to conduct inspections and investigations.

~~[H.]~~L. "Days" means calendar days, including Saturdays, Sundays, and holidays. The day of receipt of any notice shall not be included, and the last day of any time frame shall be included. If the last day of any time period is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday.

~~[I.]~~1. "Disabling, serious or significant injury" means any injury resulting in:

~~1. Admittance to the hospital; or~~

~~2. Permanent or temporary impairment, where function of any part of the body is substantially reduced or made useless and which would require treatment by a physician or other licensed health care professional. Examples of a disabling, serious or significant injury include, amputation, fracture, deep laceration, severe burn including thermal, chemical, etc., electrical burn, sight impairment, loss of consciousness and concussion.]~~

J. "Division" means UOSH.

K. Employee medical record.

1. "Employee medical record" means a record concerning the health status of an employee which is made or maintained by a physician, nurse, or other health care personnel, or technician including:

a. Medical and employment questionnaires or histories including job description and occupational exposures;

b. The results of medical examinations and laboratory tests including x-ray examinations and all biological monitoring not defined as an "employee exposure record" in 29 CFR 1910.1020(c)(5);

c. Medical opinions, diagnoses, progress notes, and recommendations;

d. Descriptions of treatments and prescriptions; and

e. Employee medical complaints.

2. "Employee medical record" does not include the following:

a. Physical specimens like blood or urine samples, which are routinely discarded as a part of normal medical practice;

b. Records concerning health insurance claims if maintained separately from the employer's medical program and its records, and not accessible to the employer by employee name or other direct personal identifier like social security number, payroll number, etc.;

c. Records created solely in preparation for litigation which are privileged from discovery under the applicable rules of procedure or evidence; or

d. Records concerning voluntary employee assistance programs if maintained separately from the employer's medical program and its records.

L. "Establishment" means a single physical location where business is conducted or where services or industrial operations are performed. For example: A factory, mill, store, hotel, restaurant, movie theater, farm, ranch, bank, sales office, warehouse, or central administrative office. Where distinctly separate activities are performed at a single physical location, such as contract construction activities from the same physical location as a lumber yard, each activity shall be treated as a separate physical establishment, and separate notices shall be posted in each establishment to the extent that such notices have been furnished by UOSH.

M. "Exposure" or "exposed" means that an employee is subjected to a toxic substance or harmful physical agent in the course of employment through any route of entry and includes past exposure and potential exposure, but does not include situations where the employer can demonstrate that the toxic substance or harmful physical agent is not used, handled, stored, generated, or present in the workplace in any manner different from typical non-occupational situations.

N. "Hearing" means a proceeding conducted by the Commission.

O. "Imminent danger" means a danger exists which reasonably could be expected to cause an occupational disease, death, or serious physical harm immediately, or before the danger could be eliminated through enforcement procedures under the Utah OSH Act.

P. "Inpatient hospitalization" means a formal admission to the inpatient service of a hospital or clinic for care or treatment.

~~[P.]Q.~~ "Inspection" means any inspection of an employer's factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer, and includes any inspection conducted pursuant to a complaint filed under Subsections R614-1-6(K)(1) and (3), any re-inspection, follow-up inspection, accident investigation or other inspection conducted under Subsection 34A-6-301(1) of the Utah OSH Act.

~~[Q.]R.~~ "OSHA" means the federal Occupational Safety and Health Administration (OSHA).

~~[R.]~~ "Serious injury" refer to definition for "disabling, serious or significant injury."

~~—————~~S. "Standard" means an occupational health and safety standard or group of standards which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary to provide safety and healthful employment and places of employment.

T. "Toxic substance or harmful physical agent" means any chemical substance, biological agent or physical stress, like noise, heat, cold, vibration, repetitive motion, ionizing and non-ionizing radiation, hypo or hyperbaric pressure, etc. which:

1. Is listed in the latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) which is incorporated by reference as specified in 29 CFR 1910.6;

2. Has yielded positive evidence of an acute or chronic health hazard in human, animal, or other biological testing conducted by, or known to the employer; or

3. Is the subject of a safety data sheet kept by or known to the employer indicating that the material may pose a hazard to human health.

U. "UOSH" means the Utah Occupational Safety and Health Division within the Labor Commission.

V. "Utah OSH Act" means the Utah Occupational Safety and Health Act, Section 34A-6-101 et seq., of 1973.

KEY: safety

Date of Last Change: ~~[May 22,]~~ 2026

Notice of Continuation: June 24, 2022

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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58226
Rule or section number:	R614-1-5

1. Agency Information

Title catchline:	Labor Commission, Occupational Safety and Health
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146600
City, state and zip:	Salt Lake City, UT 84114-6600

2. Contact Persons

Name:	Phone:	Email:
Holly Lawrence	801-530-6494	hlawrence@utah.gov

Floyd Johnson	801-530-6898	fjohnsion@utah.gov
Chris Hill	801-530-6113	chill@utah.gov

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

3. General Information

A. Rule or section catchline:

R614-1-5. Adoption and Extension of Established Federal Safety Standards and State of Utah General Safety Orders

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

The purpose of this amendment to Utah's Occupational Safety and Health (UOSH) rule is to reduce the burden placed on industry by eliminating the requirement for employers to report any disabling, serious, or significant injury that does not result in fatality, in-patient hospitalization, amputation, or loss of an eye.

This rule will also be amended to include the website address to UOSH's online Accident Report Form.

C. Summary of the new rule or change:

The proposed amendment:

- 1) eliminates the reporting requirement for work-related injuries that do not result in fatality, in-patient hospitalization, amputation, or loss of an eye; and
- 2) adds UOSH's website address for submitting an online Accident Report Form.

5. Fiscal Information

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

A. State budget:

Implementing the proposed amendment will create budget savings for UOSH by reducing administrative resources needed to process reported work-related injuries.

In both fiscal year 2024 and 2025, about 23% of reported work-related incidents (198 of 849 and 201 of 881, respectively) required formal investigation. This means that approximately 77% of accidents reported to UOSH do not result in an investigation.

By updating definitions to align with revised employer reporting requirements for work-related injuries, UOSH expects a decrease in total reports from industry, allowing UOSH to redirect resources more efficiently.

While these changes will reduce the workload, the exact financial savings are difficult to quantify due to the unpredictable nature of incident processing times.

B. Local governments:

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

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

Implementing the proposed amendment will create savings for small businesses by reducing administrative resources needed to report work-related injuries to UOSH.

In both fiscal year 2024 and 2025, about 23% of reported work-related incidents (198 of 849 and 201 of 881, respectively) required formal investigation. This means that approximately 77% of accidents reported to UOSH do not result in an investigation.

By updating definitions to align with revised reporting requirements, the overall reporting burden for work-related injuries will be reduced, allowing small businesses to redirect resources more efficiently.

While these changes will reduce the workload, the exact financial savings are difficult to quantify due to the unpredictable nature of incident processing times.

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

Implementing the proposed amendment will create savings for non-small businesses by reducing administrative resources needed to report work-related injuries to UOSH.

In both fiscal year 2024 and 2025, about 23% of reported work-related incidents (198 of 849 and 201 of 881, respectively) required formal investigation. This means that approximately 77% of accidents reported to UOSH do not result in an investigation.

By updating definitions to align with revised reporting requirements, the overall reporting burden for work-related injuries will be reduced, allowing non-small businesses to redirect resources more efficiently. While these changes will reduce the workload, the exact financial savings are difficult to quantify due to the unpredictable nature of incident processing times.

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 updates the specific requirements for employers to report work-related injuries and will not result in additional costs or savings for persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

The amendment updates the specific requirements for employers to report work-related injuries and will not result in additional 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	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 Utah Labor Commission, Jaceson R. Maughan, has reviewed and approved this regulatory impact analysis.

This rule will not have a significant fiscal impact on businesses.

This rule will decrease the administrative burden on businesses and UOSH, allowing resources to be utilized more effectively.

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:

Title 34A, Chapter 6		
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11. Public Notice Information

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

A. Comments will be accepted until:

11/02/2026

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)

11/07/2026

13. Agency Authorization Information

Agency head or designee and title:	Jacson R. Maughan, Commissioner	Date:	08/17/2026
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R614. Labor Commission, Occupational Safety and Health.**R614-1. General Provisions.****R614-1-5. Adoption and Extension of Established Federal Safety Standards and State of Utah General Safety Orders.****A. Scope and Purpose.**

1. This rule adopts and extends the applicability of established Federal Safety Standards and Title R614 with respect to every employer, employee and employment in the state of Utah, covered by the Utah OSH Act.

2. All standards and rules, including emergency and temporary, promulgated under the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.) shall be accepted as part of the standards, rules and regulations under the Utah OSH Act, unless specifically revoked or deleted.

B. Reporting Requirements.

~~1. Each employer shall within 8 hours of occurrence, notify UOSH of any work-related fatalities, of any disabling, serious, or significant injury and of any occupational disease incident. Call (801) 530-6901.]~~

1. Each employer shall, within 8 hours of occurrence, notify UOSH of any work-related fatality, inpatient hospitalization, amputation, loss of an eye, or occupational disease incident. Call (801) 530-6901 or submit an online Accident Report Form (<https://lcformspplaborcommission.utah.gov/page/accidentreporting/>).

2. Tools, equipment, materials or other evidence that might pertain to the cause of such accident shall not be removed or destroyed until so authorized by UOSH or one of its CSHOs.

3. Each employer shall investigate or cause to be investigated all work-related injuries and occupational diseases and any sudden or unusual occurrence or change of conditions that pose an unsafe or unhealthful exposure to employees.

C. Employer and Employee Responsibility.

1. It shall be the duty and responsibility of any employee upon entering the employee's place of employment, to examine carefully such working place and ascertain if the place is safe, if the tools and equipment can be used with safety, and if the work can be performed safely. After such examination, it shall be the duty of the employee to make the place, tools, or equipment safe. If this cannot be done, then it becomes the employee's duty to immediately report the unsafe place, tools, equipment, or conditions to the supervisor.

2. Employees must comply with all safety rules of their employer and with all the rules and regulations promulgated by UOSH which are applicable to their type of employment.

3. Management shall inspect or designate a competent person to inspect frequently for unsafe conditions and practices, defective equipment and materials, and where such conditions are found, it shall take appropriate action to correct such conditions immediately.

4. Management shall warn all employees of any dangerous condition and permit no one to work in an unsafe place, except for making it safe.

5. Each employer shall instruct its employees in a language and vocabulary that the employees can understand. Employees shall only be assigned to duties or locations where they have the necessary skills and comprehension to work in a safe manner.

D. General Safety Requirements.

1. No person shall remove, displace, bypass, destroy, or carry away any safety devices or safeguards provided for use in any place of employment, or interfere in any way with the use thereof by other persons, or interfere in any method or process adopted for the protection of employees.

2. Where there is a risk of injury from hair entanglement in moving parts of machinery, employees shall confine their hair to eliminate the hazard.

3. Loose gloves, sleeves, tails, ties, lapels, cuffs, or similar garments which can become entangled in moving machinery shall not be worn where an entanglement hazard exists. Clothing saturated or impregnated with flammable liquids, corrosive substances, irritant, oxidizing agents or other toxic materials shall be removed and shall not be worn until properly cleaned.

4. Wrist watches, rings, or other jewelry shall not be worn on the job where they constitute a safety hazard.

5. Emergency Posting Required.

A list of telephone numbers or addresses as may be applicable shall be posted in a conspicuous place so the necessary help can be obtained in case of emergency. This list shall include:

- a. Responsible supervision
- b. Doctor
- c. Hospital
- d. Ambulance
- e. Fire Department
- f. Sheriff or Police
6. Lockout and Tagout.

a. UOSH has incorporated, by reference, 29 CFR 1910.147, The Control of Hazardous Energy (Lockout/Tagout). See Subsection R614-1-4(1).

b. The employee performing servicing or maintenance on machines or equipment required to be locked out under 29 CFR 1910.147 shall have exclusive control of the lockout device until the job is completed or such employee is relieved from the job, such as by shift change or other assignment.

7. Safety latch-type hooks shall be used wherever possible.

8. Grizzlies Over Chutes, Bins and Tank Openings.

a. Employees shall be provided with and use approved type safety harnesses and shall be tied off securely so as to be suspended above the level of the product before entering any bin, chute or storage place containing material that might cave or run. Cleaning and barring down in such places shall be started from the top using only bars blunt on one end or having a ring type or D handhold.

b. Employees shall not work on top of material stored or piled above chutes, drawholes or conveyor systems while material is being withdrawn unless protected.

c. Chutes, bins, drawholes and similar openings shall be equipped with grizzlies or other safety devices that will prevent employees from falling into the openings.

d. Bars for grizzly grids shall be so fitted that they will not loosen and slip out of place, and the operator shall not remove a bar temporarily to let large rocks through rather than to break them.

E. Process Safety Management.

All requirements of the process safety management (PSM) standard 29 CFR 1910.119 are extended to include blister agents sulfur mustard (H, HD, HT), nitrogen mustard (HN-1, HN-2, HN-3), Lewisite (L) and halogenated oximes (CX) and the nerve agents tabun (GA), sarin (GB), soman (GD) and VX.

KEY: safety

Date of Last Change: [May 22,] 2026

Notice of Continuation: June 24, 2022

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

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58251
Rule or section number:	R650-205-17

1. Agency Information

Title catchline:	Natural Resources, Outdoor Recreation
Building:	Department of Natural Resources
Street address:	1594 W North Temple, Suite 100
City, state:	Salt Lake City, UT
Mailing address:	1594 W North Temple, Suite 100
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Ty Hunter	801-440-5106	tyhunter@utah.gov
Nico Micheletti	385-867-4643	nicomicheletti@agutah.gov

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

3. General Information**A. Rule or section catchline:**

R650-205-17. Cutler Reservoir

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

The Division of Outdoor Recreation (Division) proposes this rule change because the operation of vessels that utilize features to increase and enhance a vessel's wake on the Cutler Reservoir is a hazard to the safety and health of Utahns recreating on the Cutler Reservoir. The Cutler Reservoir is both a congested and shallow body of water.

The increased/enhanced wake effect produced by ballast tanks, ballast bags, and other similar features is a physical risk to other persons recreating in the congested waterbody.

Further, due to the shallow nature of Cutler Reservoir, increased/enhanced wakes can resuspend the reservoir's floor sediments, potentially promoting the formation of harmful algal blooms.

C. Summary of the new rule or change:

The proposed amendment will:

- 1) allow a person to operate a vessel with a motor of greater than 35 horsepower in an area north of the Benson Railroad Bridge;
- 2) prohibit the use of devices that may artificially increase or enhance a vessel's wake on any part of the Cutler Reservoir; and
- 3) prohibit the activity of wake surfing on the Cutler Reservoir as such activity requires an artificially enhanced or increased wake.

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

The proposed amendment will not result in additional costs or savings to the state budget as the proposed amendment does not have any impact on any appropriation and is not expected to result in any increased cost in enforcing the rule change.

The proposed amendment only changes the recreational safety rules and the types of vessels that can operate at Cutler Reservoir.

B. Local governments:

The proposed amendment has no fiscal impact on local governments.

Because the proposed amendment only changes the recreational safety rules and the types of vessels that can operate at Cutler Reservoir, there is no fiscal impact on local governments.

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

The proposed amendment has no fiscal impact on small businesses.

Because the proposed amendment only changes the recreational safety rules and the types of vessels that can operate at Cutler Reservoir, there is no fiscal impact on small businesses.

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

The proposed amendment has no fiscal impact on non-small businesses.

Because the proposed amendment only changes the recreational safety rules and the types of vessels that can operate at Cutler Reservoir, there is 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**):

There is no anticipated fiscal impact on persons as this rule only changes the recreational safety rules and the types of vessels that can operate at Cutler Reservoir.

F. Compliance costs for affected persons:

There is no compliance cost for persons as this rule only changes the recreational safety rules and the types of vessels that can operate at Cutler Reservoir.

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 Natural Resources, Jamie Barnes, 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 73-18-4	Section 79-7-201	Section 73-18b-1
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Jason Curry, Division Director	Date:	09/03/2026
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NOTICES OF PROPOSED RULES

R650. Natural Resources, Outdoor Recreation.

R650-205. Zoned Waters.

R650-205-17. Cutler Reservoir.

(1) A person may not use a motor with a manufacturer listed horsepower of more than 35 horsepower in the area south of the Benson Railroad Bridge on Cutler Reservoir.

(2) A person may not operate a vessel at a speed greater than wakeless speed in the area south of the Benson Railroad Bridge on Cutler Reservoir.

(3) A person may not operate a vessel at a speed greater than wakeless speed from the last Saturday in September through March 31st in the Bear River east of the confluence with Cutler Reservoir.

(4) A person shall not wakesurf, as defined in Section R650-201-1, directly behind any vessel on Cutler Reservoir.

(5) No person shall operate a vessel while using or engaging ballast tanks, ballast bags, hydrofoils, or other similar devices which enhance or increase the vessel's wake on Cutler Reservoir.

KEY: boating, outdoor recreation

Date of Last Change: [January 9, 2024]2026

Authorizing, and Implemented or Interpreted Law: 73-18-4(1)(c)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING:	Filing ID: 58250
Rule or section number:	R650-215

1. Agency Information

Title catchline:	Natural Resources, Outdoor Recreation
Building:	Department of Natural Resources State Building
Street address:	1594 W North Temple, Suite 100
City, state:	Salt Lake City, UT
Mailing address:	1594 W North Temple, Suite 100
City, state and zip:	Salt Lake City, UT 84116

2. Contact Persons

Name:	Phone:	Email:
Ty Hunter	801-440-5106	tyhunter@utah.gov
Nico Micheletti	385-867-4643	nicomicheletti@agutah.gov

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

3. General Information

A. Rule or section catchline:
R650-215. Personal Flotation Devices
B. Purpose of the new rule or reason for the change:
The Division of Outdoor Recreation (Division) has determined that a blanket rule requiring the use of personal flotation devices (PFDs) on nearly all rivers, subject to limited exceptions, does not adequately inform the public which waterways present heightened risks warranting a mandatory wear requirement. When most rivers are regulated identically, the rule fails to distinguish between ordinary waterways and those possessing extreme, hazardous characteristics, such as swift currents, technical rapids, or limited opportunities for self-rescue. By identifying only those rivers or river sections where PFD wear remains mandatory, this rule more effectively signals elevated dangers to the recreating public and better promotes informed decision-making and compliance. Second, in response to the increased usage of "non-standard watercraft" on Utah's waterways, the Division will now apply the PFD rules to "non-standard" watercraft being used to transport individuals on Utah's waterways as the Division applies them to vessels.

C. Summary of the new rule or change:

This amendment restructures the statewide PFD requirement applicable to Utah rivers and also expands the application of the rule to "non-standard watercraft."

Rather than maintaining a general requirement that individuals wear a PFD on most Utah rivers subject to limited exceptions, the amendment establishes non-use of a PFD as the general rule and identifies specific Utah waterways where PFD use remains mandatory.

As a result, the amendment eliminates existing PFD wear requirements for a substantial number of Utah waterways.

Secondly, the rule is now expanded to require those in a "nonstandard watercraft" to wear a PFD on the Mandatory PFD Sections. The Division notes here that this rule change has no impact on the PFD wear requirement for those 12-years-old and younger who are onboard a vessel.

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

This rule change is not expected to have a fiscal impact on state government resources or expenditures.

This rule changes the locations where a person is not/required to wear a PFD and this rule does not make direct fiscal impacts.

B. Local governments:

No estimable fiscal impact on local governments.

The proposed rule change will not impact local governments because the rule changes the locations where a person is not/required to wear a PFD and this rule does not impose any requirements or obligations on local governments that would result in a fiscal impact.

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

No estimable fiscal impact on small businesses.

The proposed rule change will not impact small businesses because the rule changes the locations where a person is not/required to wear a PFD and this rule does not impose any requirements or obligations on small businesses that would result in a fiscal impact.

Guides and outfitters that provide river tours may still choose to require their customers to wear PFDs on the sections of river that will no longer be mandatory-wear, but this would not change their current fiscal operations.

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

No estimable fiscal impact on non-small businesses.

The proposed rule change will not impact non-small businesses because the rule changes the locations where a person is not/required to wear a PFD and this rule does not impose any requirements or obligations on non-small businesses that would result in a fiscal impact.

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

This proposed rule change does not place any further obligation or duty on any persons and thus will not result in a direct fiscal impact on other persons.

The rule changes the locations where a person is not/required to wear a PFD and this rule does not impose any requirements or obligations on persons; a person may choose to wear a PFD on a section of river that will no longer be mandatory-wear, but this would not create a fiscal impact.

F. Compliance costs for affected persons:

There is no compliance cost for affected persons because the rule changes the locations where a person is not/required to wear a PFD.

A person may choose to wear a PFD on sections that are no longer mandatory-wear, but this rule does not require them to.

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 Natural Resources, Jamie Barnes, 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 73-18-8(1)(d)	Section 73-18-4	
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:	Jason Curry, Division Director	Date:	09/03/2026
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R650. Natural Resources, Outdoor Recreation.**R650-215. Personal Flotation Devices.****R650-215-1. Definitions.**

As used in this rule:

(1) "Non-standard watercraft" means, for the purposes of this rule, an inflatable device not primarily used for transporting individuals on water, but nonetheless capable of transporting individuals across water. This definition includes items such as tire inner tubes, inflatable air mattresses, and pool toys.

~~[(1)](2)~~ "Personal flotation device" or "PFD" means a device that is:

(a) in serviceable condition; and

(b) approved by the Commandant of the United States Coast Guard pursuant to 46 CFR part 160.

~~[(2)](3)~~ "Throwable PFD" means a PFD that is intended to be thrown to a person in the water.

(a) A PFD marked as Type IV or Type V, with Type IV performance, is considered a throwable PFD.

(b) Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

~~[(3)](4)~~ "Vessel length" means the measurement of the permanent part of the hull, from bow to stern, across the deck down the centerline, excluding sheer.

~~[(4)](5)~~ "Wear" means to have a PFD properly worn with all fasteners connected.

~~[(5)](6)(a)~~ "Wearable PFD" means a PFD that is intended to be worn or otherwise attached to the body.

(b) A PFD marked as Type I, Type II, Type III, or Type V, with Type I, II or III performance, is considered a wearable PFD.

R650-215-2. Type IV PFD Requirements.

(1) A person may not operate, or give permission to an individual to operate, a vessel that is between 16 feet and 40 feet in length unless there is at least one throwable PFD on board the vessel.

(2)(a) A person may not operate, or give permission to an individual to operate, a vessel that is greater than 40 feet in length unless there are at least two throwable PFDs on board the vessel.

(b) One of the PFDs required by Subsection (2)(a) must be a minimum 18" ring buoy type with at least 30 feet of rope attached.

(c) One of the PFDs required by Subsection (2)(a) must be located near the bow of the vessel.

(d) One of the PFDs required by Sub[j]section (2)(a) must be located near the stern of the vessel when the configuration of the vessel allows for a PFD to be stored near the stern.

R650-215-3. Immediately Available and Readily Accessible.

(1) Unless a vessel passenger is required by law, rule, or regulation to wear a PFD, a vessel operator shall ensure:

(a) all Type IV PFDs that are onboard a vessel are immediately available for use by vessel passengers; and

(b) all other types of PFDs that are onboard a vessel are readily accessible to vessel passengers.

R650-215-4. Type V PFD Carried in Lieu.

A vessel operator or passenger may carry or wear a Type V PFD in lieu of another required PFD only if it is used according to the approval conditions on its label.

R650-215-5. ~~Whitewater River PFD Requirements.~~ Skimboard PFD Exception.

~~[On whitewater rivers, as defined in Subsection R650-206-2(1), a vessel operator shall carry Type I or Type III PFDs on board the vessel and shall ensure all PFDs are used according to the approval conditions on their labels.]~~ The PFD wear requirement does not apply to persons using a skimboard on shallow waters within 50 feet of a Mandatory PFD Section's shoreline.

R650-215-6. Required Wearing of PFDs.

(1) A person may not use an inflatable PFD to meet the requirements of this section.

(2) All persons on board a personal watercraft, as defined in Section 73-18-2, shall wear a PFD.

~~(3) All persons on board a non-standard watercraft, as defined in Section R650-215-1, on the Mandatory PFD Sections described in Section R650-215-7, shall wear a PFD.~~

~~[(3)](4)~~ The operator of a vessel under 19 feet in length shall ensure each passenger 12 years of age or younger wears a PFD at all times while onboard the vessel.

~~[(4)](5)~~ The operator of a vessel 19 feet or more in length shall ensure each passenger 12 years of age or younger wears a PFD at all times while onboard the vessel, except when the passenger is inside a cabin area.

~~[(5)](6) [On every river, every person on board a vessel shall wear a PFD, except that a PFD may be loosened or removed by a person 13 years of age or older on designated flat water river sections as listed in Section R650-215-10.]~~ Every person on board a vessel on Mandatory PFD Sections described in Section R650-215-7 shall wear a PFD.

~~R650-215-7. Designated Flatwater River Sections.~~

~~(1) Flatwater river sections on the Green River extend:~~

~~(a) from Red Creek Camp, below Red Creek Rapids to the Indian Crossing Boat Ramp;~~

~~(b) from 100 yards below Taylor Flats Bridge to the Utah or Colorado state line in Browns Park;~~

~~(c) within Dinosaur National Monument, from the mouth of Whirlpool Canyon to the head of Split Mountain Gorge;~~

~~(d) from the mouth of Split Mountain to Jack Creek in Desolation Canyon; and~~

NOTICES OF PROPOSED RULES

- ~~(c) from the Green River Diversion Dam, below Gray Canyon, to the confluence with the Colorado River;~~
- ~~(2) Flatwater river sections on the Colorado River extend:~~
- ~~(a) from the Colorado or Utah state line to the Westwater Ranger Station;~~
- ~~(b) from Big Hole Canyon in Westwater Canyon to Onion Creek;~~
- ~~(c) from Drinks Canyon, mile 70, to the confluence with the Green River; and~~
- ~~(d) after the last active rapid in Cataract Canyon.~~
- ~~(3) Flatwater river sections on the San Juan River extend from after the last active rapid before Lake Powell to Lake Powell.]~~

R650-215-7. Mandatory PFD Sections.

- (1) The following water bodies are designated as a Mandatory PFD Section in their entirety:
 - (a) Bear River;
 - (b) Dirty Devil River;
 - (c) Dolores River;
 - (d) Escalante River;
 - (e) Fremont River;
 - (f) Huntington Creek;
 - (g) Jordan River; and
 - (h) Price River.
- (2) The following sections of water bodies are designated as Mandatory PFD Sections:
 - (a) a section of the American Fork River starting at the Swinging Bridge Picnic Area and ending at the mouth of American Fork Canyon;
 - (b) a section of the Big Cottonwood Creek starting at the creek's intersection with Wasatch Blvd. Bridge and ending at the creek's confluence with the Jordan River;
 - (c) a section of the Blacksmith Fork Creek starting at the creek's intersection with Ant Flat Road and ending at the Hyrum Upper Power Plant;
 - (d) a section of the Cottonwood Creek, also known as "Lower Seeley Creek", starting at Joes Valley Reservoir and ending with the creek's intersection with the North Main Street bridge in Orangeville;
 - (e) a section of the Little Cottonwood Creek starting at Temple Quarry Trailhead and ending at the creek's confluence with the Jordan River;
 - (f) a section of the Logan River starting at Rick's Springs and ending at Third Dam;
 - (g) a section of the Muddy Creek River starting at the South Salt Wash launch ramp and ending at the river's confluence with the Dirty Devil River;
 - (h) a section of the Ogden River starting at the Pineview Dam and ending at the river's confluence with the Weber River;
 - (i) a section of the Paria River starting at the river's intersection with U.S. Highway 89 and ending at the boundary between Utah and Arizona;
 - (j) a section of the Provo River starting at the Deer Creek Dam and ending at the Murdock diversion dam;
 - (k) a section of the San Juan River starting at the boundary between Utah and Colorado and ending at the last active rapid upstream of Lake Powell;
 - (l) a section of the San Rafael River starting at the San Rafael Campground Bridge and ending with the river's intersection with Interstate 70; and
 - (m) a section of the Weber River starting at the river access point located near the milepost 112 Interstate 84 interchange and ending at the river's confluence with the Ogden River.
- (3) The following sections of the Colorado River are designated Mandatory PFD Sections:
 - (a) the section starting at the Westwater Boat Launch and ending at Big Hole Canyon located near Westwater Canyon;
 - (b) the section starting at Lower Onion Creek Boat Ramp and ending at Drinks Canyon; and
 - (c) the section starting at the confluence of the Green River and Colorado River and ending after the last active rapid in Cataract Canyon.
- (4) The following sections of the Green River are designated Mandatory PFD Sections:
 - (a) the section starting from the Flaming Gorge Dam and ending 100 yards downstream from Taylor Flats Bridge;
 - (b) the section starting at the boundary between Utah and Colorado located in Uintah County and ending at the mouth of Whirlpool Canyon within Dinosaur National Monument;
 - (c) the section starting at the Head of Split Mountain Gorge and ending at the mouth of Split Mountain Gorge; and
 - (d) the section starting at Jack Creek in Desolation Canyon and ending at the Green River Diversion Dam located downstream of Gray Canyon.

R650-215-8. PFD Use Restrictions.

A person shall use a PFD according to the conditions or restrictions listed on the PFD's U.S. Coast Guard Approval Label.

KEY: boating

Date of Last Change: ~~[March 25, 2024]~~2026

Authorizing, and Implemented or Interpreted Law: 73-18-8

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Filing ID:** 58180**Rule or section number:****R671-101****1. Agency Information**

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@utah.gov

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

3. General Information

A. Rule or section catchline:
R671-101. Definitions
B. Purpose of the new rule or reason for the change:
The purpose of this amendment is to define "rescission" to provide clarity and consistency within this rule.
C. Summary of the new rule or change:
The definition establishes that rescission refers to the withdrawal of a previously granted, but not yet effective, release date, including parole or termination, ensuring the term is applied consistently throughout the Board of Pardons' (Board) rules.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
Because the definition change does not impact procedure, there is no fiscal impact on state budget.
B. Local governments:
This rule change is not anticipated to have any fiscal impact on local governments because local governments are not regulated by this rule.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule change does not have a fiscal impact on small businesses because small businesses are not regulated by this rule.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed rule changes do not have a fiscal impact on non-small businesses because non-small businesses are not regulated by this rule.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
Because the definition change does not impact procedure, there is no fiscal impact on persons other than small businesses, non-small businesses, state or local government entities.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons because this rule is definitional and does not affect procedure.

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 Board Administrator of the Board of Pardons and Parole, Jennifer Yim, 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 77-27-9(5)	Title 63G, Chapter 3	
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

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):
10/07/2026	4:00 PM	448 E Winchester St Suite 300 Murray, UT

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	08/18/2026
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R671. Pardons (Board of), Administration.**R671-101. Definitions.****R671-101-1. Definitions.**

Unless otherwise provided, as used in [Rule] Title R671:

(1) "Commutation" means the change or reduction of the severity of a crime; the change or reduction of an imposed sentence; or the change or reduction of the type or level of offense. Commutation is an act of clemency. Commutation is not a conditional or unconditional pardon.

(2) "Confinement" means a person is held in a jail or a prison or otherwise in the custody of a peace officer pursuant to a lawful arrest. Confinement does not mean an involuntary hold pursuant to a civil order or proceeding.

(3)(a) "Conviction" means a plea or conviction of:

- (i) guilty;
- (ii) guilty with a mental illness; or
- (iii) no contest.

(b) "Conviction" includes a plea that is held in abeyance pursuant to a plea in abeyance agreement as defined in Utah Code Section 77-2a-1;

(c) "Conviction" does not include:

- (i) a withdrawn or dismissed plea; or
- (ii) a diversion agreement.

(4) "Correctional facility" means any of the Utah prison facilities operated by the Department or any portion of a county jail contracted with the Department to house offenders.

(5) "Custody"; except when the rule provides a distinction between "custody" and "provisional custody," means that a person is held in jail or prison, and includes a person who is:

(a) in the custody of a peace officer pursuant to a lawful arrest;

(b) a minor confined in a facility operated by the Division of Juvenile Justice and Youth Services, following conviction as an adult in district court, when the district court obtained jurisdiction over the minor pursuant to Utah Code Section[s] 78A-6-450, 78A-6-451, or 80-6-501 to 80-6-505[et. Seq.]; or

(c) committed to the Department of Corrections, but who is housed at the Utah State Hospital or other medical facility.

(6) "Department." Unless otherwise stated in an individual rule, "department" means the Utah Department of Corrections.

(7) "Effective date," as used in a Board decision, means the event or action shall occur on or before 11:59 p.m. on the designated day. Whenever a calendar date is identified in a Board decision, it shall be the "effective date."

(8) "Health and Human Services" means the Utah Department of Health and Human Services, including the Division of Correctional Health Services.

(9) A "hearing official" is a Board member, a Board member pro tempore, or a hearing officer.

(10) "Incompetent to proceed" means the offender is suffering from a mental disorder or intellectual disability resulting in either:

- (a) an inability to have a rational and factual understanding of a pending Board hearing; or
- (b) an inability to consult with counsel and participate in a hearing with a reasonable degree of rational understanding.

(11) "Maximum Parole Term" is the expiration date of an offender's combined sentences, or the last day of the offender's legislative parole term, as set forth in Utah Code Section 76-3-202, whichever occurs first.

(12) "Media" means a bona fide newspaper, magazine, or broadcast media enterprise, whether conducted on a for-profit or nonprofit basis, engaged in the business of providing news and information to the general public. per Section 53-25-101.

(13) "Mentally decompensating offender" means an individual who is in the custody of the Department of Corrections (Department), who has not been adjudicated as a mentally ill offender by a court, but whose mental health has decompensated to the point that admission to the State Hospital is necessary to ensure adequate mental health treatment.

(14) "Mentally ill offender" means an individual who has been adjudicated guilty with a mental illness, including an individual who has an intellectual disability, pursuant to Utah Code Section 77-16a-202.

(15) "Public hearing" means a hearing that is available to be viewed by a member of the public, whether in person or by live internet streaming. Public hearing includes "hearing" as discussed in Utah Code Subsection 77-38-2(5)(g). Every personal appearance hearing is a public hearing.

(16) A "pardon" is an act of grace that forgives a criminal conviction and restores the rights and privileges forfeited by or because of the criminal conviction. A pardon releases an applicant from the punishment prescribed for a criminal offense and from disabilities, to the extent allowable by law, that are a result of the criminal conviction. A pardon reinstates any civil rights lost as a result of conviction or punishment for a criminal offense, to the extent allowable by law.

(17) "Provisional custody" means a minor confined in a facility operated by the Division of Juvenile Justice and Youth Services, following conviction as an adult in district court, when the district court obtained jurisdiction over the minor pursuant to Utah Code Section 78A-6-450, 78A-6-451, or 80-6-501 et. Seq.

(18) "Remit" or "remission" means to forgive or to excuse, in whole or in part, any unpaid amount of a criminal accounts receivable, as in Utah Code Section 77-32b-102.

(19) "Rescission" means to take away a previously granted but not yet effective release date, including parole or termination.

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(~~17~~20) "Sentence" means:

(a) A judgment, sentence, or commitment issued by a district court pursuant to Utah Code Subsection 77-18-105(2) for a criminal conviction.

(b) When a person is sentenced to prison after being convicted of multiple counts in the same criminal case, or after being convicted in multiple cases, credit for time served will be calculated separately for each sentence.

(~~18~~21) "State Hospital" means the Utah State Hospital or other facilities designated by the Utah State Hospital where offenders may be housed for mental health treatment.

(~~19~~22) "Victim" means:

(a) a person against whom the offender committed an offense over which the Board has jurisdiction;

(b) the victim's family if the victim is deceased as a result of the offense over which the Board has jurisdiction;

(c) ~~1~~for the purposes of a revocation hearing or other hearing where the Board is adjudicating whether conduct occurred a victim includes a person against whom the offender allegedly committed an offense or other parole violation; or

(d) ~~e~~xcept for purposes of notification and in the Board's discretion, a victim may also include a natural person originally named as an alleged victim in an allegation of criminal conduct who is not a victim of the offense of Board jurisdiction to which the defendant entered a negotiated plea of guilty or no contest.

(~~20~~23) "Victim representative" means a person designated by a victim or by this rule to represent a victim during Board processes, hearings, or communications.

KEY: pardons, parole

Date of Last Change: ~~2026~~**December 24, 2025**

Notice of Continuation: March 6, 2026

Authorizing, and Implemented or Interpreted Law: 77-27-9(5); 63G-3

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58186
Rule or section number:	R671-201

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@utah.gov

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

3. General Information

A. Rule or section catchline:
R671-201. Original Hearing Schedule and Notice
B. Purpose of the new rule or reason for the change:
The amendment clarifies how original hearings are scheduled, including notice requirements and how scheduling changes may be handled.
It also sets specific timelines for offenders who were under 18 at the time of the offense and clarifies hearing eligibility, including required victim advocate referrals.
C. Summary of the new rule or change:
This change provides an exception to the juvenile hearing timelines when an offender commits a new offense after turning 18.
In those cases, the Board of Pardons has full discretion to continue or reschedule the offender's hearing under the other applicable rules.

5. Fiscal Information

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

A. State budget:

There is no anticipated impact on state budgets because the changes clarify process but do not impact procedure cost.

B. Local governments:

This rule change is not anticipated to have any fiscal impact on local governments because it does not affect local governments.

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

This rule change does not have a fiscal impact on small businesses because small businesses are not regulated by this rule.

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

The proposed rule change does not have a fiscal impact on non-small businesses because non-small businesses are not regulated by this rule.

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

There is no fiscal impact on persons other than small businesses, non-small businesses, state or local government entities because the rule changes clarify process but do not impact procedure cost.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons because the rule changes clarify process and does not impact procedure cost.

6. Regulatory Impact Summary Table

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

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 Board Administrator of the Board of Pardons and Parole, Jennifer Yim, 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:	☒
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9. Citation Information

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

Utah Constitution, Article VII, Section 12	Section 77-27-5	Section 77-27-7
Section 77-27-9		

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:	11/02/2026
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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):
10/07/2026	4:00 PM	448 E Winchester St Suite 300 Murray, UT

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)	11/09/2026
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13. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	08/18/2026
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R671. Pardons (Board of), Administration.**R671-201. Original Hearing Schedule and Notice.****R671-201-1. Schedule and Notice.**

(1)(a) The Board shall conduct a scheduling review to determine the month and year of an offender's original hearing, and provide timely notice to the offender, within six months of the offender's commitment to prison, and provide notice in accordance with Rule R671-203 Victim Input and Notification.

(b)(i) No original hearing may be scheduled for any offender whose prison commitment includes a sentence of death.

(ii) No original hearing will be scheduled for any offender whose sentence includes a commitment of life without the possibility of parole. The Board will not consider parole for any offender whose prison commitment includes a sentence of life without parole, unless the requirements of Utah Code Subsection 77-27-9(7) are met.

(iii) Every other offender will be scheduled for an original hearing as described in this rule.

(2) For purposes of this rule, "scheduling review" means the process by which the Board schedules the month and year for an offender's original hearing.

(3) The date of the original hearing or scheduling review may be adjusted if:

(a) an offender requests a delay or continuance;

(b) an offender has unadjudicated criminal charges pending at the time a hearing would normally be held;

(c) a Class A misdemeanor commitment has expired before an original hearing; or

(d) the Board determines that other unusual or extraordinary circumstances impact the scheduling of an original hearing; or

(e) calendar constraints exist.

(4)(a) When scheduling an original hearing by scheduling review, the Board may consider the following: [] guideline date; [] pre-sentence report, [] including victim impact statements []; nature of the offense; [] rehabilitative needs; [] and any relevant documentation provided.

(b) If the Board obtains and considers additional information which was not available to the offender before or at the time of sentencing, the additional information shall be provided to the offender. The offender may provide a response to any of the disclosed materials before or at the original hearing.

(5) When scheduling an original hearing by scheduling review, if the offender was less than 18 years of age at the time of the commitment offense, the original hearing shall be scheduled:

(a) no later than 6 months before the individual's 25th birthday, so long as the individual is in secure care, in the provisional custody of the Division of Juvenile Justice and Youth Services, at the time of the hearing.

(b) no later than 10 years after the individual's transfer to the custody of the Utah Department of Corrections if the individual is transferred to the custody of the department before their 25th birthday, so long as the total amount of time after the date of sentencing does not exceed 15 years.

(c) Exception for Adult Offenses: If an offender is convicted of a new offense committed after attaining 18 years of age, the limitations set forth in Subsections (5)(a) and (b) shall not apply. Under these circumstances, the Board retains full authority to continue or reschedule the offender's hearing in accordance with all other applicable sections of this rule.

(6) When the Board sets an original hearing in Subsection (5), the Board shall make a referral to the victim advocate at Health and Human Services to provide support and assistance should the victims of record choose to participate in any Board hearings to which they are entitled to participate.

(7) An offender may request in writing that their original appearance and hearing before the Board be continued. The request shall specify the reasons supporting the request. The Board may grant or deny the offender's request in its sole discretion.

KEY: parole, inmates, hearings

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

Notice of Continuation: September 17, 2024

Authorizing, and Implemented or Interpreted Law: Art. VII Sec. 12; 77-27-5; 77-27-7; 77-27-9

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58181
Rule or section number:	R671-301

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@utah.gov

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

3. General Information

A. Rule or section catchline:
R671-301. Personal Appearance
B. Purpose of the new rule or reason for the change:
The amendment modernizes hearing procedures, improves clarity, and ensures consistent processes for out of state offenders while preserving the Board of Pardons' (Board) final decision authority.
C. Summary of the new rule or change:
This rule updates procedures for offender rehearings by replacing references to "initial" hearings with "original" hearings and clarifying an offender's right to appear, including the Board's discretion to allow videoconferencing.
It also establishes procedures for offenders housed out-of-state, including options for return to Utah, courtesy hearings, or proceedings conducted by a Board member or designee at the custodial facility.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated impact on state budgets because the changes clarify process but do not impact procedure cost.

B. Local governments:

This rule change is not anticipated to have any fiscal impact on local governments because local governments are not regulated by this rule.

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

This rule change does not have a fiscal impact on small businesses because small businesses are not regulated by this rule.

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

The proposed rule change does not have a fiscal impact on non-small businesses because non-small businesses are not regulated by this rule.

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

There is no fiscal impact on persons other than small businesses, non-small businesses, state or local government entities because this rule does not regulate other persons.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons because this rule clarifying and does not impact procedure cost.

6. Regulatory Impact Summary Table

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

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 Board Administrator of the Board of Pardons and Parole, Jennifer Yim, 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:

Subsections 63G-3-201(2) and (3)	Subsection 77-27-7(2)	Subsection 77-27-9(5)
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11. Public Notice Information

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

A. Comments will be accepted until:

11/02/2026

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):
10/07/2026	4:00 PM	448 E Winchester St Suite 300 Murray, UT

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	08/18/2026
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R671. Pardons (Board of), Administration.**R671-301. Personal Appearance of Offender.****R671-301-1. Personal Appearance.**

(1) By statute, the Board or its designee is required to convene at least one public hearing for each offender except those serving life without parole or a death sentence. In rehearings, the offender is afforded the same rights and considerations as afforded in the ~~initial~~ original hearing except as provided by other Board rules ~~[because the setting of a parole date is still at issue]~~.

(2) An offender has the right to be present ~~[if the offender is housed in the state (Section 77-27-7)].~~ In the Board's discretion, the offender may appear by videoconferencing. The offender may speak, present documents, ask questions of the hearing official, and answer questions. In the event an offender waives this right to appear, or refuses to personally attend the hearing, the Board may proceed with the hearing and issue a decision.

(3) Additionally, [H]if an offender is housed out of state:

~~[(a) The offender may waive the right to be present, and the Board may then conduct the hearing in absentia.~~

~~[(a)[b]) The Board may request the Department of Corrections to return the offender to the state for the hearing.~~

~~[(b)[e]) The Board may require the offender to submit to a courtesy hearing to be held by the appropriate authority in the jurisdiction in which the offender is housed, in lieu of an appearance before the Board [may request that a courtesy hearing be conducted by the appropriate paroling authority of the custodial jurisdiction. A request along with a complete copy of Utah's record shall be forwarded for the hearing. Reports, a record of the hearing, and a recommendation shall be returned to the Utah Board for final action].~~

~~[(c)[d]) An individual Board member or designee may travel to the custodial facility and conduct the hearing, record the proceeding, and make a recommendation for the Board's final decision.~~

~~[(e) A hearing may be conducted by videoconference or conference telephone call.~~

KEY: inmates, parole

Date of Last Change: 2026[February 16, 2022]

Notice of Continuation: July 2, 2026

Authorizing, and Implemented or Interpreted Law: 63G-3-201(2) and (3); 77-27-7(2); 77-27-9(5)

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58187
Rule or section number:	R671-303

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@utah.gov

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

3. General Information

A. Rule or section catchline:
R671-303. Information Received, Maintained or Used by the Board
B. Purpose of the new rule or reason for the change:
The amendment provides changes that aim to balance offender due process, institutional safety, evidentiary clarity, and administrative efficiency in Board of Pardons proceedings.
C. Summary of the new rule or change:
The change allows relevant images to be presented during a revocation hearing but limits their long-term retention in the offender's permanent file.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated impact on state budgets because the changes clarify process but do not impact procedure cost.
B. Local governments:
This rule change is not anticipated to have any fiscal impact on local governments because it does not affect local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule change does not have a fiscal impact on small businesses because small businesses are not regulated by this rule.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed rule change does not have a fiscal impact on non-small businesses because non-small businesses are not regulated by this rule.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
There is no fiscal impact on persons other than small businesses, non-small businesses, state or local government entities because the rule changes clarify process but do not impact procedure cost.
F. Compliance costs for affected persons:
There are no compliance costs for affected persons because this rule clarifying and does not impact procedure cost.

6. Regulatory Impact Summary Table

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

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 Board Administrator of the Board of Pardons and Parole, Jennifer Yim, 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 77-27-7(6)		
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

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):
10/07/2026	4:00 PM	448 E Winchester St Suite 300 Murray, UT

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	08/18/2026
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R671. Pardons (Board of), Administration.**R671-303. Information Received, Maintained or Used by the Board.****R671-303-1. Information Received, Maintained or Used by the Board.**

(1) Offender access to information

(a) Absent a security or safety concern, as determined by the Board, the Board will provide the offender access to the information the Board will consider and the offender will be given an opportunity to respond to such information, whenever the Board sets or extends the offender's parole or release date. The Board will provide the offender a written summary of information being considered if access to information presents a security or safety concern.

(b) The Board, upon request or upon its own motion, may:

(i) continue a hearing; or

(ii) allow the offender to submit additional documentation or information for consideration pursuant to the Board's order.

(c) The Board shall:

(i) provide an offender with a copy of the records not provided for previous hearings and contained in the offender's record at least three days prior to any personal appearance hearing in which a parole or release date may be fixed or extended by the Board;

(ii) at the beginning of the hearing, provide any additional information not provided under Subsection (1)(c)(i) obtained by the Board after this initial disclosure;

(iii) allow the offender an opportunity to review the supplemental information before the hearing proceeds in circumstances described under Subsection (1)(c)(ii); and

(iv) proceed with the hearing as scheduled if the offender requests no additional time for review as described under Subsection (1)(c)(iii).

(2) Submission of information

(a) Other than statements by the offender or information the Department of Corrections (Department) submits, other materials, briefs or written memoranda or argument submitted by or on behalf of any person, in preparation for a hearing, excluding commutation hearings governed by Rule R671-312, shall be limited to no more than five pages in length.

(b) Use of photographs or electronic images

(i) In extraordinary circumstances, photographs or electronic images may be submitted and must be relevant to the offense. The Department limits the number of photographs or electronic images that an inmate may possess and photographs or electronic images of victims are contraband. The Board will disclose accepted photographs or electronic images at the beginning of a hearing. The offender may view the photographs or electronic images but not retain them. Pursuant to Subsection R671-303-1(1)(b), the offender may request additional time to respond or submit supplemental information.

(ii) Images may be utilized in a parole revocation evidentiary hearing when necessary to establish an element of the parole violation or when necessary as a defense to an alleged parole violation. Images that depict criminal conduct will not be retained in the offender's permanent records after a decision on the violation has been reached.

(c) Submissions by legal counsel for or on behalf of an offender must be received by the Board no later than seven days prior to any scheduled hearing.

(d) The Board reserves the right to strike from the offender's record, and to refuse to accept or consider any material or submissions that are irrelevant, defamatory, inflammatory, or that do not otherwise conform to this rule.

KEY: inmates' rights, inmates, parole, records

Date of Last Change: ~~2026~~**February 16, 2022**

Notice of Continuation: July 2, 2026

Authorizing, and Implemented or Interpreted Law: 77-27-7(6)

NOTICE OF SUBSTANTIVE CHANGE	
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TYPE OF FILING: Amendment	Filing ID: 58182
Rule or section number:	R671-308

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@utah.gov

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

3. General Information**A. Rule or section catchline:**

R671-308. Offender Hearing Assistance

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

The amendment clarifies the availability and scope of legal representation in Board of Pardons (Board) proceedings, including Board-appointed counsel for parole violation and evidentiary hearings and requirements governing privately retained attorneys at pardon, commutation, and restitution hearings.

Limits who may address the Board during hearings, while allowing Board-approved participation by privately retained counsel in pardon, commutation, and restitution hearings.

C. Summary of the new rule or change:

The change clarifies when the Board must provide an attorney or may allow other representation for offenders and parolees.

It requires state-funded counsel for parole violation and evidentiary hearings, while allowing private attorneys to participate in certain other hearings with the Board's permission.

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

This amendment anticipates no impact on state budgets because an existing state contract with a set monthly rate covers the cost of Board-funded counsel.

B. Local governments:

This rule change is not anticipated to have any fiscal impact on local governments because local governments are not regulated by this rule.

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

This rule change does not have a fiscal impact on small businesses because small businesses are not regulated by this rule.

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

The proposed rule change does not have a fiscal impact on non-small businesses because non-small businesses are not regulated by this rule.

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

This amendment anticipates no fiscal impact on persons other than small businesses, non-small businesses, state or local government entities because an existing state contract with a set monthly rate covers the cost of Board-funded counsel.

No other persons are regulated by this rule.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons because the costs associated with hearing assistance are covered by the Board.

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."

NOTICES OF PROPOSED RULES

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 Board Administrator of the Board of Pardons and Parole, Jennifer Yim, 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 77-27-5	Section 77-27-7.1	Section 77-27-9
Section 77-27-11	Section 77-27-29	

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: 11/02/2026

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):
10/07/2026	4:00 PM	448 E Winchester St Suite 300 Murray, UT

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	08/18/2026
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R671. Pardons (Board of), Administration.**R671-308. Offender Hearing Assistance.****R671-308-1. Offender Hearing Assistance.**

Pursuant to Utah Code Section 77-27-7.1, if the Board in its discretion determines that an offender is unable to meaningfully participate in a Board hearing or other Board proceeding, the Board may appoint legal counsel or a lay representative to assist the offender. The Board shall determine the scope of the representation based on a review of the totality of the circumstances. ~~[Offenders who are deemed by a hearing official to be unable to effectively represent themselves at a hearing may be allowed to have any assistance the Board determines is necessary to conduct an orderly hearing. This may include a Board-appointed representative.]~~

R671-308-2. Offender Legal Counsel -- Parole Violation~~[Revocation]~~ Hearings.

(1) At a parole violation and an evidentiary hearing, the~~[The]~~ Board shall provide~~[may appoint or assign]~~ an attorney to represent parolees~~[offenders at parole violation hearings, including evidentiary hearings]~~, at [S]~~[S]~~ state expense.~~[, unless the offender is the subject of a new criminal conviction for which an initial or original hearing is scheduled.]~~

(2) ~~[An offender]~~A parolee may choose instead to be represented by their own attorney at the parolee's own expense, or represent themselves, during parole ~~[revocation]~~violation ~~[hearings]~~or evidentiary hearing~~[at the offender's own expense]~~.

(3) If an offender has been convicted of a new criminal offense that has resulted in Board jurisdiction, a parole violation/original hearing will be scheduled, and the offender is not entitled to representation at the parole violation/original hearing.

(4)~~[3]~~ Any attorney ~~[appearing or]~~representing a parolee~~[an offender]~~ in parole ~~[revocation]~~violation or evidentiary hearing[s] shall be admitted and licensed to practice law within Utah. Any attorney not appointed by the Board to represent~~[ing an offender]~~ parolee ~~[in a parole revocation hearing]~~ shall give written notice of their representation to the Board before the hearing.

R671-308-3. Offender Legal Counsel -- Other Hearings.

(1) Except ~~[in parole revocation proceedings]~~ as set forth in this rule, an offender or petitioner has no right, requirement, or entitlement to legal representation or appointed counsel before the Board or during or in connection with any Board hearing, review, or decision.~~[~~

~~_____~~(2) No attorney or other person ~~[appointed or employed]~~representing by~~[by]~~ an offender to assist in any matter or hearing before the Board may testify, speak, or otherwise address the Board during a hearing except as provided in this rule.~~[Only the offender, a person appointed by the Board to assist an offender pursuant to this rule, or a victim may present testimony or comment during a hearing.]~~

(2)~~[3]~~ If an attorney is privately retained to represent a pardon or commutation petitioner~~[appoints or employs an attorney at their own expense, to appear or represent the petitioner before the Board]~~, the Board may allow the attorney to participate at the pardon or commutation hearing.

~~_____~~(3) If an attorney is privately retained to represent an offender at a restitution hearing, the Board may allow the attorney to participate.

KEY: parole, inmates

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

Notice of Continuation: July 2, 2026

Authorizing, and Implemented or Interpreted Law: 77-27-5; 77-27-9; 77-27-11; 77-27-29; 77-27-7.1

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58183
Rule or section number:	R671-310

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@utah.gov

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

3. General Information

A. Rule or section catchline:

R671-310. Rescission Hearings

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

The amendment clarifies that outside parties requesting rescission must provide information supporting the request before a rescission hearing can be scheduled.

This rule also focuses rescission on the release itself, removes outdated language regarding rehearing dates and escape-specific procedures, and allows greater flexibility in handling continuances.

C. Summary of the new rule or change:

The changes clarify that rescission applies only to an offender's release and require outside parties to provide supporting information before a hearing is scheduled.

This rule also removes the automatic escape-related rescission provision and clarifies the Board of Pardons' authority to make an interim rescission decision before a hearing or release date.

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

There is no anticipated impact on state budgets because the changes are updates that will not affect procedures.

B. Local governments:

This rule change is not anticipated to have any fiscal impact on local governments because local governments are not regulated by this rule.

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

This rule change does not have a fiscal impact on small businesses because small businesses are not regulated by this rule.

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

The proposed rule changes do not have a fiscal impact on non-small businesses because non-small businesses are not regulated by this rule.

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

The proposed rule changes do not have a fiscal impact on persons other than small businesses, non-small businesses, state or local government entities.

No other persons are regulated by this rule.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons because this rule clarifying and does not impact procedure cost.

6. Regulatory Impact Summary Table

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

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 Board Administrator of the Board of Pardons and Parole, Jennifer Yim, 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:

Utah Constitution, Article VII, Section 12	Section 77-27-5	Section 77-27-11
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

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):
10/07/2026	4:00 PM	448 E Winchester St Suite 300 Murray, UT

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	08/18/2026
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R671. Pardons (Board of), Administration.

R671-310. Rescission Hearings.

R671-310-1. Rescission Hearings.

- (1) Any Board decision may be reviewed and rescinded by the Board at any time prior to an offender's actual release from custody.
- (2) If the rescission of a release ~~[or hearing date]~~ is being requested by an outside party:
 - (a) information shall be provided to the Board establishing the basis for the request; and
 - (b) upon receipt of such information, the Board may schedule the offender for a rescission hearing.
- (3) The Board may review and rescind an offender's release ~~[or hearing date]~~ on its own initiative.
 - (a) Except under extraordinary circumstances, the offender should be notified of the basis for consideration of rescission and the date of the scheduled hearing at least seven calendar days in advance of the hearing.
 - (b) The offender may waive this period.

NOTICES OF PROPOSED RULES

[~~_____~~ (4) In the event of an escape, the Board will rescind the inmate's date upon notification of escape from custody and continue the hearing until the inmate is available for appearance. The hearing may be continued pending criminal or administrative proceedings being resolved or until the Board receives appropriate information regarding the escape.]

(4[5]) The Board may make an interim rescission decision [upon receipt of a rescission request and] prior to a rescission hearing and prior to a release date.

KEY: parole, inmate

Date of Last Change: 2026[February 16, 2022]

Notice of Continuation: July 2, 2026

Authorizing, and Implemented or Interpreted Law: Article VII, Section 12; 77-27-5; [77-27-6; 77-27-11]

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Filing ID: 58188

Rule or section number:

R671-315

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@utah.gov

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

3. General Information

A. Rule or section catchline:
R671-315. Pardons
B. Purpose of the new rule or reason for the change:
The amendment clarifies and modernizes pardon eligibility by establishing tiered waiting periods, defining how expunged cases and pleas in abeyance are treated, and standardizing application requirements.
It also improves hearing procedures, clarifies Board of Pardons (Board) decision-making and post-pardon expungement processes, and provides greater flexibility through virtual appearances, accommodations, and good-cause waivers.
C. Summary of the new rule or change:
The change replaces the prior five-year pardon waiting period with offense-based waiting periods of 10, 7, or 5 years and clarifies eligibility restrictions, application requirements, and background-report timelines.
It also updates hearing and submission procedures, including virtual appearances for good cause, clarifies Board decision-making and expungement procedures, and allows reasonable accommodations or waivers of requirements for good cause.

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 110 (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 impact on state budgets because the changes clarify process but do not impact procedure cost.

B. Local governments:

This rule change is not anticipated to have any fiscal impact on local governments because it does not affect local governments.

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

This rule change does not have a fiscal impact on small businesses because small businesses are not regulated by this rule.

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

This rule change does not have a fiscal impact on non-small businesses because it does not affect 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**):

There is no fiscal impact on persons other than small businesses, non-small businesses, state or local government entities because the rule changes clarify process but do not impact procedure cost.

F. Compliance costs for affected persons:

The rule change increases the waiting times prior to eligibility for application, but there are no compliance costs for affected persons because it does not increase application cost and application does not guarantee a pardon.

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 Board Administrator of the Board of Pardons and Parole, Jennifer Yim, 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:

This amendment is responsive to state legislative action.

It extends eligibility periods before applying for a pardon, but it is not expected to have a negative impact on affected individuals and families because applying for a pardon does not guarantee a pardon.

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:

Utah Constitution, Article VII, Section 12	Subsection 77-27-1(16)	Section 77-27-5
Section 77-27-5.1	Section 77-27-9	Section 77-41-113

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: 11/02/2026

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):
10/07/2026	4:00 PM	448 E Winchester St Suite 300 Murray, UT

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	08/18/2026
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R671. Pardons (Board of), Administration.**R671-315. Pardons.****R671-315-1. Pardons.**

(1)(a) The Board may consider an application for a pardon from any individual who has been convicted of an offense in Utah, after the applicant has exhausted available judicial remedies, including expungement, in an effort to ameliorate the effects of the conviction.

(b) Absent extraordinary circumstances or statutory prohibitions, the Board will accept and consider a pardon application [only after at least five years have passed since the sentence for the conviction and any enhancement period has terminated or expired.] according to the following time periods:

(i) For convictions of first degree felonies, or any felony person crime, at least ten years have passed since the termination of the sentence or supervision for the conviction, whichever is later.

(ii) For convictions of second degree felonies, at least seven years have passed since the termination of the sentence or supervision for the conviction, whichever is later.

(iii) For convictions of a third degree felony or any other offense not stated in Subsections (1)(b)(i) and (1)(b)(ii), at least five years have passed since the termination of the sentence or supervision for the conviction, whichever is later.

(c) If a conviction is subject to a more restrictive statutory timeframe, the more restrictive statutory timeframe will govern.

(d) The Board may also consider relevant enhancement periods when deciding whether to grant a hearing or a pardon.

(e)[e]) Absent extraordinary circumstances, [F]he Board will not consider pardons for cases where infractions are the most serious offense on [or successfully completed pleas in abeyance] expunged cases.

(f) The Board will not consider pardons for charges that were dismissed through a plea in abeyance agreement.

(g) While the Board does not have jurisdiction to pardon convictions for crimes committed outside the Board's jurisdiction, such as convictions in another state or convictions in federal court, the Board may consider such convictions in determining whether to grant a pardon hearing.

(2)(a) A person seeking a pardon from the Board must complete and submit, to the Board's satisfaction, an application in a form approved by the Board. Every requirement of this rule ~~may be eligible for~~~~[is subject to]~~ reasonable accommodations when requested by the applicant.

(b) No pardon application will be accepted unless it has been signed by the person whose convictions are sought to be pardoned.

(c) Posthumous pardon applications will not be accepted or considered.

(d) A pardon application will not be considered unless the applicant is willing to personally attend the pardon hearing.

(3) In addition to the completed application, the applicant shall provide to Board staff, where possible, other relevant information including:

(a) any police reports concerning the conviction for which the applicant is seeking a pardon;

(b) any pre- or post-[-]sentence reports prepared in connection with any sentence served in jail or prison, and for any conviction for which the applicant is seeking a pardon;

(c) the applicant's inmate files;

(d) a ~~recent~~[-]Bureau of Criminal Identification (BCI) report, National Crime Information Center (NCIC) report, and Interstate Identification Index (III) report, each completed within six months of the application's submission, concerning the applicant;

(e) verification from the applicant or a third party, including the Office of State Debt Collection, that imposed restitution, fines, fees, or surcharges have been satisfied; and

(f) verification from the applicant that the applicant completed therapy programs ordered by any court or by the Board.

(4)(a) Board staff shall summarize information collected or submitted regarding the application and provide the application and additional information to the Board.

(b) As allowable by law, Board staff shall disclose to the applicant, before the hearing, any information obtained or received by the Board regarding the pardon application which is not from the applicant.

(c) The Board may request additional information from staff or from the applicant.

(5) Once the pardon application is complete, and if otherwise compliant with Board rules, the Board will review the pardon application, information received under Subsection (4)(c), and the information submitted in response to the application. After review, the Board will vote to grant or to deny a pardon hearing.~~[and any available relevant information will be considered by the Board, which shall vote to grant or deny a pardon hearing.]~~

(6) If a pardon hearing is granted:

(a) notice of the hearing shall be published on:

(i) the Board's website; and

(ii) the Utah Public Notice website; and

(b) for each conviction which is the subject of the pardon hearing, notice of the hearing shall be mailed or otherwise sent to:

(i) any victim of record, if the victim can be located;

(ii) the arresting or investigating agency;

(iii) the sentencing court; and

(iv) the respective prosecuting agency.

(7) In furtherance of the Board's obligation to conduct a full and fair hearing, the following pardon hearing procedures apply:

(a) The pardon applicant shall ~~[personally]~~appear in person and shall be required to testify. The applicant may designate a few family members or other supporters to offer testimony at the hearing, if time allows.

(i) The Board may allow the pardon applicant to appear virtually if the Board finds good cause to make an exception to the personal appearance requirement in Subsection (7)(a).

(b) Any victim of a conviction for which a hearing has been scheduled may offer testimony, or may submit written material concerning the pardon request. Any victim may designate a representative to testify on the victim's behalf at a pardon hearing.

(c) An authorized representative of the arresting or investigating agency, sentencing court or prosecuting agency for each conviction which is the subject of the hearing may offer testimony or may submit written material concerning the pardon request.

(d) The Board may subpoena any person to attend and testify at a pardon hearing if it determines that such testimony will aid the Board in making a decision regarding the pardon request.

(e) Any person not otherwise specified in this rule may submit letters in support of or in opposition to a pardon request.

(f) Any testimony or written material regarding a pardon request must be relevant, and must comply with other Board administrative rules.

(g) Statements or other material submitted regarding a pardon application or hearing may not be submitted anonymously. Victim identifying information will be redacted.

(h) The Board may refuse to accept, remove from an applicant's file or pardon application, or refuse to consider any statement or material submitted which is irrelevant, inflammatory, defamatory, hearsay, or which does not otherwise conform to Board rules.

(i) The Board may manage the hearing as appropriate~~[to promote efficiency]~~.

(8) A pardon hearing may be conducted by the full Board, or by a panel or a single Board Member assigned by the Board Chair. If conducted by a panel of the Board, the Board Chair or designee may appoint members to the panels in any combination.

(9) The Board may deny a pardon, grant a conditional pardon, ~~[or]~~grant an unconditional pardon, or grant a commutation. The applicant will be notified in writing of the results as soon as practicable.

(10) Pardon decisions must be made by a majority vote. Pardon decisions are final and are not subject to judicial review.

NOTICES OF PROPOSED RULES

(11) Upon granting a pardon, the Board shall issue an expungement order, directing any criminal justice agency to remove the recipient's identifying information relating to the expunged convictions from its records.

(a) An expungement order, issued by the Board, has the same legal effect and authority as an order of expungement issued by a court[, pursuant to Utah Code Title 77, Chapter 40, Utah Expungement Act].

(b) The Board shall provide [clear] written directions to the pardon recipient along with a list of agencies known to be affected by the expungement order.

(c) If the offense that was pardoned subjected the applicant to a registration requirement pursuant to Title 77, Chapter 41, Sex and Kidnap Offender Registry, the Board shall issue notification addressed to the Department of Public Safety to be hand delivered by the recipient or their attorney, [to the Department of Corrections of the pardon and direct that the applicant be removed from the registry.]

(12) Absent any statutory prohibition, t[T]he Board may dispense with any requirement created by this rule for good cause.

KEY: pardons

Date of Last Change: 2026[January 16, 2026]

Notice of Continuation: July 2, 2026

Authorizing, and Implemented or Interpreted Law: Art. VII Sec. 12; 77-27-1(16); 77-27-5; 77-27-5.1; 77-27-9; 77-41-113

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58184
Rule or section number:	R671-517

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@utah.gov

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

3. General Information

A. Rule or section catchline:
R671-517. Evidentiary Hearings and Proceedings
B. Purpose of the new rule or reason for the change:
The amendment clarifies and modernizes parole revocation hearing procedures, including evidentiary standards, due process rights, disclosure requirements, continuances, and remote-hearing procedures.
C. Summary of the new rule or change:
The change clarifies when an evidentiary hearing is required, including when a parolee denies a violation allegation, while recognizing exceptions for convictions and revocations under Rule R671-518.
It also updates terminology and establishes clearer procedures for witness appearances, briefing, continuances, discretion, and burden of proof.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
There is no anticipated impact on state budgets because the changes clarify process but do not impact procedure cost.

B. Local governments:

This rule change is not anticipated to have any fiscal impact on local governments because local governments are not regulated by this rule.

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

This rule change does not have a fiscal impact on small businesses because small businesses are not regulated by this rule.

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

The proposed rule change does not have a fiscal impact on non-small businesses because non-small businesses are not regulated by this rule.

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

There is no fiscal impact on persons other than small businesses, non-small businesses, state or local government entities because the rule changes clarify process but do not impact procedure cost.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons because this rule clarifying and does not impact procedure cost.

6. Regulatory Impact Summary Table

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

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 Board Administrator of the Board of Pardons and Parole, Jennifer Yim, 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 77-27-5	Section 77-27-9	Section 77-27-11
Section 77-27-1.5		

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:

11/02/2026

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):
10/07/2026	4:00 PM	448 E Winchester St Suite 300 Murray, UT

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	08/18/2026
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R671. Pardons (Board of), Administration.**R671-517. Evidentiary Hearings and Proceedings.****R671-517-1. Evidentiary Hearings and Proceedings.**

When a parolee ~~denies~~~~[has entered a not guilty plea to]~~ a parole violation allegation and the Board ~~decides~~~~[wishes]~~ to consider the allegation, the Board shall hold an evidentiary hearing unless the parolee has been convicted of a criminal charge and revocation is ordered pursuant to ~~[Utah R. Admin. P.]~~Rule R671-518.

R671-517-2. Confidentiality.

All hearings are open to the public, unless the Board decides that confidential information must be discussed. Only those portions of the hearing during which confidential information is discussed may be closed. See ~~[Utah R. Admin. P.]~~Rule R671-520.

R671-517-3. Notification.

The Board shall notify all parties of the time, date, and place of the hearing and of the disputed allegations. The parolee shall be notified of the right to be represented by an attorney of choice at the parolee's own expense, or such counsel as may be provided by the Board. The parolee shall also be informed of the right to confront and cross[-]examine witnesses, absent a showing of good cause for not allowing the confrontation, and the right to present rebuttal evidence.

R671-517-4. Anticipated Witnesses, Documents, and Other Evidence.

At least ten days prior to the hearing, unless otherwise directed by the Board, each party shall provide to the opposing party and to the Board a list of anticipated witnesses, documents, and other evidence to be submitted at the hearing, together with a summary of the relevance of each anticipated piece of evidence. Failure to comply with this rule may result in sanctions including, but not limited to, exclusion of the non-disclosed witnesses and evidence.

R671-517-5. Single Hearing Official.

An evidentiary hearing may be presided over by a single Board member or hearing officer as the Board Chair designates. The hearing official may, at their own discretion~~[sua sponte]~~, or upon motion of either party, exclude evidence that is irrelevant, unduly repetitious, or privileged. The hearing official may take judicial notice of undisputed facts and may rule on motions made prior to or during the hearing.

R671-517-6. ~~[Department of Corrections Bears]~~Burden of Proof and Evidentiary Standards.

The Department of Corrections ~~(Department)~~ bears the burden of proving~~[establishing]~~ a parole violation by a preponderance of the evidence. All testimony shall be given under oath. The Utah Rules of Evidence do not apply. Hearsay evidence is admissible and shall be given such weight as the hearing official considers appropriate; however, no finding of guilt shall be based solely on hearsay evidence, except

where such evidence would be otherwise permitted in a court of law. Exclusionary rules that prevent evidence obtained in violation of the parolee's constitutional rights[and case law] do not apply to parole revocation hearings.

R671-517-7. [Opening Statements]Hearing Proceedings.

(1) At the hearing, each party may make a brief opening statement, beginning with the [State]Department. After opening statements, the [State]Department has the burden of presenting evidence of the parole violation. Upon conclusion of the [State's]Department's case, the parolee may present evidence in response. If the parolee, as a defense, raises issues not adequately addressed by the [State's]Department's case in chief, the hearing official may allow the [State]Department to present rebuttal evidence in response. Upon conclusion of all evidence, the hearing official may allow each party to make a brief closing argument.

(2) Hearing witnesses must appear on camera during their testimony. An exception may be made to on camera testimony if the hearing official determines that there is good cause to allow the camera to remain off.

R671-517-8. Written Submissions.

(1) Any brief or legal memorandum submitted to the Board as part of an evidentiary hearing shall be filed at least ten calendar days prior to the hearing, and shall include proof of service on the opposing party. The opposing party shall file any written response no later than three calendar days prior to the hearing. Written submissions shall be no longer than ten double-spaced, typed pages, excluding exhibits. Either party may petition the hearing official for permission to exceed these length requirements or shorten these time requirements, and the decision whether to allow this shall rest in the sole discretion of the hearing official.

(2) At the conclusion of an evidentiary hearing, the parties may request or the hearing official may direct the parties to submit briefing on an issue raised at the evidentiary hearing. The timeline for submission of the briefing shall be at the discretion of the hearing official.

R671-517-9. Continuances.

(1)[-] All requests to continue a scheduled evidentiary hearing shall:[-]

(a) be submitted to the B[b]oard in writing, at least seven calendar days prior to the scheduled hearing; and[-]

(b) contain either a stipulation of the parties, or a statement of why there is an extraordinary need for continuance and why such a continuance will not prejudice the interests of the other party.

(2)[-] The decision to grant or deny a continuance may be made by[rests in the sole discretion of] the hearing official.

(3)[-] In the event a continuance is granted, each party shall be responsible for notifying its own witnesses.

(4) Continuances may be granted at the evidentiary hearing at the hearing official's discretion.

KEY: parole, evidentiary, hearings

Date of Last Change: 2026~~May 22, 2013~~

Notice of Continuation: October 4, 2022

Authorizing, and Implemented or Interpreted Law: 77-27-1.5; 77-27-5; 77-27-9; 77-27-11

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Filing ID: 58185

Rule or section number:

R671-520

1. Agency Information

Title catchline:	Pardons (Board of), Administration
Street address:	448 E Winchester St, #300
City, state:	Murray, UT 84107

2. Contact Persons

Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@utah.gov
Christopher Fournier	801-366-0216	cfournier@utah.gov

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

3. General Information

A. Rule or section catchline:
R671-520. Treatment of Confidential Testimony

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

The amendment gives the Board of Pardons (Board) discretion to admit confidential testimony at parole violation evidentiary hearings.

It also clarifies that the Department of Corrections must provide a specific written preliminary showing of good cause for in-camera testimony, unless the parties stipulate otherwise.

C. Summary of the new rule or change:

This rule establishes a process for admitting confidential testimony at parole violation hearings when the Board finds good cause, including an in-camera review to assess reliability and due process concerns.

The testimony is recorded, summarized, and disclosed at the public hearing so the parolee has an opportunity to understand and respond.

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

There is no anticipated impact on state budgets because the changes are updates that will not affect procedures.

B. Local governments:

This rule change is not anticipated to have any fiscal impact on local governments because local governments are not regulated by this rule.

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

This rule change does not have a fiscal impact on small businesses because small businesses are not regulated by this rule.

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

The proposed rule changes do not have a fiscal impact on non-small businesses because non-small businesses are not regulated by this rule.

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

The proposed rule changes do not have a fiscal impact on non-small businesses because non-small businesses are not regulated by this rule.

F. Compliance costs for affected persons:

There are no compliance costs for affected persons because this rule clarifying and does not impact procedure cost.

6. Regulatory Impact Summary Table

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

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 Board Administrator of the Board of Pardons and Parole, Jennifer Yim, 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 77-27-5	Section 77-27-9	Section 77-27-11
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

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):
10/07/2026	4:00 PM	448 E Winchester St Suite 300 Murray, UT

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Blake Hills, Chair	Date:	08/18/2026
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R671. Pardons (Board of), Administration.

R671-520. Treatment of Confidential Testimony.

R671-520-1. Treatment of Confidential Testimony.

(1)[-] Confidential testimony ~~may~~shall be admitted at an evidentiary hearing on an alleged parole violation.

(2)[-] Unless stipulated to, t[F]he [State]Department of Corrections (Department) shall make a specific, written preliminary showing of good cause for the testimony to be received in ~~in~~in camera.

(3)[-] Upon a finding of good cause for confidentiality, the Board shall conduct an in-camera inspection of the witness, the proffered testimony, and any supporting testimony to determine:

(a)[-] the credibility and veracity of the witness;

(b)[-] the overall reliability of the testimony itself; and

(c)[-] whether keeping the information confidential will substantially impair the parolee's due process rights to notice of the evidence or to confront and cross-examine adverse witnesses.

NOTICES OF PROPOSED RULES

(4)[-] If the Board is satisfied with the three aspects in Subsection (3), it shall receive the testimony and give it whatever weight it considers appropriate. An electronic record shall be made of this in-camera proceeding.

(5)[-] A summary of the testimony taken in-camera shall be prepared for disclosure to the parolee, informing the parolee of the general nature of the testimony received in-camera but without defeating the good cause found by the Board for treating the information confidentially. This summary shall be presented on the record at the public evidentiary hearing and the parolee shall be given an opportunity to respond.

KEY: parole, confidential testimony, hearings

Date of Last Change: 2026~~May 22, 2013~~

Notice of Continuation: October 4, 2022

Authorizing, and Implemented or Interpreted Law: 77-27-5; 77-27-9; 77-27-11

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Readopt

Filing ID: 58252

Rule or section number:

R708-21

1. Agency Information

Title catchline:	Public Safety, Driver License
Building:	Taylorsville State Office Building
Street address:	4315 S 2700 W, Suite 2600
City, state:	Taylorsville, UT
Mailing address:	PO Box 144501
City, state and zip:	Salt Lake City, UT 84114-4501

2. Contact Persons

Name:	Phone:	Email:
Kim Gibb	801-556-8198	kgibb@utah.gov
Tara Zamora	801-964-4483	tarazamora@utah.gov
Britani Flores	801-884-8313	bflores@utah.gov

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

3. General Information

A. Rule or section catchline:
R708-21. Third-Party Testing
B. Purpose of the new rule or reason for the change:
The Division of Driver License (division) is submitting changes to this rule for implementation of HB 118, passed in the 2026 General Session. Additionally, the division is making some formatting changes and updates to this rule to add transparency with the program and specify processes the division already has in place.
C. Summary of the new rule or change:
This filing adds a requirement for testers and examiners to submit information regarding applicants for a commercial driver license who either fail to pass or fail to take a skills test due to lack of English proficiency and allows the division to establish an electronic form to facilitate the notifications. Additionally, there are formatting and renumbering changes made throughout this rule to follow current rulewriting standards. The division has also added information into this rule that is currently part of the existing certification process to add transparency and clarity.

Specific dollar amounts are currently outlined for surety bond requirements that allow testers to ensure they have an appropriate amount of coverage without over or under paying.

Surety bond information is currently given to each applicant as part of the process and is provided by each applicant to obtain certification as required under 49 CFR Sec. 383.75. The division is seeking to add this information into this rule for clarification and specificity.

A prohibition on the number of testers an examiner can work for has been added to address issues with examiners on probation affecting more than one organization.

The division is requiring applicants to provide a letter from the property owner of the testing locations granting them permission to use the land if the land is not theirs and the applicant is not testing for a government agency.

A requirement for applicants to have a valid commercial driver license (CDL) and three years of driving experience in the United States of America has been added to ensure examiners have a minimum standard of knowledge regarding CDL and driving experience.

Specification regarding the physical nature of CDL skills testing has been added to ensure examiners are aware they are expected to be able to physically maneuver around the vehicle while administering the skills test. The time frame for applying for certification with the division after completion of training has changed from one year to six months.

An allowance for applicants to retest again under certain conditions after failing the initial exam has been added.

A requirement for newly certified examiners to be under a close supervisory period of one year has been added.

Clarification regarding the time between the division's observations of the examiner's skills test to once every two years and been added.

The division added additional responsibilities for designated representatives to include information required to be updated for changes in examiners, an added expectation to assist the division in having examiners and testers adhere to federal and state regulations and to work with the division through probation and performance issues, and security regarding program information.

The division clarified that both test routes and test sites must be approved prior to use, and that examiners are only able to conduct tests in a non-modified vehicle they are licensed to operate.

Added clarification that testers are not allowed to use test scores submitted to the division's web application from other testers to negate completing portions of the skill test, and that examiners cannot test people they have provided training to.

The division removed requirements for examiners to send test score sheets in a sealed envelope and added the requirement for them to submit scores through the division's web application within 30 days.

The division added methods for the division to audit including covert and overt audits of skills tests and requesting records of previous applicants to compare the information entered in the division's web application.

The division added designated representatives to be included in correspondence regarding the finding of audits.

The division added Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act, to the list of items testers and examiners must comply with.

Added issues with data entry into the division's web application as well as change verbiage from conviction of to evidence of fraud, or moral turpitude to grounds of revocation, denial, or refusal to certify.

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 118 (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 expected to have any impact on the state budget because the division will utilize existing resources such as Google Forms to create the method for third-party testers and third-party examiners to report applicants who fail to take or pass a skills exam due to lack of English proficiency.

The other changes to this rule are either current processes the division is seeking to add to this rule, or formatting changes.

B. Local governments:

This rule is not expected to have any impact on local governments because no local governments regulate any process of this rule.

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

This rule is not expected to have any impact on any small business because the rule changes required by legislation will utilize existing resources currently in place and require no resources from any small business.

The other changes to this rule are either current process the division is seeking to add to this rule, or formatting.

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

This rule is not expected to have any impact on any non-small businesses because the rule changes required by legislation will utilize existing resources currently in place and require no resources from any non-small business.

The other changes to this rule are either current process the division is seeking to add to this rule, or formatting.

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

This rule is not expected to have any impact on any person other than small business, non-small businesses, state or local government entities budgets because the rule change required by legislation will utilize existing resources currently in place and require no resources from any persons.

The other changes to this rule are either current process the division is seeking to add to this rule, or formatting.

F. Compliance costs for affected persons:

There are no expected compliance costs associated with this rule.

6. Regulatory Impact Summary Table

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

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 Public Safety, Beau Mason, 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 53-3-104	Section 53-3-407.1	
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11. Public Notice Information

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

A. Comments will be accepted until: 11/02/2026

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:	Jimmy Higgs, Division Director	Date:	09/09/2026
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R708. Public Safety, Driver License.

~~R708-21. Third-Party Testing.~~

~~R708-21-1. Authority.~~

~~_____ This rule is authorized by Section 53-3-104.~~

~~R708-21-2. Purpose.~~

~~_____ The purpose of this rule is to establish standards and procedures for Third-party Testers and Third-party Examiners who enter into an agreement with the State, to administer skills tests to commercial drivers.~~

~~R708-21-3. Definitions.~~

~~_____ (1) Definitions used in this rule are found in Section 53-3-102.~~

~~_____ (2) In addition:~~

~~_____ (a) "act involving moral turpitude" means conduct which:~~

~~_____ (i) is done knowingly contrary to justice, honesty, or good morals;~~

~~_____ (ii) has an element of falsification or fraud; or~~

~~_____ (iii) contains an element of harm or injury directed to another person or another property;~~

~~_____ (b) "designated representative" means a person identified by an organization, who is an officer, owner, partner or employee of the organization and who is authorized by the organization to comply with Third-party Testing Program requirements;~~

~~_____ (c) "established business" means any company that has been issued a license by a state, county or city licensing agency to conduct business;~~

~~_____ (d) "probation" means action taken by the department, which includes a period of close supervision as determined by the division;~~

~~_____ (e) "revocation" means the permanent removal of certification of a Third-party Tester or Third-party Examiner;~~

~~_____ (f) "state" means the State of Utah;~~

~~_____ (g) "third-party examiner" means a person who has completed, passed and maintains the required training to administer the skills tests to commercial drivers; and~~

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~~_____ (h) "third party tester" means a person, an agency of this state, an employer, a private driver training facility or other private institution, or a department, agency or entity of local government with whom the state has an agreement to administer skills tests to commercial drivers.~~

R708 21 4. Requirements for Application, Certification and Renewal of Certification for a Third-party Tester.

~~_____ (1) Application for an original or renewal Third-party Tester certification shall be made on a form furnished by the division, and shall include:~~

- ~~_____ (a) name of Third-party Tester;~~
- ~~_____ (b) address of Third-party Tester;~~
- ~~_____ (c) number of years Third-party Tester has been in business;~~
- ~~_____ (d) names of all Third-party Examiners;~~
- ~~_____ (e) addresses of all testing sites;~~
- ~~_____ (f) name of the designated representative; and~~
- ~~_____ (g) copy of business license.~~

~~_____ (2) Upon receipt of the application, fingerprint card and required fees, the division shall schedule an appointment with the Third-party Tester to determine eligibility, establish test routes, schedule instruction and provide forms.~~

~~_____ (3) A written agreement shall be made with the state to conduct skills test as required by Federal regulations established in 49 CFR 383.75. The agreement shall contain the following provisions:~~

~~_____ (a) allow the Federal Motor Carrier Safety Administration (FMCSA) or its representative, and/or the division to conduct random examinations, inspections and audits without prior notice;~~

~~_____ (b) allow the division to conduct on-site inspections annually or when deemed necessary by the division;~~

~~_____ (c) require all Third-party Examiners receive training approved by the division which requires them to conduct skills tests in compliance with the FMCSA minimum standards; and~~

~~_____ (d) require at least one of the following on an annual basis:~~

~~_____ (i) a division representative take the tests actually administered by the Third-party Examiner as if the division representative were a test applicant;~~

~~_____ (ii) the division test a sample of drivers who were examined by the Third-party Examiner to compare pass/fail results; or~~

~~_____ (iii) the division co-score along with the Third-party Examiner during CDL skills test to compare pass/fail.~~

~~_____ (4) The Third-Party tester shall:~~

~~_____ (a) have an established business for a minimum of two years, or employ a Third-party Examiner that has been certified the previous two years under R708 21-5;~~

~~_____ (b) maintain a current business license required by the municipality or county;~~

~~_____ (c) have at least one qualified and approved Third-party Examiner;~~

~~_____ (d) require that Third-party Examiners:~~

~~_____ (i) administer at least ten CDL skills tests in the year preceding the renewal of the Third-party Tester application; or~~

~~_____ (ii) be observed by the division representative administering at least one CDL skills test in the proper manner;~~

~~_____ (e) name a designated representative(s) that will sign signature cards for new employees and withdraw the authority of employees that are no longer certified to test for the company;~~

~~_____ (f) not be permitted to engage the service of an employee of the division as an examiner, agent, or employee; and~~

~~_____ (g) submit a fingerprint card and a check or money order to the division, made payable to the Utah Bureau of Criminal Identification, to cover the cost associated with a criminal history background check and FBI check.~~

~~_____ (5) Certification shall be valid for a period of 12 months. No later than one month prior to expiration of certification, the Third-party Tester shall submit a renewal application to the division.~~

R708 21 5. Requirements for Application, Certification and Renewal of Certification for a Third-party Examiner.

~~_____ (1) An application for an original or renewal Third-party Examiner certification shall be made on a form furnished by the division, and shall include the following:~~

~~_____ (a) name of Third-party Tester;~~

~~_____ (b) address of Third-party Tester;~~

~~_____ (c) name of Third-party Examiner;~~

~~_____ (d) residential address of Third-party Examiner;~~

~~_____ (e) telephone number and email address of Third-party Examiner; and~~

~~_____ (f) signature and date of Third-party Examiner.~~

~~_____ (2) All Third-party Examiners shall be sponsored by a Third-party Tester, who shall be responsible for all tests administered by the Third-party Examiner.~~

~~_____ (3) An applicant for Third-party Examiner shall comply with the following requirements:~~

~~_____ (a) have and maintain a valid driver's license with no suspensions, revocations, cancellations or disqualifications within one year prior to application;~~

~~_____ (b) have at least three years driving experience;~~

~~_____ (c) submit a fingerprint card and a check or money order to the division, made payable to the Utah Bureau of Criminal Identification, to cover the cost associated with a criminal history background check and FBI check;~~

~~_____ (d) have the physical strength and agility to physically enter and exit commercial vehicles unassisted;~~

- _____ (e) complete the approved training by the division and pass the final examination with a minimum score of 80%. Third-party Examiners need to be aware that any training they receive from private or other organizations may require a training fee;
- _____ (f) schedule a time, within one year of training with the division representative, to demonstrate his/her ability to perform the skills tests according to 49 CFR 383.75 (g) and 49 CFR 383.75 (h), in an actual test setting. Upon approval from the division representative, the examiner may begin testing. Failure to comply with this portion of this certification process will result in the examiner having to complete the approved training as described in R708-21-5(3)(e); and
- _____ (g) upon completion of training, Third-party Examiners shall be issued a certificate of completion. The division will file and maintain a copy of the certificate of completion in the Third-party Tester file.
- _____ (4) All authorized Third-party Examiners shall be required to sign an agreement verifying that they have read and understand the required rules and training materials.
- _____ (5) Upon application for recertification a Third-party Examiner shall meet the requirements outlined in Subsections R708-21-5(1) through R708-21-5(4) in addition to the following:
 - _____ (a) administer at least ten CDL skills tests to different applicants in the year preceding the renewal of the Third-party Tester application; or
 - _____ (b) be observed by the division representative administering at least one CDL skills tests in accordance with 49 CFR 383.75(g) and 49 CFR 383.75(h).

R708-21-6. Requirements for Designated Representative.

- _____ (1) A designated representative is responsible for overseeing the Third-party Tester and Examiners. The designated representative shall be the liaison between division representatives and Third-party Examiners.
- _____ (2) A designated representative shall:
 - _____ (a) maintain personnel files for all Third-party Examiners assigned to their company;
 - _____ (b) notify the division in writing within 10 calendar days of any change to a Third-party Examiner driving status;
 - _____ (c) maintain and update all Third-party Examiners signature cards;
 - _____ (d) notify the division in writing within 30 calendar days of a change to a Third-party Tester or Examiners address;
 - _____ (e) make application for renewal of a Third-party Tester certificate at least one month prior to expiration date;
 - _____ (f) maintain security of all CDL score sheets and personal data noted on the CDL score sheets;
 - _____ (g) ensure all CDL test score sheets have been destroyed after 3 years.

R708-21-7. Skills Test Administration.

- _____ (1) Skills tests shall be conducted strictly in accordance with the provisions of these requirements and with current test instructions provided by the division 49 CFR 383.75, and the AAMVA training manual.
- _____ (a) Such instructions include information regarding:
 - _____ (i) skills test content;
 - _____ (ii) route selection/revision;
 - _____ (iii) test forms;
 - _____ (iv) examiner procedures; and
 - _____ (v) administrative procedures.
- _____ (2) Tests shall be conducted:
 - _____ (a) on test routes approved by the division;
 - _____ (b) in a vehicle that is representative of the class and type of vehicle for which the CDL applicant seeks to be licensed, and for which the Third-party Examiner is qualified to test; and
 - _____ (c) by using division approved content, forms and scoring procedures.
- _____ (3) Third-party Examiners shall test and certify only those CDL applicants who hold a valid Commercial Driver Instruction Permit and shall ensure adherence to the class, endorsements, restrictions and expiration dates listed on the permit.
- _____ (4) All Third-party Testers and Third-party Examiners shall schedule the skills tests on the division's web application at least 48 hours prior to administering the CDL Skills test.

R708-21-8. Processing CDL Skills Test.

- _____ (1) The division shall provide training and allow access to the divisions web service application used for scheduling skills tests and recording the results of the tests to:
 - _____ (a) a certified Third-party Examiner; or
 - _____ (b) a representative of the Third-party Tester that has met the requirements of R708-21-5(3)(e) and the division has reviewed and approved the results of the fingerprint and FBI background checks.
- _____ (2) The division shall supply an approved CDL skills test score sheet to authorized Third-party Testers for use when administering skills tests. The score sheet shall be filled out correctly and signed by both the Third-party Examiner and driver;
 - _____ (a) Third-party Testers shall maintain all skill test score sheets for a period of three years after which they must be immediately destroyed by means of incineration or shred.
 - _____ (b) Third-party Testers are responsible to ensure the security of all CDL score sheets and personal data collected on the CDL score sheets and the applicant.
- _____ (3) The score sheet shall include the following information:
 - _____ (a) applicant's name and phone number;

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- ~~_____ (b) applicant's Utah Driver License number;~~
- ~~_____ (c) description of the vehicle in which test was taken, including optional equipment;~~
- ~~_____ (d) Gross Vehicle Weight Rating (GVWR);~~
- ~~_____ (e) vehicle and trailer license plate numbers;~~
- ~~_____ (f) class of license, restriction and/or endorsement tested for;~~
- ~~_____ (g) start time, end time, and date test was administered;~~
- ~~_____ (h) authorized Third-party Examiner name and assigned number;~~
- ~~_____ (i) applicant's signature and date; and~~
- ~~_____ (j) authorized Third-party Examiner's signature and date.~~
- ~~_____ (4) The Third-party Examiner shall document all skills test results on the score sheet.~~
- ~~_____ (5) The Third-party Examiner shall provide the completed skills test score sheet to the driver in a sealed envelope.~~
- ~~_____ (6) The Third-party Examiner or Third-party Tester shall not withhold a passed skills test score sheet from an applicant that has successfully met the testing requirements.~~
- ~~_____ (7) The Third-party Examiner shall enter the skills test results on the driver's record through the division web application within 48 hours of the test.~~
- ~~_____ (8) Test results are only acceptable if testing was completed within the previous six months.~~
- ~~_____ (9) The division shall accept the score sheet as proof the driver has completed one or more skills tests.~~
- ~~_____ (10) As a result of the driver not completing or passing the skills test within six months of the original failed or incomplete test, the Third-party Examiner shall send the score sheet directly to the division representative.~~

R708-21-9. Inspection and Audit Process.

- ~~_____ (1) During inspections the representative(s) designated by the Third-party Tester shall cooperate with the division or federal representative with respect to on-site inspections.~~
- ~~_____ (2) On-site inspections shall be conducted to verify compliance with FMCSA guidelines and R708-21.~~
- ~~_____ (3) The Third-party Tester shall maintain accurate driver testing records and must be able to furnish them upon request.~~
- ~~_____ (4) Check rides may be made by any designated division representative to verify compliance with the state and federal minimum testing standards and may consist of:~~
 - ~~_____ (a) a division employee taking the skills test as administered by the Third-party Tester as if such employee was a test applicant;~~
 - ~~_____ (b) the division administering the skills tests to a sample of drivers who were previously examined by the Third-party Testers to determine if the check ride results are consistent with the Third-party Tester results; and~~
 - ~~_____ (c) the division co-score along with the Third-party Examiner during CDL skills test to compare pass/fail.~~
- ~~_____ (5) A division representative shall prepare a written report of all inspections, check rides and audits. A copy of these reports shall be maintained by the division for ten years.~~
- ~~_____ (6) The division shall send a renewal letter to the Third-party Tester indicating any problems, concerns or violations found during the audit with an action plan detailing how to correct the items identified.~~

R708-21-10. Notification of Accident.

~~_____ If any Third-party Examiner is involved in an accident during the course of administering a skills test, the Examiner shall notify the division in writing within five days of the accident. The Third-party Examiner shall submit to the division a copy of the investigating law enforcement officer's accident report as soon as it is available.~~

R708-21-11. Advertising.

- ~~_____ (1) No advertisement shall indicate in any way that a program can issue or guarantee the issuance of a CDL, or imply that the program can in any way influence the division in the issuance of a CDL, or imply that preferential or advantageous treatment from the division can be obtained.~~
- ~~_____ (2) No Third-party Tester or Third-party Examiner shall solicit business directly or indirectly, or display or distribute any advertising material within 1,500 feet of a building in which driver licenses are issued to the public.~~
- ~~_____ (3) No Third-party Tester or Third-party Examiner shall use any department or division logos, letterhead, or license recreations as part of their advertising.~~

R708-21-12. Grounds for Revocation, Probation or Denial to Issue or Renew Third-party Tester or Third-party Examiner Certification.

- ~~_____ (1) A Third-party Tester or Third-party Examiner may be revoked, denied or placed on probation for any of the following reasons:~~
 - ~~_____ (a) failure to comply with any of the provisions of 49 CFR 383.75;~~
 - ~~_____ (b) failure to comply with any of the provisions of Section 53-3-407;~~
 - ~~_____ (c) failure to comply with any of the provisions of R708-21;~~
 - ~~_____ (d) falsification of any records or other required information relating to the Third-party Tester program;~~
 - ~~_____ (e) commission of any act that compromises the integrity of the Third-party Tester Program Commercial Motor Vehicle Safety Act, 1986;~~
 - ~~_____ (f) failure to permit and cooperate with the division or federal representative to inspect the testing routes, testing sites or score sheets issued to the Third-party Tester; and~~

- _____ (g) conviction of any crime involving dishonesty, deception, theft, or an act involving moral turpitude by a Third-party Tester or Third-party Examiner.
- _____ (2) In determining whether revocation, denial or probation of a certification is appropriate, the division shall consider the third-party tester or third-party examiners involvement and severity of the violation(s).
- _____ (3) If a Third-party Examiner certificate is revoked under the emergency provisions of Section 63G-4-502, and the Third-party Tester certificate is valid, the Third-party Tester may continue conducting CDL driving skills tests provided:
 - _____ (a) the Third-party Examiner is no longer employed by the Third-party Tester;
 - _____ (b) a Third-party Examiner with a valid certificate is employed by the Third-party Tester;
 - _____ (c) testing shall not compromise public safety; and
 - _____ (d) the Third-party Tester is found to not knowingly have allowed a Third-party Examiner to conduct tests that violate state or federal laws, or any provision of R708-21.
- _____ (4) Following cancellation of the Third-party Tester certification, the Third-party Tester shall promptly return all CDL skills test documents. Documentation includes at a minimum:
 - _____ (a) CDL Examiner manual;
 - _____ (b) used and blank score sheets; and
 - _____ (c) Third-party Examiner certificates.

R708-21-13. Adjudicative Proceedings.

- _____ (1) All adjudicative proceedings shall be conducted informally as provided in Section 63G-4-202.
- _____ (2) The division shall initiate agency action against a Third-party Tester or Third-party Examiner with a notice of agency action in accordance with Section 63G-4-201.
- _____ (3)(a) A Third-party Tester or Third-party Examiner who receives a notice of agency action indicating that the division intends to deny, suspend or revoke a permit or a certificate, may request a hearing by filing a written request for hearing with the division within ten calendar days from the date of the notice of agency action.
- _____ (b) If a timely request for hearing is filed, the agency action shall be stayed until the division's hearing officer issues a written decision.
- _____ (c) A hearing shall be held before the division's hearing officer within 30 calendar days of the day that the division receives the written request for hearing, unless agreed to by the parties.
- _____ (d) At the hearing, Third-party Tester or Third-party Examiner shall have an opportunity to demonstrate why the division should not take agency action.
- _____ (e) The hearing officer shall issue a written decision within ten business days of the hearing in accordance with Section 63G-4-203.
- _____ (4) The written decision of the hearing officer shall constitute final agency action and is subject to judicial review in accordance with Section 63G-4-402.]

R708-21. Commercial Driver License Third-Party Testing.

R708-21-1. Purpose.

This rule establishes standards and procedures for third-party testers and third-party examiners to administer skills tests to commercial drivers.

R708-21-2. Authority.

This rule is authorized by Sections 53-3-104 and 53-3-407.1.

R708-21-3. Definitions.

- _____ (1) Definitions used in this rule are found in Section 53-3-102.
- _____ (2) In addition:
 - _____ (a) "act involving moral turpitude" means conduct which:
 - _____ (i) is done knowingly contrary to justice, honesty, or good morals;
 - _____ (ii) has an element of falsification or fraud; or
 - _____ (iii) contains an element of harm or injury directed to another person or another property;
 - _____ (b) "certification" means the evidence of the privilege granted and issued to a third-party tester or third-party examiner under this rule to administer the skills test on behalf of the state;
 - _____ (c) "Commercial Skills Test Information Management System or CSTIMS" means the secure, web-based platform developed by the American Association of Motor Vehicle Administrators to manage the administration of commercial driver's license skills tests. It allows for monitored scheduling and data transmission of test results to Utah and other states;
 - _____ (d) "denial" means a determination by the division to refuse to give or grant authority to administer the skills test;
 - _____ (e) "designated representative" means a person identified by an organization, who is an officer, owner, partner or employee of the organization and who is authorized by the organization to comply with third-party testing Program requirements;
 - _____ (f) "established business" means a company that:
 - _____ (i) has been in continual operation for at least two years;
 - _____ (ii) has been issued a license by a state, county, or city licensing agency in the state to conduct business; and
 - _____ (iii) has maintained a permanent structure located within the state, for at least two years, with an address recognized by the U.S. Postal Service;
 - _____ (g) "FMCSA" means Federal Motor Carrier Safety Administration;

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(h) "probation" means disciplinary action which includes a period of close supervision and evaluation of a program participant as determined by the division;

(i) "non-modified vehicle" means a vehicle representative of the commercial class and type that has not been altered or modified from the original manufactured state;

(j) "skills test" means a single test, with three parts, required to determine if an applicant has the knowledge and skills necessary for the safe operation of a class or type of commercial motor vehicle;

(k) "third-party examiner" means a person employed by a third-party tester who is authorized by the state to administer the CDL skills tests;

(l) "third-party tester" means a person, including another state, a motor carrier, a private driver training facility or other private institution, or a department, agency, or instrumentality of a local government authorized by the state to employ skills test examiners to administer the CDL skills tests; and

(m) "transportation industry" means a business that provides transportation services for people or goods.

R708-21-4. Requirements for Application, Certification and Renewal of Certification for a Third-party Tester.

(1) An individual shall apply for an original or renewal third-party tester certification by submitting an application furnished by the division.

(2) An individual in Subsection R708-21-4(1) shall also submit to the division:

(a) a copy of the current business license;

(b) an application fee;

(c) a map of the skills test sites;

(d) a letter from the property owner granting permission to the applicant to conduct skills testing, unless the applicant is the property owner;

(e) the designated road test narrative;

(f) a fingerprint card for each applicant for the purposes of a background check;

(g) payment for the cost associated with each criminal background check; and

(h) completed applications along with the item in Subsection R708-21-5(3)(c) for each third-party examiner.

(3) The division shall notify the applicant of the time and place for the division to:

(a) determine eligibility for certification;

(b) establish test routes;

(c) approve skills test locations;

(d) schedule instruction; and

(e) provide forms.

(4) The individual shall sign a written agreement provided by the division to conduct skills tests as required by federal regulations.

(5) The division shall ensure the agreement in Subsection R708-21-4(4) contains the following provisions:

(a) allowance for FMCSA or its representative, and the division to conduct random examinations, inspections, and audits without notice;

(b) allowance for the division to conduct on-site inspections annually or when deemed necessary by the division;

(c) a requirement for all third-party examiners to receive training approved by the division, which includes skills tests in accordance with the FMCSA minimum standards; and

(d) a requirement of at least one of the following on an annual basis:

(i) a division representative takes the skills tests administered by the third-party examiner as if the division representative were a test applicant;

(ii) the division tests a sample of drivers who were examined by the third-party examiner to compare pass or fail results; or

(iii) the division co-scores along with the third-party examiner during CDL skills test to compare pass or fail results.

(6) The third-party tester shall:

(a) own a business in the transportation industry for a minimum of one year, or employ a third-party examiner that has been certified for the previous two years under Section R708-21-5;

(b) maintain a current business license required by the municipality or county;

(c) initiate and maintain a surety bond to pay for re-testing in the event the third-party tester or one or more of its examiners is involved in fraudulent activities related to conducting skills testing of applicants for a CDL in the amount determined by the number of tests conducted in the previous year, as follows:

(i) \$10,000 bond for zero through 100 tests;

(ii) \$25,000 bond for 101 through 300 tests;

(iii) \$40,000 bond for 301 through 500 tests;

(iv) \$60,000 bond for 501 through 700 tests;

(v) \$80,000 bond for 701 through 1,000 tests;

(vi) \$160,000 bond for 1,001 through 2,000 tests;

(vii) \$240,000 bond for 2,001 through 3,000 tests;

(viii) \$325,000 bond for 3,001 through 4,000 tests;

(ix) \$500,000 bond for 4,001 through 6,000 tests; and

(x) \$750,000 bond for 6,001 or more tests;

(d) employ at least one qualified and approved third-party examiner;

- (e) require that third-party examiners:
 - (i) administer at least ten CDL skills tests in the year preceding the renewal of the third-party tester application; or
 - (ii) be observed by the division representative administering at least one CDL skills test in the proper manner;
- (f) name a designated representative who will sign signature cards for new employees and withdraw the authority of employees that are no longer certified to test for the company;
- (h) have and maintain a valid Utah commercial driver license with no suspensions, revocations, cancellations, or disqualifications within one year before applying;
 - (i) pay the third-party tester and third-party examiner fee for an original or renewal certification; and
 - (j) be responsible for all tests administered by each third-party examiner employed by the third-party tester.
- (7) A third-party tester who is also a government employee is exempt from Subsections R708-21-4(6)(a) through (c) if they are administering skills tests within their agency only.
- (8)(a) A third-party tester may not employ a third-party examiner after July 1, 2027, if the examiner is currently employed as an examiner by another third-party tester unless the third-party tester with whom the examiner is employed is a government agency.
- (b) A third-party tester who employs a third-party examiner employed with another third-party tester may retain those examiners if they were employed before July 1, 2027.
- (9) The division shall issue a certification to an approved third-party tester that is valid for a period of 12 months.
- (10) A third-party tester shall submit a renewal application no later than one month before the expiration of certification.

R708-21-5. Requirements for Application, Certification and Renewal of Certification for a Third-party Examiner.

- (1) An individual shall apply for an original or renewal third-party examiner certification by submitting an application furnished by the division.
- (2) Each third-party examiner shall be sponsored by a third-party tester.
- (3) An applicant for third-party examiner shall comply with the following requirements:
 - (a) have and maintain a valid Utah commercial driver's license with no suspensions, revocations, cancellations or disqualifications within one year before application;
 - (b) have at least three years driving experience in the United States of America;
 - (c) submit a fingerprint card and a check or money order to the division, made payable to the Department of Public Safety, to cover the cost associated with a criminal history background check and FBI check;
 - (d) have the physical strength and agility to:
 - (i) enter and exit commercial vehicles unassisted; and
 - (ii) maneuver around the commercial vehicle while administering the skills test;
 - (e) complete the approved training by the division and pass the final examination with a minimum score of 80%; and
 - (f) schedule a time, within six months of training with the division representative, to demonstrate their ability to perform the skills tests according to 49 C.F.R. Part 383 Subparts (g) and (h), in an actual test setting. Failure to comply with this portion of this certification process will result in the examiner having to complete the approved training as described in Subsection R708-21-5(4)(e).
- (4) Upon approval from the division representative, the examiner may begin administering tests.
- (5)(a) The division shall issue a certificate of completion to third-party examiners upon completion of training.
- (b) The division shall file and maintain a copy of the certificate of completion in the third-party tester file.
- (6) An individual shall retake the approved training if the individual fails the examination in Subsection R708-21-5(3).
- (7) The division may allow a second attempt if an individual fails the initial examination, provided:
 - (a) the sponsoring third-party tester submits a request for a second attempt to a division representative; and
 - (b) the examination is rescheduled no later than 30 days after the first failed examination.
- (8) An individual in Subsection 708-21-5(7) must pass the exam with a minimum score of 80%.
- (9) Each authorized third-party examiner shall sign an agreement verifying they have read and understand the required rules and training materials and will administer tests according to state and federal guidelines.
- (10) A third-party examiner shall meet the requirements outlined in Subsections R708-21-5(1) through R708-21-5(3) upon submitting an application for recertification, in addition to the following:
 - (a) administer at least ten CDL skills tests to different applicants in the year preceding the renewal of the third-party tester application;
- or
 - (b) be observed by the division representative administering at least one CDL skills test in accordance with 49 C.F.R. Part 383 Subparts (g) and (h) once in a two-year period.
- (11) The examiner shall be on probation for one year after the initial certification completion to ensure testing is conducted according to state and federal regulations and to allow the division to provide additional training to the examiner as needed.
- (12)(a) A third-party examiner may not be employed with more than one third-party tester and one government agency as a third-party tester after July 1, 2027.
 - (b) A third-party examiner who is employed with more than one third-party tester before July 1, 2027, may retain employment with the existing third-party testers.

R708-21-6. Requirements for Designated Representative.

A designated representative shall:

- (1) oversee the third-party testers and third-party examiners;
- (2) be the liaison between division representatives, third-party testers, and third-party examiners;

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- (3) maintain personnel files for all third-party examiners assigned to their company;
- (4) notify the division in writing within ten calendar days of any change to a third-party examiner driving status;
- (5) maintain and update all third-party examiners' signature cards;
- (6) notify the division in writing within 30 calendar days of a change to a third-party tester or third-party examiner's name, address, or contact information;
- (7) apply for renewal of a third-party tester certificate at least one month before the expiration date;
- (8) ensure the third-party examiner and tester adhere to state and federal regulations;
- (9) work with division personnel to address problems or concerns regarding testing processes or examiners;
- (10) notify the division immediately if an examiner is removed from the company by signing the signature card;
- (11) securely maintain and furnish upon request:
 - (a) the current business license;
 - (b) the current surety bond;
 - (c) each division approved skills test site location accompanied by letters from property owners;
 - (d) each division approved road test route narrative;
 - (e) each approved third-party tester renewal application; and
 - (f) each CDL skills test scoring sheet administered by the third-party tester for the current year and the past two calendar years; and
- (12) ensure the third-party tester does not release copies of the personal identifiable information or material related to the CDL program, including information obtained for:
 - (a) scheduling;
 - (b) skills testing;
 - (c) training; or
 - (d) compliance with the division's recommendations regarding implementation of the CDL program.

R708-21-7. Skills Test Administration.

- (1) Third-party testers and third-party examiners shall conduct skills tests:
 - (a) in accordance with these requirements and with current test instructions provided by the division 49 C.F.R Part 383.75, and the AAMVA training manual;
 - (b) on the test site and test routes approved by the division;
 - (c) in a non-modified vehicle for which the third-party examiner holds a valid CDL privilege to operate and that is representative of the class and type of vehicle for which the CDL applicant seeks to be licensed; and
 - (d) by using division approved content, forms and scoring procedures.
- (3)(a) Third-party testers and third-party examiners shall test and certify only those CDL applicants who hold a valid commercial driver instruction permit.
- (b) Third-party testers and third-party examiners shall adhere to the class, endorsements, restrictions, and expiration dates listed on the permit.
- (4) Each third-party tester and third-party examiner shall schedule the skills tests on the division's web application at least 48 hours before administering the CDL skills test.
- (5) Third-party testers may not use skills test scores recorded on the division's web application by a different state or third-party tester in lieu of administering each portion of the skills test.
- (6) Third-party examiners may not administer a skills test to an applicant to whom they have provided skills test training.

R708-21-8. Processing CDL Skills Test.

- (1) The division shall provide training and allow access to the division's web service application used for scheduling skills tests and recording the results of the tests to:
 - (a) a certified third-party examiner; or
 - (b) a representative of the third-party tester that has met the requirements of Section R708-21-4, and the division has reviewed and approved the results of the fingerprint and FBI background checks.
- (2) The division shall supply scoring materials to authorized third-party testers for use when administering skills tests.
- (3) Each third-party examiner shall:
 - (a) ensure the score sheet is complete, filled out correctly, and signed by both the third-party examiner and the applicant; and
 - (b) submit the completed skills test score to the division within 30 days of completion of the testing through CSTIMS.
- (4) Each third-party tester:
 - (a) shall maintain each skills test score sheet for a period of three years, after which they must be immediately destroyed by incineration or shredding;
 - (b) is responsible to ensure the security of each CDL score sheet and the personal data collected on the CDL score sheets of the applicant; and
 - (c) shall enter the skills test results on the driver's record through the division's web application within 48 hours of the test.
- (5) The third-party examiner or third-party tester shall not withhold a passed skills test score sheet from an applicant who has successfully met the testing requirements.
- (6) The division shall only accept test results if testing was completed within the previous six months.
- (7) The division shall accept the results entered through the division's web application as proof the driver has completed one or more skills tests.

(8) Each third-party examiner shall send the score sheet directly to the division representative if a driver does not complete or pass the skills test within six months of the original failed or incomplete test.

R708-21-9. Inspection and Audit Process.

- (1) The designated representative tester shall cooperate with the division or federal representative during on-site inspections.
- (2) The division or a federal representative shall conduct on-site inspections to verify compliance with FMCSA guidelines and this rule.
- (3) The third-party tester shall maintain accurate driver testing records and furnish them upon request.
- (4) The division may verify results of skills testing to ensure compliance with the state and minimum federal testing standards by:
 - (a) having a division employee take the skills test as administered by the third-party tester as if the employee was a test applicant;
 - (b) administering the skills tests to a sample of drivers who were previously examined by the third-party examiner to determine if the results are consistent with the third-party examiner results;
 - (c) co-scoring along with the third-party examiner during a CDL skills test to compare pass or fail; or
 - (d) a division employee:
 - (i) covertly or overtly monitoring a skills test performed by the third-party examiner;
 - (ii) requesting the records of drivers who were previously examined to compare with the information entered on CSTIMS; or
 - (iii) conducting a pre-scheduled or unannounced site audit.
- (5) The division shall:
 - (a) prepare a written report of each inspection and audit; and
 - (b) keep a copy of written reports for ten years.
- (6) The division shall send a renewal letter to the third- party tester or designated representative indicating problems, concerns, or violations found during the audit.
- (7) In addition to the letter in Subsection (6), the division shall include an action plan detailing how to correct the items identified.

R708-21-10. Notification of Accident.

- (1) A third-party examiner involved in an accident while administering a skills test shall notify the division in writing within five days of the accident.
- (2) The third-party examiner involved in an accident shall submit to the division a copy of the investigating law enforcement officer's accident report as soon as it is available.

R708-21-11. Advertising.

- (1) A third-party tester or third-party examiner may not:
 - (a) state that a program can issue or guarantee the issuance of a CDL;
 - (b) imply that the program can influence the division in the issuance of a CDL;
 - (c) imply that preferential or advantageous treatment from the division can be obtained;
 - (d) solicit business directly or indirectly; or
 - (e) display or distribute advertising material within 1,500 feet of a building in which driver licenses are issued to the public.
- (2) A third-party tester or third-party examiner may not use the department or division logos, letterhead, or license recreations as part of their advertising.

R708-21-12. Notification of Failure to Pass or Failure to Take a CDL Skills Test Due to Lack of English Proficiency.

- (1) A third-party tester or third-party examiner shall notify the division if an applicant fails to pass or fails to take a CDL skills test due to the applicant's lack of English language proficiency.
- (2) The division shall supply an electronic form to all third-party testers and third-party examiners to facilitate the notification required in Subsection R708-21-12(1).

R708-21-13. Grounds for Revocation, Probation or Denial to Issue or Renew Third-party Tester or Third-party Examiner Certification.

- (1) The division may suspend, revoke, deny, or place on probation the certification of a third-party tester or third-party examiner for any of the following reasons:
 - (a) failure to comply with:
 - (i) 49 C.F.R. Part 383;
 - (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act; and
 - (iii) this rule;
 - (b) falsification of any records or other required information relating to the third-party tester program including data entered into the division's web application;
 - (c) failure to permit and cooperate with the division or federal representative inspections and audits as required in Subsection R708-21-4(3);
 - (d) failure to allow the division or federal representative to inspect the testing routes, testing sites, or score sheets issued to the third-party tester or third-party examiner during inspections and audits;
 - (e) failure to accurately schedule and record test information into the division's web application; and
 - (f) reasonable grounds to believe a third-party tester or third-party examiner has committed;

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- (i) a felony;
- (ii) fraud;
- (iii) a crime involving dishonesty, deception, or theft; or
- (iv) an act involving moral turpitude.
- (2) The division shall consider the third-party tester or third-party examiners' involvement and the severity of the violations when determining whether suspension, revocation, denial, or probation of a certification is appropriate.
- (3) If the division revokes a Third-party Examiner certificate under Section 63G-4-502, and the third-party tester certificate is valid, the third-party tester may continue conducting CDL driving skills tests provided:
 - (a) the third-party examiner is no longer employed by the third-party tester;
 - (b) a third-party examiner with a valid certificate is employed by the third-party tester;
 - (c) testing shall not compromise public safety; and
 - (d) the third-party tester is found to not knowingly have allowed a third-party examiner to conduct tests that violate state or federal laws, or this rule.
- (4) The third-party tester or third-party examiner shall promptly return the CDL skills test documents following cancellation of the certification, including:
 - (a) CDL Examiner manual;
 - (b) used and blank score sheets; and
 - (c) third-party tester or third-party examiner certificates.

R708-21-14. Adjudicative Proceedings.

- (1) In accordance with Section 63G-4-201, the division shall notify any party in writing of the intent for agency action.
- (2) The notice of intent for agency action shall include:
 - (a) the name of the individual;
 - (b) a file number or reference number;
 - (c) the action that the agency intends to impose;
 - (d) the reason and legal authority for the intended action;
 - (e) the timeframe in which the party may request a hearing;
 - (f) how the party may request a hearing; and
 - (g) the action effective date if the party defaults by not requesting a hearing.
- (3) The division designates all adjudicative proceedings before the division as informal.
- (4) The division may allow a hearing upon request by the individual, but a hearing is not required.
- (5) A division supervisor may convert an informal proceeding to a formal proceeding if the conversion will promote efficiency, and public safety, and not unreasonably increase cost.
- (6)(a) The party may send a written request for a hearing within ten days of the letter.
- (b) A Utah licensed attorney may request a hearing on behalf of the party by indicating they have been retained for the administrative hearing.
- (7)(a) The division shall grant a hearing when a written request is received within ten calendar days from the date the notice of agency action is issued.
- (b) The division shall send written notice of a hearing at least 14 calendar days before the date of the hearing.
- (c) The division may send notice of the hearing to an attorney representing the individual as described in Subsection (6)(b).
- (8) The division shall not allow discovery, either compulsory or voluntary.
- (9) An individual or attorney seeking information from the division's files shall request access to information in accordance with the Utah Government Records and Management Act, Title 63G, Chapter 2.
- (10) A hearing officer shall schedule a hearing date within 30 calendar days from the day that the division receives the written request for hearing, unless agreed to by the parties.
- (11)(a) The individual may represent themselves or be represented by a Utah licensed attorney in the proceeding.
- (b) A business may be represented by the principal owner at the informal hearing or be represented by a Utah licensed attorney.
- (12) The division shall issue a written order that constitutes the final agency action within 20 days after the date of the close of the hearing, or after the failure of a party to appear for the hearing.
- (13) The division shall include in the written order:
 - (a) the decision and reason for the decision;
 - (b) notice of right to request reconsideration under Section 63G-4-302 within 20 days of the date the order is issued;
 - (c) a statement that a request for reconsideration is not required to seek judicial review; and
 - (d) notice of right of judicial review under Section 63G-4-402 within 30 days of the date the order is issued.

KEY: motor vehicle safety, inspections

Date of Last Change: 2026[August 8, 2013]

Notice of Continuation: January 14, 2022

Authorizing, and Implemented or Interpreted Law: 53-3-104; 53-3-407; 53-3-407.1; 49 CFR 383.75

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** New**Filing ID:** 58221**Rule or section number:****R765-132****1. Agency Information**

Title catchline:	Higher Education (Utah Board of), Administration
Building:	Utah Board of Higher Education Building, The Gateway
Street address:	60 S 400 W
City, state:	Salt Lake City, UT 84101

2. Contact Persons

Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	Hilary.renshaw@ushe.edu
Alison Adams	801-646-4784	Alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	Glandward@ushe.edu

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

3. General Information

A. Rule or section catchline:
R765-132. Workforce Pell Grant Program Certification and Oversight
B. Purpose of the new rule or reason for the change:
This proposed new administrative rule, R765-132, is being enacted to meet the requirements of the Workforce Pell federal regulations and SB 195, passed in the 2026 General Session. Rule R765-132 establishes procedures governing Utah Board of Higher Education certification and oversight of eligible Workforce Pell Grant programs offered by Utah institutions of higher education in compliance with state law and federal requirements.
C. Summary of the new rule or change:
This proposed new administrative rule provides procedures for the certification and oversight of eligible Workforce Pell Grant programs offered by Utah institutions of Higher Education. New rule R765-132 is being enacted to comply with SB 195 (2026) and Section 53H-11-417. New rule R765-132 provides an overview of eligible workforce programs, establishes procedures for the certification of such programs, outlines the criteria by which such a program meets federal requirements, and sets out all other relevant procedures related to Workforce Pell Grant Program Certification and Oversight.

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 195 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
As noted in the Fiscal Note to SB 195 (2026), this rule will not have any fiscal impact on the state budget. There is no fiscal impact on the state budget because this new rule provides procedures related to the certification and oversight of Workforce Pell Grant programs offered by Utah institutions of higher education.

This rule does not impose any requirements that would create either any cost to or savings for the state budget.

B. Local governments:

As noted in the Fiscal Note to SB 195 (2026), this rule will not have any fiscal impact on local governments.

There is no fiscal impact on local governments because this new rule provides procedures related to the certification and oversight of Workforce Pell Grant programs offered by Utah institutions of higher education.

This rule does not impose any requirements that would create either any cost to or savings for local governments.

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

As noted in the Fiscal Note to SB 195 (2026), this rule will not have any fiscal impact on small businesses.

There is no fiscal impact on small businesses because this new rule provides procedures related to the certification and oversight of Workforce Pell Grant programs offered by Utah institutions of higher education.

This rule does not impose any requirements that would create either any cost to or savings for small businesses.

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

As noted in the Fiscal Note to SB 195 (2026), this rule will not have any fiscal impact on non-small businesses.

There is no fiscal impact on non-small businesses because this new rule provides procedures related to the certification and oversight of Workforce Pell Grant programs offered by Utah institutions of higher education.

This rule does not impose any requirements that would create either any cost to or savings for non-small businesses.

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

As noted in the Fiscal Note to SB 195 (2026), this rule will not have any fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities.

There is no fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities because this new rule provides procedures related to the certification and oversight of Workforce Pell Grant programs offered by Utah institutions of higher education.

This rule does not impose any requirements that would create either any cost to or savings for persons other than small businesses, non-small businesses, state, or local government entities.

F. Compliance costs for affected persons:

This rule does not impose any compliance costs for affected persons because this new rule provides procedures related to the certification and oversight of Workforce Pell Grant programs offered by Utah institutions of higher education and the rule's requirements do not impose or create any compliance costs.

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

8. Family Impact Information

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

B. Summary of reasonable alternatives or modifications:

The Utah Board of Higher Education does not expect that the implementation of the proposed new Rule R765-132 will have a measurable negative impact on family health, stability, or formation, and as such, no alternatives or modifications are necessary.

9. Citation Information

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

Section 53H-11-417

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: 11/02/2026

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:	Alison Adams, Board Secretary and Designee	Date:	09/01/2026
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R765. Higher Education (Utah Board of), Administration.

R765-132. Workforce Pell Grant Program Certification and Oversight.

R765-132-1. Purpose.

To establish procedures governing Utah Board of Higher Education (Board) certification and oversight of eligible Workforce Pell Grant programs offered by Utah institutions of higher education in compliance with state law and federal requirements.

R765-132-2. Authority.

This rule is authorized by Section 53H-11-417.

R765-132-3. Definitions.

(1) "Board" means the Utah Board of Higher Education.

(2) "Completion rate" means the percentage of students who complete a short-term program within 150% of the normal time to completion, consistent with federal Workforce Pell Grant regulations.

(3) "Direct assessment" means a program that, in lieu of credit hours or clock-hours as the measure of student learning, utilizes direct assessment of student learning, or recognizes the direct assessment of student learning by others, consistent with 34 CFR 668.10.

(4) "Eligible workforce program" means an educational program that an institution of higher education offers and that the Board certifies for submission to the United States Secretary of Education for consideration regarding participation in the federal Workforce Pell Grant program.

(5) "Earnings outcomes" means post-completion earnings of federal Workforce Pell Grant program completers, including value-added earnings, which compare program costs to earnings levels as defined under the federal Workforce Pell Grant regulations.

(6) "Federal Workforce Pell Grant program" means the program that Section 401 of the Higher Education Act of 1965, 20 USC Sec. 1070a, as amended, establishes as a Workforce Pell Grant program to provide federal Pell Grant assistance to students who the United States Secretary of Education determines are eligible and who enroll in eligible workforce programs.

(7) "Job placement rate" means the percentage of Workforce Pell Grant program completers who are employed following completion of a short-term program, consistent with federal Workforce Pell Grant regulations.

(8) "Program participation agreement (PPA)" means the agreement between an institution of higher education and the United States Department of Education that governs the institution's participation in Title IV federal student financial aid programs, including eligibility, compliance, and reporting requirements.

(9) "Secretary" means the United States Secretary of Education.

(10) "Short-term program" means a program of study that:

(a) is at least 150 clock-hours of instruction, but less than 600 clock-hours of instruction, or an equivalent number of credit hours;

(b) is offered by an institution of higher education over a minimum of 8 weeks, but less than 15 weeks; and

(c) meets all additional length, duration, or other requirements under the federal Workforce Pell Grant regulations.

(11) "Title IV programs" means federal student financial aid programs authorized under Title IV of the Higher Education Act of 1965, 20 USC Sec. 1070 et seq., including the federal Pell Grant program and the federal Workforce Pell Grant program.

R765-132-4. Eligible Workforce Program Overview.

(1) Based on the Governor's delegated authority under Section 53H-11-417, the Board, after consulting with the State Workforce Development Board, shall certify short-term programs for submission to the United States Secretary of Education as eligible workforce programs in accordance with this rule. In alignment with federal Workforce Pell Grant regulations, the Board may enter into bilateral agreements with another state for cross-state student enrollment in eligible workforce programs, including through distance education.

(2) Subject to Subsection R765-132-4(3), an institution of higher education, regardless of whether it has a physical presence in the state, may not, before receiving certification from the Board and approval from the Secretary:

(a) Disburse Workforce Pell Grant Program funds to a student in the state; or

(b) Represent a program as eligible for Workforce Pell Grant funds.

(3) Subsection R765-132-4(2) does not apply if an institution of higher education, regardless of whether it has a physical presence in the state, obtains:

(a) The certification of the Board for each short-term program for which the institution of higher education seeks to disburse Workforce Pell Grant program funds; and

(b) A determination from the Secretary that the institution of higher education meets the requirements of the Workforce Pell Grant program for each short-term program for which the institution of higher education seeks to disburse Workforce Pell Grant program funds.

(4) The institution of higher education shall provide information to the Board every two years to verify that the short-term program remains in compliance with this rule and any other requirements of the Workforce Pell Grant program.

(5) Board certification of a short-term program shall be subject to Board renewal and reapproval in accordance with federal Workforce Pell Grant regulations and may expire in alignment with the institution's program participation agreement (PPA).

(6) Board certification of a short-term program constitutes the state's determination that a program meets applicable requirements for submission to the United States Secretary of Education and:

(a) Does not guarantee approval for participation in the federal Workforce Pell Grant program; and

(b) Does not alter institutional responsibilities for administration of Title IV programs or compliance with federal financial aid requirements.

R765-132-5. Procedures for Certification of Eligible Workforce Programs.

(1) A short-term program seeking certification under this rule shall provide documentation to the Board that the program meets all the following:

(a) Provides a program aligned with the requirements of high-skill, high-wage, or in-demand industry sectors or occupations, as identified by the state using labor market data and workforce alignment processes, including those established under the Carl D. Perkins Career and Technical Education Act or other state workforce data systems;

(b) Meets the hiring requirements of employers in the sectors or occupations identified under Subsection R765-132-5(1)(a);

(c) Leads to a recognized postsecondary credential that is stackable and portable across more than one employer, or prepares students for employment in an occupation for which there is only one recognized postsecondary credential and awards that credential upon completion;

(d) Prepares students to pursue one or more certificates or degrees at an institution of higher education by ensuring that:

(i) On completion of the short-term program and enrollment in a related certificate or degree program, a student will receive academic credit that an institution of higher education will accept toward that certificate or degree; and

(ii) The academic credit described under Subsection R765-132-5(1)(d)(i) will be accepted toward meeting the certificate or degree program requirements; and

(e) The short-term program is offered by an institution of higher education that is eligible to participate in Title IV federal student financial aid programs.

(2) In addition to the requirements of Subsection R765-132-5(1), an institution of higher education seeking certification under this section shall provide to the Board:

(a) Documentation that, for the 12 months preceding the date on which the institution of higher education applied for certification, the institution of higher education offered the short-term program and the short-term program met all requirements of this rule;

(b) Documentation that the short-term program has a completion rate of at least 70% within 150% of the normal time for completion, in compliance with the federal Workforce Pell Grant regulations;

(c) Documentation that the short-term program has a job placement rate of at least 70% after 180 days of completion for each federal aid award year, in compliance with the federal Workforce Pell Grant regulations;

(d) Documentation that the short-term program meets federal requirements related to earnings outcomes, including value-added earnings, demonstrating that program cost is supported by post-completion earnings, as required under the Workforce Pell Grant regulations;

(e) Documentation that tuition and fees for the short-term program comply with federal Workforce Pell Grant requirements related to program cost and aid eligibility;

(f) Documentation that the short-term program complies with federal requirements related to program delivery, including limitations on third-party provision of instruction and program integrity standards;

(g) Documentation that the short-term program does not include more than 25% of instruction or program delivery provided by an ineligible institution or organization, consistent with the federal Workforce Pell Grant regulations or documentation that the program is a Registered Apprenticeship Program approved by the U.S. Department of Labor providing up to 49% of program instruction through the apprenticeship sponsor;

(h) Documentation that the institution of higher education is accredited by an accrediting agency recognized and approved by the United States Department of Education, and the short-term program is within the institution's accredited scope;

(i) Documentation that the short-term program does not include correspondence courses, study abroad, or direct assessment as part of the program;

(j) Documentation that the program is subject to approval by the United States Secretary of Education as required under the federal Workforce Pell Grant regulations; and

(k) Any additional information requested by the Board to verify compliance with this rule and the Workforce Pell Grant program, including any data about current students enrolled in the program.

(3) The Board may collect an application fee to complete the evaluation.

(4) Board certification of a short-term program does not constitute approval of an eligible workforce program for participation in the federal Workforce Pell Grant program. Such approval is determined by the United States Secretary of Education.

(5) A short-term program must have been offered for at least 12 months before certification and must have met applicable federal Workforce Pell Grant requirements during that period, as required under the federal Workforce Pell Grant regulations.

R765-132-6. Criteria for Whether a Program Meets Federal Requirements for Eligible Workforce Programs.

The Board shall not certify a short-term program for submission to the United States Secretary of Education unless all the following have been met:

(1) The Board determines that the short-term program meets the requirements set forth in federal and state law and this rule;

(2) The Board has consulted with the State Workforce Development Board;

(3) The institution of higher education has met all the requirements in this rule;

(4) The short-term program complies with federal requirements related to program delivery, including limitations on third-party provision of instruction and program integrity standards;

(5) The short-term program does not include more than 25% of instruction or program delivery provided by an ineligible institution or organization, consistent with federal Workforce Pell Grant regulations or is a Registered Apprenticeship Program approved by the U.S. Department of Labor providing up to 49% of program instruction through the apprenticeship sponsor;

(6) The institution of higher education is accredited by an accrediting agency recognized and approved by the United States Department of Education, and the short-term program is within the institution's accredited scope;

(7) The short-term program does not include correspondence courses, study abroad, or direct assessment as part of the program; and

(8) The program is subject to approval by the United States Secretary of Education as required under federal Workforce Pell Grant regulations.

R765-132-7. Procedures to Consult with the State Workforce Development Board and Certify Programs.

(1) The Board shall consult with the State Workforce Development Board to inform determinations of whether a short-term program aligns with high-skill, high-wage, or in-demand industry sectors or occupations. The State Workforce Development Board does not approve or certify programs under this rule.

(2) The Board shall submit a certification to the United States Secretary of Education for each program approved under this rule. The certification shall include, at a minimum:

(a) The program name;

(b) The Classification of Instructional Program (CIP) code;

(c) The date of certification;

(d) A signed statement attesting that the program meets applicable federal Workforce Pell Grant requirements; and

NOTICES OF PROPOSED RULES

(e) The Eligibility and Certification Approval Report (ECAR) or equivalent federal submission mechanism, as required by the U.S. Department of Education.

(3) The Board shall provide an appeal process for institutions seeking review of certification determinations. The appeal process shall include:

(a) Submission of a written appeal to the Utah Commissioner of Higher Education (Commissioner) by the institution of higher education within 30 calendar days of the Board's denial that includes all relevant information and evidence;

(b) Review of the appeal by the Commissioner or their designee;

(c) Opportunity for the Commissioner or their designee to request additional documentation; and

(d) Issuance of a written determination by the Commissioner or their designee.

(4) The Board's process for certification of eligible workforce programs will include:

(a) a written methodology for identifying high-skill, high-wage, or in-demand occupations, and procedures for calculating and certifying completion rates, job placement rates, and value-added earnings, consistent with federal Workforce Pell Grant regulations;

(b) consideration of employer input;

(c) documentation of consultation with the State Workforce Development Board;

(d) defined timelines for submission, review, and certification of programs; and

(e) procedures for institutional application and review.

(5) The Board shall maintain and periodically update a list of high-skill, high-wage, or in-demand industry sectors or occupations used for certification of eligible workforce programs.

R765-132-8. Procedures to Calculate and Certify Completion Rates and Job Placement Rates.

(1) For each short-term program certified under this section, the institution of higher education shall report to the Board on any data requested and further defined related to the short-term program, which must include:

(a) Program-level data:

(i) Name of program;

(ii) Classification of Instructional Program (CIP) Code and Title;

(iii) For an institution of higher education with a physical presence in the state, the total number of students who enrolled in the short-term program during the previously completed federal financial aid award year, with their state of residence, and the number of students who completed the short-term program;

(iv) For a postsecondary institution without a physical presence in the state, the total number of students living in the state that enrolled in the short-term program during the previously completed federal financial aid award year, and the number of students who completed the short-term program;

(v) The total cost of attendance, the total tuition and fees, and the average net price of the short-term program;

(vi) Any additional information required by the Board to calculate the median earnings and the share of graduates who are employed; and

(vii) If available, the number of completers of the short-term program who are employed in positions related to the program, and a list of positions and employers considered within the program's field of study;

(b) Student-level data:

(i) Student demographic information, including student identifiers, name, date of birth; and

(ii) Student financial aid information, including dependency status, family income, federal, state, or institutional aid amounts, Pell status, net cost, tuition, and fees.

(2) An institution of higher education shall provide to the Board, in a format specified by the Board, a list of students who completed the short-term program during the applicable reporting period, along with any additional information required to verify completion rates, job placement rates, and earning outcomes.

(3) Completion rates shall be based on institutional reporting. The Board may use administrative wage record data provided by the Department of Workforce Services to verify employment, calculate job placement rates, assess earnings outcomes, and calculate value-added earnings. Use of administrative wage record data shall comply with all applicable state and federal data privacy and confidentiality requirements, including requirements under the federal Workforce Pell Grant regulations.

(4) As required by federal Workforce Pell Grant regulations, the Board shall exclude from the earnings cohort any student who is enrolled in another educational program during the applicable earnings measurement period.

R765-132-9. Procedures to Withdraw Certification of Programs.

(1) The Board shall revoke certification of a short-term program if either of the following occurs:

(a) The institution of higher education fails to annually meet the requirements of this rule; or

(b) The Attorney General or a court of appropriate jurisdiction finds the institution of higher education engaged in unfair, deceptive, or abusive trade practices pursuant to Utah law related to the operation of a short-term program receiving Workforce Pell Grant Program funds.

(2) A short-term program that loses certification due to failure to meet completion or job placement rate requirements may not be recertified until the program has met applicable federal Workforce Pell Grant requirements for a period of at least two years, or as otherwise required under the federal Workforce Pell Grant regulations.

R765-132-10. Disclosure of Program Information to Students.

Institutions of higher education offering eligible workforce programs shall disclose clear, standardized information to prospective and enrolled students, including program cost, duration, lifetime eligibility use information, credential outcomes, completion rates, job

placement rates, earnings outcomes, and applicable licensure or certification requirements, and shall also comply with federal restrictions on student eligibility and the use of Pell Grants for eligible workforce programs.

KEY: higher education, federal workforce Pell grant

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 53H-11-417

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: New	Filing ID: 58229
Rule or section number:	R848-1

1. Agency Information

Title catchline:	School and Institutional Trust Beneficiaries' Advocacy Council, Administration
Building:	Advocacy Office
Street address:	310 S Main Street, #1275
City, state:	Salt Lake City, UT 84101

2. Contact Persons

Name:	Phone:	Email:
Liz Mumford	801-635-5123	lizmumford@utah.gov
Jessie Stuart	385-315-1892	jpstuart@utah.gov

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

3. General Information

A. Rule or section catchline:
R848-1. Trust Beneficiary Administration, Council Representation, and Distribution Oversight
B. Purpose of the new rule or reason for the change:
A 2024 Office of the Legislative Auditor General (OLAG) audit and subsequent legislative evaluation led to statutory changes in SB 43, passed in the 2026 General Session, which went into effect on 07/01/2026.
Utah Code now requires the Advocacy Council to adopt a rule for oversight of the trust distributions by institutional beneficiaries in the School and Institutional Trust System.
C. Summary of the new rule or change:
This rule establishes the procedures and accountability requirements governing interactions between the School and Institutional Trust Beneficiaries' Advocacy Office and trust beneficiaries.
It defines the necessary standards for designating institutional liaisons, managing representation, planning expenditures, financial reporting, conducting compliance oversight, and resolving disputes.

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 43 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
No anticipated cost or savings.

The intent of this rule is to create transparency and ensure distributed funds impact the end user.

Trust distributions will continue to follow the statutory formula.

Compliance will be monitored by existing staff in the Advocacy Office with no new appropriation or FTE changes.

B. Local governments:

This rule does not apply to any local government entities and subsequently there will be no fiscal impact on local governments.

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

This rule does not apply to any small businesses and subsequently there will be no fiscal impact on small businesses.

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

This rule does not apply to any businesses and subsequently there will be no fiscal impact on any type of business.

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 are no additional costs or savings anticipated for any school systems, institutions, or programs that are affected by this rule.

F. Compliance costs for affected persons:

Based on discussions with finance personnel at the beneficiary institutions, there are no additional costs anticipated for compliance.

Existing staff at institutions will provide information as part of regular duties.

There will be no change to the statutory distribution formula, and it is expected that the improved transparency and accurate reporting will increase the effectiveness of distributions for the designated end users.

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 Chair of the Advocacy Council, Richard Ellis, 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 53D-2-302(2)(e)

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:

11/02/2026

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:

Liz Mumford, Advocacy Office Director

Date:

09/04/2026

R848. School and Institutional Trust Beneficiaries' Advocacy Council, Administration.**R848-1. Trust Beneficiary Administration, Council Representation, and Distribution Oversight.****R848-1-1. Purpose.**

(1) This rule establishes the procedures and accountability requirements governing the interaction between the School and Institutional Trust Beneficiaries' Advocacy Office and trust beneficiaries.

(2) This rule defines the requirements for designating institutional liaisons, managing representation, planning acceptable expenditures, financial reporting, conducting compliance oversight, and resolving disputes.

R848-1-2. Authority.

This rule is required under Subsection 53D-2-302(2)(e) as enacted under Title 53D, Chapter 2, School And Institutional Trust Beneficiaries' Advocacy Act.

R848-1-3. Definitions.

As used in this rule:

(1) "Advisory group" means a standing committee or focus group of stakeholders, established by a beneficiary institution, tasked with reviewing trust distribution planning that incorporates feedback from the impacted end users.

(2) "Advocacy Office" means the School and Institutional Trust Beneficiaries' Advocacy Office.

(3) "End user" means the students, patients, residents, or other specific populations served by a trust beneficiary who are the intended recipients of the programs, services, or infrastructure supported by trust distributions.

(4) Institutional beneficiary means a trust beneficiary that is not subject to the School LAND Trust Program administered by USBE.

(5) Primary representative means the liaison for the trust beneficiary designated in statute or their official designee, which trusts include:

(a) public schools, represented by the staff member who administers the School LAND Trust Program at the State Board of Education;

(b) Schools for the Deaf, represented by the superintendent for the State Board of Education, or the superintendent's designee;

(c) Schools for the Blind, represented by the superintendent for the State Board of Education, or the superintendent's designee;

(d) University of Utah, represented by the president of the University of Utah or the president's designee;

(e) College of Mines and Earth Sciences, represented by the Dean of the College of Science at the University of Utah, or the dean's designee;

(f) Colleges of Education, represented by the chair of the Utah Council of Education Deans, or the chair's designee;

(g) Utah State University, represented by the president of Utah State University or the president's designee;

(h) Miners Hospital, represented by the director of the Craig H. Neilsen Rehabilitation Hospital, or the director's designee;

(i) Utah State Hospital, represented by the superintendent of the Utah State Hospital, or the superintendent's designee;

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- (j) Juvenile Justice and Youth Services, represented by the director of the Division of Juvenile Justice and Youth Services, or the director's designee;
- (k) reservoirs, represented by the director of the Division of Water Resources, or the director's designee; and
- (l) public buildings, represented by the executive director of the Capitol Preservation Board.
- (6) "Spend plan" means the annual document outlining the specific goals, planned uses, and projected impacts of trust distributions for an upcoming fiscal year.
- (7) "Trust beneficiaries" means the schools and institutions listed in statute.
- (8) Trustee agencies means the School and Institutional Trust Lands Administration (TLA) and the School and Institutional Trust Funds Office (SITFO).

R848-1-4. Beneficiary Liaisons.

- (1) To facilitate orderly communication, representation, advocacy, and reporting, the Advocacy Office shall maintain a trust system contact database.
- (2) Each trust beneficiary shall identify and provide contact information of the primary liaison for trust system matters.
- (a) If the individual listed as the liaison for a trust beneficiary in statute chooses to delegate responsibilities to a designee, the individual listed in statute must complete an affidavit to document the assignment.
- (b) Trust beneficiaries may also identify secondary contacts with expertise in:
 - (i) legal matters;
 - (ii) finances and accounting;
 - (iii) public relations;
 - (iv) real estate management; or
 - (v) legislative affairs.
- (c) Each trust beneficiary shall confirm contacts annually and inform the Advocacy Office about intermediate personnel transitions and agency changes that are relevant to the trust.

R848-1-5. Beneficiary Representation.

- To represent the trust beneficiaries and to advocate for, monitor, and protect the trust beneficiaries' rights and interests, the Advocacy Office shall:
- (1) maintain direct relationships and open communication with each trust beneficiary liaison;
- (2) facilitate the cooperative formulation of protocols for interactions with trust beneficiaries;
- (3) serve as an official intermediary through which information can be provided to or received from trust beneficiaries and to which the trustee agencies can give notice to a beneficiary;
- (4) report in person to a trust beneficiary upon request; and
- (5) speak on behalf of trust beneficiaries about activities related to the beneficiaries' trusts, unless a trust beneficiary notifies the Advocacy Office in writing that the trust beneficiary will speak on the trust beneficiary's own behalf involving a specific issue or matter.

R848-1-6. Advocacy Council Appointment.

- (1) The Advocacy Council shall appoint, with the consent of the state treasurer, an individual to serve on the Advocacy Council representing the institutional beneficiaries according to Subsection 53D-2-303(1)(e)(ii).
- (a) Only a primary liaison listed in statute or their official designee is eligible for this position on the Advocacy Council.
- (b) The term of service is four years in length, beginning on July 1, staggered with other terms on the council.
- (c) The Advocacy Office shall provide prompt notice of a vacancy, and at least 90 days of notice for an expiring term, to the institutional beneficiaries and seek eligible nominees.
 - (i) The Advocacy Office shall facilitate a consultation process with the institutional beneficiaries.
 - (ii) Applications for interested individuals for the vacancy will be considered during a closed meeting of the Advocacy Council.
 - (iii) Final votes appointing an individual to be considered by the state treasurer for final consent will take place during the open portion of an Advocacy Council's public meeting.
- (d) If a vacancy occurs during an appointed member's term, the Advocacy Office will facilitate the process described in Subsection (c) to appoint a replacement for the unexpired term.
- (e) Upon the expiration of an appointed member's term, the individual is eligible for one consecutive reappointment by the Advocacy Council.

R848-1-7. Distributions: Acceptable Uses and Planning.

- To support transparent planning of acceptable expenditures and financial accountability for trust distributions, each institutional beneficiary shall:
- (1) annually consult with its advisory group to adopt and maintain a list of acceptable expenditures as formal internal guidance that:
 - (a) demonstrates relevance and impact for the end user;
 - (b) is consistent with enabling grant language, applicable statutes, and relevant case law for the respective trust beneficiary; and
 - (c) may include a contingency reserve for risks associated with providing services to end users;
- (2) consult with its advisory group to develop a spend plan based on the projected distribution for the upcoming year; and
- (3) provide documentation to the Advocacy Office demonstrating official internal approval of the acceptable expenditure document and annual spend plan.

R848-1-8. Distributions: Accounting and Financial Oversight.

- (1) Each institutional beneficiary shall maintain clear, verifiable records of trust distributions and expenditures.
- (2) An institutional beneficiary may not commingle trust distributions with other institutional funds in a manner that compromises historical record keeping or tracking.
- (3) An institutional beneficiary shall assign unique tracking codes within its adopted accounting system to facilitate detailed financial reporting upon request for compliance reviews by the Advocacy Office or formal audits.

R848-1-9. Carryover Balance and Fund Reimbursement.

To support the principle of intergenerational equity in the trust, preservation and long-term growth are managed through the permanent fund's investment policy, and distributions to trust beneficiaries are intended for immediate impact.

- (1) Institutional beneficiaries shall deploy distributions to support current end users in a timely manner and limit carryover balances between fiscal years.
- (2) The carryover balance of trust distributions for institutional beneficiaries shall not exceed an amount two times the prior year distribution to the respective trust beneficiary.
- (3) Any carryover balance of trust distributions for institutional beneficiaries shall be designated for a purpose consistent with the adopted spend plan; including
 - (a) an operational reserve for programs, services, reasonable staffing and administrative costs, equipment, or devices; or
 - (b) a capital reserve for maintaining, refurbishing, acquiring, or building infrastructure.
- (4) An institutional beneficiary shall keep allowable carryover balances from trust distributions in appropriate reserve accounts invested under Title 51, Chapter 7, State Money Management Act.
- (5) An institutional beneficiary which accrues a carryover balance of trust distributions more than the allowable amount under Subsection (2) shall return the excess amount to its respective permanent fund.
- (6) An institutional beneficiary may seek and receive a reduced distribution by the SITFO if significant carryover is anticipated in the upcoming year after consultation with the Advocacy Office and written approval by the state treasurer.
- (7) Distribution reductions or funds returned to a permanent fund become part of the principal formula for future distributions and may not be withdrawn in addition to the annually calculated distribution.

R848-1-10. Reporting Requirements and Public Timeline.

- (1) The Advocacy Office shall publish an annual School and Institutional Trust System report by December 31 of each year as a summary of the prior fiscal year.
- (a) The annual report shall summarize the income, assets, fund balance, distribution, and uses for each trust beneficiary.
- (b) The Advocacy Office shall maintain the annual report and additional information about each trust beneficiary on its website.
- (c) The Advocacy Office shall distribute the annual report in accordance with Subsection 53D-2-402(2)(l).
- (2) Each trust beneficiary shall annually contribute necessary information and documentation at the request of the Advocacy Office consistent with a provided template or form.

R848-1-11. Compliance Reviews.

- (1) The Advocacy Office shall annually review a trust beneficiary's compliance with applicable law, including rules adopted by the Advocacy Office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) The Advocacy Office may:
 - (a) consult with the liaison and staff of a trust beneficiary to discuss distribution uses, receive information, offer suggestions, provide training, and answer questions;
 - (b) consult with the governing body or advisory group of a trust beneficiary to review policies or compliance requirements; and
 - (c) recommend corrective action consistent with this rule if an institutional beneficiary fails to comply with distribution accountability requirements.
- (3) The Advocacy Office shall:
 - (a) direct an institutional beneficiary to reimburse the respective permanent fund for any distributions found to be spent inconsistently with the institutional beneficiary's approved spend plan or this rule; and
 - (b) refer fraud, waste, abuse, or recurring noncompliance directly to the State Auditor.
- (4) The Advocacy Office shall periodically provide a report to the Advocacy Council on compliance review findings and other compliance issues.

R848-1-12. Dispute Resolution.

- (1) To support productive and effective interactions in the trust system, the Advocacy Office shall facilitate the cooperative formulation of protocols for interactions between the Advocacy Office and the trustee agencies and the trust beneficiaries in accordance with Subsection 53D-2-402(2)(b).
- (2) In the event of a conflict or dispute among trust beneficiaries or with a trustee agency, the Advocacy Office may provide an impartial forum to facilitate informal resolution, upon the affected entities' consent in accordance with Subsection 53D-2-402(3).
- (3) The Advocacy Office may utilize any of the following methods most appropriate for the severity of the conflict or dispute:
 - (a) initial conversations and informal information gathering sessions;
 - (b) issuance of a formal letter to the affected entities detailing the specific areas of concern;
 - (c) informal mediation or structured conferencing facilitated by the Advocacy Office between the affected entities;

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- (d) issuance of a formal recommendation of corrective action outlining necessary remediation steps and timelines in consultation with the Advocacy Council;
- (e) recommendation of obtaining legal counsel to consider action when a dispute cannot be resolved through internal administrative remedies; or
- (f) other resolution processes mutually agreed upon in writing by the Advocacy Office and the affected entities.

KEY: Advocacy Council, Advocacy Office, trust beneficiary, trust distribution, beneficiary distribution, carryover, beneficiary rights and interests, trust land funds, school trust lands, permanent fund

Date of Last Change: 2026

Authorizing, and Implemented or Interpreted Law: 53D-2

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58228
Rule or section number:	R884-24P-53

1. Agency Information

Title catchline:	Tax Commission, Property Tax
Building:	Tax Commission
Street address:	210 N 1950 W
City, state:	Salt Lake City, UT

2. Contact Persons

Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov

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

3. General Information

A. Rule or section catchline:
R884-24P-53. 2026 Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515
B. Purpose of the new rule or reason for the change:
Section 59-2-515 authorizes the State Tax Commission to make rules necessary to effectuate the Farmland Assessment Act (FAA). Section 59-2-514 creates the State Farmland Advisory Committee and requires a person appointed by the Commission to serve as chair. This committee reviews several classifications of land in agricultural use in the various areas of the state and recommends a range of values for each of the classifications based upon productive capabilities of the land when devoted to agricultural use. The recommendations are then submitted to the commission for approval and publication in rule. This proposed section represents the committee's recommendations. Section 59-2-503 authorizes the State Tax Commission to designate acceptable standards of agricultural production. As the Property Tax Division (division) is retiring the division's standards of practice, this amendment codifies some of the division's standards of practice related to this section.
C. Summary of the new rule or change:
The amendment provides 2027 updates for a range of values for classifications of agricultural land throughout the state based upon productive capabilities of the land when devoted to agricultural use. The changes codify existing standards of practice for classifying property assessed for agricultural use under Section 59-2-503, and the classified property's associated production rates.

5. Fiscal Information

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

A. State budget:

The aggregate anticipated cost or savings for the state budget is undetermined. However, based on available information, the overall aggregate anticipated cost or savings for the state budget is expected to be minimal as a result of this amendment.

The Education Fund receives revenue based on increased or decreased real and personal property valuation, including property assessed under the FAA.

Property valuation changes have been recommended by class and by county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for the FAA assessment in the coming year.

The changes that codify the division's standards of practice are not expected to impact the state budget because they codify existing practice.

B. Local governments:

The aggregate anticipated cost or savings for local governments is undetermined. However, based on available information, the overall aggregate anticipated cost or savings for local governments is expected to be minimal.

Local governmental entities receive tax revenue based on increased or decreased property valuation, including property assessed under the FAA. Property valuation changes have been recommended by class and by county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for the FAA assessment in the coming year.

Additionally, county assessors' offices statewide will be required to input the new value indicators into their systems to be applied against the acreage for individual properties. This input process is easily accomplished on an annual basis and represents no significant cost in time or money to the assessors' offices.

The changes that codify the property tax division's standards of practice are not expected to impact local governments because they codify existing practice.

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

The aggregate anticipated costs or savings for small businesses is undetermined. However, based on available information, the aggregate costs or savings for small businesses as a cohort is expected to be minimal.

Each individual small business with property eligible for assessment under the FAA may see a change in value which may result in costs or savings. The extent of these costs or savings are subject to the specific small businesses' unique mix of property class and situs county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for the FAA assessment in the coming year.

Additionally, any cost or savings estimate will be further altered by changes to local property tax rates.

The changes that codify the division's standards of practice are not expected to impact small businesses because they codify existing practice.

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

The aggregate anticipated costs or savings for non-small businesses is undetermined. However, based on available information, the aggregate costs or savings for non-small businesses as a cohort is expected to be minimal.

Each individual non-small business with property eligible for assessment under the FAA may see a change in value which may result in costs or savings. The extent of costs or savings are subject to the specific non-small businesses' unique mix of property class and situs county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for the FAA assessment in the coming year.

Additionally, any cost or savings estimate will be further altered by changes to local property tax rates.

The changes that codify the division's standards of practice are not expected to impact non-small businesses because they codify existing practice.

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 aggregate anticipated costs or savings for persons other than small businesses, non-small businesses, state, or local government entities (persons) is undetermined. However, based on available information, the aggregate costs or savings for persons as a cohort is expected to be minimal.

Each person with property eligible for assessment under the FAA may see a change in value which may result in costs or savings. The extent of costs or savings are subject to the specific person's unique mix of property class and situs county. No total cost or savings can be calculated without an exhaustive study of farmland acreage in each county by class and a listing of property newly qualifying or no longer qualifying for the FAA assessment in the coming year.

Additionally, any cost or savings estimate will be further altered by changes to local property tax rates.

The changes that codify the division's standards of practice are not expected to impact persons other than small businesses, non-small businesses, or state or local government entities because they codify existing practice.

F. Compliance costs for affected persons:

County assessors' offices statewide will be required to input the new value indicators into their systems to be applied against the acreage for individual properties.

This input process is easily accomplished on an annual basis and represents no significant compliance cost in time or money to the assessors' offices.

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

Commissioner of the Tax Commission, Rebecca L. Rockwell, 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 59-2-503	Section 59-2-515	
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11. Public Notice Information

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

A. Comments will be accepted until:

11/02/2026

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:	Rebecca Rockwell, Commissioner	Date:	09/10/2026
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R884. Tax Commission, Property Tax.**R884-24P. Property Tax.****R884-24P-53. ~~[2026]~~2027 Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Sections 59-2-503 and 59-2-515.**

(1) As used in this section:

(a)(i) "Animal unit" means the forage required to maintain a mother cow that is approximately 1,000 pounds and the cow's calf in thrifty condition for one year, based on an average month.

(ii) "Animal unit" includes another type of mature female animal of average weight and the animal's unweaned offspring for purposes of calculating the equivalent forage requirements for other qualifying livestock.

(b) "Animal unit month" or "AUM" means 1/12 of an animal unit.

~~[(1)]~~(2) Each year the Property Tax Division shall update and publish schedules to determine the taxable value for land subject to the Farmland Assessment Act on a per acre basis.

(a) The schedules shall be based on the productivity of the various types of agricultural land as determined through crop budgets and net rents.

(b) Proposed schedules shall be transmitted by the Property Tax Division to county assessors for comment before adoption.

(c) County assessors may not deviate from the schedules.

(d) Not all types of agricultural land exist in every county. If no taxable value is shown for a particular county in one of the tables, that classification of agricultural land does not exist in that county.

~~[(2)]~~(3) Property qualifying for agricultural use assessment pursuant to Section 59-2-503 shall be assessed on a per acre basis as follows:

(a) Irrigated farmland shall be assessed under the following classifications.

(i) Irrigated I. The following counties shall assess Irrigated I property based upon the per acre values listed in TABLE 1, Irrigated I:

TABLE 1 Irrigated I	
County	Per Acre Value
Box Elder	~~[\$744]~~ \$699
Cache	~~[\$687]~~ \$653
Carbon	~~[\$535]~~ \$512
Davis	~~[\$855]~~ \$818
Emery	~~[\$507]~~ \$485
Iron	~~[\$809]~~ \$773
Kane	~~[\$423]~~ \$405
Millard	~~[\$801]~~ \$762
Salt Lake	~~[\$675]~~ \$630
Utah	~~[\$742]~~ \$700

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Washington	~~[\$660]~~ <u>\$634</u>
Weber	~~[\$849]~~ <u>\$813</u>

(ii) Irrigated II. The following counties shall assess Irrigated II property based upon the per acre values listed in TABLE 2, Irrigated II:

TABLE 2 Irrigated II	
County	Per Acre Value
Beaver	~~[\$545]~~ <u>\$520</u>
Box Elder	~~[\$655]~~ <u>\$616</u>
Cache	~~[\$586]~~ <u>\$557</u>
Carbon	~~[\$425]~~ <u>\$407</u>
Davis	~~[\$752]~~ <u>\$720</u>
Duchesne	~~[\$495]~~ <u>\$473</u>
Emery	~~[\$408]~~ <u>\$390</u>
Grand	~~[\$393]~~ <u>\$376</u>
Iron	~~[\$710]~~ <u>\$678</u>
Juab	~~[\$449]~~ <u>\$423</u>
Kane	~~[\$327]~~ <u>\$313</u>
Millard	~~[\$702]~~ <u>\$668</u>
Salt Lake	~~[\$579]~~ <u>\$541</u>
Sanpete	~~[\$554]~~ <u>\$527</u>
Sevier	~~[\$582]~~ <u>\$556</u>
Summit	~~[\$465]~~ <u>\$445</u>
Tooele	~~[\$450]~~ <u>\$430</u>
Utah	~~[\$644]~~ <u>\$604</u>
Wasatch	~~[\$495]~~ <u>\$474</u>
Washington	~~[\$562]~~ <u>\$540</u>
Weber	~~[\$744]~~ <u>\$713</u>

(iii) Irrigated III. The following counties shall assess Irrigated III property based upon the per acre values listed in TABLE 3, Irrigated III:

TABLE 3 Irrigated III	
County	Per Acre Value
Beaver	~~[\$448]~~ <u>\$428</u>
Box Elder	~~[\$513]~~ <u>\$482</u>
Cache	~~[\$444]~~ <u>\$422</u>
Carbon	~~[\$285]~~ <u>\$273</u>
Davis	~~[\$605]~~ <u>\$579</u>
Duchesne	~~[\$348]~~ <u>\$333</u>
Emery	~~[\$255]~~ <u>\$244</u>
Garfield	~~[\$214]~~ <u>\$205</u>
Grand	~~[\$249]~~ <u>\$238</u>
Iron	~~[\$563]~~ <u>\$538</u>

Juab	~~[\$304]~~ <u>\$286</u>
Kane	~~[\$181]~~ <u>\$173</u>
Millard	~~[\$556]~~ <u>\$529</u>
Morgan	~~[\$398]~~ <u>\$381</u>
Piute	~~[\$338]~~ <u>\$323</u>
Rich	~~[\$181]~~ <u>\$173</u>
Salt Lake	~~[\$443]~~ <u>\$414</u>
San Juan	~~[\$141]~~ <u>\$127</u>
Sanpete	~~[\$406]~~ <u>\$389</u>
Sevier	~~[\$433]~~ <u>\$414</u>
Summit	~~[\$320]~~ <u>\$306</u>
Tooele	~~[\$302]~~ <u>\$289</u>
Uintah	~~[\$377]~~ <u>\$361</u>
Utah	~~[\$493]~~ <u>\$465</u>
Wasatch	~~[\$344]~~ <u>\$329</u>
Washington	~~[\$413]~~ <u>\$396</u>
Wayne	~~[\$337]~~ <u>\$324</u>
Weber	~~[\$591]~~ <u>\$566</u>

(iv) Irrigated IV. The following counties shall assess Irrigated IV property based upon the per acre values listed in TABLE 4, Irrigated IV:

TABLE 4 Irrigated IV	
County	Per Acre Value
Beaver	~~[\$371]~~ <u>\$354</u>
Box Elder	~~[\$426]~~ <u>\$400</u>
Cache	~~[\$345]~~ <u>\$328</u>
Carbon	~~[\$182]~~ <u>\$174</u>
Daggett	~~[\$193]~~ <u>\$185</u>
Davis	~~[\$505]~~ <u>\$483</u>
Duchesne	~~[\$244]~~ <u>\$233</u>
Emery	~~[\$160]~~ <u>\$153</u>
Garfield	~~[\$114]~~ <u>\$109</u>
Grand	~~[\$152]~~ <u>\$145</u>
Iron	~~[\$461]~~ <u>\$440</u>
Juab	~~[\$201]~~ <u>\$189</u>
Kane	~~[\$80]~~ <u>\$77</u>
Millard	~~[\$451]~~ <u>\$429</u>
Morgan	~~[\$295]~~ <u>\$283</u>
Piute	~~[\$235]~~ <u>\$225</u>
Rich	~~[\$82]~~ <u>\$78</u>
Salt Lake	~~[\$342]~~ <u>\$319</u>
San Juan	~~[\$63]~~ <u>\$57</u>
Sanpete	~~[\$304]~~ <u>\$291</u>

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Sevier	~~[\$334]~~ <u>\$316</u>
Summit	~~[\$218]~~ <u>\$209</u>
Tooele	~~[\$206]~~ <u>\$197</u>
Uintah	~~[\$280]~~ <u>\$268</u>
Utah	~~[\$395]~~ <u>\$372</u>
Wasatch	~~[\$243]~~ <u>\$233</u>
Washington	~~[\$312]~~ <u>\$300</u>
Wayne	~~[\$238]~~ <u>\$229</u>
Weber	~~[\$483]~~ <u>\$463</u>

(b) Fruit orchards. The following counties shall assess fruit orchards based upon the per acre values listed in TABLE 5, Fruit Orchards:

TABLE 5 Fruit Orchards	
County	Per Acre Value
Beaver	~~[\$228]~~ <u>\$220</u>
Box Elder	~~[\$248]~~ <u>\$239</u>
Cache	~~[\$228]~~ <u>\$220</u>
Carbon	~~[\$228]~~ <u>\$220</u>
Davis	~~[\$249]~~ <u>\$240</u>
Duchesne	~~[\$228]~~ <u>\$220</u>
Emery	~~[\$228]~~ <u>\$220</u>
Garfield	~~[\$228]~~ <u>\$220</u>
Grand	~~[\$228]~~ <u>\$220</u>
Iron	~~[\$228]~~ <u>\$220</u>
Juab	~~[\$228]~~ <u>\$220</u>
Kane	~~[\$228]~~ <u>\$220</u>
Millard	~~[\$228]~~ <u>\$220</u>
Morgan	~~[\$228]~~ <u>\$220</u>
Piute	~~[\$228]~~ <u>\$220</u>
Salt Lake	~~[\$228]~~ <u>\$220</u>
San Juan	~~[\$228]~~ <u>\$220</u>
Sanpete	~~[\$228]~~ <u>\$220</u>
Sevier	~~[\$228]~~ <u>\$220</u>
Summit	~~[\$228]~~ <u>\$220</u>
Tooele	~~[\$228]~~ <u>\$220</u>
Uintah	~~[\$228]~~ <u>\$220</u>
Utah	~~[\$251]~~ <u>\$242</u>
Wasatch	~~[\$228]~~ <u>\$220</u>
Washington	~~[\$272]~~ <u>\$262</u>
Wayne	~~[\$228]~~ <u>\$220</u>
Weber	~~[\$249]~~ <u>\$240</u>

(c) Meadow IV. The following counties shall assess Meadow IV property based upon per acre values listed in TABLE 6, Meadow IV:

TABLE 6 Meadow IV	
County	Per Acre Value
Beaver	~~[\$230]~~ <u>\$220</u>
Box Elder	~~[\$239]~~ <u>\$225</u>
Cache	~~[\$264]~~ <u>\$251</u>
Carbon	~~[\$135]~~ <u>\$129</u>
Daggett	~~[\$158]~~ <u>\$151</u>
Davis	~~[\$271]~~ <u>\$259</u>
Duchesne	~~[\$171]~~ <u>\$163</u>
Emery	~~[\$141]~~ <u>\$135</u>
Garfield	~~[\$106]~~ <u>\$101</u>
Grand	~~[\$137]~~ <u>\$131</u>
Iron	~~[\$267]~~ <u>\$255</u>
Juab	~~[\$155]~~ <u>\$146</u>
Kane	~~[\$110]~~ <u>\$105</u>
Millard	~~[\$196]~~ <u>\$186</u>
Morgan	~~[\$203]~~ <u>\$194</u>
Piute	~~[\$194]~~ <u>\$185</u>
Rich	~~[\$108]~~ <u>\$103</u>
Salt Lake	~~[\$216]~~ <u>\$202</u>
Sanpete	~~[\$199]~~ <u>\$190</u>
Sevier	~~[\$207]~~ <u>\$198</u>
Summit	~~[\$204]~~ <u>\$195</u>
Tooele	~~[\$187]~~ <u>\$179</u>
Uintah	~~[\$212]~~ <u>\$203</u>
Utah	~~[\$247]~~ <u>\$233</u>
Wasatch	~~[\$213]~~ <u>\$204</u>
Washington	~~[\$231]~~ <u>\$222</u>
Wayne	~~[\$177]~~ <u>\$170</u>
Weber	~~[\$317]~~ <u>\$304</u>

(d) Dry land shall be classified as one of the following two categories and shall be assessed on a per acre basis as follows:

(i) Dry III. The following counties shall assess Dry III property based upon the per acre values listed in TABLE 7, Dry III:

TABLE 7 Dry III	
County	Per Acre Value
Beaver	~~[\$50]~~ <u>\$48</u>
Box Elder	~~[\$87]~~ <u>\$82</u>
Cache	~~[\$117]~~ <u>\$111</u>
Carbon	~~[\$49]~~ <u>\$47</u>
Davis	~~[\$51]~~ <u>\$49</u>
Duchesne	~~[\$56]~~ <u>\$54</u>
Garfield	~~[\$48]~~ <u>\$46</u>
Grand	~~[\$49]~~ <u>\$47</u>

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Iron	~~[\$49]~~ <u>\$47</u>
Juab	~~[\$53]~~ <u>\$50</u>
Kane	~~[\$48]~~ <u>\$46</u>
Millard	~~[\$47]~~ <u>\$45</u>
Morgan	~~[\$67]~~ <u>\$64</u>
Rich	~~[\$48]~~ <u>\$46</u>
Salt Lake	~~[\$53]~~ <u>\$50</u>
San Juan	~~[\$44]~~ <u>\$40</u>
Sanpete	~~[\$56]~~ <u>\$54</u>
Summit	~~[\$48]~~ <u>\$46</u>
Tooele	~~[\$52]~~ <u>\$50</u>
Uintah	~~[\$56]~~ <u>\$54</u>
Utah	~~[\$50]~~ <u>\$47</u>
Wasatch	~~[\$48]~~ <u>\$46</u>
Washington	~~[\$48]~~ <u>\$46</u>
Weber	~~[\$84]~~ <u>\$81</u>

(ii) Dry IV. The following counties shall assess Dry IV property based upon the per acre values listed in TABLE 8, Dry IV:

TABLE 8 Dry IV	
County	Per Acre Value
Beaver	~~[\$14]~~ <u>\$13</u>
Box Elder	~~[\$55]~~ <u>\$53</u>
Cache	~~[\$81]~~ <u>\$77</u>
Carbon	~~[\$15]~~ <u>\$14</u>
Davis	~~[\$15]~~ <u>\$14</u>
Duchesne	~~[\$19]~~ <u>\$18</u>
Garfield	~~[\$15]~~ <u>\$14</u>
Grand	~~[\$15]~~ <u>\$14</u>
Iron	~~[\$15]~~ <u>\$14</u>
Juab	~~[\$15]~~ <u>\$14</u>
Kane	~~[\$15]~~ <u>\$14</u>
Millard	~~[\$14]~~ <u>\$13</u>
Morgan	~~[\$27]~~ <u>\$26</u>
Rich	~~[\$15]~~ <u>\$14</u>
Salt Lake	~~[\$17]~~ <u>\$16</u>
San Juan	~~[\$16]~~ <u>\$14</u>
Sanpete	~~[\$19]~~ <u>\$18</u>
Summit	~~[\$15]~~ <u>\$14</u>
Tooele	~~[\$15]~~ <u>\$14</u>
Uintah	~~[\$19]~~ <u>\$18</u>
Utah	~~[\$15]~~ <u>\$14</u>
Wasatch	~~[\$15]~~ <u>\$14</u>
Washington	~~[\$14]~~ <u>\$13</u>

Weber	~~[\$45]~~ <u>\$43</u>
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- (e) Grazing land shall be classified as one of the following four categories and shall be assessed on a per acre basis as follows:
 (i) Graze 1. The following counties shall assess Graze I property based upon the per acre values listed in TABLE 9, Graze I:

TABLE 9 Graze I	
County	Per Acre Value
Beaver	~~[\$68]~~ <u>\$65</u>
Box Elder	~~[\$69]~~ <u>\$65</u>
Cache	~~[\$70]~~ <u>\$67</u>
Carbon	~~[\$52]~~ <u>\$50</u>
Daggett	~~[\$52]~~ <u>\$50</u>
Davis	~~[\$61]~~ <u>\$58</u>
Duchesne	~~[\$69]~~ <u>\$66</u>
Emery	~~[\$71]~~ <u>\$68</u>
Garfield	~~[\$78]~~ <u>\$75</u>
Grand	~~[\$79]~~ <u>\$76</u>
Iron	~~[\$76]~~ <u>\$73</u>
Juab	~~[\$66]~~ <u>\$62</u>
Kane	~~[\$76]~~ <u>\$73</u>
Millard	~~[\$77]~~ <u>\$73</u>
Morgan	~~[\$70]~~ <u>\$67</u>
Piute	~~[\$91]~~ <u>\$87</u>
Rich	~~[\$64]~~ <u>\$61</u>
Salt Lake	~~[\$66]~~ <u>\$62</u>
San Juan	~~[60]~~ <u>\$54</u>
Sanpete	~~[\$63]~~ <u>\$60</u>
Sevier	~~[\$66]~~ <u>\$63</u>
Summit	~~[\$73]~~ <u>\$70</u>
Tooele	~~[\$73]~~ <u>\$70</u>
Uintah	~~[\$82]~~ <u>\$78</u>
Utah	~~[\$64]~~ <u>\$60</u>
Wasatch	~~[\$52]~~ <u>\$50</u>
Washington	~~[\$65]~~ <u>\$62</u>
Wayne	~~[\$90]~~ <u>\$86</u>
Weber	~~[\$74]~~ <u>\$71</u>

- (ii) Graze II. The following counties shall assess Graze II property based upon the per acre values listed in TABLE 10, Graze II:

TABLE 10 Graze II	
County	Per Acre Value
Beaver	~~[\$21]~~ <u>\$20</u>
Box Elder	~~[\$22]~~ <u>\$21</u>
Cache	~~[\$22]~~ <u>\$21</u>
Carbon	~~[\$15]~~ <u>\$14</u>

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Daggett	~~[\$14]~~ <u>\$13</u>
Davis	~~[\$19]~~ <u>\$18</u>
Duchesne	~~[\$19]~~ <u>\$18</u>
Emery	~~[\$21]~~ <u>\$20</u>
Garfield	~~[\$22]~~ <u>\$21</u>
Grand	~~[\$22]~~ <u>\$21</u>
Iron	~~[\$22]~~ <u>\$21</u>
Juab	~~[\$18]~~ <u>\$17</u>
Kane	~~[\$25]~~ <u>\$24</u>
Millard	~~[\$25]~~ <u>\$24</u>
Morgan	~~[\$22]~~ <u>\$21</u>
Piute	~~[\$26]~~ <u>\$25</u>
Rich	~~[\$20]~~ <u>\$19</u>
Salt Lake	~~[\$19]~~ <u>\$18</u>
San Juan	~~[\$20]~~ <u>\$19</u>
Sanpete	~~[\$18]~~ <u>\$17</u>
Sevier	~~[\$18]~~ <u>\$17</u>
Summit	~~[\$20]~~ <u>\$19</u>
Tooele	~~[\$20]~~ <u>\$19</u>
Uintah	~~[\$28]~~ <u>\$27</u>
Utah	~~[\$23]~~ <u>\$22</u>
Wasatch	~~[\$16]~~ <u>\$15</u>
Washington	~~[\$21]~~ <u>\$20</u>
Wayne	~~[\$28]~~ <u>\$27</u>
Weber	~~[\$20]~~ <u>\$19</u>

(iii) Graze III. The following counties shall assess Graze III property based upon the per acre values in TABLE 11, Graze III:

TABLE 11 Graze III	
County	Per Acre Value
Beaver	~~[\$16]~~ <u>\$15</u>
Box Elder	~~[\$16]~~ <u>\$15</u>
Cache	~~[\$14]~~ <u>\$13</u>
Carbon	~~[\$13]~~ <u>\$12</u>
Daggett	~~[\$12]~~ <u>\$11</u>
Davis	~~[\$13]~~ <u>\$12</u>
Duchesne	~~[\$14]~~ <u>\$13</u>
Emery	~~[\$14]~~ <u>\$13</u>
Garfield	~~[\$15]~~ <u>\$14</u>
Grand	~~[\$15]~~ <u>\$14</u>
Iron	~~[\$15]~~ <u>\$14</u>
Juab	~~[\$14]~~ <u>\$13</u>
Kane	~~[\$15]~~ <u>\$14</u>
Millard	~~[\$15]~~ <u>\$14</u>

Morgan	~~[\$13]~~ <u>\$12</u>
Piute	~~[\$17]~~ <u>\$16</u>
Rich	~~[\$13]~~ <u>\$12</u>
Salt Lake	~~[\$15]~~ <u>\$14</u>
San Juan	~~[\$12]~~ <u>\$11</u>
Sanpete	~~[\$14]~~ <u>\$13</u>
Sevier	~~[\$14]~~ <u>\$13</u>
Summit	~~[\$14]~~ <u>\$13</u>
Tooele	~~[\$14]~~ <u>\$13</u>
Uintah	~~[\$19]~~ <u>\$18</u>
Utah	~~[\$14]~~ <u>\$13</u>
Wasatch	~~[\$13]~~ <u>\$12</u>
Washington	~~[\$13]~~ <u>\$12</u>
Wayne	~~[\$17]~~ <u>\$16</u>
Weber	~~[\$14]~~ <u>\$13</u>

(iv) Graze IV. The following counties shall assess Graze IV property based upon the per acre values listed in TABLE 12, Graze IV:

TABLE 12 Graze IV	
County	Per Acre Value
Beaver	\$5
Box Elder	\$5
Cache	\$5
Carbon	\$5
Daggett	\$5
Davis	\$5
Duchesne	\$6
Emery	\$6
Garfield	\$5
Grand	\$5
Iron	\$5
Juab	\$5
Kane	\$5
Millard	\$6
Morgan	\$6
Piute	\$5
Rich	\$5
Salt Lake	\$5
San Juan	\$5
Sanpete	\$6
Sevier	\$6
Summit	\$5
Tooele	\$5
Uintah	\$6

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Utah	\$5
Wasatch	\$5
Washington	\$6
Wayne	\$5
Weber	\$6

(f) Nonproductive Land. The following counties shall assess property classified as Nonproductive Land based upon the per acre value listed in TABLE 13, Nonproductive Land:

TABLE 13 Nonproductive Land	
County	Per Acre Value
Beaver	\$5
Box Elder	\$5
Cache	\$5
Carbon	\$5
Daggett	\$5
Davis	\$5
Duchesne	\$5
Emery	\$5
Garfield	\$5
Grand	\$5
Iron	\$5
Juab	\$5
Kane	\$5
Millard	\$5
Morgan	\$5
Piute	\$5
Rich	\$5
Salt Lake	\$5
San Juan	\$5
Sanpete	\$5
Sevier	\$5
Summit	\$5
Tooele	\$5
Uintah	\$5
Utah	\$5
Wasatch	\$5
Washington	\$5
Wayne	\$5
Weber	\$5

(4) To assess property for agricultural use under Section 59-2-503, a county shall classify each property in accordance with this Subsection (4).

(a) A county shall classify property as Irrigated I if:

(i) generally, the property has few limitations in use and is very responsive under a moderately high level of management;

(ii) the property's soil:

- (A) is more than 40 inches deep;
- (B) has a heavy sandy loam to a light silty clay loam surface texture;
- (C) has a high water holding capacity of more than 7.5 inches per 5.0 feet of depth;
- (D) has a moderately slow to moderately rapid permeability;
- (E) is not affected by salt or alkali above 40 inches;
- (F) is easily tilled, if, for clay loam and silty clay loam, when soil moisture content is appropriate; and
- (G) is well-drained, with no standing water within 40 inches of the surface;
- (iii) the property is level or nearly level with an erosion hazard of none to slight;
- (iv) the property's climate;
- (A) is appropriate for producing fruits, truck crops, forage crops, and a wide choice of field crops, including corn, small grains, and sugar beets;
- (B) has a growing season of 150 or more days; and
- (C) has plant development units of 5,000 or more;
- (v) the property is not subject to overflow or flooding; and
- (vi) for management:
 - (A) the property is easily maintained after the application of a few land conditioning practices;
 - (B) wind and water erosion are not issues; and
 - (C) soil compaction is not a significant limitation.
- (b) A county shall classify property as Irrigated II if:
 - (i) generally, the property has moderate limitations in use that reduce the choice of plants or require special conservation practices;
 - (ii) the property's soil:
 - (A) is more than 30 inches deep;
 - (B) has a light sandy loam to a light silty clay loam surface texture and may contain up to 50% gravel;
 - (C) has permeability that ranges from moderately slow to rapid;
 - (D) may produce crops slightly affected by salinity and alkali and slight salinity and small amounts of sodium or alkali may remain or recur even after salinity and alkali have been removed;
 - (E) if fine-textured, requires fall plowing and tillage at appropriate moisture content; and
 - (F) is excessively to poorly drained but with no standing water table within 40 inches of the surface after drainage;
 - (iii) the property's erosion hazard is none to moderate with a slope of:
 - (A) 6% or less for soil with low erodibility; or
 - (B) 2% or less for highly erodible soil;
 - (iv) the property's climate:
 - (A) is appropriate for producing a wide choice of crops, including corn for silage, small grains, sugar beets, and forage crops;
 - (B) results in frost sensitive soil;
 - (C) in many years reduces yields for long season truck crops;
 - (D) has a growing season of 100 to 149 days; and
 - (E) has between 3,500 and 4,999 plant development units;
 - (v) the property may flood one in ten years; and
 - (vi) for management, the property:
 - (A) needs moderate conservation practices to maintain the soil;
 - (B) may require land leveling, drainage, or erosion control structures, or reshaping after initial leveling due to wind or water erosion;
- and
 - (C) may require timed tillage practice in relationship to soil moisture content to limit soil compaction by the tillage equipment.
- (c) A county shall classify property as Irrigated III if:
 - (i) generally, the property has severe limitations in use that reduce the choice of plants or require special conservation practices;
 - (ii) the property's soil:
 - (A) is more than 20 inches deep;
 - (B) has a heavy loamy sand to clay surface texture and may be peaty;
 - (C) may be gravelly or stony, but stones are 30 feet or more apart;
 - (D) may have moderately low water holding capacity, but the capacity is more than 3.75 inches of water per five feet of depth;
 - (E) has permeability that may range from slow to rapid;
 - (F) may produce crops moderately affected by salinity and alkali, even after removal, and moderate salinity and small amounts of sodium or alkali may remain or are likely to recur;
 - (G) if fine-textured, requires fall plowing and tillage at appropriate moisture content; and
 - (H) is excessively to poorly drained but with no standing water table within 30 inches of the surface after drainage;
 - (iii) the property's erosion hazard may be severe, with a slope of:
 - (A) 10% or less for soil with low erodibility; or
 - (B) 5% or less for highly erodible soil;
 - (iv) the property's climate:
 - (A) may limit crop selection to small grains and frost-tolerant forage plants;
 - (B) has a growing season of 70 to 99 days; and
 - (C) has between 2,500 and 3,499 plant development units;

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- (v) the property may flood one in five years; and
- (vi) for management, the property:
 - (A) may require extensive leveling, drainage, salinity reduction, alkalinity treatment, and frequent installation of erosion control devices;
 - (B) requires continued maintenance after applying condition practices to keep lands level, relatively free of salinity and alkalinity, and adequately drained; and
 - (C) for finer-textured soils, requires timed tillage practices in relationship to soil moisture content.
- (d) A county shall classify property as Irrigated IV if:
 - (i) generally, the property has very severe limitations in use that reduce the choice of plants or require special conservation practices;
 - (ii) the property's soil:
 - (A) is ten inches deep or deeper but is at least 20 inches deep if over saline shales;
 - (B) surface texture may range from sands to heavy clays and may be peaty;
 - (C) may be gravelly, cobbly, or stony, but stones are 5-30 feet apart and occupy less than 3% of the surface;
 - (D) is impractical for intertilled cropping of stony areas, but may allow for hay or improved pasture;
 - (E) may have water holding capacity as low as 2.5 inches of water per five feet of depth;
 - (F) permeability may range from very slow to rapid;
 - (G) may produce crops seriously affected by salinity and even after leaching, severe salinity or large amounts of alkali are likely to recur;
 - (H) requires fall plowing and tillage at appropriate moisture content; and
 - (I) is extremely excessively to poorly drained but with no standing water table within 20 inches of the surface after drainage;
 - (iii) the property's erosion hazard may be severe, with a slope of:
 - (A) 25% or less, for soil with low erodibility; or
 - (B) 10% or less, for highly erodible soil;
 - (iv) the property's climate:
 - (A) may limit crop selection to forage crops;
 - (B) has a growing season of 50 to 69 days; and
 - (C) has between 1,500 and 2,499 plant development units;
 - (v) the property may have frequent flooding but not more than one in five years; and
 - (vi) for management, the property:
 - (A) may require extensive leveling, drainage, salinity reduction and alkalinity treatment, frequent installation of erosion control devices, or extreme care in irrigation water application;
 - (B) requires land conditioning practices to keep the land level and relatively free of salinity; and
 - (C) requires timed tillage practices.
- (e) A county shall classify property as Irrigated Orchard I if the property meets the requirements for Irrigated I except that the property is planted into fruit trees, including apple, apricot, cherry, peach, pear, or plum.
- (f) A county shall classify property as Irrigated Orchard II if the property meets the requirements for Irrigated II except that the property is planted into fruit trees, including apple, apricot, cherry, peach, pear, or plum.
- (g) A county shall classify property as Irrigated Orchard III if the property meets the requirements for Irrigated III except that the property is planted into fruit trees, including apple, apricot, cherry, peach, pear, or plum.
- (h) A county shall classify property as Irrigated Orchard IV if the property meets the requirements for Irrigated IV except that the property is planted into fruit trees, including apple, apricot, cherry, peach, pear, or plum.
 - (i) A county shall classify property as Dryland III if:
 - (i) generally, the property has severe limitations that may reduce the choice and yield of crops and require special, difficult-to-apply conservation practices;
 - (ii) the property's soil:
 - (A) is approximately 40 inches deep;
 - (B) has sandy loam to clay surface texture;
 - (C) may be gravelly or stony, but stones are 30 or more feet apart and gravel content is 50% or less;
 - (D) has 1.25 inches of water holding capacity in the surface foot, and 11 inches or more water supplying capacity in the total soil;
 - (E) may produce crops affected by salinity and alkali but slight salinity and small amounts of sodium or alkali may occur between 10 and 40 inches; and
 - (F) is excessively to poorly drained but with no standing water table within 30 inches of the surface;
 - (iii) the property's erosion hazard may be severe, with a slope of:
 - (A) 10% or less for soil with low erodibility; or
 - (B) 5% or less for highly erodible soil;
 - (iv) the property's climate:
 - (A) is appropriate for producing dryland forages, small grains, and in areas with a summer moisture pattern, dryland crops, including pinto beans;
 - (B) limits production due to precipitation and the growing season; and
 - (C) usually requires a cropping system of alternating crop and fallow;
 - (v) the property may flood one in five years; and
 - (vi) for management, the property:

- (A) requires intensive conservation practices;
- (B) often requires strip cropping, contour tillage, stubble mulching, diversions, or grassed waterways; and
- (C) requires appropriate timing of tillage operations to conserve moisture, control weeds, and limit soil compaction.
- (j) A county shall classify property as Dryland IV if:
- (i) generally, the property has severe limitations that may reduce the choice and yield of crops and require special, difficult-to-apply conservation practices;
- (ii) the property's soil:
- (A) is moderately deep, more than 20 inches deep;
- (B) has loamy sand to clay surface texture;
- (C) may be very gravelly, cobbly, or stony, with gravel content 90% or less, cobbles 50% or less, and stones that are five to 30 feet apart and occupy less than 3% of the surface;
- (D) has 1.25 inches of water holding capacity in the surface foot, and nine inches or more water supplying capacity in the total soil;
- (E) does not produce crops affected by salinity and alkalinity, but slight salinity and small amounts of sodium or alkali may occur between 10 and 30 inches;
- (F) has slow to rapid permeability, and permeability is usually very slow below 10 inches; and
- (G) is excessively to poorly drained but with no standing water table within 20 inches of the surface;
- (iii) the property's erosion hazard may be severe, with a slope of:
- (A) 25% or less for soil with low erodibility; or
- (B) 10% or less for highly erodible soil;
- (iv) the property's climate:
- (A) limits production due to low amounts of precipitation or a short growing season; and
- (B) almost always requires a cropping system of alternating crop and fallow;
- (v) the property may flood one in five years; and
- (vi) for management, the property:
- (A) requires intensive conservation practices that are used mostly for growing grass and other close growing forage crops;
- (B) may be seeded to permanent vegetation, but low moisture years may inhibit establishment;
- (C) requires intensive conservation practices to control soil loss when using the property for small grain production;
- (D) usually requires strip cropping, contour tillage, stubble mulching, diversions, or grassed waterways; and
- (E) requires appropriate timing of tillage operations to conserve moisture, control weeds, and limit soil compaction.
- (k)(i) A county shall classify property as Meadowland IV if the property:
- (A) meets the requirements for Dryland IV;
- (B) is designated exclusively for meadowland;
- (C) is sub-irrigated, surface irrigated, or sprinkled;
- (D) has an adequate supply of natural or applied water to produce a crop of native hay;
- (E) when used for cropping, has drainage and terrain that allows for machine harvesting; and
- (F) has vegetation consisting primarily of native grasses and clover that grow to a sufficient height to harvest.
- (ii) Meadowland IV property may be used to harvest one or more crops before allowing grazing for the rest of the season.
- (l)(i) A county shall classify property as Graze I, II, III, or IV, by allocating points to the property according to TABLES 14 through 17 based on climate, production, vegetative condition, and vegetative quantity, and assigning a classification based on the total number of points according to TABLE 18.

TABLE 14
Climate and Site Classes

Points	Site	Annual Precipitation
6	High water table	"Run in"
5	High mountain	23 inches
4	Mountain	17-22 inches
3	Upland	12-16 inches
2	Semi-desert	8-11 inches
1	Desert	4-7 inches

TABLE 15
Potential Production by Soil Classes

Points	Yield per acre
3	High potential for production, moderately deep soils, no limitations such as stoniness, salinity, alkalinity, high moisture-supplying capacity, and more than 14 inches in the soil profile

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<u>2</u>	<u>Medium potential for production, moderate limitations such as stoniness, salinity, alkalinity, medium moisture-supplying capacity, and more than 6 inches in the soil profile</u>
<u>1</u>	<u>Low potential for production, severe limitations such as shallow soil depth, extreme stoniness, strong salinity, strong alkalinity, low moisture-supplying capacity, and more than two inches in the soil profile</u>

TABLE 16 Vegetative Condition Classes		
<u>Points</u>	<u>Condition</u>	<u>Potential Percent</u>
<u>4</u>	<u>Excellent</u>	<u>76-100%</u>
<u>3</u>	<u>Good</u>	<u>51-75%</u>
<u>2</u>	<u>Fair</u>	<u>26-50%</u>
<u>1</u>	<u>Poor</u>	<u>1-25%</u>

TABLE 17 Vegetative Quantity Classes		
<u>Points</u>	<u>Vegetative Cover</u>	<u>Acres/AUM</u>
<u>3</u>	<u>Excellent</u>	<u>Less than five</u>
<u>2</u>	<u>Average</u>	<u>5-15</u>
<u>1</u>	<u>Sparse</u>	<u>15-25</u>

TABLE 18 Grazeland Classification	
<u>Total Points</u>	<u>Grazing Classification</u>
<u>14-16</u>	<u>Graze I</u>
<u>10-13</u>	<u>Graze II</u>
<u>7-9</u>	<u>Graze III</u>
<u>4-6</u>	<u>Graze IV</u>

(m) If a county cannot appropriately classify property under Subsections (4)(a) through (l), a county shall classify the property as Nonproductive.

(5)(a) In accordance with Section 59-2-503, a county shall use the tables and standards included in this Subsection (5) to determine whether a property produces in excess of 50% of the average agricultural production per acre stated in the table or standard, according to the property's classification for a given type of land in a given county or area, as follows:

TABLE 19 Irrigated I Yield	
<u>Crop</u>	<u>Yield per acre</u>
<u>Alfalfa (tons)</u>	<u>5-6.6</u>
<u>Wheat (bus.)</u>	<u>55-70</u>
<u>Barley (bus.)</u>	<u>72-100</u>
<u>Tomatoes (tons)</u>	<u>19-24</u>
<u>Corn Silage (tons)</u>	<u>21-30</u>

TABLE 20 Irrigated II Yield	
<u>Crop</u>	<u>Yield per acre</u>
<u>Alfalfa (tons)</u>	<u>4.3-5.3</u>
<u>Wheat (bus.)</u>	<u>51-61</u>

<u>Barley (bus.)</u>	<u>60-80</u>
<u>Tomatoes (tons)</u>	<u>17-19</u>
<u>Corn Silage (tons)</u>	<u>18-23</u>

<u>TABLE 21</u> <u>Irrigated III Crop Yield</u>	
<u>Crop</u>	<u>Yield per acre</u>
<u>Alfalfa (tons)</u>	<u>3-4</u>
<u>Wheat (bus.)</u>	<u>45-51</u>
<u>Barley (bus.)</u>	<u>53-71</u>
<u>Tomatoes (tons)</u>	<u>14-17</u>
<u>Corn Silage (tons)</u>	<u>13-17</u>

<u>TABLE 22</u> <u>Irrigated IV Crop Yield</u>	
<u>Crop</u>	<u>Yield per acre</u>
<u>Alfalfa (tons)</u>	<u>2.4-3</u>
<u>Wheat (bus.)</u>	<u>30-45</u>
<u>Barley (bus.)</u>	<u>40-53</u>
<u>Tomatoes (tons)</u>	<u>7-14</u>
<u>Corn Silage (tons)</u>	<u>10-13</u>

<u>TABLE 23</u> <u>Dryland III Crop Yield</u>	
<u>Crop</u>	<u>Yield per acre</u>
<u>Wheat (bus.)</u>	<u>12-40, alternate years</u>
<u>Pinto beans (pounds)</u>	<u>470-770, alternate years</u>
<u>Alfalfa (tons)</u>	<u>1.0-2.5, annually</u>
<u>Pasture beef (pounds)</u>	<u>55-70, annually</u>

<u>TABLE 24</u> <u>Dryland IV Crop Yield</u>	
<u>Crop</u>	<u>Yield per acre, alternate years</u>
<u>Alfalfa (tons)</u>	<u>2.4-3</u>
<u>Wheat (bus.)</u>	<u>8-20</u>
<u>Grass (pounds)</u>	<u>500-1000</u>

<u>TABLE 25</u> <u>Grazing Land Production</u>	
<u>Grazing Classification</u>	<u>Animal Unit Months per acre</u>
<u>Graze I</u>	<u>1.14</u>
<u>Graze II</u>	<u>0.63</u>
<u>Graze III</u>	<u>0.31</u>
<u>Graze IV</u>	<u>0.11</u>

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TABLE 26 Irrigated I, II, III, or IV, under carefully managed grazing	
County	Animal Unit Months per acre
Beaver	5.37
Box Elder	7.27
Cache	6.06
Carbon	4.36
Daggett	3.39
Davis	7.27
Duchesne	4.36
Emery	6.67
Garfield	4.42
Grand	4.97
Iron	6.18
Juab	4.73
Kane	4.00
Millard	5.21
Morgan	3.52
Piute	3.64
Rich	2.42
Salt Lake	4.48
San Juan	3.15
Sanpete	4.61
Sevier	4.73
Summit	3.52
Tooele	4.24
Uintah	4.73
Utah	5.21
Wasatch	4.48
Washington	5.09
Wayne	4.12
Weber	7.88

TABLE 27 Grazing Land	
Animal(s) per month	Animal Unit Month
One cow	1
Five sheep	1
One horse	1.25

(b) For property that is Irrigated Orchard I, II, III, or IV, the trees shall produce a sufficient crop to provide an economical income for the commercial market, giving consideration over the life of the trees to factors that include the nonproductive maturing years, freeze-outs, insect infestation, and market fluctuation.

(c) For property that is Meadow IV, the property shall produce at least one crop per season and provide grazing for the remainder of the season.

(6)(a) In accordance with the definitions of actively devoted to agricultural use and land in agricultural use in Section 59-2-502, a county shall consider the following factors to determine if a honeybee operation is devoted to the raising of useful plants and animals with a reasonable expectation of profit:

- (i) the operation's beekeeper is licensed with the Utah Department of Agriculture and Food;
 - (ii) the operation has an adequate supply of water during nonwinter months, such as a pond, stream, or irrigation ditch;
 - (iii) the operation's hives have sufficient quality forage available throughout the season to produce excess honey, such as clover, cherries, apricots, dandelions, and, if favorable to honey production, various wildflowers;
 - (iv) the operation's hives have easy, year-round access for maintenance, including uninterrupted, all-weather access by road;
 - (v)(A) for an operation on a parcel larger than five acres, the entire parcel shows evidence of being actively devoted to agricultural use, as defined in Section 59-2-502, as a honeybee operation; or
 - (B) for an operation on a parcel smaller than five acres, the honeybee operation makes up at least 80% of the landowner's gross income from the operation;
 - (vi) the owner of the operation documents the following for the county assessor:
 - (A) honey quantities;
 - (B) pollinator proceeds; and
 - (C) pollination activities;
 - (vii) more beehives are present for an operation on higher-producing farmland-assessed property, such as Irrigated I, as opposed to a lower-producing farmland-assessed property, such as Graze II;
 - (viii) if beehives are moved around to different parcels of the operation, adequate production can easily be attributed to all parcels and apportioned for the number of weeks at each location;
 - (ix)(A) if the operation cultivates forage blossoms on site, the seed mix used for the forage blossoms provides for quality, marketable honey with an overall bloom that is sustained throughout most of the year; and
 - (B) the operation is actively devoted to agricultural use, as defined in Section 59-2-502, by providing enough forage to support 25-50 hives per acre;
 - (x) the gross income to the landowner or tenant from the operation, less all operation expenses, yields a positive net income;
 - (xi) if the property owner pays a beekeeper to stage the operation on the property, the property owner counts the staging fee as an expense; and
 - (xii) if the operation's beekeeper pays rent to the property owner, the rent is an expense to the honeybee operation.
- (b) On an application for agricultural assessment under Section 59-2-503, a property owner shall consent to an annual audit of a honeybee operation, including reporting honey production and all expenses and income related to the honeybee operation.
- [~~(3)~~](7) This rule shall be implemented and become binding beginning January 1, [~~2026~~]2027.

KEY: taxation, personal property, property tax, appraisals

Date of Last Change: [~~August 7,~~] 2026

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58219
Rule or section number:	R909-19

1. Agency Information

Title catchline:	Transportation, Motor Carrier
Building:	Calvin Rampton
Street address:	4501 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 148455
City, state and zip:	Salt Lake City, UT 84114-8455

2. Contact Persons

Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov

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James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov

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

3. General Information

A. Rule or section catchline:

R909-19. Safety Regulations for Tow Truck Operations – Tow Truck Requirements for Equipment, Operation, and Certification

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

The Legislature passed approximately seven bills affecting towing provisions in the 2025 and 2026 sessions.

These bills changed policies relating to removing personal property from a towed vehicle, complex recovery tows, credit card fees, the role and authority of the operator of a towed vehicle that may not be the owner, the general authority of the Utah Department of Transportation (UDOT) to enforce towing provisions, and other issues.

In turn, UDOT is required to amend Rule R909-19 to be consistent with these legislative changes.

C. Summary of the new rule or change:

The following are a selection of substantive changes in this rule as a result of the recent legislation.

The proposed amendment:

- 1) removes mention of "life essential" personal property because this issue is now addressed in statute;
- 2) adds definitions that were previously missing from this rule such as highway authority, motor vehicle, outboard motor, vehicle owner, towing operation, vehicle, and vessel;
- 3) replaces the definition of recovery operation with a new definition adopted by the legislature;
- 4) requires towers to quarterly provide the list of tow rotations in which the tower participates;
- 5) except under certain circumstances, prohibits a tower from towing a vehicle for having an expired registration;
- 6) specifies reason for which UDOT may suspend or revoke a towers license;
- 7) clarifies that a tow must be reported before storage fees may be charged;
- 8) requires towers to submit and maintain documentation for a tow;
- 9) clarifies UDOT's obligation when a towing complaint is submitted;
- 10) requires towers to have an internet presence as prescribed in statute;
- 11) clarifies requirements for a towing receipt that shows towing charges;
- 12) clarifies charges for a recovery operation, including establishing fees for additional laborers, supervisors, tow rotators, truck and dump trailers;
- 13) clarifies how a tow truck service fee is calculated;
- 14) establishes a flat fee for non-consent police generated tows;
- 15) amends the fuel surcharge fee; and
- 16) clarifies UDOT authority to inspect and examine towers accounts, books, records, and documents.

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 261 (2025 General Session) and SB 242, SB 191, SB 120, HB 336, HB 268, and HB 136 (2026 General Session)

5. Fiscal Information

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

A. State budget:

The amendments in this rule related to certain costs and fees address outlier situations, or situations where UDOT cannot readily quantify anticipated costs or savings to the state budget.

In any event, UDOT anticipates there will be no measurable fiscal impact on the state budget.

B. Local governments:

The amendments in this rule related to certain costs and fees address outlier situations, or situations where UDOT cannot readily quantify anticipated costs or savings on local governments.

In any event, UDOT anticipates there will be no measurable fiscal impact on local governments.

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

The amendments in this rule related to certain costs and fees address outlier situations, or situations where UDOT cannot readily quantify anticipated costs or savings on small businesses.

In any event, UDOT anticipates there will be no measurable fiscal impact on the average small business.

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

The amendments in this rule related to certain costs and fees address outlier situations, or situations where UDOT cannot readily quantify anticipated costs or savings on non-small businesses.

In any event, UDOT anticipates there will be no measurable fiscal impact on the average non-small business.

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

The amendments in this rule related to certain costs and fees address outlier situations, or situations where UDOT cannot readily quantify anticipated costs or savings to persons.

In any event, UDOT anticipates there will be no measurable fiscal impact on the average person.

F. Compliance costs for affected persons:

UDOT anticipates that it will not cost an affected person anything to comply with this rule.

6. Regulatory Impact Summary Table

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

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 Transportation, Carlos M Braceras, PE, 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 72-9-601	Section 72-9-602	Section 72-9-603
Section 72-9-604	Section 53-1-106	Section 41-6a-1405

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: 11/02/2026

12. Effective Date Information

This rule change MAY become effective on: 11/09/2026
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

13. Agency Authorization Information

Agency head or designee and title:	Carlos M Braceras, PE, Commissioner	Date:	09/02/2026
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R909. Transportation, Motor Carrier.**R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification.****R909-19-1. Authority.**

This rule is authorized by Sections 72-9-601, 72-9-602, 72-9-603, 72-9-604, 53-1-106, and 41-6a-1405~~[-authorize the Department to make this rule].~~

R909-19-2. Applicability.

This rule applies to tow truck services performed by a tow truck motor carrier.~~[Tow truck motor carriers and employees must comply with and observe administrative rules, including Rule R909-1, federal regulations, state and local traffic laws and guidelines as prescribed by law, including Sections 41-6a-401.9, 41-6a-1404, 41-6a-1405, 41-6a-1406, 72-9-301, 72-9-303, 72-9-601, 72-9-602, 72-9-603, 72-9-604, 72-9-701, 72-9-702, and 72-9-703.]~~

R909-19-3. Definitions.

(1) "Consent tow" means any tow truck service done at the vehicle~~[-vessel, or outboard motor]~~ owner's or its legal operator's knowledge or approval.

(2) "Department" means the Utah Department of Transportation.

(3) "Division" means the Motor Carrier Division of the department.

(4) "Emergency moves" means a tow operation initiated by law enforcement to move a wrecked or disabled motor vehicle.

(5) "Drop Fee" means a fee a vehicle owner, authorized, operator, or authorized agent of a vehicle owner pays to a tow truck motor carrier to relinquish a vehicle~~[-]~~:

(a) of which a tow truck motor carrier has taken possession to perform a non-consent tow; and

(b) the vehicle owner, authorized operator, or authorized agent of a vehicle owner is attempting to retrieve after the tow truck motor carrier is in possession of the vehicle but before the vehicle is removed from the property or scene.

(6) "Gross combination weight rating" ~~[-]~~ [or "GCWR"] means the value specified by the manufacturer as the loaded weight of a combination articulated motor vehicle. In the absence of a value specified by the manufacturer, GVCR ~~[will be]~~ is determined by adding the GVWR of the power unit and the total weight of the towed unit, and any load thereon.

(7) "Gross vehicle weight rating" ~~[-]~~ [or "GVWR"] means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

~~[-]~~ (8) "Life essential personal property" includes those items essential to sustain life or health, including prescription medication, medical equipment, essential clothing, such as shoes, coat, food and water, child safety seats, and government issued photo identification.]

(8) "Highway authority" means the same as that term as defined in Section 72-1-102.

- (9) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- ~~[(9)](10) "Non-consent police generated tow" means a tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or highway authority, as defined in Section 72-1-102].~~
- ~~[(10)](11) "Non-consent non-police generated tow" means [towing services] a tow truck service performed;~~
- ~~(a) without the prior consent or knowledge of the [owner of the] vehicle owner or the person authorized by the owner to operate the vehicle; and~~
- ~~(b) from private property at the request of the property landowner or agent for the landowner. [The tow truck service must be from private property, at the request of the property landowner or agent for the landowner.]~~
- ~~[(11)](12) "Normal office hours" means hours of operation where the office or yard shall be staffed and open for public business during normal business hours Monday through Friday, except for designated state and federal holidays.~~
- (13) "Outboard motor" means the same as that term is defined in Section 41-1a-102.
- (14) "Owner" means the same as that term is defined in Section 41-1a-102.
- ~~[(12)](12) "Recovery operation" means a towing service that may require charges in addition to the normal one-truck one-operator towing service requirements. The additional charges may include charges for manpower, extra equipment, and supplies necessary for the recovery operation.]~~
- (15)(a) "Recovery operation" means the specialized process of extracting or stabilizing a disabled, damaged, or overturned vehicle that:
- (i) cannot move under the vehicle's own power;
 - (ii) cannot be accessed by a standard tow truck; or
 - (iii) requires procedures that involve hazard, instability, or environmental complexity.
- (b) "Recovery operation" includes the process of extracting or stabilizing a damaged vehicle in an unstable position that could be hazardous to another vehicle, an individual, or the environment, including a vehicle:
- (i) that is overturned;
 - (ii) in a ditch or ravine;
 - (iii) immobilized in mud, sand, snow, or other challenging terrain; or
 - (iv) partially or fully submerged in water.
- ~~[(13)](16) "State impound yard" means a yard for the storage of a vehicle[, vessel, or outboard motor] that meets the requirements of rules made by the commission under Subsection 41-1a-1101(5).~~
- (17) "Towing operation" means the relocation or transport of a vehicle that is in an accessible position and condition that the vehicle can be loaded or retrieved using standard towing equipment without the need for a recovery operation.
- ~~[(14)](18) "Tow truck" means a commercial vehicle constructed, designed, altered, or equipped primarily to tow or remove damaged, disabled, abandoned, seized, repossessed, or impounded vehicles from a highway or other place using a crane, hoist, tow bar, tow line, dolly tilt bed, or other similar means of vehicle transfer without its own power or control.~~
- ~~[(15)](19) "Tow truck certification program" means a program [to] by which the department authorizes and approves tow truck motor carriers, tow truck operators, and [vehicles] tow trucks [is the process by which the Department,] acting under Section 72-9-602[, shall verify] and verifies compliance with the State and Federal Motor Carriers Safety Regulations.~~
- ~~[(16)](20) "Tow truck motor carrier" [means a motor carrier as defined in Section] means the same as that term is defined in Section 72-9-102.~~
- ~~[(17)](21) "Tow truck operator" means an individual who performs operations related to a tow truck service as an employee or as an independent contractor on behalf of a tow truck motor carrier.~~
- ~~[(18)](22)(a) "Tow truck service" means the functions and ancillary operations associated with recovering, removing, and towing a vehicle and its load from a highway or other place using a tow truck.~~
- ~~(b) "Tow truck service" includes a recovery operation and a towing operation. [(a) Tow truck service, with regards to authorized towing fees, is determined by the type and size of the towed vehicle, not the type and size of the tow truck performing the service.~~
- ~~(b) Towed vehicle classifications will be used when determining authorized fees. Information regarding the GVWR to determine the classification category of towed vehicles can be found on the identification plate on the vehicle driver side doorframe. Towed vehicle classifications are as follows:~~
- ~~(i) "Light duty" means any towed vehicle with a GVWR 10,000 pounds or less;~~
 - ~~(ii) "Medium duty" means any towed vehicle with a GVWR between 10,001 to 26,000 pounds;~~
 - ~~(iii) "Heavy duty" means any towed vehicle with a GVWR or GCWR 26,001 pounds and greater.]~~
- (23)(a) "Vehicle" means the same as that term is defined in Section 41-1a-102.
- (b) "Vehicle" includes a vessel and an outboard motor.
- (24) "Vessel" means the same as that term is defined in Section 73-18-2.
- ~~[(19)](19) "Tow truck motor carrier steering committee" means a committee established by the Motor Carrier Division and will include enforcement personnel, industry representatives, and other persons as deemed necessary.]~~

R909-19-4. Duties - Enforcement - Complaints, Compliance Audits, Inspections, and Right of Entry.

(1) The [D]epartment shall administer and, in cooperation with the Department of Public Safety, Utah Highway Patrol Division, as specified under Section 53-8-105, shall administer and enforce state and federal laws related to the operation of tow truck motor carriers within the state.

(2) [In addition, a] A tow truck motor carrier shall submit its lands, property, buildings, and equipment for inspection and examination.

(3) [It must] A tow truck motor carrier shall:

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- (a) submit its accounts, books, records, or other documents for inspection and copying to verify compliance as authorized by Section 72-9-301[-];
- (b) provide the division a complete list of each towing entity dispatch and rotation service in which the tow truck motor carrier participates; and
- (c) on or before the tenth day of the first month of each quarter, provide to the division documentation relating to any changes to the list described in Subsection (3)(b).
- (4) If a tow truck motor carrier fails to report as required Subsection (3), including omitting a tow rotation from the report, the division may suspend or revoke certification.
- (5)(a) A tow truck motor carrier may only perform a non-consent non-police generated tow due to an expired motor vehicle registration if:
- (i) the private property owner requests the tow;
 - (ii) the motor vehicle registration is expired for at least two months; and
 - (iii) the tow truck motor carrier provides 24-hour notice as described in Subsection (5)(c) and does not tow the vehicle until that 24-hour period expires.
- (b) The written notice described in Subsection (5)(b)(iii) shall:
- (i) indicate the exact time when the written notice is affixed to the vehicle;
 - (ii) warn the owner that the tow truck motor carrier will tow the vehicle if the vehicle is not removed from the property within 24 hours after the time indicated in Subsection (5)(c)(i);
 - (iii) indicate the reason for the tow and the requirement for the vehicle to be properly registered to park on the private property;
 - (iv) be at least four inches tall and four inches wide; and
 - (v) be affixed to the vehicle at a conspicuous location on the driver's side window of the vehicle.

R909-19-5. Insurance.

- (1) Tow truck motor carriers performing emergency moves shall maintain liability insurance coverage of at least \$750,000 per occurrence. Tow truck motor carriers performing non-emergency moves shall maintain liability insurance coverage of at least \$1,000,000 per occurrence.
- (2) Tow truck motor carriers performing consent or non-consent tows are required to obtain an MCS-90 endorsement for environmental restoration as required in 49 CFR Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers.
- (3) Evidence of required insurance must be maintained at the principal place of business and made available to the Department or Investigator upon request and before issuance of the tow truck motor carrier certification.

R909-19-6. Penalties and Fines.

- (1) [~~Any tow truck motor carrier that fails or neglects to comply with State or Federal Motor Carrier Safety Regulations, other statutes, any part of this rule, any term or condition of the permit or any materials that it incorporates by reference or a Departmental order, is subject to:~~]If the division determines that a tow truck motor carrier has violated a provision of state or federal towing provisions or this rule, the division may:
- (a) impose a civil penalty as authorized by Sections 72-9-602, 72-9-701 and 72-9-703;
 - (b) based on the severity of a violation, suspend or revoke [~~suspension or revocation of~~] a carrier, operator, or tow truck certification[~~;~~ suspension, or revocation will be based upon the severity of violations to this rule, Sections 41-6a-1406 and 72-9-603];
 - (c) issue[~~issuance of~~] a cease-and-desist order as authorized by Section 72-9-303;[~~and~~]
 - (d) require the removal of the tow truck motor carrier from a towing entity's towing rotation, contract, or request for proposal; and
 - (e) notify the Tax Commission to suspend or revoke the registration of a motor carrier as provided in Section 72-9-303[~~(d) the revocation or suspension of registration by the Utah State Tax Commission under Section 72-9-303~~].
- (2) The division shall require the removal of the tow truck motor carrier from the towing entity's towing rotation, contract, or request for proposal if the division determines:
- (a) the tow truck motor carrier over charges for a non-consent police generated tow by an amount greater than 200% of the amount the department determines the tow truck motor carrier should have charged for the tow;
 - (b) the tow truck motor carrier has overcharged on three occasions within a 12 month period for a non-consent police generated tow by an amount greater than 125% of the amount the division determines the tow truck motor carrier should have charged for the non-consent police generated tow;
 - (c) the tow truck motor carrier, as determined by the division, has a pattern of overcharging or noncompliance with laws and regulations;
 - (d) the tow truck motor carrier submitted false information to the Division of Motor Vehicles State Tax Commission's website described in Section R909-19-7; or
 - (e) the tow truck motor carrier charges for items not authorized by state statute or administrative rule.
- (3)(a) For a first or second violation described under Subsection (2), the division shall require the removal of a tow truck motor carrier from any towing dispatch rotation for three years consistent with Section 72-9-607.
- (b) For a third violation described under Subsection (2), the division may require the permanent removal of a tow truck motor carrier from any towing dispatch rotation.
- (4)(a) To make the determination described in Subsection (2)(a), the division shall:
- (i) determine the total amount the tow truck motor carrier should have charged for the tow;
 - (ii) multiply the amount determined under Subsection (4)(a)(i) by 2;

- (iii) compare the amount the tow truck motor carrier actually charged for the tow with the amount described in Subsection (4)(a)(ii); ~~and~~
- (iv) if the amount the tow truck motor carrier actually charged is equal to or greater than the amount described under Subsection (5)(a)(ii), the division shall require the removal of the tow truck motor carrier from the towing entity's towing rotation, contract, or request for proposal.
- (b) To make the determination described in Subsection (2)(b), the division shall:
- (i) determine the total amount the tow truck motor carrier should have charged for the tow;
- (ii) multiply the amount determined under Subsection (4)(b)(i) by 1.25;
- (iii) compare the amount the tow truck motor carrier actually charged for the tow with the amount described in Subsection (4)(b)(ii); ~~and~~
- (iv) if it is the third occasions within a 12 month period that the amount the tow truck motor carrier actually charged is equal to or greater than the amount described under Subsection (4)(b)(ii), the division shall require the removal of the tow truck motor carrier from the towing entity's towing rotation, contract, or request for proposal.

R909-19-7. Towing Notice and Documentation Requirements.

(1)(a) Non-consent police generated~~[-]~~ and non-consent non-police generated tows conducted by tow truck motor carriers ~~[must]~~shall input required information in electronic form on the Division of Motor Vehicles State Tax Commission's website~~[-]~~ at "https://secure.utah.gov/ivs/ivs_2"~~[-as required by Subsection 41-6a-1406(11)-]~~

(b) A tow truck motor carrier may not collect a fee associated with a tow truck service or begin charging or accruing storage fees until the tow truck motor carrier or tow truck operator reports the information required under Subsection (1)(a).

(2)(a) For a non-consent non-police generated tow, a tow truck motor carrier shall keep date and time stamped photographic evidence documenting:

- (i) the reason the vehicle was towed; and
- (ii)(A) that proper signage was in place at all entrances to the property from where the vehicle was towed at the date and time of the tow; or
- (B) if the proper signage is not in place on the property, a proper notice was placed on the vehicle that provided 24-hour notice of the tow, and the vehicle was not towed until the 24-hour period expired.

(2)(a) Tow truck motor carriers must notify the local law enforcement agency having jurisdiction over the area from where the vehicle~~[-vessel, or outboard motor]~~ was removed on non-consent non-police generated tows immediately upon arrival at the impound or storage yard.

~~[(a)](b)~~ For tows conducted on vehicles~~[-vessels, and outboard motors]~~ and the owner information does not appear in the IVS or Title License Registration ~~["TLR"]~~ systems, a tow truck motor carrier has met this requirement if they can provide proof that a letter has been sent to the Utah State Tax Commission Division of Motor Vehicle or the appropriate state where the vehicle~~[-vessel, and outboard motor]~~ is registered, within two business days requesting the needed information to send the letter.

(3)(a) The tow truck motor carrier or the tow truck operator must provide a copy of the Utah Consumer Bill of Rights Regarding Towing at first contact with the owner or operator of a vehicle~~[-vessel, or outboard motor]~~ that was towed or for which a drop fee is paid.

~~[(a)](b)~~ The tow truck motor carrier must be able to verify that the consumer received their copy of the Utah Consumer Bill of Rights Regarding Towing.

(4) The Utah Consumer Bill of Rights Regarding Towing shall contain the language and information as published at, <https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/utah-bill-of-rights-regarding-towing/>.

(a) The consumer has a right to receive documentation from the tow truck motor carrier showing the date and time the storage began.

(b) A consumer has the right to file a complaint alleging:

- (i) overcharges;
- (ii) inadequate certification for the operator, truck or company~~[-and]; and~~
- (iii) violations of the Federal Motor Carrier Safety Regulations, Utah Code Annotated, or Utah Administrative Code.

~~[(c) Complaints may be filed online with the Utah Department of Transportation at <https://app.udot.utah.gov/public/mcs/f?p=345:3:::3> or by contacting the Motor Carrier Division at (801) 965-4892.]~~

~~(c)(i) A consumer may file a towing complaint with the division.~~

~~(ii) A consumer shall file any complaint on a form specified by the division at <https://app.udot.utah.gov/public/mcs/f?p=345:3:::3>.~~

~~(iii) In response to a complaint filed under Subsection (4)(ii), the division may investigate a tow truck motor carrier, tow truck, or tow truck operator to ensure compliance with Title 72, Chapter 9, Part 6 Tow Truck Provisions and this rule.~~

~~(iv) If a tow truck motor carrier cannot produce the documentation required by state law or this rule, the division may require the tow truck motor carrier to refund all fees associated with a tow truck service.~~

R909-19-8. Required Tow Truck Operator Certification.

(1)(a) Effective July 1, 2004, tow truck operators will be tested and certified in accordance with the Towing and Recovery Association of America, Inc. ~~[(TRAA)]~~ standards and carry evidence of certification for the appropriate level of ~~[vehicle]~~tow truck or other vehicle they are operating.

~~(b)~~ These standards of conduct and proficiency may be tested and certified through an accepted program approved by the ~~[D]~~department.

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(2) Information on qualified certification programs may be obtained at the ~~[UDOT Motor Carrier Division]~~division website at <https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/tow-truck-certification/> or by contacting the ~~[Motor Carrier Division]~~division at (801) 965-4892.

(3) Tow truck motor carriers shall ensure that tow truck operators:

- (a) are properly trained and certified to operate tow truck equipment;
- (b) are licensed, as required under Sections 53-3-101 through 53-3-909 Uniform Driver License Act;
- (c) are complying with the requirements under Sections 41-6a-1406 and 72-9-603;

(d) have cleared the criminal background check required in Subsections 72-9-602(2) and (3). In addition, if a tow truck operator has not cleared the criminal background check required in Subsections 72-9-602(2) and (3), then the tow truck motor carrier must notify the ~~[Department]~~division of a tow truck operator who is not in compliance with Subsection 72-9-602(3) within two business days of obtaining knowledge from the Bureau of Criminal Identification~~[-]; and~~

(e) obtain and maintain a valid medical examiner's certificate under 49 CFR Sec 391.45.

R909-19-9. Required Tow Truck ~~[Vehicle-]~~Certification.

(1) Tow trucks shall receive and pass a tow truck certification inspection biannually.

(2) Tow trucks must be equipped with the required safety equipment. Safety Equipment List can be found at <https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/tow-truck-certification/> or by calling 801-965-4892.

(3) Upon ~~[vehicle]~~tow truck certification, ~~[an UDOT]~~a department certification sticker will be issued and shall be affixed to the driver's side rear window.

(4) ~~[Documentation of UDOT tow truck vehicle certification shall be retained and available upon request by Department personnel.]~~The department shall retain documentation regarding tow truck certification and make the documentation available upon request.

R909-19-10. Required Tow Truck Motor Carrier Certification.

(1) Tow truck motor carriers shall be certified biannually to ensure compliance as required by the Federal Motor Carrier Safety Regulations, Utah Code Annotated, Utah Administrative Code, and local laws when applicable.

(2)(a) As required by Section 72-9-602, the department may not certify a tow truck motor carrier if the tow truck motor carrier does not have and maintain an internet presence.

(b) Before being certified or recertified, a tow truck motor carrier shall provide proof to the department that the tow truck motor carrier has an internet presence.

(c) The following are acceptable forms of proof of an internet presence:

(i) a web address for an active, public website that includes current information for the tow truck motor carrier, including the tow truck motor carrier's name, address, phone number, and other business information; or

(ii) a verifiable business profile on a third party platform that is accessible on the internet by the general public and that includes the tow truck motor carrier's name, address, phone number, USDOT number, and other business information.

(d) To be an acceptable form of proof of an internet presence, the website or profile described in Subsection (2)(c) must be easily found on the internet through an internet search or other means acceptable by the department.

(e) A certified tow truck motor carrier shall continuously maintain its internet presence.

(f) If a tow truck motor carrier does not maintain its internet presence, the department shall suspend the tow truck motor carrier's certification until the tow truck motor carrier meets the requirements of this Subsection (2).

R909-19-11. Certification Fees.

The Department may charge tow truck motor carriers a biannual fee, ~~[biannually]~~ as authorized by Section 72-9-603, to cover costs associated with ~~[driver, vehicle, and carrier certifications]~~certifying tow truck motor carriers, tow truck operators, and tow trucks.

R909-19-12. Information Required on Towing Receipt.

(1)(a) A tow truck motor carrier shall provide a receipt to an individual who pays for a tow truck service.

(b) Upon request, a tow truck motor carrier shall provide to an individual an itemized statement of charges before the individual pays for a tow truck service.

(2) For a receipt or an itemized statement of charges described in Subsection (1), a tow truck motor carrier shall~~[Charges for services provided must be clearly reflected on a company receipt and a copy shall be provided to the paying customer. The receipt must]~~ include the following information:

(a) company name;

(b) address;

(c) phone number;

(d) itemized charges including towing fees~~[transportation]~~, administration fees, fuel surcharge fees, storage fees, [and] after-hours fees charged and any other item or fee being charged;

(e) name of company driver;

(f) unit number;

(g) the license plate of the towed vehicle;

(h) make, model, Vehicle Identification Number, and year of the towed vehicle;

(i) start and end time with total hours for services provided;~~[and]~~

(j) any information required by state statute; and

~~(g)~~(k) the date vehicle was retrieved from a tow yard or other storage area.

~~(2)~~(3) ~~Any~~A tow truck motor carrier shall list any charges for a consent tow ~~[should be listed]~~ on a separate ~~[towing]~~ receipt.

R909-19-13. Non-Consent Towing Fee.

(1) For purposes of this section:

(a) "Heavy duty rotator" means a specialized heavy duty tow truck designed for complex recovery operations and is equipped with:

(i) a boom capable of rotating 360 degrees and lifting and maneuvering loads of 32,000 pounds or more;

(ii) a heavy duty winch with a rated capacity of 10,000 pounds or more; and

(iii) advanced stabilization features.

(b)(i) "Laborer" means an additional individual, employee, or contractor who helps perform a recovery operation and who performs tasks such as unloading or loading cargo, cleaning up debris, applying oil absorbing material, directing traffic, or other services necessary to complete a recovery operation.

(ii) "Laborer" does not include:

(A) the tow truck driver who is on the scene of a recovery operation and whose time is charged as part of the rates described in Subsection (2); or

(B) a supervisor.

(c)(i) "Supervisor" means an additional tow truck motor carrier employee who helps perform a recovery operation when three or more laborers are essential to perform the recovery operation.

(ii) "Supervisor" does not include:

(A) the tow truck driver who is on the scene of a recovery operation and whose time is charged as part of the rates described in Subsection (2); or

(B) a laborer.

(d) "Truck and dump trailer combination" means a power unit pulling a dump trailer used to remove cargo or debris from the recovery scene or to transport equipment to the recovery scene.

~~(4)~~(2)(a) The division shall publish a rate schedule for non-consent tows online at <https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/>.

~~A~~(b) Subject to Subsection (2)(c) tow truck motor carrier may only charge up to but not exceed the approved tow rate, based upon the type of non-consent tow, as indicated in the ~~[Towing Fee Schedule published online at https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/]~~rate schedule described in Subsection (2)(a).

(c) In calculating fees, a tow truck motor carrier shall follow Section R909-19-14.

~~(a)~~~~At~~(d) For a heavy duty tow truck service, a tow truck motor carrier may charge an additional 15% of the tow truck service fee ~~[for tow truck service may be charged]~~ if the towed vehicle is used in the transportation of materials found to be hazardous in accordance with the Hazardous Materials Transportation Act and which require the ~~[motor]~~towed vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

~~(b)~~~~If a~~(e)(i) For purposes of this Subsection (2)(e), a tow truck motor carrier is considered to be in possession of a vehicle if a tow truck apparatus is mechanically connected to ~~[a]~~the vehicle~~[, the tow truck motor carrier shall be considered in possession of the vehicle]~~.

~~(c)~~(ii) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle is attempting to retrieve ~~[that]~~a vehicle before the tow truck motor carrier is in possession of the vehicle, ~~[no fee shall be charged to the vehicle owner]~~the tow truck motor carrier may not charge a fee to the vehicle owner.

~~(d)~~~~(i)~~(iii) If the owner, authorized operator, or authorized agent of the owner of the vehicle is attempting to retrieve the vehicle after the tow truck motor carrier is in possession of the vehicle but before the vehicle is removed from the property or scene, the tow truck motor carrier shall relinquish the vehicle to the owner, authorized operator, or authorized agent of the owner upon payment of a drop fee.

~~(i)~~(iv) A tow truck motor carrier may not charge a drop fee that exceeds 50% of the ~~[posted rate schedule]~~current tow truck service rate.

(e) Charges for recovery operations, as defined by Section R909-19-3, shall be coordinated with the towed vehicle owner, or directed by law enforcement before initiating the additional charges relating to the recovery operation. Coordination with the towed vehicle owner should result in an agreement between the towed vehicle owner and tow truck motor carrier.

(i) If attempts to coordinate the recovery operation charges with the towed vehicle owner fail, law enforcement personnel may authorize the recovery operation.

(ii) At least two attempts must be made to contact the towed vehicle owner.

(iii) Record of owner coordination or law enforcement authorization shall be maintained by a tow truck motor carrier for each recovery operation. The record shall include a contact name, entity, contact time and date, and agreement made.

(iv) Uncoordinated or unauthorized recovery operation fees may be subject to penalty and reimbursement of recovery operation fees.

~~(3)~~(a)(i) As provided in this Subsection (2), a tow truck motor carrier may charge additional fees for the additional manpower and equipment needed to perform a recovery operation.

(ii) The additional charges described under Subsection (2)(a) may only include charges for the manpower and equipment that are essential to perform the recovery operation in a safe, reasonable, timely, and efficient manner.

(iii) The additional charges described in this section only apply to a recovery operation that is a non-consent police generated tow.

(b)(i) Before performing a recovery operation for a vehicle that is further than 20 feet from the roadway, a tow truck motor carrier shall make a reasonable effort to contact at least one owner of each vehicle the tow truck motor carrier will tow as part of the recovery operation.

(ii) If a tow truck motor carrier makes contact with a vehicle owner, the tow truck motor carrier:

(A) shall notify the vehicle owner of the recovery operation, including the charges associated with the recovery operation; and

~~(B) may coordinate the charges of the recovery operation by entering into an agreement with the vehicle owner.~~
~~(iii) If, after making a reasonable effort, a tow truck motor carrier cannot make contact with a vehicle owner, the tow truck motor carrier may proceed with performing the recovery operation.~~
~~(iv) A tow truck motor carrier shall keep a written record of the reasonable efforts the tow truck motor carrier has made to contact each vehicle owner, including a contact name, entity name, contact time and date, and documentation of any agreement made with a vehicle owner.~~
~~(c)(i) A tow truck motor carrier shall submit documentation of a recovery operation to the IVS website that:~~
~~(A) completely and accurately describes the tow truck service and demonstrates the reasons the tow truck service meets the definition of a recovery operation;~~
~~(B) is clear, legible, and accessible;~~
~~(C) is verifiable and consistent; and~~
~~(D) provides sufficient information to justify the charges for the additional manpower and equipment that the tow truck motor carrier determined to be essential to perform the recovery operation in a safe, reasonable, timely, and efficient manner.~~
~~(ii) Documentation submitted as described in Subsection (2)(c)(i) may include photos, videos, invoices, written quotes, tow truck operator logs, dispatch logs from law enforcement agencies, or notes and narratives describing the recovery operation.~~
~~(d) When necessary for a recovery operation, a tow truck motor carrier may not charge more than the following:~~
~~(i) for each laborer, \$75 per hour;~~
~~(ii) for each supervisor, \$100 per hour;~~
~~(iii) for each heavy duty rotator, \$800 per hour; and~~
~~(iv) for each truck and dump trailer combination, \$250 per hour.~~
~~(e) Beginning January 1 2028, the department shall adjust the fees described in Subsection (3)(d) for inflation and post the adjusted fees as described in Section R909-19-19.~~
~~(4)(a) When applying the rates described in this section, a tow truck motor carrier may not round up.~~
~~(b) A tow truck motor carrier may not double charge for a tow truck driver, laborer, supervisor, tow truck, or equipment.~~
~~(5) In addition to any other provision of this rule, after investigating a complaint filed under Section R909-19-7, the division may direct a tow truck motor carrier to:~~
~~(a) refund in whole or in part a charge related to a recovery operation; or~~
~~(b) if the division determines a tow truck service is not a recovery operation, revise the charges and only charge the relevant tow fees in the fee schedule described in Subsection (2)(a).~~

R909-19-14. Police Generated Towing Fee Calculation.

~~[(1) Tows dispatched during business hours: Tow time shall be calculated from dispatch time to completion of tow service.~~
~~(2) Tows dispatched after business hours: Tow time shall be calculated from dispatch time to completion of tow service and return to dispatch location. Time to return to the dispatch location may not exceed the allowed rotation response time.~~
~~(3) Time charged shall be to the nearest fifteen minute increment.~~
~~(4) Charges may not extend to include the towing notice requirement period pursuant to Subsections 72-9-603(1)(a)(i) and 41-6a-1406(4)(a)(ii).]~~
~~(1) When calculating the fee for a tow truck service, a tow truck motor carrier shall follow the requirements of this section.~~
~~(2)(a) Subject to the requirements of this Subsection (2), a tow truck motor carrier shall calculate the tow truck service fee based on the amount of time that elapses from dispatch to completion of the tow truck service and return to the dispatch location.~~
~~(b) When making the calculator described in Subsection (2)(a), a tow truck motor carrier:~~
~~(i) shall subtract from the amount calculated under Subsection (2)(a) any time used for activities unrelated to the tow truck service for which the fee is being calculated;~~
~~(ii) may not include the time needed to meet the requirements of Subsection 72-9-603(1); and~~
~~(iii) shall calculate the amount to the nearest fifteen-minute increment; and~~
~~(c)(i) For a non-consent police generated tow originating in a first or second class county, as defined by Section 17-60-104, a tow truck motor carrier shall charge a flat tow truck service fee, regardless of time, equal to 1.5 times the rate published by the department.~~
~~(ii) The flat tow truck service fee described in Subsection (2)(c)(i) is charged in lieu of the tow truck service fee calculated as described in Subsections (2)(a) and (b).~~
~~(3)(a) When determining the appropriate tow truck service fee, a tow truck motor carrier shall base the determination on the type and size of the vehicle being towed.~~
~~(b) When making the determination described under Subsection (3)(a):~~
~~(i) a light duty vehicle is a vehicle with a GVWR or GCWR of 10,000 pounds or less;~~
~~(ii) a medium duty vehicle is a vehicle with a GVWR or GCWR between 10,001 to 26,000 pounds; and~~
~~(iii) a heavy duty vehicle is a vehicle with a GVWR or GCWR 26,001 pounds or greater.~~

R909-19-15. Non-consent Towing Storage Fee.

- ~~(1) Daily storage fees for a non-consent [police generated] tow truck service may not exceed the following:~~
 - ~~(a) Outside storage: light duty [\$40]\$42, medium duty [\$60]\$63, heavy duty [\$60]\$63.~~
 - ~~(b) Inside Storage: light duty [\$45]\$47, medium duty [\$85]\$90, heavy duty [\$85]\$90.~~
 - ~~(c) Outside hazardous materials: [medium duty \$115,] heavy duty [\$115]\$121.~~
 - ~~(d) Inside hazardous materials: [medium duty \$165,] heavy duty [\$165]\$173.~~

~~[(2) Daily storage fees for non-consent non-police generated tow service may not exceed:~~

~~(a) Outside storage: light duty \$40, medium duty \$60, heavy duty \$60.~~

~~(b) Inside Storage: light duty \$45, medium duty \$85, heavy duty \$85.~~

~~(c) Outside hazardous materials: medium duty \$115, heavy duty \$115; and~~

~~(d) Inside hazardous materials: medium duty \$165, heavy duty \$165.~~

~~(3) A tow truck motor carrier may charge up to but not exceeding the amount for storage per day for the type of non-consent tow.]~~

(2)(a) A tow truck motor carrier may only charge a higher fee for inside storage per day per unit [only] if the vehicle owner, authorized operator, authorized agent of the owner, relevant law enforcement agency, or relevant highway authority requests the inside storage[requested by the owners, or a law enforcement agency or highway authority].

(b) A tow truck motor carrier may only charge the hazardous materials rate described in Subsection (1) for a towed vehicle if the towed vehicle is:

(i) [Vehicles] used in the transportation of materials found to be hazardous in accordance with the Hazardous Materials Transportation Act; and

(ii) required [which require the motor vehicle] to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F[~~may be charged a higher storage fee rate~~].

(c) To calculate storage rates, if the first six hours of storage for a vehicle include more than one day, the authorized storage fee is only the charge for one day.

(d) Storage fees may only be charged if the place of storage is a state impound yard that meets the requirements of rules made by the commission under S[ub]section 41-1a-1101[~~(5)~~].

(e) Except as provided in Subsection [(3)](2)(f), a tow truck motor carrier [vehicle must]shall store towed vehicles within the county where the tow occurred.

(f)(i) A tow truck motor carrier [must]shall store a vehicle that is towed as a result of a non-consent police generated tow within the boundaries of the police rotation where the tow occurred.

(ii) For purposes of Subsection [(3)](2)(f)(i), the boundary of a police rotation is the boundary established by the law enforcement agency that dispatched the tow truck motor carrier.

R909-19-16. Non-consent Fuel Surcharge Fee.

(1)(a) [A]Subject to Subsection (2), a tow truck motor carrier may charge a fuel surcharge for a non-consent tow if the daily Rocky Mountain Average, as determined by the Department of Energy, for the price of fuel reaches \$3.25 per gallon, a tow truck motor carrier may charge a surcharge equal to 3% of the base tow rate. An additional 3% shall be allowed for each \$0.[2]50 per gallon increase. Conversely, as the price of fuel drops, the fuel surcharge shall decrease by the same rate.

[(a)](b) To determine the Rocky Mountain daily average per gallon diesel cost, refer to the US Energy Information Administration's website at <https://www.eia.gov/>.

[(b)](c) A tow truck motor carrier may only charge a fuel surcharge described in Subsection (1)(a)[~~may be charged on non-consent police generated tow~~] if the vehicle is being used in the function of a tow truck[~~vehicle such as travel to and from the scene and during the operation of equipment for the recovery operation~~].

(d) For a non-consent non-police generated tow, a tow truck motor carrier[~~Non-consent non-police tows~~] may only charge [a]one fuel surcharge[~~one time~~] fee.

[~~(e) Surcharge fee shall be listed as a separate fee on the tow bill.~~]

(2) Notwithstanding the other provisions of this section, a tow truck motor carrier may not charge a fuel surcharge greater than \$40 for a non-consent tow originating in a first or second class county, as defined by Section 17-60-104.

R909-19-17. Non-consent Administrative Fee.

A tow truck motor carrier may charge an administrative fee for reporting the removal of up to but not exceeding the amount indicated in the Towing Fee Schedule as published online at [https://www.udot.utah.gov/connect/business/motor\[-\].carriers/tow-trucks/](https://www.udot.utah.gov/connect/business/motor[-].carriers/tow-trucks/) per towed vehicle notification for reporting non-consent tows to the [Department of Motor Vehicles]Division of Motor Vehicles State Tax Commission and for sending notifications to the owner and lienholder, if applicable.

R909-19-18. Non-consent After-Hours Fee.

(1) A tow truck motor carrier may charge for the after-hours release of a vehicle[~~, vessel, or outboard motor~~] or personal property stored in response to:

(a) a peace officer dispatch call;

(b) a [motor vehicle division]Division of Motor Vehicles State Tax Commission call; and

(c) any other call or request where the owner or operator of the vehicle[~~, vessel, or outboard motor~~] has not consented to the removal.

(2) A tow truck motor carrier may charge up to [but not exceed]the approved tow rate, based upon the type of non-consent tow, as indicated in the Towing Fee Schedule published online at [https://www.udot.utah.gov/connect/business/motor\[-\].carriers/tow-trucks/](https://www.udot.utah.gov/connect/business/motor[-].carriers/tow-trucks/) and the Utah Consumer Bill of Rights Regarding Towing published at [https://site.utah.gov/connect/wp\[-\].content/uploads/sites/50/2021/12/Tow-Truck-Bill-of-Rights-Combined-2022-1.pdf](https://site.utah.gov/connect/wp[-].content/uploads/sites/50/2021/12/Tow-Truck-Bill-of-Rights-Combined-2022-1.pdf).

[~~(3) The After hours fee shall be listed as a separate fee on the tow bill.~~]

R909-19-19. Tow Truck Service and Administrative Fee Adjustment.

~~_____ (1)(a) The Motor Carrier Division will establish the allowable maximum fee for a tow truck service and administrative fee for reporting the removal, as per Section 72-9-603.~~

~~_____ (b) The Towing Fee Schedule is published on the Division's website at <https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/>.~~

~~_____ (1) The division shall publish a tow fee schedule on the division's website at <https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/>.~~

~~_____ (2) [The allowable maximum fee for tow truck service, the maximum allowable administrative fee for reporting the removal, and the storage fees described in Section R909-19-15 shall be tied to] The Department shall annually adjust fees based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) in the West Urban Region of the US. The department shall use the CPI-W[is] calculated by the US Department of Labor, Bureau of Labor and Statistics (BLS), which publishes CPI Detailed Report Tables each month on its website at <https://www.bls.gov/cpi/tables/home.htm>.~~

~~_____ (3) The [Motor Carrier Division]division shall adjust the [allowable maximum]fees once annually as follows:~~

~~_____ (a) The base fee schedule for each calendar year after a year in which the [Motor Carrier Division]division determines the allowable maximum fees pursuant to Subsection R909-19-13(1) shall be adjusted effective January 1 of each calendar year.~~

~~_____ (b) The adjustment amount of the allowable maximum fees shall be equal to the change in the CPI-W for the 12[twelve-]month period before the October CPI-W figure reported by the BLS immediately preceding the January 1 adjustment date.~~

~~_____ (c) If the 12[twelve-]month change in the CPI-W from October to October is negative, the allowable maximum fees shall remain unchanged.~~

~~_____ (d) The [Division of Motor Carriers]division shall round the allowable maximum fees to the nearest whole number.~~

R909-19-20. [Public]Consent Towing and Storage Rates.

Towing rates for [public]consent tows are the responsibility of the consumer and the tow truck motor carrier as contracted for the tow truck services provided and are not regulated by the Department.

R909-19-21. Rates and Storage Posting Requirements.

Pursuant to Section 72-9-603, a tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose its current non-consent fees and rates for towing and storage of a towed vehicle at locations at which vehicles are retrieved, or payment is accepted.

R909-19-22. Federal Motor Carrier Safety Requirements.

Tow truck motor carriers that meet the definition of a commercial motor carrier shall comply with State and Federal Motor Carrier Safety Regulations, in addition to any other legal requirements established in statute, rule, or permit.

R909-19-23. Consumer Protection Information.

Pursuant to Section 72-9-602, the ~~d[ivision]~~ department shall make consumer protection information available to the public that may use a tow truck motor carrier. To obtain such information, including a list of tow truck motor carriers that are currently certified by the ~~d[ivision]~~ department, the public can access this information online at [https://www.udot.utah.gov/connect/business/motor\[-\]_carriers/tow-trucks/](https://www.udot.utah.gov/connect/business/motor[-]_carriers/tow-trucks/), or by calling the ~~[Motor Carrier Division]division~~ at (801) 965-4892.

R909-19-24. Establishment of Tow Truck Steering Committee and Work Group.

~~_____ (1) The Administrator for the [Motor Carrier Division]division will establish a steering committee to provide advisory information and input.~~

~~_____ (2) The Motor Carrier Advisory Board[established by the Department, will serve as the steering body for regulatory guidance and the Department's certification process] will advise the department as described in Section 72-9-201.~~

R909-19-25. Review of Rates, Fees, and Certification Process.

~~_____ (1) During a regularly scheduled Motor Carrier Advisory Board meeting, the board may review rates, fees, tow truck motor carrier procedures, and the certification process. The board is not required to review each of these items each year.~~

~~_____ (2)(a) Interested parties must notify the [Department]division of their desire to appear and be heard at a regularly scheduled Motor Carrier Advisory Board meeting.~~

~~_____ (b) To ensure placement on the agenda, notify the Motor Carrier Division at 801-965-4892, by the first day of the month of the scheduled meeting.~~

~~_____ (b)(c) Interested parties must be present at the Motor Carrier Advisory Board meeting to submit evidence supporting or challenging proposed rate or fee adjustments, or issues related to procedures regarding the certification process.~~

R909-19-26. Ability to Petition for Review.

Any tow truck motor carrier who believes the ~~[D]ivision~~ division has acted wrongfully in denying or suspending certification, requiring the removal of the tow truck motor carrier from a towing entity's towing rotation, contract, or request for proposal, or in imposing a cease-and-desist order may petition the ~~[D]ivision~~ department for review of that action pursuant to Rule R907-1, Administrative Procedures.

R909-19-27. Record Retention.

(1)(a) ~~[Tow truck motor carriers]~~ Subject to Subsection (1)(b), a tow truck motor carrier shall retain records relating to rates charged for tow truck services for a ~~[period of six months]~~ minimum of one year from the date on which the tow truck service occurred ~~[after the service has been provided]~~.

(b) ~~[However, if]~~ If the ~~[D]~~ division or the ~~[vehicle]~~ owner or operator or a towed vehicle has ~~[have]~~ notified the tow truck motor carrier that it disputes its ability to charge a particular fee, the carrier shall retain the record until six months after the dispute has concluded or a court rule or order requires a longer retention period.

(2) A tow truck motor carrier shall submit its lands, buildings, and equipment for inspection and examination and shall submit its accounts, books, records, and documents for inspection and copying in accordance with Section 72-9-301.

~~[R909-19-28. Life Essential Property.~~

~~Property that is deemed as life essential shall be given to the vehicle owner regardless of payment for services provided.]~~

KEY: safety regulations, tow trucks, towing, certifications

Date of Last Change: 2026~~[October 22, 2024]~~

Notice of Continuation: April 15, 2026

Authorizing, and Implemented or Interpreted Law: 41-6a-1404; 41-6a-1405; 41-6a-1406; 53-1-106; 53-8-105; 72-9-601; 72-9-602; 72-9-603; 72-9-604; 72-9-301; 72-9-303; 72-9-701; 72-9-702; 72-9-703

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING: Amendment	Filing ID: 58253
Rule or section number:	R994-305

1. Agency Information

Title catchline:	Workforce Services, Unemployment Insurance
Building:	Olene Walker Building
Street address:	130 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 45244
City, state and zip:	Salt Lake City, UT 84145-0244

2. Contact Persons

Name:	Phone:	Email:
Robert Andreasen	801-517-4722	randreasen@utah.gov

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

3. General Information

A. Rule or section catchline:
R994-305. Collection of Contributions
B. Purpose of the new rule or reason for the change:
During the 2026 General Session, the Legislature passed HB 396, Public Project Subcontractor Amendments, which clarified enforcement authority and penalty structures related to unemployment insurance reporting, collections, liens, and warrants. This change amends this rule to conform with the new legislation.
C. Summary of the new rule or change:
This rule change establishes interest and penalties for an employer's failure to file a contribution report or pay a contribution as required by the Employment Security Act (Act). The contribution penalties and interest established in this rule change are currently the same as those previously set by the Act.

The change also establishes the penalties for an employer's misclassification of an employee as an independent contractor or other non-employee, identifies circumstances under which the employer's misclassification will be reported to the United States Department of Labor, and identifies how penalty funds will be used.

Finally, this amendment makes changes for clarification and conformity with the Rulewriting Manual for Utah.

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 396 (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 change is not expected to have any fiscal impact on state government revenues or expenditures beyond any impact addressed in the fiscal note of HB 396 (2026), which provides that the legislative action is not likely to materially impact state revenue or expenditures.

There are no additional state employees or resources needed to oversee this rule change.

This rule change will not increase the Department of Workforce Services' (Department) workload and can be carried out with existing budget.

B. Local governments:

This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures beyond any impact addressed in the fiscal note of HB 396 (2026).

Local governments do not administer the Act and this rule change requires no action or expenditure by local governments.

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

This rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures beyond any impact addressed in the fiscal note of HB 396 (2026).

This rule change requires no action or expenditure by small businesses.

A small business employer would be required to pay a penalty or interest only if it violates the provisions of the Act and associated administrative rules.

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

This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures beyond any impact addressed in the fiscal note of HB 396 (2026).

This rule change requires no action or expenditure by non-small businesses.

A non-small business employer would be required to pay a penalty or interest only if it violates the provisions of the Act and associated administrative rules.

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

This rule change is not expected to have any fiscal impact on other persons beyond any impact addressed in the fiscal note of HB 396 (2026).

This rule change requires no action or expenditure by other persons.

An employer in this category would be required to pay a penalty or interest only if it violates the provisions of the Act and associated administrative rules.

F. Compliance costs for affected persons:

There are no compliance costs associated with this change.

No new fees are associated with this change.

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, Casey 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: ☒

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-4-305

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: 11/02/2026

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)

11/09/2026

13. Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Commissioner	Date:	09/15/2026
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R994. Workforce Services, Unemployment Insurance.**R994-305. Collection of Contributions.****R994-305-101. ~~[Policy Governing the Filing of]~~ Warrants.**

- (1) ~~[Warrants]~~ A warrant will be issued on a fault overpayment[s] ~~[and]~~ or delinquent employer account[s] ~~if~~ when;
- ~~(a) [there is] no installment agreement is in effect[?];~~
- ~~(b) [when] the installment agreement provides for more than three years from the date the liability is established to pay the liability[?];~~
- ~~(c) [when] the monthly installment payment amount on a fault overpayment is less than the amount specified in Subsection R994-406-302(4)(b)[?]; or~~
- ~~(d) [when an] the installment agreement is canceled due to failure to make payment[s] or [due to the occurrence of] because a new liability is established.~~
- (2) ~~[Warrants]~~ A warrant will be issued on ~~[all]~~ each fraudulent overpayment[s] established under Subsection 35A-4-405(5), even if ~~there is~~ an installment agreement is in effect, and a warrant[s] on ~~[such]~~ the overpayment[s], penalty[ies], and costs will be renewed until the overpayment, penalty, and costs have been paid in full.
- (3) No warrant[s] will be issued on a non[-] fault overpayment[s] established under Subsection 35A-4-406(5).

R994-305-102. Charging[e] Off ~~[Policy for] a~~ Nonfault Overpayment[s].

- (1) A[H] nonfault overpayment[s] established under Subsection 35A-4-406(5) may be charged off and removed from the records of the Department after three years without further review unless a payment or offset has been made within the prior 90 days.
- (2) ~~[These debts]~~ A nonfault overpayment that has been charged off will be forgiven ~~[and forgotten]~~ and no further collection or offset will ~~[take place]~~ occur.

R994-305-103. Writing[e] Off ~~[Policy for] Other~~ Overpayments.

- (1) Except for a fraud overpayment[s] established under Subsection 35A-4-405(5), ~~[all]~~ each accounts receivable overpayment[s] for claimant and employer liabilities, including interest and penalties ~~[which]~~ that have not been collected or offset within three years after the filing of a warrant, may be reviewed for determination of collectability.
- (2) If the Department ~~[it is]~~ determines[d] on the information reasonably available ~~[to the Department]~~ that the delinquent claimant or employer has no known assets ~~[which are]~~ subject to ~~[the]~~ attachment[?] and ~~[it appears there is no likelihood of collection in the foreseeable future]~~ that collection is unlikely, the Department may write off the account.
- (i) ~~[All]~~ The Department shall cease collection or offset action ~~[shall cease as far as enforcement of collection procedures are concerned]~~ for a debt that has been written off under Subsection (2).
- (ii) ~~[However, e]~~ Consistent with general accounting principles, if the Department receives money by virtue of a warrant judgment on a debt that has been written off, the Department will reinstate the equivalent portion of the debt and retain the collected monies.

R994-305-104. Contribution Interest and Penalties.

- (1) An unpaid contribution described in Subsection 35A-4-305(1)(a) shall bear interest at the rate of 1% per month.
- (2) The Department shall assess a penalty against an employer in an amount equal to 5% of the contribution due if the employer fails:
- ~~(a) to file a contribution report when due unless the employer:~~
- ~~(i) files the contribution report after the required time; and~~
- ~~(ii) demonstrates that the failure to file the report timely was due to reasonable cause and not willful neglect; or~~
- ~~(b) to pay a contribution as required by Subsection 35A-4-305(1)(c)(i) unless the employer:~~
- ~~(i) makes arrangements with the Department for payment within ten days after the written demand is mailed or personally delivered;~~
- ~~and~~
- ~~(ii) pays in accordance with those arrangements.~~
- (3) The interest and penalties under this section are not exclusive but are in addition to any other penalties, charges, interest, or remedies provided by law.

R994-305-201. Employee Misclassification Penalty.

- (1) Authority and Scope. This rule establishes the penalty under Subsection 35A-4-305(2)(e) for an employer who fails to file a report or who files an incorrect report due to the employer's misclassification of an employee.
- (2) The Department shall assess a penalty against an employer if the Department determines that the employer misclassified an individual as an independent contractor or other non-employee but the individual was an employee under relevant law at the time services were performed.
- (3) The penalty for an employer's misclassification of an employee shall be as follows.
- (a) First Misclassification. For the employer's first misclassification of an employee, the employer shall be assessed a penalty of 0.1% (0.001) of the wage base per misclassified employee per reporting period.

(b) Subsequent Misclassifications. For a subsequent misclassification of the same or any other employee, including a failure to cure a prior misclassification, the employer shall be assessed a penalty of 1% (0.01) of the wage base per misclassified employee per reporting period.

(4) Each penalty under this section:

(a) will be calculated using the wage base at the time the Department issues the determination that the employer misclassified the employee; and

(b) is not exclusive but is in addition to any other penalties, charges, interest, or remedies provided by law.

(5) Disclosure to Federal Authorities. If an employer misclassifies ten or more employees and fails to cure the misclassification within 90 days of a final audit report, the Department will notify the United States Department of Labor under Section R994-312-103.

(6) Penalties received under this section will be deposited in the Workforce Initiatives Fund and used only for the administration of the Department's field audit integrity efforts.

R994-305-801. Wage List Requirements.

(1) Federal Requirement.

(a) Section 1137 of the Social Security Act requires employers to submit quarterly wage reports to a state agency.

(b) The[is] Department is the designated agency for [the state of] Utah.

(c) The [Unemployment Insurance Division of the] Department uses wage information submitted by employers to establish benefit determinations for claimants and to verify employer contribution payments.

(2) Wage List Due Date, Extensions, and Required Forms.

(a) Wage lists are due the last day of the month following the end of the calendar quarter.

(b) Wage list due dates may be changed and extensions granted under the same requirements established for contribution reports in Rule R994-302.

(c) Contributory employers must file a wage list with [the] Form 3, Employer's Contribution Report.

(d) Reimbursable employers must file a wage list with [the] Form 794, Insured Employment and Wage Report. Reimbursable employers must not file a wage list with Form 794-N, Non-insured Employment and Wage Report. [Wage lists are due the last day of the month following the end of the calendar quarter.]

(e)(b)(i) Domestic employers electing to file an annual report must file a wage list with [the] Form 3D, Domestic Employer's Annual Report.

(ii) The wage list is due January 31 of the year following the year wages were paid.

(c) Reimbursable employers must not file a wage list with Form 794-N, Non-insured Employment and Wage Report.

(d) Wage list due dates may be changed and extensions granted under the same provisions established for contribution reports in Rule R994-302.

(3) Wage Information Required.

(a) Each page of the wage list must be identified by the employer's Utah registration number, the employer's name, and the quarter and year being reported.

(b) Only those employees who were paid wages during the quarter should be reported on the wage list. The following information must be provided for each employee as a line item on each wage list in the following order:

([a])i) social security number;

([b])ii) full name; and

([c])iii) gross wages paid during the quarter[.] pursuant to Section 35A-4-204 defining[es] subject employment and Section 35A-4-208 defining[es] wages. [Only those employees who were paid wages during the quarter should be reported on the wage list.]

(4) Wage Reporting Methods.

[.] The Department will accept wage lists filed on the Department website.

(5) Wage List Total Must Equal the Quarterly Report Total.

(a) The total amount of wages reported on the wage list must be the same as the total wages shown on [the] Form 3, Employer's Contribution Report.

(b) The total of the wage list for a reimbursable employer must be the same as the total wages shown as "insured payroll" on Form 794, Insured Employment and Wage Report.

(c) Wage lists consisting of more than one page must show the employer's Utah registration number, the quarter and year of the reporting period, a total for each page, and a grand total for [all] each page[s] on the first page.

(6) Wage Lists Corrections for Prior Quarters.

(a) Corrections to wage lists for prior quarters must be made on a separate report and not on the wage list for the current quarter. The employer must submit the following information for each employee in the following order:

(i) social security number;

(ii) full name; and

(iii) gross wages that should have been properly reported.

(b) Each page of the wage list adjustment[s] must be identified by the employer's Utah registration number, the employer's name, and the quarter and year.

(c) The employer must submit an explanation for the corrections[.] being made.

(d) Corrections to wages may result in additional contributions being assessed or refunded.

(7) Penalty for Failure to Provide Wage List Information.

NOTICES OF PROPOSED RULES

(a) A penalty may be assessed for each failure to submit a wage list by the due date as specified in this rule or for failure to submit a wage list in an acceptable format as specified in this rule. The penalty amount is \$50 for every 15 days, or fraction thereof, that the filing is late or not in an acceptable format, not to exceed \$250 per filing.

(b) The penalty will be collected in the same manner and under the same ~~[legal provisions]~~ requirements as unpaid contributions.

~~(i) The Department may [W]aive [r of] the penalty [will be made] if the employer [can] shows good cause for failure to provide the required wage list.~~

~~(ii) Good cause is established if the employer was prevented from filing a wage list for circumstances that are compelling or beyond the employer's control.~~

~~(iii) Payment of the penalty does not relieve the employer from the responsibility of filing the wage list in the acceptable format.~~

R994-305-1201. Offer in Compromise.

(1) If an employer or claimant ~~[is unable to]~~ cannot pay the ~~[total amount owing of past due]~~ outstanding contributions, interest, penalties, costs, or fault or nonfault benefit overpayments, the employer or claimant may request an ~~[application for]~~ offer in compromise~~[-]~~ pursuant to Subsection 35A-4-305(12). ~~[In order for]~~ To request an offer in compromise~~[to be considered]~~, the employer or claimant must:

(a) complete an application and provide verification of total income, expenses, assets, and liabilities;

~~(b) show there is no expectation that financial resources will significantly improve within three years of the date of the application[-]. Being currently unemployed or underemployed alone is insufficient to meet the requirements of this provision;~~

(c) not have ~~[a current rejected]~~ had an offer in compromise ~~[issued]~~ rejected by the Utah State Tax Commission within ~~[twelve]~~ 12 months of the date of application with the Department; and

~~(d) [have] not have been granted an offer in compromise by the Department in the ten years [prior to] before [applying for an offer in compromise] the date of application.~~

(2)(a) The Department may compromise a portion of any past due liability for contributions, interest, penalties, or costs to an employer if the employer ~~[can]~~ shows it ~~[has an inability to]~~ cannot pay the full amount owing within three years of the date of application or payment would result in the insolvency of the employing unit.

(b) The Department may compromise a portion of any fault or nonfault overpayment owed by a claimant if the claimant ~~[can]~~ shows ~~[he or she] the claimant [does not have the ability to]~~ cannot pay the full amount owing within three years of the date of application.

(3) If the Department accepts an offer in compromise, the acceptance will be rescinded and the compromised liability will be reestablished if ~~the Department~~ ~~[it is]~~ subsequently determines~~[d]~~ that:

(a) ~~the~~ ~~[any]~~ employer, claimant, or person acting on behalf of ~~[any]~~ ~~the~~ employer or claimant, provided false information or concealed information that lead to the granting of such compromise;

(b) the employer or claimant fails to timely pay the total amount agreed upon;

(c) the employer or claimant is not current with ~~[a]~~ ~~each~~ obligation~~[s]~~ under the ~~[Employment Security]~~ Act for at least three years from the date of the application; or

(d) an offer in compromise is rejected by the Utah State Tax Commission within ~~[twelve]~~ 12 months following the date the application with the Department was approved.

(4)(a) The Department's offer in compromise determination ~~[of the Department]~~ is final and not appealable.

~~(b) [However, t]~~ The Department may consider an amended offer in compromise application that is substantially different from the rejected application.

~~(5) A claimant's unemployment or underemployment alone is insufficient to satisfy the requirement of Subsection R994-305-1201(1)(b).~~

KEY: unemployment compensation, overpayments, wage list

Date of Last Change: 2026[July 1, 2019]

Notice of Continuation: November 13, 2024

Authorizing, and Implemented or Interpreted Law: 35A-4-305

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: 58254
Rule or section number:	R994-403

1. Agency Information

Title catchline:	Workforce Services, Unemployment Insurance
Building:	Olene Walker Building
Street address:	130 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 45244
City, state and zip:	Salt Lake City, UT 84145-0244

2. Contact Persons

Name:	Phone:	Email:
Robert Andreasen	801-517-4722	randreasen@utah.gov

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

3. General Information

A. Rule or section catchline:
R994-403. Claim for Benefits
B. Purpose of the new rule or reason for the change:
This rule change authorizes the Department of Workforce Services (Department) to waive a profiled claimant's participation in reemployment services in certain circumstances.
C. Summary of the new rule or change:
The Department identifies claimants who are likely to exhaust unemployment insurance benefits and requires such claimants to participate in reemployment services (profiled claimants).
This rule change allows the Department to waive participation if a profiled claimant does not receive notice of the requirement to participate, if participation will result in a hardship beyond the claimant's control, or if the claimant otherwise establishes good cause for failure to participate.
This rule change also makes nonsubstantive changes for clarification and conformity with the Rulewriting Manual for Utah.

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have any fiscal impact on state government revenues or expenditures.
There are no additional state employees or resources needed to oversee this rule change.
This rule change will not increase the Department's workload and can be carried out with existing budget.
B. Local governments:
This rule change is not expected to have any fiscal impact on local governments' revenues or expenditures.
Local governments do not administer the Employment Security Act and this rule change requires no action or expenditure by local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures.
This rule change requires no action or expenditure by small businesses.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule change is not expected to have any fiscal impact on non-small business revenues or expenditures.
This rule change requires no action or expenditure by non-small businesses.
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule change is not expected to have any fiscal impact on other persons.

This rule change requires no action or expenditure by other persons and makes no changes to the requirements for establishing eligibility for unemployment insurance benefits.

F. Compliance costs for affected persons:

There are no compliance costs associated with this change.

No new fees are associated with this change.

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, Casey 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: ☒

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-4-403		
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11. Public Notice Information

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

A. Comments will be accepted until:	11/02/2026
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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)	11/09/2026
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13. Agency Authorization Information

Agency head or designee and title:	Casey Cameron, Commissioner	Date:	09/15/2026
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R994. Workforce Services, Unemployment Insurance.**R994-403. Claim for Benefits.****R994-403-109b. Profiled Claimants.**

- (1) The Department will:
- (a) use a profiling system to identify [individuals] claimants who are likely to exhaust unemployment insurance benefits[through a profiling system]; and
- (b) require the identified claimants to[that they] participate in reemployment services.
- (2) Reemployment[These] services may include job search workshops, job placement services, counseling, testing, and assessment.
- [(2) In order to avoid disqualification for failure to participate in reemployment services, the claimant must show good cause for nonparticipation. Good cause is limited to circumstances where the claimant can show that the reasons for the delay in filing were due to circumstances beyond the claimant's control or were compelling and reasonable.
-] (3) Failure to participate in reemployment services without good cause will result in a denial of unemployment insurance benefits beginning with the week the claimant refuses or fails to attend scheduled services and continuing until the week the claimant participates in the required reemployment service.
- (a) To avoid disqualification for failure to participate in reemployment services, a claimant must show good cause for nonparticipation.
- (b) Good cause is limited to circumstances where the reasons for the failure to participate were due to circumstances beyond the claimant's control or were compelling and reasonable.
- (4) The Department may waive claimant participation if:
- (a) the Department determines the claimant was not notified that the claimant was selected to participate; or
- (b) participation will result in a hardship that is beyond the claimant's control to remedy.
- [(4)]5) Some reasons [for]that establish good cause for nonparticipation may raise other eligibility issues.

R994-403-112c. Available.

- (1) In General[Requirement].
- (a) A[The] claimant must be available for full-time work.
- (b) Any restrictions on the claimant's availability, whether self-imposed or beyond the claimant's control, lessen the claimant's opportunities to obtain suitable full-time work, including:[such as]
- (i) lack of transportation[-];
- (ii) domestic [problems,]obligations;
- (iii) school attendance[-];
- (iv) military obligations[-]; or
- (v) church or civic activities[-, whether self imposed or beyond the control of the claimant, lessen the claimant's opportunities to obtain suitable full time work].
- (2) Activities Which Affect Availability.
- (a) [It]The Act is not [the intent of the act]intended to subsidize activities which interfere with a claimant's immediate reemployment.
- (b) A claimant is not [considered-]available for work if the claimant is involved in any activity which cannot be immediately abandoned or interrupted so that the claimant can seek and accept full-time work.
- [(a)]3) Activities Which May Result in a Denial of Unemployment Insurance Benefits. [
-]Unemployment insurance benefits may be denied under the following circumstances.
- (a) [For purposes of establishing weekly eligibility for benefits, a]A claimant who is engaged in an activity that prevents the claimant from working for more than one-half of the [normal-]workweek normally worked in the claimant's occupation[that would prevent the claimant from working-] is presumed to be unavailable and [therefore-]ineligible for unemployment insurance benefits. [The normal workweek means the normal workweek in the claimant's occupation.]
- (b) [This]To overcome the presumption of unavailability described in Subsection (3)(a), the claimant must[can be overcome by a] show[ing]:
- (i) that the activity did not preclude:
- (A) the immediate acceptance of full-time work[-];
- (B) referrals to work[-];
- (C) contacts from the Department[-]; or
- (D) an active search for work[-];
- (ii) [When]if [a]the claimant is away from [his or her]the claimant's residence and subject to Subsection 35A-4-403(3), that the claimant[but has] made arrangements to be contacted and can return quickly enough to respond to an[y] opportunity for work[-, the presumption of unavailability may be overcome. The conclusion of unavailability can also be overcome in the following circumstances:-]; or
- (iii) that the claimant satisfies one of the exceptions in Subsection (3)(c).
- (c)(i) Definite Offer of Work or Recall.

NOTICES OF PROPOSED RULES

(A) If the claimant has accepted a definite offer of full-time employment or has a date of recall ~~(to)~~ and will begin work within three weeks, the claimant ~~[does]~~ is not ~~[have]~~ required to demonstrate further availability except as provided in ~~[subparagraphs]~~ Subsections (B) and (C) ~~[of this section]~~ and is not required to seek other work.

(B) Because the ~~[statute]~~ Act requires that a claimant be able to work, if ~~[a]~~ the claimant is unable to work for more than one-half of any week, including due to illness or hospitalization, unemployment insurance benefits will be denied.

(C) Benefits may be denied under Subsection 35A-4-403(3) if the claimant travels to a foreign country during the three-week period described in Subsection (A).

(ii) Jury Duty or Court Attendance.

(A) Jury duty or court attendance is a public duty required by law and a claimant will not be denied unemployment insurance benefits if ~~[he or she]~~ the claimant is unavailable because ~~[of a lawfully issued summons]~~ the claimant was summoned to appear as a witness or to serve on a jury unless the claimant:

(~~[A]~~I) is a party to the action;

(~~[B]~~II) had employment which ~~[he or she was]~~ the claimant was unable to continue or accept because of the court service; or

(~~[C]~~III) refused or delayed an offer of suitable employment because of the court service.

(B) The time spent in court service is not a personal service performed under a contract of hire and ~~[therefore]~~ is not considered employment.

(~~[b]~~4) Activities Which Will Result in a Denial of Unemployment Insurance Benefits. Notwithstanding any other provision of this section, unemployment insurance benefits will be denied under the following circumstances.

(~~[i]~~a) Refusal of Work.

(i) ~~[When]~~ If a claimant refuses ~~[any]~~ suitable work, even for a valid reason, the claimant is considered unavailable ~~[Even though the claimant had valid reasons for not accepting the work], and unemployment insurance benefits will [not] be [allowed]~~ denied for the week or weeks in which the work was available.

(ii) Unemployment insurance ~~[B]~~ benefits ~~[are also]~~ will be denied ~~[when]~~ if a claimant ~~[fails to be]~~ is not available for job referrals or a recall ~~[to return]~~ to work under reasonable conditions consistent with a previously established work relationship ~~[This]~~, including ~~[es]~~ referral attempts from a temporary employment service, a school district for substitute teaching, or any other employer for which work is ~~["]~~ on-call. ~~["]~~

(~~[ii]~~b) Failure to Perform ~~[A-H]~~ Work During the Week of Separation.

(~~[A]~~i) Unemployment insurance ~~[B]~~ benefits will be denied for the week in which separation from employment occurs if the claimant's unemployment was caused ~~[because]~~ by the claimant's ~~[was not able]~~ inability to work or ~~[available to do his or her]~~ unavailability for work. ~~[In this circumstance, there is a presumption of continued]~~ The claimant will be presumed to be unable to work or unavailable for work ~~[inability or unavailability]~~ and ~~[an indefinite disqualification]~~ unemployment insurance benefits will be ~~[assessed]~~ denied until ~~[there is proof of]~~ the claimant demonstrates a change in the conditions or circumstances.

(~~[B]~~ii) If the claimant was absent from work during the last week of employment and the claimant was not paid for the day or days of absence, unemployment insurance benefits will be denied for that week. The claimant will be denied unemployment insurance benefits under this subsection regardless of the length of the absence.

(~~[3]~~5) Hours of Availability.

(a) Full-Time.

(i) Except as provided in Subsection R994-403-111c(5), ~~[in order to meet the availability requirement]~~, a claimant must be ready and willing to immediately accept full-time work.

(ii) Full-time work generally means 40 hours ~~[a]~~ per week but may vary due to customary practices in an occupation.

(iii) If the claimant was last employed less than full-time, ~~[there is]~~ a rebuttable presumption arises that the claimant continues to be available for only part-time work.

(b) Other Than Normal Work Hours.

(i) If the claimant worked other than normal work hours and the work schedule was adjusted to accommodate the claimant, the claimant cannot continue to limit ~~[his or her]~~ the claimant's hours of availability even if the claimant was working 40 hours or more per week.

(ii) The claimant must be available for full-time work during normal work hours as is customary for the industry.

(~~[4]~~6) Type of Work and Wage Restrictions.

(a) ~~[The]~~ A claimant must be available for work that is ~~[considered]~~ suitable based on the length of time ~~[he or she]~~ the claimant has been unemployed as provided in Section R994-405-306.

(b) Contract Obligation. ~~[~~

~~_____]~~ If a claimant is restricted due to a contractual obligation from competing with a former employer or accepting employment in the claimant's regular occupation, the claimant is not eligible for unemployment insurance benefits unless the claimant ~~[can]~~ shows ~~[that he or she]~~ that the claimant:

(i) is actively seeking work outside the restrictions of the noncompete contract;

(ii) has the skills ~~[and]~~ or training necessary to obtain that work; and

(iii) can reasonably expect to obtain that employment.

(~~[5]~~7) Employer ~~[and]~~ Occupational Requirements. ~~[~~

~~_____]~~ If ~~[the]~~ a claimant does not have the license or special equipment required for the type of work the claimant wants to obtain, the claimant ~~[cannot be considered]~~ is not available for work unless the claimant is actively seeking other types of work and has a reasonable expectation of obtaining that work.

(~~[6]~~8) Temporary Availability.

~~[When]~~ (a) If a ~~[an]~~ individual claimant is limited to temporary work because of anticipated military service, school attendance, travel, church service, relocation, a reasonable expectation of recall to a former employer for which the claimant is not in deferral status, or any other

anticipated restriction on the claimant's future availability, ~~[availability is only established]~~ the claimant is available for work only if the claimant is willing to accept and is actively seeking temporary work.

~~(b)~~ The claimant must ~~[also]~~ show ~~[there is]~~ a realistic expectation ~~[that there is]~~ of obtaining temporary work in the claimant's occupation, otherwise the claimant may be required to accept temporary work in another occupation.

~~(c)~~ Evidence of a ~~[genuine desire]~~ willingness to [obtain] accept temporary work may be shown by registration with ~~[and willingness to accept work with]~~ temporary employment services.

~~([7])~~ 9) Distance to Work.

~~(a)~~ Customary Commuting Patterns. ~~[~~
~~_____]~~ A claimant must show reasonable access to public or private transportation, and a willingness to commute within customary commuting patterns for the occupation and community.

~~(b)~~ Removal to a Locality of Limited Work Opportunities.

~~(i)~~ A claimant who moves from an area ~~[where there are]~~ with substantial work opportunities to an area of limited work opportunities must demonstrate that the new locale has work for which the claimant is qualified and which the claimant is willing to perform.

~~(ii)~~ If the work is so limited in the new locale that ~~[there is little expectation]~~ the claimant ~~[will]~~ is unlikely to be [come] reemployed, the continued unemployment is the result of the move and not the failure of the labor market to provide employment opportunities. ~~[In that case, t]~~ The claimant ~~[is]~~ will be considered to have ~~[removed himself or herself]~~ withdrawn from the labor market and is not ~~[longer]~~ eligible for unemployment insurance benefits.

~~([8])~~ 10) School.

~~(a)~~ A claimant attending school who has not been granted Department approval for a deferral must still ~~[meet all requirements of being]~~ be able to work [and], available for work, and [be] actively seek ~~[ing]~~ work.

~~(b)~~ ~~[Areas that need to be examined w]~~ When making an eligibility determination with respect to a claimant attending school [student], the Department will evaluate ~~[include reviewing a]~~ the claimant's work history while attending school [coupled with his or her] and the claimant's efforts to secure full-time work.

~~(c)~~ If the claimant's hours of school attendance conflict with the claimant's established work schedule or with the customary work schedule for the occupation in which the claimant is seeking work, a rebuttable presumption ~~[is established]~~ arises that the claimant is not available for full-time work and unemployment insurance benefits will generally be denied.

~~(d)~~ An announced willingness ~~[on the part of]~~ by a claimant to discontinue school attendance or change ~~[his or her]~~ the claimant's school schedule, if necessary, to accept work must be weighed against the time already spent in school as well as the financial loss the claimant may incur if ~~[he or she]~~ the claimant were to withdraw.

~~([b])~~ ~~(i)~~ A presumption of unavailability ~~[may also be raised]~~ arises if a claimant moves ~~[, for the purpose of]~~ to attend [ing] school ~~[,]~~ from an area with substantial labor market opportunities to a labor market with more limited opportunities.

~~(ii)~~ ~~[In order t]~~ To overcome this presumption, the claimant must demonstrate ~~[there is]~~ full-time work is available in the new area which the claimant could reasonably expect to obtain.

~~([9])~~ 11) Employment of Youth. ~~[~~

~~_____]~~ The Department shall consider the limitations of Title 34, Chapter 23, Employment of Minors, when determining whether a minor is available for work ~~[of the Utah Code imposes limitations on the number of hours youth under the age of 16 may work. The following limitations do not apply if the individual has received a high school diploma or is married. Claimants under the age of 16 who do not provide proof of meeting one of these exceptions are under the following limitations whether or not in student status because they have a legal obligation to attend school. Youth under the age of 16 may not work:~~

~~(a)~~ during school hours except as authorized by the proper school authorities;

~~(b)~~ before or after school in excess of 4 hours a day;

~~(c)~~ before 5:00 a.m. or after 9:30 p.m. on days preceding school days;

~~(d)~~ in excess of 8 hours in any 24-hour period; or

~~(e)~~ more than 40 hours in any week].

~~([10])~~ 12) Domestic Obligations. ~~[~~

~~_____]~~ ~~When]~~ If a claimant has an obligation to care for children or other dependents, the claimant must show that arrangements for the care of those individuals have been made for all hours that are normally worked in the claimant's occupation ~~[and must show a good faith, active work search effort]~~.

R994-403-113c. Work Search.

~~(1)~~ In General ~~[Requirements]~~.

~~(a)~~ ~~[Unless the claimant qualifies for a work search deferral pursuant to R994-403-108b, a]~~ A claimant must make an active, good faith effort to secure employment each ~~[and every]~~ week for which unemployment insurance benefits are claimed, unless the claimant qualifies for a work search deferral under Section R994-403-108b.

~~(b)~~ The Department will evaluate a claimant's efforts ~~[Efforts]~~ to find work ~~[must be judged]~~ by the standards of the claimant's occupation and ~~[the]~~ community.

~~(2)~~ Active.

~~(a)~~ An active effort to ~~[look for work]~~ secure employment means ~~[that]~~ the claimant must make a minimum of four new job contacts each week unless ~~[the claimant is]~~ otherwise directed by the ~~[unemployment division]~~ Department.

~~(b)~~ Th~~[es]~~ claimant's job contacts ~~[should]~~ must be made with employers that hire people in the claimant's occupation or occupations for which the claimant has work experience or would otherwise be qualified and willing to accept employment.

NOTICES OF PROPOSED RULES

(c) If the claimant fails to make four new job contacts during the first week filed, involvement in job development activities that are likely to result in employment will be accepted as reasonable, active job search efforts.

(3) Good Faith.

(a) "Good faith effort"~~[s are defined as those methods which]~~ means taking the actions a reasonable person, anxious to return to work, would take to secure~~[make if desirous of obtaining]~~ employment.

(b) A good faith effort extends beyond ~~[simply]~~ making a specific number of contacts to satisfy the Department requirement.

R994-403-114c. Claimant's Obligation to Prove Weekly Eligibility.

(1) For each week for which unemployment insurance benefits are claimed, the claimant has the burden of establishing the claimant's eligibility to receive benefits.

(2) For each week, ~~[F]~~ the claimant must:

(~~[1]~~)a) ~~[has the burden of proving that he or she is]~~ prove the claimant is able to work, available for work, and actively seeking full-time work~~[;]~~;

(~~[2]~~)b) ~~[must]~~ report any information that ~~[might]~~ may affect the claimant's eligibility;

(~~[3]~~)c) ~~[must]~~ provide any information requested by the Department which is required to establish eligibility;

(~~[4]~~)d) ~~[must]~~ immediately notify the Department if the claimant is incarcerated; and

(~~[5]~~)e) ~~[must]~~ keep a detailed record of ~~[his or her]~~ the claimant's weekly job contacts so ~~[that]~~ the Department can verify the contact~~[s]~~ at any time for an audit or eligibility review, including~~[. A detailed record includes the following information]:~~

(~~[a]~~)i) the date of the contact~~[;]~~;

(~~[b]~~)ii) the name of the employer or other identifying information such as a job reference number~~[;]~~;

(~~[c]~~)iii) employer contact information such as the employer's mailing address, phone number, email address, or website~~[address]~~, and name of the person contacted if available~~[;]~~;

(~~[d]~~)iv) details of the position~~[for which the claimant applied;]~~;

(~~[e]~~)v) method of contact~~[;]~~; and

(~~[f]~~)vi) results of the contact.

R994-403-115c. Period of Ineligibility.

(1) Eligibility for unemployment insurance benefits is established on a weekly basis.

(2) If the Department ~~determines~~ ~~[has determined]~~ that ~~[the]~~ a claimant is not able to work or available for work, and it appears the circumstances will likely continue, the Department shall deny unemployment insurance benefits until ~~[an indefinite disqualification will be assessed, and]~~ the claimant ~~[must]~~ requalifies~~[y]~~ by showing ~~[that he or she]~~ the claimant is able to work and available for work, and is making an active, good faith effort to secure employment.

(~~[2]~~)3)(a) The Department will require a claimant to provide proof of work search activities ~~[4]~~ if the Department:

(i) ~~[has reason to]~~ believes ~~[a]~~ the claimant has not made a good faith effort to ~~[seek work]~~ secure employment; or

(ii) the Department is performing an ~~[routine]~~ audit of a claim~~[;]~~.

(b) ~~[t]~~ The Department ~~[can only]~~ may require ~~[that]~~ the claimant to provide proof of work search activities for only the four weeks immediately preceding the Department's request.

(i) ~~[However, i]~~ If the claimant admits ~~[he or she]~~ the claimant did not complete the work search activities required under this rule, the Department ~~[can]~~ may disqualify a claimant for more than four weeks.

(ii) The claimant will be disqualified for ~~[any]~~ each week ~~[during]~~ for which ~~[he or she]~~ the claimant fails to provide the information required under Subsection R994-403-114c(~~[5]~~)2)(c).

(~~[3]~~)4) If the Department seeks verification of a job contact from an employer, the claimant will ~~[only]~~ be disqualified if the employer provides clear and convincing evidence that ~~[there was no]~~ the claimant did not make the reported contact.

(~~[4]~~)5) The ~~[claimant will be disqualified for all weeks in which it is discovered that the]~~ Department will deny unemployment insurance benefits to a claimant for each week in which the claimant ~~[was]~~ is not able or available to accept work, without regard to the four-week limitation described in Subsection (3).

KEY: filing deadlines, registration, student eligibility, unemployment compensation

Date of Last Change: 2026~~[May 1, 2019]~~

Notice of Continuation: March 22, 2023

Authorizing, and Implemented or Interpreted Law: 35A-4-403(1)

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.utah.gov. 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:	R156-4a	Filing ID: 53992
Effective date:	09/11/2026	

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:
Lauren Harvey	801-530-6654	laureneharvey@utah.gov

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

3. General Information

A. Rule catchline:	
R156-4a. Utah Professionals Health Program Rule	
B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 58-4a-101 et seq.	Title 58, Chapter 4a, Utah Professionals Health Program, provides for the establishment and operation of the Utah Professionals Health Program which is an alternative to public disciplinary action for licensees who have substance use disorders.
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 for the day-to-day operation of the Utah Professionals Health Program. This program provides a necessary alternative to public disciplinary action for Utah professionals who have substance use disorders. This rule also allows Utah professionals to be supported while also maintaining public safety. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Kelli Jacobsen, Assistant Director	Date:	09/11/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-106	Filing ID: 50383
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Effective date:	09/03/2026
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1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-106. Utah Professional Practices Advisory Commission Appointment Process

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Subsection 53E-6-503(1)(a)	Directs the Board to adopt rules establishing procedures for nominating and appointing Utah Professional Practices Advisory Commission (UPPAC) members.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No public comments received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it establishes nomination and appointment procedures for UPPAC members. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	09/03/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-109	Filing ID: 50385
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Effective date:	09/03/2026
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1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-109. Legislative Reporting and Accountability

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-501(1)	Directs the Board to establish rules and minimum standards for the public schools.
Subsection 53E-3-401(2)(a)	Gives the Board general control and supervision of the state's public education system for adoption and enforcement of rules.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law, and allows the Board to interrupt disbursements of state aid to any district which fails to comply with rules adopted in accordance with Subsection 53E-3-401(8)(a).

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No public comments received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it requires the Superintendent to create data collection plans necessary as determined by the Superintendent to fulfill statutory or Board reporting requirements and also requires Local Education Agencies (LEAs) to submit data upon request to the Superintendent. This rule provides that LEA participation in Minimum School Program funding is conditioned upon LEAs providing complete and accurate data and information to the Superintendent and the Board. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	09/03/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-113	Filing ID: 57179
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Effective date:	09/03/2026
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1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information**A. Rule catchline:**

R277-113. LEA Fiscal and Auditing Policies

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Subsection 53E-3-501(1)(e)(i)	Directs the Board to establish rules and minimum standards for school productivity and cost effectiveness measures.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 53E-3-501(1)(e) (iv)	Allows the Board to adopt rules regarding financial, statistical, and student accounting requirements.
Section 53E-3-602	Allows the Board to approve auditing standards for Local Education Agencies' (LEA's) governing boards.
Section 53E-3-603	Requires the Board to verify accounting procedures of LEA governing boards for determining the allocation of Uniform School Funds.
Section 53E-5-202	Directs the Board to adopt rules to implement a statewide accountability system.
Subsection 53G-5-404(4)	Requires charter schools to make the same annual reports required of other public schools, including an annual financial audit report.
Subsection 53F-2-209(2)	Requires the Board to make rules for flexible use of restricted funds; and the Every Student Succeeds Act (federal - 1965) (ESSA), which requires states to revise and redesign school accountability systems.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No public comments received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it require LEAs to formally adopt and implement policies regarding the management and use of public funds; provide minimum standards, procedures, and definitions for LEA policies; and direct that LEAs make policies, procedures, and training materials available to the public and readily accessible on LEA or public school websites, to the extent of resources available. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	09/03/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-116	Filing ID: 53971
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Effective date:	09/03/2026
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1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-116. Audit Procedure

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 63I-5-201(4)	Requires the Board to direct the establishment of an internal audit department for programs administered by the Board.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Boards duties and responsibilities under the Utah Constitution and state law.
Subsection 53E-3-501(1)(e)	Directs the Board to develop rules and minimum standards regarding school productivity and cost effectiveness measures, school budget formats, and financial, statistical, and student accounting requirements for the local school district.
Subsection 53F-2-204(2)	Directs the Board to assess the progress and effectiveness of any programs funded under the State System of Public Education.
Subsection 53E-3-401(9)	Gives the Board authority to audit the use of state funds by an education entity that receives state funds as a distribution from the Board.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No public comments received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it outlines the role of the Chief Audit Executive and audit client in the audit process, as well as outlining the Board's procedures for audits of audit clients. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	09/03/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-123	Filing ID: 57849
Effective date:	09/11/2026	

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200

City, state and zip:	Salt Lake City, UT 84114-4200
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2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information**A. Rule catchline:**

R277-123. Process for Reporting Violations of Statute and Board Rule

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Subsection 53E-3-401(8)(a)(i)	Directs the Board to create methods to review, investigate, and resolve compliance issues.
Subsection 53E-3-401(8)(b)	Allows the Board to take action for violations of the law, consistent with Subsection 53E-3-401(8)(b).
Subsection 53E-3-401(8)(d)	Directs the Board to make rules related to violations of the public education code or Board rule.
Subsection 53E-3-401(8)(e)	Allows the Board to establish a process in rule for an individual to bring a violation of statute or Board rule to the attention of the Board.
Subsections 53G-2-103(8), 53G-2-104(5), and 53G-2-105(6)	Allows a report of violations of these subsections to the Board in accordance with Section 53E-3-401.
Subsection 53G-10-103(8)(b)	Requires the Board to establish a process to allow an individual to report violations of that subsection by a Local Education Agency to the Board.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No public comments received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it establishes a process for an individual to bring an alleged violation of statute or Board rule to the attention of the Board. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	09/11/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-301	Filing ID: 57501
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Effective date:	09/02/2026
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1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-301. Educator Licensing

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Section 53E-6-201	Gives the Board power to issue licenses.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No public comments received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule specifies the types of licenses and license areas of concentration available and the requirements and procedures for obtaining a license, required for employment as a licensed educator in the public schools of Utah. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	09/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-324	Filing ID: 57795
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Effective date:	09/03/2026
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1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-324. Paraprofessional/Paraeducator Programs, Assignments, and Qualifications

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Gives the Board authority to adopt rules in accordance with its responsibilities.
Subsection 53E-3-501(1)(a)(i)	Requires the Board to establish rules and minimum standards for the public schools regarding the qualification and certification of educators and ancillary personnel who provide direct student services.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No public comments received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it designates the appropriate assignments of paraprofessionals and qualifications for paraprofessionals. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	09/03/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-702	Filing ID:	56986
Effective date:	09/03/2026		

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-702. Procedures for the Utah High School Completion Diploma

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-501(1)(b)	Directs the Board to adopt rules regarding access to programs, competency levels, and graduation requirements.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No public comments received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it describes the standards and procedures required for an individual to obtain a Utah High School Completion Diploma. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	09/03/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-712	Filing ID: 53981
Effective date:	09/03/2026	

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-712. Personalized, Competency-based Learning Grant Programs

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Section 53F-5-502	Requires the Board to define outcome-based measures for each type of grant awarded to Local Education Agencies (LEAs), establishes a grant application process, establishes a review committee, and adopts metrics to analyze the quality of a grant application.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No public comments received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it defines outcome-based measures for each type of grant awarded to LEAs, establishes a grant application process, establishes a review committee, and metrics to analyze the quality of a grant application. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	09/03/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-720	Filing ID: 53982
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Effective date:	09/03/2026
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1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education
Street address:	250 E 500 S

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-720. Reimbursement Program for Early Graduation from Personalized, Competency-Based Learning Program

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
Subsection 53F-2-511(1)(c)(ii)	Allows the Board to make rules to specify additional criteria for a Local Education Agency (LEA) to be eligible for a personalized, competency-based learning early graduation reimbursement.
Subsection 53F-2-511(6)	Allows the Board to make rules for the administration of the Reimbursement Program for Early Graduation from Personalized, Competency-Based Learning.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No public comments received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it specifies additional criteria for a LEA to be eligible for a personalized, competency-based learning early graduation reimbursement. This rule also established requirements for the administration of the Reimbursement Program for Early Graduation from Personalized, Competency-Based Learning. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	09/03/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R277-914	Filing ID: 53984
Effective date:	09/03/2026	

1. Agency Information

Title catchline:	Education, Administration
Building:	Board of Education

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 144200
City, state and zip:	Salt Lake City, UT 84114-4200

2. Contact Persons

Name:	Phone:	Email:
Elisse Newey	801-538-7550	elisse.newey@schools.utah.gov

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

3. General Information

A. Rule catchline:
R277-914. Career and Technical Student Organizations

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Utah Constitution, Article X, Section 3	Vests general control and supervision over public education in the Utah State Board of Education (Board).
Subsection 53E-3-507(1)	Directs the Board to establish minimum standards for career and technical programs in the public education system.
Subsection 53E-3-507(3)	Directs the Board to cooperate with federal and state governments to administer programs which promote and maintain career and technical education.
Subsection 53E-3-401(4)	Allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No public comments received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it makes Career and technical student organizations programmatically and fiscally accountable to the Board and provides procedures and supervision toward that end. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Elisse Newey, Deputy Superintendent of Policy	Date:	09/03/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-110	Filing ID: 57883
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Effective date:	09/02/2026
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1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-110. General Requirements: State Implementation Plan

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Section 19-2-104	Section 19-2-104 gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS). Section 19-2-104 also allows the Board to adopt rules related to county vehicle emissions inspection and maintenance programs.
Clean Air Act	The Clean Air Act identifies requirements that states must submit to the Environmental Protection Agency as part of their State Implementation Plans (SIP) to maintain the NAAQS.

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:

The Utah SIP is a collection of emissions inventories, monitoring commitments, emission reduction strategies, emission budgets, and contingency measures used to implement, maintain, and enforce the NAAQS and to fulfill other requirements of the Clean Air Act.

Rule R307-110 incorporates by reference each section of the SIP into state rule and is necessary to maintain federal compliance and protect public health. Rule R307-110 is a federally approved rule and part of the SIP. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	08/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-120	Filing ID: 50572
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Effective date:	09/02/2026
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1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Section 19-12-201 and Section 19-12-202	Section 19-12-201 describes the sales and use tax exemptions for certain purchases or leases related to pollution control. Section 19-12-202 describes the certification requirements necessary before a person may claim a sales and use tax exemption related to pollution control.
Title 19, Chapter 12, Part 3	Title 19, Chapter 12, Part 3, describes the application and procedures for certification and revocation of certification of pollution control facilities and freestanding pollution control property. Section 19-12-305 provides the rulemaking authority given to the Air Quality Board to adopt rules regarding these certification procedures.

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:

Subsection 19-12-202(2) allows the director of the Division of Air Quality to issue or revoke certification of air pollution control equipment. Rule R307-120 establishes the application, issuance, exemption, and appeal procedures related to air pollution control equipment tax exemptions. This rule is necessary to fulfil the obligations of Subsection 19-12-202(2). Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	08/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-130	Filing ID: 50579
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Effective date:	09/02/2026
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1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-130. General Penalty Policy

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Section 19-2-104	Section 19-2-104 gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Section 19-2-115	Section 19-2-115 describes fines or penalties associated with violations of air quality rules, orders, or permits.

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:

Section 19-2-115 describes fines or penalties associated with violations of air quality rules, orders, or permits. Rule R307-130 describes the categories of violation and the penalty amounts and any adjustments allowed. This rule is necessary to address non-compliance with air quality rules, orders, and permits. Rule R307-130 is a federally approved rule and part of the Utah State Implementation Plan. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	08/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-135	Filing ID: 50578
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Effective date:	09/02/2026
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1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information**A. Rule catchline:**

R307-135. Enforcement Response Policy for Asbestos Hazard Emergency Response Act

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 19-2-104(1)(d)	Subsection 19-2-104(1)(d) gives authority to the Air Quality Board (Board) to adopt rules related to implementing the Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency Response, 15 U.S.C. 2601 et seq. and 40 CFR Part 763 and 40 CFR Part 61. The Board also has authority to review and approve asbestos management plans submitted by local education agencies.
Section 19-2-115	Section 19-2-115 describes fines or penalties associated with violations of air quality rules, orders, or permits.
Section 19-2-116	Section 19-2-116 describes injunction or other remedies to prevent violations of air quality rules, orders, or permits.

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:

Section 19-2-115 describes fines or penalties associated with violations of air quality rules, orders, or permits. Rule R307-135 is necessary because it details the enforcement policy for violations of the Asbestos Hazard Emergency Response Act and sets penalties for non-compliance. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	08/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-320	Filing ID: 50612
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Effective date:	09/02/2026
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1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-320. Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Section 19-2-104	Section 19-2-104 gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS). Subsection 19-2-104(1)(h) gives authority to the Board to adopt rules related to employer-based trip reduction programs in air quality nonattainment areas and for businesses with more than 100 employees at a single location. Subsection 19-2-104(2) requires the Board to consider the impact of the business on air quality and the need of the business to use automobiles to carry out business purposes when making rules related to employer-based trip reduction programs.
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

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:

Rule R307-320 details the employer-based trip reduction program for ozone maintenance areas in Utah and as a contingency measure for carbon monoxide in Ogden City. The purpose of this program is to reduce the number of measurable vehicle miles driven by employees commuting to and from work by requiring employers with work sites within ozone maintenance areas to implement strategies designed to reduce the employee drive-alone rate.

This rule is authorized under Subsection 19-2-104(1)(h) and remains necessary to allow employer-based trip reduction programs. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	08/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-325	Filing ID: 50614
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Effective date:	09/02/2026
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1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

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:

Rule R307-325 establishes the general requirements for control of volatile organic compounds in any nonattainment or maintenance area. This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	08/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-326	Filing ID: 50615
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Effective date:	09/02/2026
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1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

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:

The purpose of Rule R307-326 is to establish Reasonably Available Control Technology (RACT), as required by Section 182(b)(2)(A) of the Clean Air Act, for the control of hydrocarbon emissions from petroleum refineries that are located in ozone nonattainment and maintenance areas.

This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	08/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-327	Filing ID: 50616
Effective date:	09/02/2026	

1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.
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C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review of this rule.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The purpose of Rule R307-327 is to establish Reasonably Available Control Technology (RACT), as required by section 182(2)(A) of the Clean Air Act, for petroleum refineries and petroleum liquid storage facilities that are located in any ozone nonattainment or maintenance area.

This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	08/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-328	Filing ID: 55039
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Effective date:	09/02/2026
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1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information**A. Rule catchline:**

R307-328. Gasoline Transfer and Storage

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
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FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

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:

The purpose of Rule R307-328 is to establish requirements for the control of gasoline vapors during the filling of gasoline cargo tanks and storage tanks. This rule is based on federal stage I vapor recovery control technique guidance documents.

This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	08/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-335	Filing ID: 50621
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Effective date:	09/02/2026
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1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-335. Degreasing

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

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:

The purpose of Rule R307-335 is to limit volatile organic compound (VOC) emission from degreasing operations. This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	08/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-341	Filing ID: 50624
Effective date:	09/02/2026	

1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-341. Ozone Nonattainment and Maintenance Areas: Cutback Asphalt

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

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:

Rule R307-341 establishes Reasonably Achievable Control Technology (RACT) requirements for the use or application of cutback asphalt in ozone nonattainment and maintenance areas.

This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	08/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R307-343	Filing ID: 50630
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Effective date:	09/02/2026
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1. Agency Information

Title catchline:	Environmental Quality, Air Quality
Building:	Multi-Agency State Office Building
Street address:	195 N 1950 W
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144820
City, state and zip:	Salt Lake City, UT 84114-4820

2. Contact Persons

Name:	Phone:	Email:
Jazmine Lopez	801-536-4050	jazminelopez@utah.gov

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

3. General Information

A. Rule catchline:
R307-343. Wood Furniture Manufacturing Operations

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Section 19-2-101	Section 19-2-101 establishes the provisions for coordinated statewide programs for air pollution prevention, abatement, and control and to facilitate cooperation at state, local, and regional jurisdictional levels.
Subsection 19-2-104(1)(a)	Subsection 19-2-104(1)(a) gives authority to the Utah Air Quality Board to adopt rules including those that require air pollution sources to perform air quality monitoring and install controls to meet the National Ambient Air Quality Standards (NAAQS).
Clean Air Act Sections 182 and 189	Clean Air Act Sections 182 and 189 establish that states must submit provisions to the State Implementation Plan requiring the implementation of reasonable controls to meet ozone and particulate matter requirements, respectively.

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:

The purpose of Rule R307-343 is to limit volatile organic compound (VOC) emissions from wood furniture manufacturing operations.

This rule is federally approved, part of the Utah State Implementation Plan, and necessary to comply with Clean Air Act requirements and to protect public health. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Bryce C. Bird, Director, Division of Air Quality	Date:	08/12/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R414-510	Filing ID: 57859
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Effective date:	09/02/2026
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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:	288 N 1460 W
City, state and zip:	Salt Lake City, UT 84116

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 catchline:**

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

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 26B-1-213	Section 26B-1-213 authorizes the Department of Health and Human Services (department) to adopt rules as necessary to carry out the provisions of Title 26B, Utah Health and Human Services Code, including Medicaid program implementation.
Section 26B-3-108	Section 26B-3-108 requires the department to implement the Medicaid program through administrative rules.
Section 26B-6-402	Section 26B-6-402 sets forth provisions that promote independence, productivity, and integration in community life to serve people with disabilities.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The department received written comments since the last five-year review that expressed concern that adjustments to the 365-day length-of-stay requirement represent a meaningful shift from the original intent of the policy. The commenter expressed that providers for individuals with intellectual disabilities have operated under the understanding that a 365-day placement allows time to stabilize individuals and recover the significant costs associated with admission and care. According to the commenter, expanding the definition to include time spent in other settings such as hospitals, other nursing facilities, or group homes begins to erode that framework. This could place providers in a difficult position.

Additionally, the commenter explained that many step in to support individuals during complex or transitional periods in good faith and counting that time toward the 365-day requirement may result in providers not having sufficient time to offset the costs of care. Over time, the commenter believed this could create hesitation to accept or retain individuals with higher needs, which may limit access across the system.

The commenter further stated that the exception outlined in Subsection R414-510-3(2)(b) appears broad and may create challenges in consistent application. The commenter encouraged additional clarity or guardrails to ensure the 365-day requirement continues to serve the intended purpose of promoting stability and thoughtful transitions.

Similarly, the commenter felt the language in Subsection R414-510-3(2)(g)(ii) referencing a "special bond or relationship" would benefit from further definition. As written, the commenter said, this phrase leaves room for subjective interpretation, which could lead to inconsistencies in how this rule is applied.

Finally, the commenter expressed concern that Subsection R414-510-3(2)(g)(iii) would not maintain a level playing field among providers and encouraged careful consideration to ensure that policy decisions do not unintentionally favor one provider type over another, particularly when each provider is working to meet the needs of this population.

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 it implements the Intermediate Care Facility for Persons with Intellectual Disabilities (ICF) voluntary transition program, which allows an individual to transition from a privately-owned ICF to the Community Transitions Waiver. Without this rule, state oversight of this transition program would decrease and leave vulnerable populations at risk.

In response to the commenter, the department believes the 365-day length-of-stay provision should remain to include time spent in other settings, such as hospitals, other nursing facilities, or group homes. Since the inception of the program, the intent has been to assist individuals currently residing in ICFs to learn about their options, including the ability to remain in and continue receiving ICF services. For individuals selecting home and community-based services (HCBS), the department determined it would institute a yearlong waiting period with the intention to keep that requirement in place and accommodate breaks in stay within different types of settings, including HCBS programs.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

The commenter denoted an additional apprehension about multiple exceptions to the 365-day timeframe. Current exceptions are seldom granted, and any new exceptions are similarly expected to be quite uncommon. The language was selected in such a way as to contemplate specific types of scenarios yet broad enough to allow the consideration of a variety of circumstances within each scenario.

It is also important to note that in each case, apart from the closure of an ICF, exceptions require the submission of a written request including the rationale for the request and anticipated risk if the individual remains in the ICF. Moreover, the approval of such a written request must be made in concurrent agreement with the Division of Integrated Healthcare and the Division of Services for People with Disabilities. Within the span of a settlement agreement with the Disability Law Center, the department believes it has been judicious in making decisions about exceptions to the 365-day requirement with a limited number of approvals. Therefore, this rule should be continued.

When the department received requests that did not fit within the intended scope of this rule, the department denied those requests.

4. Agency Authorization Information

Agency head or designee and title:	Tracy S Gruber, Commissioner	Date:	09/02/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R850-13	Filing ID: 53747
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Effective date:	09/05/2026
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1. Agency Information

Title catchline:	School and Institutional Trust Lands, Administration
Building:	102 Tower
Street address:	102 S 200 E, #600
City, state:	Salt Lake City, UT
Mailing address:	102 S 200 E, #600
City, state and zip:	Salt Lake City, UT 84111

2. Contact Persons

Name:	Phone:	Email:
Mike Johnson	801-538-5180	mjohnson@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov

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

3. General Information

A. Rule catchline:
R850-13. Confidential Treatment of Proprietary Information

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 53C-1-302(1)(a)(ii)	The statute states the management of Trust Lands is through procedures and rules. Rule R850-13 gives the Agency independent authority how to manage the third-party information provided for business transactions as confidential.
Subsection 53C-2-102(3)	The statute gives the agency the right to adopt confidential information rules.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

	This rule is designed to permit the agency to treat third-party proprietary information as confidential and to more effectively transact business on trust lands.
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C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received by the agency about this rule since the new rule was proposed.

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 designed to permit the agency to treat third-party proprietary information as confidential and to more effectively transact business on trust lands. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Michelle McConkie, Director	Date:	09/05/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R850-140	Filing ID: 54814
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Effective date:	09/05/2026
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1. Agency Information

Title catchline:	School and Institutional Trust Lands, Administration
Building:	102 Tower
Street address:	102 S 200 E, #600
City, state:	Salt Lake City, UT
Mailing address:	102 S 200 E, #600
City, state and zip:	Salt Lake City, UT 84111

2. Contact Persons

Name:	Phone:	Email:
Mike Johnson	801-538-5180	mjohnson@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov

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

3. General Information

A. Rule catchline:
R850-140. Development Property

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 53C-2-201	The statute states the agency shall develop rules in detail of planning necessary for each category of activity on Trust Lands. Rule R850-140 allows the agency authorization of the planning development property on Trust Lands and how those transactions are implemented.
Subsection 53C-4-101(1)	Subsection 53C-4-101(3) authorizes the director to establish criteria by rule for the sale, exchange, lease, or other disposition or conveyance of trust lands.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

	This rule allows the School and Institutional Trust Lands Administration (SITLA) to designate certain trust lands for development activities and establish guidelines that will facilitate development to generate optimum revenue for the Trust.
Subsection 53C-4-103	The statute states the agency shall make rules to ensure that the value of the real property is congruent with the proposed price and other terms of purchase, sale, or exchange if the agency buys, sells, or exchanges the trust lands. This rule defines the specifics of selling the development property as a real estate transaction.

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 written comments have been received by the agency for this rule since the previous five-year review filed in September 2021.

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 allows SITLA to designate lands that have development potential to generate optimum revenue for the Trust as development properties.

Development transactions are very complex and the guidelines provided in this rule allow the agency to proceed in a more traditional, business-like approach rather than a governmental-like approach. Because real estate transactions are time sensitive, SITLA needs to be able to take advantage of opportunities as they arise and respond accordingly. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Michelle McConkie, Director	Date:	09/05/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R926-5	Filing ID: 52140
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Effective date:	09/09/2026
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1. Agency Information

Title catchline:	Transportation, Program Development
Building:	Calvin Rampton
Street address:	4501 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 148455
City, state and zip:	Salt Lake City, Utah 84114-8455

2. Contact Persons

Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov

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

3. General Information**A. Rule catchline:**

R926-5. State Park Access Highways Improvement Program

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 72-3-207

This rule authorizes the Department of Transportation (department) to administer the State Park Access Highways Improvement Program.

C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The department is still authorized to have this rule in place and is in the process of proposing amendments to this rule. Therefore, this rule should be continued.

4. Agency Authorization Information**Agency head or designee and title:**Carlos M Braceras, PE, Commissioner,
UDOT**Date:**

09/09/2026

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**Rule number:**

R930-5

Filing ID: 55103**Effective date:**

09/09/2026

1. Agency Information**Title catchline:**

Transportation, Preconstruction

Building:

Calvin Rampton

Street address:

4501 S 2700 W

City, state:

Taylorsville, UT

Mailing address:

PO Box 148455

City, state and zip:

Salt Lake City, UT 84114-8455

2. Contact Persons**Name:**

Leif Elder

Phone:

801-580-8296

Email:

lelder@utah.gov

James Godin

801-573-7181

jamesjgodin@agutah.gov

Lori Edwards

385-341-3414

loriedwards@agutah.gov

Please address questions regarding information on this notice to the persons listed above.**3. General Information****A. Rule catchline:**

R930-5. Establishment and Regulation of At-Grade Railroad Crossings

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 72-1-201	This section grants the Department of Transportation (department) general rulemaking authority.
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C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The department is still authorized to have this rule in place and is in the process of proposing amendments to this rule. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Carlos M Braceras, PE, Commissioner, UDOT	Date:	09/09/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R930-6	Filing ID: 52145
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Effective date:	09/10/2026
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1. Agency Information

Title catchline:	Transportation, Preconstruction
Building:	Calvin Rampton
Street address:	4501 S 2700 W
City, state:	Taylorsville, UT
Mailing address:	PO Box 148455
City, state and zip:	Salt Lake City, UT 84114-8455

2. Contact Persons

Name:	Phone:	Email:
Leif Elder	801-580-8296	lelder@utah.gov
James Godin	801-573-7181	jamesjgodin@agutah.gov
Lori Edwards	385-341-3414	loriedwards@agutah.gov

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

3. General Information**A. Rule catchline:**

R930-6. Access Management

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Section 72-1-201	This section grants the Department of Transportation (department) general rulemaking authority.
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C. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received since the last five-year review.

D. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The department is still authorized to have this rule in place. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Carlos M Braceras, PE, Commissioner, UDOT	Date:	09/10/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R993-100	Filing ID: 54949
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Effective date:	09/15/2026
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1. Agency Information

Title catchline:	Workforce Services, Rehabilitation
Building:	Olene Walker Building
Street address:	130 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 45244
City, state and zip:	Salt Lake City, UT 84145-0244

2. Contact Persons

Name:	Phone:	Email:
Robert Andreasen	801-517-4722	randreasen@utah.gov

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

3. General Information

A. Rule catchline:
R993-100. Authority, Purpose, and Administrative Review

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:

Subsection 35A-1-104(1)	Authorizes the Department of Workforce Services (Department), among other things, to adopt rules as authorized by Title 35A.
Section 35A-1-303	Authorizes the Department to adopt rules governing adjudicative procedures.
Section 35A-13-103	Places the Utah State Office of Rehabilitation under the direction of the Department and authorizes the Department in collaboration with the Utah State Office of Rehabilitation to adopt rules related to administering the state plan for vocational rehabilitation.

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 written 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 continues to be necessary because it provides standards and procedures for adjudication of disputes under the vocational rehabilitation program. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Casey R. Cameron, Commissioner	Date:	09/15/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R993-200	Filing ID: 54950
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Effective date:	09/15/2026
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1. Agency Information

Title catchline:	Workforce Services, Rehabilitation
Building:	Olene Walker Building
Street address:	130 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 45244
City, state and zip:	Salt Lake City, UT 84145-0244

2. Contact Persons

Name:	Phone:	Email:
Robert Andreasen	801-517-4722	randreasen@utah.gov

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

3. General Information

A. Rule catchline:
R993-200. Order of Selection

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 35A-1-104(1)	Authorizes the Department of Workforce Services (Department), among other things, to adopt rules as authorized by Title 35A.
Section 35A-13-103	Places the Utah State Office of Rehabilitation under the direction of the Department and authorizes the Department, in collaboration with the Utah State Office of Rehabilitation, to adopt rules related to administering the state plan for vocational rehabilitation.
29 U.S.C. 721	Directs the state agency responsible for administering the state plan for vocational rehabilitation services to establish eligibility criteria for individuals with the most significant disabilities.

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 written 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 continues to be necessary because it provides definitions and procedures for providing services and determining order of selection for services consistent with federal and state law. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Casey R. Cameron, Commissioner	Date:	09/15/2026
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule number:	R993-300	Filing ID: 54951
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Effective date:	09/15/2026
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1. Agency Information

Title catchline:	Workforce Services, Rehabilitation
Building:	Olene Walker Building
Street address:	130 E 300 S
City, state:	Salt Lake City, UT
Mailing address:	PO Box 45244
City, state and zip:	Salt Lake City, UT 84145-0244

2. Contact Persons

Name:	Phone:	Email:
Robert Andreasen	801-517-4722	randreasen@utah.gov

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

3. General Information

A. Rule catchline:
R993-300. Certification Requirements for Interpreters for the Deaf and Hard of Hearing

B. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:	
Subsection 35A-1-104(1)	Authorizes the Department of Workforce Services (Department), among other things, to adopt rules as authorized by Title 35A.
Section 35A-13-103	Places the Utah State Office of Rehabilitation under the direction of the Department and authorizes the Department in collaboration with the Utah State Office of Rehabilitation to adopt rules related to administering the state plan for vocational rehabilitation.
Section 35A-13-604	Directs the Utah State Office of Rehabilitation, Division of Services for the Deaf and Hard of Hearing, to prescribe certification qualifications and prescribe rules governing applications for certification.

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 written 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 continues to be necessary because it provides certification requirements and disciplinary procedures for interpreters for the hearing impaired. Therefore, this rule should be continued.

4. Agency Authorization Information

Agency head or designee and title:	Casey R Cameron, Commissioner	Date:	09/15/2026
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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.

Alcoholic Beverage Services

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

Commerce

Consumer Protection

No. 58115 (Repeal and Reenact) R152-11: Utah Consumer Sales Practices Act Rule

Published: 08/15/2026

Effective: 09/22/2026

Environmental Quality

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

NOTICES OF RULE EFFECTIVE DATES

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

Integrated Healthcare

No. 58114 (Amendment) R414-1: Utah Medicaid Program

Published: 08/01/2026

Effective: 09/21/2026

No. 58113 (Amendment) R414-505: Management Entity Updates

Published: 08/01/2026

Effective: 09/21/2026

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

Insurance

Administration

No. 58131 (Amendment) R590-238: Authorized Forms

Published: 08/15/2026

Effective: 09/24/2026

Natural Resources

Outdoor Recreation

No. 58110 (Amendment) R650-414: Nonresident OHV User Decals and Fees

Published: 08/01/2026

Effective: 09/09/2026

Forestry, Fire and State Lands

No. 58124 (Amendment) R652-126: Wildland Urban Interface Property

Published: 08/15/2026

Effective: 09/22/2026

No. 58125 (Amendment) R652-140: Utah Forest Practices Act
Published: 08/15/2026
Effective: 09/22/2026

Wildlife Resources

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

Public Service Commission

Administration

No. 58119 (Amendment) R746-409: Pipeline Safety
Published: 08/15/2026
Effective: 09/22/2026

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