

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed December 16, 2025, 12:00 a.m. through January 02, 2026, 11:59 p.m.

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Nancy L. Lancaster, Managing Editor

The *Utah State Digest (Digest)* 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 *Digest* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Digest* 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 *Digest* should be addressed to the contact person for the rule. Questions about the *Digest* 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 *Utah State Digest* summarizes the contents of the *Utah State Bulletin* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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## NOTICES OF PROPOSED RULES

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A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between December 16, 2025, 12:00 a.m., and January 02, 2026, 11:59 p.m. are included in this, the January 15, 2026, issue of the *Utah State Digest*.

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.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least February 17, 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 May 15, 2026, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Digest*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

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

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

---

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

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or section number:**

**R82-2**

**Filing ID: 57751**

**Agency Information**

|                             |   |                        |
|-----------------------------|---|------------------------|
| <b>1. Title catchline:</b>  | Alcoholic Beverage Services, Administration |                        |
| <b>Building:</b>            | Administration Building                     |                        |
| <b>Street address:</b>      | 1625 S 900 W                                |                        |
| <b>City, state:</b>         | Salt Lake City, UT                          |                        |
| <b>Mailing address:</b>     | 1625 S 900 W                                |                        |
| <b>City, state and zip:</b> | Salt Lake City, UT 84104                    |                        |
| <b>Contact persons:</b>     |   |                        |
| <b>Name:</b>                | <b>Phone:</b>                               | <b>Email:</b>          |
| Melissa Suarez              | 385-910-9823                                | melissasuarez@utah.gov |

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

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R82-2. Administration  |
| <b>4. Purpose of the new rule or reason for the change:</b>  |
| The purpose of this amendment is to remove outdated and difficult to interpret language related to the location of a type 2 or 3 package agency and to provide a process by which a type 2 or 3 package agency may request the Department of Alcoholic Beverage Services (department) extend the due date for payment of liquor to be sold at the package agency during times of economic hardship for the package agency. |
| <b>5. Summary of the new rule or change:</b>   |
| The rule change amends Section R82-2-305 to remove outdated and difficult to interpret language requiring a type 2 or 3 package agency to serve a population of at least 6,000 people.   |
| The rule change also amends Section R82-2-308 to create a process by which a type 2 or 3 package agency may request the department extend the due date for payment of liquor to be sold at the package agency during times of economic hardship for the package agency for a period of up to 30 days.  |

**Fiscal Information**

|   |
|---|
| <b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>  |
| <b>A. State budget:</b>   |
| There is no anticipated cost or savings to the state budget, as this amendment is clerical in nature and will have no impact on how the department functions or the parties this applies to.  |
| <b>B. Local governments:</b>  |
| This amendment is not expected to have a fiscal impact on local governments' revenues or expenditures because the amendment affects only the clarity of this rule and the potential economic hardship and payment obligations of the package agency operator with respect to payments owed to the department. |
| <b>C. Small businesses ("small business" means a business employing 1-49 persons):</b>  |
| This amendment is not expected to have a fiscal impact on small businesses, nor will a service be required of them to implement the amendments, because the amendment is clerical in nature and also affects only the package agency operators with respect to their payment obligations to the department.   |

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

This amendment is not expected to have a fiscal impact on non-small businesses, nor will a service be required of them to implement the amendments, because the amendment is clerical in nature and also affects only the package agency operators with respect to their payment obligations to the department.

**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 expected to have a fiscal impact on persons other than small businesses, non-small businesses, state or local government entities nor will a service be required of them to implement the amendments, because the amendment is clerical in nature and also affects only the package agency operators with respect to their payment obligations to the department.

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

There are no compliance costs for affected persons.

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

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

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

The Executive Director of the Department of Alcoholic Beverage Services, Ericka Evans, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

|                   |                   |  |
|-------------------|-------------------|--|
| Section 32B-2-202 | Section 32B-2-605 |  |
|-------------------|-------------------|--|

**Public Notice Information**

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

|  |            |
|--|------------|
| <b>A. Comments will be accepted until:</b> | 02/17/2026 |
|--|------------|

|  |            |
|--|------------|
| <b>10. This rule change MAY become effective on:</b> | 02/26/2026 |
|--|------------|

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

**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Brian Swan, Deputy Director of Legal and Regulatory Affairs | <b>Date:</b> | 12/29/2025 |
|---|---|--------------|------------|

**NOTICE OF SUBSTANTIVE CHANGE**

|                                  |                 |                         |
|----------------------------------|-----------------|-------------------------|
| <b>TYPE OF FILING:</b> Amendment |                 |                         |
| <b>Rule or section number:</b>   | <b>R156-47b</b> | <b>Filing ID:</b> 57754 |

**Agency Information**

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

**General Information**

|   |  |
|---|--|
| <b>2. Rule or section catchline:</b>  |  |
| R156-47b. Massage Therapy Practice Act Rule   |  |
| <b>3. Are any changes in this filing because of state legislative action?</b>   | Changes are because of legislative action. |
| <b>If yes, any bill number and session:</b>   | HB 278 (2025 General Session)              |
| <b>4. Purpose of the new rule or reason for the change:</b>   |  |
| <p>The Division of Professional Licensing (Division), in collaboration with the Massage Therapy and Acupuncture Licensing Board, is filing these amendments in accordance with statutory changes made by HB 278 that passed in the 2025 General Session and became effective 10/01/2025.</p> <p>HB 278 (2025) created additional pathways to licensure for massage assistants and amended certain other licensure requirements for individuals and required massage establishments to register with the Division and comply with certain standards and requirements.</p> <p>The proposed amendments also reorganize, streamline, and update this rule for clarity and to provide more utility for individual licensees and massage establishments, and to comply with the Rulewriting Manual for Utah.</p>  |  |
| <b>5. Summary of the new rule or change:</b>  |  |
| <p>Section R156-47b-102 is amended to update definitions and provide additional definitions relating to massage establishments and to supervision and education standards for individual licensees.</p> <p>Section R156-47b-202 is amended to update the composition of the Massage Therapy Education Peer Committee.</p> <p>Section R156-47b-302 is amended to clarify the requirements for licensure as a massage therapist through the massage school education pathway.</p> <p>Section R156-47b-302b regarding exam requirements is updated and renumbered to new Section R156-47b-302g.</p> <p>Section R156-47b-302c is renumbered to Section R156-47b-302b and is amended to clarify the requirements for licensure as a massage therapist through the massage apprenticeship program, including performing massage client services under the indirect supervision of a massage therapy supervisor.</p> |  |

New Section R156-47b-302c clarifies the requirements for licensure as a massage assistant through the massage school education pathway.

Section R156-47b-302d is amended to clarify the requirements for licensure as a massage assistant through the massage assistant-in-training pathway.

Section R156-47b-302e is amended to provide that the 300 hours of indirect supervision under Subsection 58-47b-301(5)(a)(ii) may include hours performed as supervised massage client services during education and training.

New Section R156-47b-302f consolidates and outlines the qualifications and requirements to be a massage therapy supervisor.

New Section R156-47b-302g was renumbered from Section R156-47b-302b and clarifies the requirements of the exam for each licensing pathway that requires an exam.

New Section R156-47b-302h establishes the required subject matter for the Massage Safety Permit Educational Module.

New Section R156-47b-302.2a clarifies and supplements the details for the application requirements for massage establishments registering with the Division.

New Section R156-47b-302.2b establishes the facility requirements for massage establishments registered with the Division.

New Section R156-47b-302.2c outlines the necessary records that a massage establishment must maintain and provide to the Division upon request.

New Section R156-47b-303.1 establishes the registration renewal date and process for registered massage establishments.

New Section R156-47b-306 establishes and clarifies the required contents of the client intake form.

Section R156-47b-502 is amended to clarify and update the rule's definitions of unprofessional conduct for individuals.

New Section R156-47b-502.1 establishes rule definitions of unprofessional conduct for massage establishments.

New Section R156-47b-503 establishes pursuant to Section 58-47b-503 the penalty schedule for acts of unprofessional conduct or unlawful conduct by an individual.

New Section R156-47b-503.1. establishes pursuant to Section 58-47b-503.1 the penalty schedule for acts of unprofessional conduct or unlawful conduct by a massage establishment.

New Section R156-47b-504 establishes and clarifies the requirements and processes for a sole practitioner who is renting or leasing to another sole practitioner.

New Section R156-47b-601 clarifies the processes for an administrative inspection of a massage establishment.

Additional nonsubstantive formatting changes are also made throughout this rule to clarify and update provisions and to comply with the Rulewriting Manual for Utah.

### Fiscal Information

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

##### A. State budget:

The Division does not anticipate any fiscal impact to the state budget beyond that determined by the fiscal note for HB 278 (2025), at <https://le.utah.gov/~2025/bills/static/HB0278.html>, because the proposed amendments are made in accordance with the statutory changes and requirements of HB 278 or they reorganize, streamline, and update this rule to provide more utility to licensees and registered massage establishments and comply with the Rulewriting Manual for Utah.

##### B. Local governments:

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

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

There are approximately 487 small businesses in Utah with massage therapists (NAICS 812199) and other licensees engaged in the practice of massage therapy and who may employ those engaged in the practice of massage therapy.

However, the proposed amendments are not expected to have any measurable impact on small business revenues or expenditures beyond that determined by the fiscal note for HB 278 (2025), at <https://le.utah.gov/~2025/bills/static/HB0278.html>, because the amendments merely implement the new registration and statutory changes enacted by HB 278 and reorganize, streamline, and update this rule to provide more utility to licensees and registered massage establishments and comply with the Rulewriting Manual for Utah.

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

There are approximately six non-small businesses in Utah with massage therapists (NAICS 812199) and other licensees engaged in the practice of massage therapy and who may employ those engaged in the practice of massage therapy.

However, the proposed amendments are not expected to have any measurable impact on small business revenues or expenditures beyond that determined by the fiscal note for HB 278 (2025), at <https://le.utah.gov/~2025/bills/static/HB0278.html>, because the amendments merely implement the new registration and statutory changes enacted by HB 278 and reorganize, streamline, and update this rule to provide more utility to licensees and registered massage establishments and comply with the Rulewriting Manual for Utah.

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

In Utah, there are approximately 7,388 licensed massage therapists, 181 licensed massage apprentices, 3 licensed massage assistants-in-training, and 2 licensed massage assistants.

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, because the amendments merely implement the new registration and statutory changes enacted by HB 278 (2025), and reorganize, streamline, and update the rule to provide more utility to licensees and registered massage establishments and comply with the Rulewriting Manual for Utah, and the proposed amendments will not create new obligations for other persons or increase the costs associated with any existing obligations for other persons.

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

As described in Box 6E for other persons, no compliance costs are expected for affected persons.

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

**Regulatory Impact Summary Table**

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

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

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

**Citation Information**

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

|                           |                           |                    |
|---------------------------|---------------------------|--------------------|
| Subsection 58-1-106(1)(a) | Subsection 58-1-202(1)(a) | Section 58-47b-101 |
|---------------------------|---------------------------|--------------------|

**Incorporation by Reference Information**

**8. Incorporation by Reference:**

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

|   |   |
|---|---|
| <b>Official Title of Materials Incorporated (from title page)</b> | Utah Massage Therapy Code of Ethics and Standards of Practice |
| <b>Publisher</b>  | Division of Professional Licensing                            |
| <b>Issue Date</b>   | October 2025  |

**Public Notice Information**

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

**A. Comments will be accepted until:** 02/17/2026

**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.):

| <b>Date:</b> | <b>Time:</b> | <b>Place (physical address or URL):</b>  |
|--------------|--------------|--|
| 01/28/2026   | 10:00 AM     | Google Meet joining info:<br>Video call link:<br><a href="https://meet.google.com/ymf-vmci-nkc">https://meet.google.com/ymf-vmci-nkc</a><br>Or dial: (US) +1 208-907-1936<br>PIN: 229 987 474#<br>More phone numbers:<br><a href="https://tel.meet/ymf-vmci-nkc?pin=9542045733974">https://tel.meet/ymf-vmci-nkc?pin=9542045733974</a><br>Anchor Location: North Conference Room<br>Heber M. Wells Building<br>160 E 300 S<br>Salt Lake City, UT 84111 |

**10. This rule change MAY become effective on:** 02/24/2026

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

**Agency Authorization Information**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Deborah Blackburn, Assistant Division Director | <b>Date:</b> | 12/31/2025 |
|---|--|--------------|------------|

**NOTICE OF SUBSTANTIVE CHANGE**

|  |                         |
|--|-------------------------|
| <b>TYPE OF FILING:</b> New             |                         |
| <b>Rule or section number:</b> R380-90 | <b>Filing ID:</b> 57746 |

**Agency Information**

|   |   |                        |
|---|---|------------------------|
| <b>1. Title catchline:</b>  | Health and Human Services, Administration |                        |
| <b>Building:</b>  | Multi-Agency State Office Building        |                        |
| <b>Street address:</b>  | 195 N 1950 W                              |                        |
| <b>City, state:</b>   | Salt Lake City, UT                        |                        |
| <b>Mailing address:</b>   | 195 N 1950 W                              |                        |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84116                  |                        |
| <b>Contact persons:</b>   |   |                        |
| <b>Name:</b>  | <b>Phone:</b>                             | <b>Email:</b>          |
| Lindsay Harris  | 385-315-0622                              | lindsayharris@utah.gov |
| Mariah Noble  | 385-214-1150                              | mariahnoble@utah.gov   |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |   |                        |

**General Information**

|  |  |
|--|--|
| <b>2. Rule or section catchline:</b>   |  |
| R380-90. Accounting and Protection of Federal Benefits for Minor Beneficiaries in Custody  |  |
| <b>3. Are any changes in this filing because of state legislative action?</b>  | Changes are because of legislative action. |
| <b>If yes, any bill number and session:</b>  | HB 302 (2025 General Session)              |
| <b>4. Purpose of the new rule or reason for the change:</b>  |  |
| HB 302, passed in the 2025 General Session, enacted Section 80-2-504, which requires the Department of Health and Human Services (department) to make rules to implement the requirements of the section and to provide for the accounting and protection of federal benefits for minor beneficiaries in the custody of the Division of Child and Family Services and Division of Juvenile Justice and Youth Services. |  |
| <b>5. Summary of the new rule or change:</b>   |  |
| This new rule implements the requirements of Section 80-2-504 and provides for the accounting and protection of federal benefits for minors in the Division of Child and Family Services or Division of Juvenile Justice and Youth Services custody, including establishing federal benefit criteria, providing definitions, and establishing policies, procedures, and safeguards.                                    |  |

**Fiscal Information**

|   |
|---|
| <b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>  |
| <b>A. State budget:</b>   |
| There is no anticipated cost or savings to the department as a result of this rule filing because any cost to the department is a result of HB 302 (2025), rather than this rule filing.  |
| This rule filing implements the administration of the requirements established in Section 80-2-504, enacted by HB 302 (2025), to provide for accounting and protection of federal benefits for minors, including criteria for the preservation of disbursement of a minor beneficiary's federal benefits, defining what constitutes good cause for the use of an account other than an ABLE account, safeguards to prevent the mismanagement of and protection against theft, loss, or misappropriation of minor beneficiary's federal benefits, and policies and procedures to ensure compliance with federal regulations. |
| Costs to the department have already been captured in a fiscal note for HB 302 (2025) can be viewed at <a href="https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0302S03.fn.pdf">https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/HB0302S03.fn.pdf</a> .  |
| Before HB 302 enacted Section 80-2-504, the department had been able to use the entirety of a minor beneficiary's federal benefits for any maintenance cost, as defined in Section 80-2-504. However, with the enactment of this statute, the department is limited to using up to 75% of those benefits for maintenance costs.   |
| The Legislature appropriated ongoing funds through SB 3 (2025), starting in FY 26, of \$795,200 in general funds and \$137,800 in federal funds to the department to help cover these additional costs. As these costs are already reflected in the fiscal notes for HB 302 and SB 3, they are not reflected in the regulatory impact summary table for this rule filing.   |

**B. Local governments:**

There is no anticipated fiscal impact to local governments as a result of this rule filing because this rule does not apply to local governments.

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

There is no anticipated fiscal impact to small businesses as a result of this rule filing because this rule does not apply to small businesses.

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

There is no anticipated fiscal impact to non-small businesses as a result of this rule filing because this rule does not apply to non-small businesses.

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

There is no anticipated cost or savings to other persons, identified as minor beneficiaries in the custody of the department, because this rule filing implements the administration of the requirements established in Section 80-2-504, and any potential indirect impacts on minor beneficiaries are related to the implementation of the bill rather than this rule filing.

As a result of HB 302 (2025), Section 80-2-504 limits the department's use of a minor's federal benefits for maintenance costs. The department is still responsible for covering maintenance costs, meaning that a minor beneficiary is not fiscally responsible for any additional costs and is not anticipated to see a change in non-fiscal benefits.

Additionally, because of Section 80-2-504, minor beneficiaries may have a larger portion of their federal benefits available to them when they leave department custody, but it is impossible to know how many minor beneficiaries will be released and the value of each beneficiary's benefits.

However, this would be a result of the bill and not of this rule filing.

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

There are no anticipated compliance costs for affected persons, identified as minor beneficiaries and the department, as a result of this rule filing.

Any cost to the department is a result of HB 302 (2025), rather than this rule filing, and there are no anticipated compliance costs to minor beneficiaries because any potential indirect fiscal impacts on minor beneficiaries are related to the implementation of the bill rather than this rule filing.

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

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

NOTICES OF PROPOSED RULES

|                              |            |            |            |            |            |
|------------------------------|------------|------------|------------|------------|------------|
| Other Persons                | \$0        | \$0        | \$0        | \$0        | \$0        |
| <b>Total Fiscal Benefits</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>   | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

**Citation Information**

**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**  
 Section 80-2-504

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**  
**A. Comments will be accepted until:** 02/17/2026

**10. This rule change MAY become effective on:** 02/24/2026  
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

|   |                                     |              |            |
|---|-------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 12/27/2025 |
|---|-------------------------------------|--------------|------------|

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** New  
**Rule or section number:** R500-4 **Filing ID:** 57747

**Agency Information**

|                             |  |                      |
|-----------------------------|--|----------------------|
| <b>1. Title catchline:</b>  | Health and Human Services, Ombudsman (Office of) |                      |
| <b>Building:</b>            | Multi-Agency State Office Building               |                      |
| <b>Street address:</b>      | 195 N 1950 W                                     |                      |
| <b>City, state:</b>         | Salt Lake City, UT                               |                      |
| <b>Mailing address:</b>     | PO Box 142003                                    |                      |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-2003                    |                      |
| <b>Contact persons:</b>     |  |                      |
| <b>Name:</b>                | <b>Phone:</b>                                    | <b>Email:</b>        |
| Sofia Latham                | 801-440-6775                                     | slatham1@utah.gov    |
| Angie McCourt               | 385-505-3502                                     | amccourt@utah.gov    |
| Mariah Noble                | 385-214-1150                                     | mariahnoble@utah.gov |

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

**General Information**

**2. Rule or section catchline:**  
 R500-4. Congregate Care Ombudsman Program

**3. Are any changes in this filing because of state legislative action?** Changes are because of legislative action.  
**If yes, any bill number and session:** SB 297 (2025 General Session)

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

SB 297, passed in the 2025 General Session, enacted Section 26B-2-124.2, which establishes the congregate care ombudsman and requires the Office of Licensing to make rules to implement and enforce that section.

In coordination with the Office of Licensing, the Office of Ombudsman determined that it is appropriate to also create this new rule, under the authority in Section 26B-1-202 given to the Department of Health and Human Services (department) to adopt rules necessary for providing health and social services to the people of Utah, to establish the Congregate Care Ombudsman Program.

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

This new rule defines and outlines the structure, roles, functions, and operational procedures for the Congregate Care Ombudsman Program.

This includes the process for the congregate care ombudsman to receive complaints, conduct an investigation, and request records, the process for a provider to provide records requested by the ombudsman and to file an appeal when the ombudsman makes recommendations that a provider does not agree with, requirements for a provider to allow a child to contact the ombudsman, and confidentiality of records.

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

There is no anticipated fiscal impact to the department as a result of this new rule, as any costs to the department for starting and maintaining the Congregate Care Ombudsman Program have already been accounted for in the fiscal note for SB 297 (2025), which can be viewed at <https://pf.utleg.gov/public-web/sessions/2025GS/fiscal-notes/SB0297S05.fn.pdf>.

That fiscal note for SB 297 (2025) accounts for an anticipated \$413,600 in costs to the department, related to personnel and operations in FY2026. This amount was calculated based on \$412,200 of ongoing costs and a one-time cost of \$1,400. The cost of \$412,200 is anticipated to be the annual cost of implementing the bill each year, starting in FY2027.

The department anticipates absorbing the \$1,400 one-time cost and \$600 of the ongoing costs within existing budgets. As these costs were captured in the bill's fiscal note, they are not reflected in the regulatory impact summary table for this filing.

**B. Local governments:**

This new rule is not anticipated to impact local governments' revenues or expenditures because local governments do not provide congregate care services and, therefore, are not affected by this rule.

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

This new rule is not anticipated to result in a cost or savings for small businesses providing congregate care services because this rule requires those businesses to post congregate care ombudsman information in their facilities and allow children to contact the ombudsman as needed.

These businesses are already required to post other information in facilities, provide children with the means to contact the Office of Licensing for complaints, and to have a process in place to resolve concerns with the Office of Licensing, so it is not anticipated that posting additional congregate care ombudsman information, providing children with the means to contact the Office of Ombudsman for complaints, or creating processes to resolve concerns with the Office of Ombudsman will result in any additional cost to the business.

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

This new rule is not anticipated to result in a cost or savings for non-small businesses providing congregate care services because this rule requires those businesses to post congregate care ombudsman information in their facilities and allow children to contact the ombudsman as needed.

These businesses are already required to post other information in facilities, provide children with the means to contact the Office of Licensing for complaints, and to have a process in place to resolve concerns with the Office of Licensing, so it is not anticipated that posting additional congregate care ombudsman information, providing children with the means to contact the Office of

Ombudsman for complaints, or creating processes to resolve concerns with the Office of Ombudsman will result in any additional cost to the 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*):

This rule is not anticipated to result in a cost or saving to persons other than small businesses, non-small businesses, state, or local governments, as it applies only to the department and congregate care providers.

There are no other persons affected by this rule filing.

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

There are no anticipated compliance costs for affected persons, identified as the department and small and non-small businesses providing congregate care services. Any cost to the department to implement this change was already identified in the fiscal note for SB 297 (2025) as a result of the bill and not as a result of the rule.

Affected businesses are already required to post other information in facilities, provide children with the means to contact the Office of Licensing for complaints, and to have a process in place to resolve concerns with the Office of Licensing, so it is not anticipated that the requirement to post additional congregate care ombudsman information, provide children with the means to contact the Office of Ombudsman for complaints, or creating processes to resolve concerns with the Office of Ombudsman will result in any additional cost to these businesses.

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

| Regulatory Impact Summary Table |            |            |            |            |            |
|---------------------------------|------------|------------|------------|------------|------------|
| Fiscal Cost                     | FY2026     | FY2027     | FY2028     | FY2029     | FY2030     |
| State Budget                    | \$0        | \$0        | \$0        | \$0        | \$40       |
| Local Governments               | \$0        | \$0        | \$0        | \$0        | \$0        |
| Small Businesses                | \$0        | \$0        | \$0        | \$0        | \$0        |
| Non-Small Businesses            | \$0        | \$0        | \$0        | \$0        | \$0        |
| Other Persons                   | \$0        | \$0        | \$0        | \$0        | \$0        |
| <b>Total Fiscal Cost</b>        | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| Fiscal Benefits                 | FY2026     | FY2027     | FY2028     | FY2029     | FY2030     |
| State Budget                    | \$0        | \$0        | \$0        | \$0        | \$0        |
| Local Governments               | \$0        | \$0        | \$0        | \$0        | \$0        |
| Small Businesses                | \$0        | \$0        | \$0        | \$0        | \$0        |
| Non-Small Businesses            | \$0        | \$0        | \$0        | \$0        | \$0        |
| Other Persons                   | \$0        | \$0        | \$0        | \$0        | \$0        |
| <b>Total Fiscal Benefits</b>    | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |
| <b>Net Fiscal Benefits</b>      | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

|                   |  |  |
|-------------------|--|--|
| Section 26B-1-202 |  |  |
|-------------------|--|--|

**Public Notice Information**

|   |            |
|---|------------|
| <b>9. The public may submit written or oral comments to the agency identified in box 1.</b> |            |
| <b>A. Comments will be accepted until:</b>  | 02/17/2026 |

|   |            |
|---|------------|
| <b>10. This rule change MAY become effective on:</b>  | 02/24/2026 |
| NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. |            |

**Agency Authorization Information**

|   |                                     |              |            |
|---|-------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 12/27/2025 |
|---|-------------------------------------|--------------|------------|

**NOTICE OF SUBSTANTIVE CHANGE**

|                                |          |                         |
|--------------------------------|----------|-------------------------|
| <b>TYPE OF FILING:</b> New     |          |                         |
| <b>Rule or section number:</b> | R501-19A | <b>Filing ID:</b> 57748 |

**Agency Information**

|                             |   |                        |
|-----------------------------|---|------------------------|
| <b>1. Title catchline:</b>  | Health and Human Services, Human Services Program Licensing |                        |
| <b>Building:</b>            | Multi-Agency State Office Building                          |                        |
| <b>Street address:</b>      | 195 N 1950 W  |                        |
| <b>City, state:</b>         | Salt Lake City, UT  |                        |
| <b>Mailing address:</b>     | PO Box 142003   |                        |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-2003                               |                        |
| <b>Contact persons:</b>     |   |                        |
| <b>Name:</b>                | <b>Phone:</b>   | <b>Email:</b>          |
| Kamille Sheikh              | 385-227-1290  | kamillesheikh@utah.gov |
| Jada Stelmach               | 801-230-4296  | jstelmach3@utah.gov    |
| Mariah Noble                | 385-214-1150  | mariahnoble@utah.gov   |

**General Information**

|  |  |
|--|--|
| <b>2. Rule or section catchline:</b>   |  |
| R501-19A. Residential Treatment, Congregate Care   |  |
| <b>3. Are any changes in this filing because of state legislative action?</b>  | Changes are because of legislative action. |
| <b>If yes, any bill number and session:</b>  | SB 297 (2025 General Session)              |
| <b>4. Purpose of the new rule or reason for the change:</b>  |  |
| <p>The purpose of this filing is to create a new rule that addresses the health and safety standards and statutory requirements of congregate care programs offering residential treatment services, regulated by the Office of Licensing (OL), under the Department of Health and Human Services (department).</p> <p>The new rule incorporates applicable provisions from Rule R501-1, General Provisions for Licensing, and Rule R501-19, Residential Treatment Programs, for congregate care providers offering residential treatment programs and complies with the rulemaking requirements in Sections 26B-2-124 and 26B-2-124.1, introduced in SB 297, passed in the 2025 General Session.</p> <p>SB 297 (2025) amended Section 26B-2-124 by adding definitions and requirements specific to congregate care program regulation and requiring OL to make rules describing additional mandatory provisions for a discharge plan, 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.</p> <p>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.</p> |  |

SB 297 (2025) also enacted Section 26B-2-124.1, which requires OL to make 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 the rule when the levels of congregate care have been determined.

The majority of congregate care providers were previously regulated under Rule R501-1, General Provisions for Licensing, and Rule R501-19, Residential Treatment Programs, and based on internal review and discussions with stakeholders, OL determined it was appropriate to create a new rule for residential treatment congregate care providers, to fulfill statutory requirements for oversight of these types of congregate care providers.

OL is currently conducting a comprehensive review of OL rules and will determine if additional rule types related to congregate care specialties are needed.

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

This new rule provides the basic health and safety requirements for congregate care programs offering residential treatment services.

This new rule also provides definitions and outlines criteria for a child to qualify as a candidate for and gain admission to a congregate care residential treatment program.

Additionally, this rule describes the Congregate Care Advisory Committee, requires providers to post and distribute a notice related to the congregate care ombudsman, and references applicable statute regarding provider requirements.

This new rule also outlines how OL, in consultation with the Congregate Care Advisory Committee, will define and assign the levels of congregate care to new and existing programs, as well as the process for reviewing initial and renewal applications for congregate care residential treatment providers.

The structure of this new rule follows the structure of other OL human services rules and includes penalty and background check sections congruent with any other rule under OL.

**Fiscal Information**

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

**A. State budget:**

This new rule is not anticipated to result in a cost or savings to the state budget as congregate care providers are already regulated by OL under other human services rules.

This new rule is specific to congregate care providers that offer residential treatment services. Some content in this rule previously existed in other human services rules, and this new stand-alone rule is intended to make clear the health and safety requirements for congregate care providers offering residential treatment services.

Any content that did not previously exist under other human services rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered in the fiscal note for SB 297 (2025).

Any new content in this rule related to a disruption 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 residential treatment services may be reduced as a result of this new rule 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://le.utah.gov/~2025/bills/static/SB0297.html>.

**B. Local governments:**

This new rule 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 congregate care residential treatment providers that qualify as local governments.

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

This new rule is not anticipated to result in a cost or savings for small businesses, as congregate care providers are already regulated by OL and have already been complying with this rule's requirements as part of OL's existing licensing process.

Any content that did not previously exist under other human services rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered under the state budget in fiscal note for SB 297 (2025).

Any new content in this rule related to a disruption 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.

Licensing reviews may be shorter due to less cumbersome content in the rule that does not apply to these licensees, but the time savings and conversion to monetary savings in provider hourly wages are inestimable due to the differences in pay scales and time spent on licensing compliance.

No new licensing processes have been added to increase costs for small business compliance.

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

This new rule is not anticipated to result in a cost or savings for non-small businesses, as congregate care providers are already regulated by OL.

Any content that did not previously exist under other human services rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered under the state budget in the fiscal note for SB 297 (2025).

Any new content in this rule related to a disruption 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.

Licensing reviews may be shorter due to less cumbersome content in the rule that does not apply to these licensees, but the time savings and conversion to monetary savings in provider hourly wages are inestimable due to the differences in pay scales and time spent on licensing compliance.

No new licensing processes have been added to increase costs for non-small business compliance.

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

This rule is not anticipated to result in a cost or saving to persons other than small businesses, non-small businesses, state, or local governments, as congregate care providers are already regulated by OL.

Any content that did not previously exist under other human services rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered under the state budget in the fiscal note for SB 297 (2025).

Any new content in this rule related to a disruption 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.

Licensing reviews may be shorter due to less cumbersome content in this rule that does not apply to these licensees, but the time savings and conversion to monetary savings in provider hourly wages are inestimable due to the differences in pay scales and time spent on licensing compliance.

No new licensing processes have been added to increase costs for persons other than small businesses, non-small businesses, state, or local government entities.

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

Affected persons would be the small businesses, non-small businesses, and persons other than small businesses, non-small businesses, state, or local government entities, including nonprofit entities, providing congregate care residential treatment services.

Additionally, OL, as the regulatory body for health and safety standards for human services providers, is affected by this new rule.

Any content that did not previously exist under other human services rules is based on new requirements for congregate care providers as a result of SB 297 (2025) and is related to admissions criteria and the responsibilities of the Congregate Care Advisory Committee created in Section 26B-1-204 and described in Section 26B-2-124.1, any costs for which have been identified and considered under the state budget in the fiscal note for SB 297 (2025 General Session).

Any new content in this rule related to a disruption 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.

There is no anticipated compliance cost for affected persons as a result of this rule. These providers are already regulated by OL and there is no anticipated cost associated with licensing reviews eliminating parts of the review that are not applicable to this provider type.

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

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

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

The Executive Director of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

|                   |                   |                     |
|-------------------|-------------------|---------------------|
| Section 26B-2-104 | Section 26B-2-124 | Section 26B-2-124.1 |
|-------------------|-------------------|---------------------|

**Incorporation by Reference Information**

|   |                                |
|---|--------------------------------|
| <b>8. Incorporation by Reference:</b>   |                                |
| <b>A. This rule adds or updates the following title of material incorporated by reference</b> (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i> ): |                                |
| <b>Official Title of Materials Incorporated (from title page)</b>   | 21 CFR 1301                    |
| <b>Publisher</b>  | Office of the Federal Register |
| <b>Issue Date</b>   | April 1, 2021                  |
| <b>Issue or Version</b>   | 2021                           |

**Public Notice Information**

|   |            |
|---|------------|
| <b>9. The public may submit written or oral comments to the agency identified in box 1.</b>                                     |            |
| <b>A. Comments will be accepted until:</b>  | 02/17/2026 |
| <b>10. This rule change MAY become effective on:</b>  | 02/24/2026 |
| NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. |            |

**Agency Authorization Information**

|   |                                     |              |            |
|---|-------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Tracy S. Gruber, Executive Director | <b>Date:</b> | 12/28/2025 |
|---|-------------------------------------|--------------|------------|

**NOTICE OF SUBSTANTIVE CHANGE**

|                                |          |                         |
|--------------------------------|----------|-------------------------|
| <b>TYPE OF FILING:</b> New     |          |                         |
| <b>Rule or section number:</b> | R652-126 | <b>Filing ID:</b> 57743 |

**Agency Information**

|   |   |                     |
|---|---|---------------------|
| <b>1. Title catchline:</b>  | Natural Resources, Forestry, Fire and State Lands |                     |
| <b>Building:</b>  | Wildland Fire Operations Center                   |                     |
| <b>Street address:</b>  | 3522 S 700 W                                      |                     |
| <b>City, state:</b>   | South Salt Lake, UT                               |                     |
| <b>Mailing address:</b>   | 3522 S 700 W                                      |                     |
| <b>City, state and zip:</b>   | South Salt Lake, UT 84119                         |                     |
| <b>Contact persons:</b>   |   |                     |
| <b>Name:</b>  | <b>Phone:</b>                                     | <b>Email:</b>       |
| Joseph Anderson   | 385-786-5588                                      | randerson3@utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |   |                     |

**General Information**

|   |  |
|---|--|
| <b>2. Rule or section catchline:</b>  |  |
| R652-126. Wildland Urban Interface Property   |  |
| <b>3. Are any changes in this filing because of state legislative action?</b>   | Changes are because of legislative action. |
| <b>If yes, any bill number and session:</b>   | HB 48 (2025 General Session)               |
| <b>4. Purpose of the new rule or reason for the change:</b>   |  |
| The purpose of this filing is to implement Article XVIII of the Utah Constitution, as well as Section 65A-8-203 and establish guidelines for the evaluation and classification of property within the wildland urban interface. |  |

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

This rule establishes guidelines for the evaluation and classification of property within the wildland urban interface.

**Fiscal Information**

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

**A. State budget:**

This rule is put in place according to HB 48, passed in the 2025 General Session, and all fiscal impact was accounted for in the fiscal note of that bill.

**B. Local governments:**

This rule is put in place according to HB 48 (2025), and all fiscal impact was accounted for in the fiscal note of that bill

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

This rule is put in place according to HB 48 (2025), and all fiscal impact was accounted for in the fiscal note of that bill

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

This rule is put in place according to HB 48 (2025), and all fiscal impact was accounted for in the fiscal note of that bill

**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 put in place according to HB 48 (2025), and all fiscal impact was accounted for in the fiscal note of that bill.

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

This rule is put in place according to HB 48 (2025), and all fiscal impact was accounted for in the fiscal note of that bill.

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

**Regulatory Impact Summary Table**

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

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

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

**Citation Information**

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

|                   |  |  |
|-------------------|--|--|
| Section 65A-8-203 |  |  |
|-------------------|--|--|

**Public Notice Information**

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

|  |            |
|--|------------|
| <b>A. Comments will be accepted until:</b> | 02/17/2026 |
|--|------------|

**10. This rule change MAY become effective on:** 02/24/2026

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

**Agency Authorization Information**

|   |                              |              |            |
|---|------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Jamie Barnes, State Forester | <b>Date:</b> | 12/22/2025 |
|---|------------------------------|--------------|------------|

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Repeal and Reenact

|                                |               |                         |
|--------------------------------|---------------|-------------------------|
| <b>Rule or section number:</b> | <b>R916-1</b> | <b>Filing ID:</b> 57738 |
|--------------------------------|---------------|-------------------------|

**Agency Information**

|                             |  |                        |
|-----------------------------|--|------------------------|
| <b>1. Title catchline:</b>  | Transportation, Operations, Construction |                        |
| <b>Building:</b>            | Calvin Rampton                           |                        |
| <b>Street address:</b>      | 4501 S 2700 W                            |                        |
| <b>City, state:</b>         | Taylorsville, UT                         |                        |
| <b>Mailing address:</b>     | PO Box 148455                            |                        |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-8455            |                        |
| <b>Contact persons:</b>     |  |                        |
| <b>Name:</b>                | <b>Phone:</b>                            | <b>Email:</b>          |
| Leif Elder                  | 801-580-8296                             | lelder@utah.gov        |
| Marlene Galindo             | 801-965-4026                             | mgalindo1@utah.gov     |
| James Godin                 | 801-573-7181                             | jamesjgodin@agutah.gov |
| Lori Edwards                | 385-341-3414                             | loriedwards@agutah.gov |

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

**General Information**

**2. Rule or section catchline:**  
R916-1. Advertising and Awarding Construction Contracts

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

These proposed changes are part of a comprehensive review of the Department of Transportation's (Department) project development rules and policies, which include this rule, and Rules R916-2, R916-3, and R916-4.

Because several subsections in this rule and in Rules R916-3 and R916-4 overlap, the Department is consolidating these three rules and bringing them into Rule R916-1 only.

Therefore, this filing repeals the current Rule R916-1. Rules R916-3 and R916-4 are also repealed in their current form and will be moved into the reenacted Rule R916-1.

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

This proposed repeal and reenact would:

- 1) consolidate this rule, and Rules R916-3, and R916-4 into one rule;
- 2) delete certain provisions related to joint ventures and prequalification so these provisions can be moved to Rule R916-2;
- 3) make needed updates for clarity and for streamlined processes; and
- 4) conform the new consolidated rule with the requirements of the Rulewriting Manual for Utah.

(EDITOR'S NOTES: The proposed repeal and reenact of Rule R916-2, ID 57739; the proposed repeal of Rule R916-3, ID 57744; and the proposed repeal of Rule R916-4, ID 57742, are in this issue, January 15, 2026, of the Utah State Bulletin.)

**Fiscal Information**

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

**A. State budget:**

There is no aggregate anticipated cost or savings to the state budget because this repeal and reenact is clerical in nature; no new obligations or duties are required by or taken away from the Department.

**B. Local governments:**

There is no aggregate anticipated cost or savings to local governments because this repeal and reenact is clerical in nature; no new obligations or duties are required by or taken away from local governments.

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

There is no aggregate anticipated cost or savings to small businesses because this repeal and reenact is clerical in nature; no new obligations or duties are required by or taken away from small businesses.

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

There is no aggregate anticipated cost or savings to non-small businesses because this repeal and reenact is clerical in nature; no new obligations or duties are required by or taken away from 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 aggregate anticipated cost or savings to other persons because this repeal and reenact is clerical in nature; no new obligations or duties are required by or taken away from other persons.

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

It will cost the Department nothing to adhere to the changes proposed in this repeal and reenact.

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

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

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

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

|                    |                     |                     |
|--------------------|---------------------|---------------------|
| Section 63G-6a-602 | Section 63G-6a-1302 | Section 63G-6a-1402 |
| Section 72-1-201   | Section 72-6-107    |                     |

**Public Notice Information**

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

**A. Comments will be accepted until:** 02/17/2026

**10. This rule change MAY become effective on:** 02/24/2026

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

**Agency Authorization Information**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Carlos M. Braceras, PE, Executive Director | <b>Date:</b> | 11/13/2025 |
|---|--|--------------|------------|

**NOTICE OF SUBSTANTIVE CHANGE**

|   |               |                         |
|---|---------------|-------------------------|
| <b>TYPE OF FILING:</b> Repeal and Reenact |               |                         |
| <b>Rule or section number:</b>            | <b>R916-2</b> | <b>Filing ID:</b> 57739 |

**Agency Information**

|                             |  |                        |
|-----------------------------|--|------------------------|
| <b>1. Title catchline:</b>  | Transportation, Operations, Construction |                        |
| <b>Building:</b>            | Calvin Rampton                           |                        |
| <b>Street address:</b>      | 4501 S 2700 W                            |                        |
| <b>City, state:</b>         | Taylorsville, UT                         |                        |
| <b>Mailing address:</b>     | PO Box 148455                            |                        |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-8455            |                        |
| <b>Contact persons:</b>     |  |                        |
| <b>Name:</b>                | <b>Phone:</b>                            | <b>Email:</b>          |
| Leif Elder                  | 801-580-8296                             | lelder@utah.gov        |
| Marlene Galindo             | 801-965-4026                             | mgalindo1@utah.gov     |
| James Godin                 | 801-573-7181                             | jamesjgodin@agutah.gov |
| Lori Edwards                | 385-341-3414                             | loriedwards@agutah.gov |

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

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R916-2. Prequalification of Contractors  |
| <b>4. Purpose of the new rule or reason for the change:</b>  |
| These proposed changes are part of a comprehensive review of the Department of Transportation's (Department) project development rules and policies, which include this rule, and Rules R916-1, R916-3, and R916-4.  |
| <b>5. Summary of the new rule or change:</b>   |
| The proposed rule changes would:<br>1) consolidate provisions related to joint ventures and prequalification that currently exist in Department Rules R916-1, R916-3, and R916-4;<br>2) clarifies that firms have to prequalify to bid on any project that involves specialty work regardless of the project's value;<br>3) make needed updates for clarity and for streamlined processes; and<br>4) conform with requirements of the Rulewriting Manual for Utah.<br><br>(EDITOR'S NOTES: The proposed repeal and reenact of Rule R916-1, ID 57738; the proposed repeal of Rule R916-3, ID 57744; and the proposed repeal of Rule R916-4, ID 57742, are in this issue, January 15, 2026, of the Utah State Bulletin.) |

**Fiscal Information**

| <b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |             |        |        |        |        |        |              |     |     |     |     |     |
|--|-------------|--------|--------|--------|--------|--------|--------------|-----|-----|-----|-----|-----|
| <b>A. State budget:</b>  |             |        |        |        |        |        |              |     |     |     |     |     |
| There is no aggregate anticipated cost or savings to the state budget because this repeal and reenact is clerical in nature; no new obligations or duties are required by or taken away from the Department.   |             |        |        |        |        |        |              |     |     |     |     |     |
| <b>B. Local governments:</b>   |             |        |        |        |        |        |              |     |     |     |     |     |
| There is no aggregate anticipated cost or savings to local governments because this repeal and reenact is clerical in nature; no new obligations or duties are required by or taken away from local governments.   |             |        |        |        |        |        |              |     |     |     |     |     |
| <b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):   |             |        |        |        |        |        |              |     |     |     |     |     |
| There is no aggregate anticipated cost or savings to small businesses because this repeal and reenact is clerical in nature; no new obligations or duties are required by or taken away from small businesses.   |             |        |        |        |        |        |              |     |     |     |     |     |
| <b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):   |             |        |        |        |        |        |              |     |     |     |     |     |
| There is no aggregate anticipated cost or savings to non-small businesses because this repeal and reenact is clerical in nature; no new obligations or duties are required by or taken away from non-small businesses.   |             |        |        |        |        |        |              |     |     |     |     |     |
| <b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i> ): |             |        |        |        |        |        |              |     |     |     |     |     |
| There is no aggregate anticipated cost or savings to other persons because this repeal and reenact is clerical in nature; no new obligations or duties are required by or taken away from other persons.   |             |        |        |        |        |        |              |     |     |     |     |     |
| <b>F. Compliance costs for affected persons:</b>   |             |        |        |        |        |        |              |     |     |     |     |     |
| It will cost the Department nothing to adhere to the changes proposed in this repeal and reenact.  |             |        |        |        |        |        |              |     |     |     |     |     |
| <b>G. Regulatory Impact Summary Table</b> (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)   |             |        |        |        |        |        |              |     |     |     |     |     |
| <b>Regulatory Impact Summary Table</b>   |             |        |        |        |        |        |              |     |     |     |     |     |
| <table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2026</th> <th>FY2027</th> <th>FY2028</th> <th>FY2029</th> <th>FY2030</th> </tr> </thead> <tbody> <tr> <td>State Budget</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>        | Fiscal Cost | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | State Budget | \$0 | \$0 | \$0 | \$0 | \$0 |
| Fiscal Cost  | FY2026      | FY2027 | FY2028 | FY2029 | FY2030 |        |              |     |     |     |     |     |
| State Budget   | \$0         | \$0    | \$0    | \$0    | \$0    |        |              |     |     |     |     |     |

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

**H. Department head comments on fiscal impact and approval of regulatory impact analysis:**  
 The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**  
 Section 72-1-201      Subsection 63G-6a-106(3)(a)

**Public Notice Information**

**9. The public may submit written or oral comments to the agency identified in box 1.**  
**A. Comments will be accepted until:**      02/17/2026

**10. This rule change MAY become effective on:**      02/24/2026  
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Carlos M. Braceras, PE, Executive Director | <b>Date:</b> | 11/13/2025 |
|---|--|--------------|------------|

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Repeal  
**Rule or section number:**      **R916-3**      **Filing ID:** 57744

**Agency Information**

|                             |  |
|-----------------------------|--|
| <b>1. Title catchline:</b>  | Transportation, Operations, Construction |
| <b>Building:</b>            | Calvin Rampton                           |
| <b>Street address:</b>      | 4501 S 2700 W                            |
| <b>City, state:</b>         | Taylorville, UT                          |
| <b>Mailing address:</b>     | PO Box 148455                            |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-8455            |

| <b>Contact persons:</b> |               |                        |
|-------------------------|---------------|------------------------|
| <b>Name:</b>            | <b>Phone:</b> | <b>Email:</b>          |
| Leif Elder              | 801-580-8296  | lelder@utah.gov        |
| Marlene Galindo         | 801-965-4026  | mgalindo1@utah.gov     |
| James Godin             | 801-573-7181  | jamesjgodin@agutah.gov |
| Lori Edwards            | 385-341-3414  | loriedwards@agutah.gov |

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

**General Information**

|  |
|--|
| <b>2. Rule or section catchline:</b>   |
| R916-3. Design Build Contracts   |
| <b>4. Purpose of the new rule or reason for the change:</b>  |
| This proposed repeal is part of a comprehensive review of the Department of Transportation's (Department) project development rules and policies, which include this rule, and Rules R916-1, R916-2, and R916-4.   |
| Because several subsections in this rule and in Rules R916-1 and R916-4 overlap, the Department is consolidating these three rules and bringing them into R916-1 only.   |
| Therefore, repeal is part of an effort of consolidating the provisions of Rule R916-3 into Rule R916-1.  |
| <b>5. Summary of the new rule or change:</b>   |
| This proposed repeal repeals this rule in its entirety.  |
| (EDITOR'S NOTES: The proposed repeal and reenact of Rule R916-1, ID 57738; the proposed repeal and reenact of Rule R916-2, ID 57739; and the proposed repeal of Rule R916-4, ID 57742, are in this issue, January 15, 2026, of the Utah State Bulletin.) |

**Fiscal Information**

|  |
|--|
| <b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A. State budget:</b>  |
| There is no aggregate anticipated cost or savings to the state budget because this repeal is clerical in nature; no new obligations or duties are required by or taken away from the Department.   |
| <b>B. Local governments:</b>   |
| There is no aggregate anticipated cost or savings to local governments because this repeal is clerical in nature; no new obligations or duties are required by or taken away from local governments.   |
| <b>C. Small businesses</b> ("small business" means a business employing 1-49 persons):   |
| There is no aggregate anticipated cost or savings to small businesses because this repeal is clerical in nature; no new obligations or duties are required by or taken away from small businesses.   |
| <b>D. Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):   |
| There is no aggregate anticipated cost or savings to non-small businesses because this repeal is clerical in nature; no new obligations or duties are required by or taken away from non-small businesses.   |
| <b>E. Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ): |
| There is no aggregate anticipated cost or savings to other persons because this repeal is clerical in nature; no new obligations or duties are required by or taken away from other persons.   |

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

It will cost the Department nothing to adhere to the changes proposed in this repeal.

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

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

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

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

Subsection 63G-6a-1402(3)(a)      Section 72-2-201      Section 72-2-206

**Public Notice Information**

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

**A. Comments will be accepted until:**      02/17/2026

**10. This rule change MAY become effective on:**      02/24/2026

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

**Agency Authorization Information**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Carlos M. Braceras, PE, Executive Director | <b>Date:</b> | 11/13/2025 |
|---|--|--------------|------------|

**NOTICE OF SUBSTANTIVE CHANGE**

|                                |        |                   |       |
|--------------------------------|--------|-------------------|-------|
| <b>TYPE OF FILING:</b>         | Repeal |                   |       |
| <b>Rule or section number:</b> | R916-4 | <b>Filing ID:</b> | 57742 |

**Agency Information**

|   |  |                        |
|---|--|------------------------|
| <b>1. Title catchline:</b>  | Transportation, Operations, Construction |                        |
| <b>Building:</b>  | Calvin Rampton                           |                        |
| <b>Street address:</b>  | 4501 S 2700 W                            |                        |
| <b>City, state:</b>   | Taylorsville, UT                         |                        |
| <b>Mailing address:</b>   | PO Box 148455                            |                        |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-8455            |                        |
| <b>Contact persons:</b>   |  |                        |
| <b>Name:</b>  | <b>Phone:</b>                            | <b>Email:</b>          |
| Leif Elder  | 801-580-8296                             | lelder@utah.gov        |
| Marlene Galindo   | 801-965-4026                             | mgalindo1@utah.gov     |
| James Godin   | 801-573-7181                             | jamesjgodin@agutah.gov |
| Lori Edwards  | 385-341-3414                             | loriedwards@agutah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |  |                        |

**General Information**

|   |
|---|
| <b>2. Rule or section catchline:</b>  |
| R916-4. Construction Manager/General Contractor and Progressive Construction Manager/General Contractor Contracts   |
| <b>4. Purpose of the new rule or reason for the change:</b>   |
| <p>This proposed repeal is part of a comprehensive review of the Department of Transportation's (Department) project development rules and policies, which include this rule, and Rules R916-1, R916-2, and R916-3.</p> <p>Because several subsections in this rule and in Rules R916-1 and R916-3 overlap, the Department is consolidating these three rules and bringing them into Rule R916-1 only.</p> <p>Therefore, repeal is part of an effort of consolidating the provisions of Rule R916-4 into Rule R916-1.</p> |
| <b>5. Summary of the new rule or change:</b>  |
| <p>This proposed repeal repeals this rule in its entirety.</p> <p>(EDITOR'S NOTES: The proposed repeal and reenact of Rule R916-1, ID 57738; the proposed repeal and reenact of Rule R916-2, ID 57739; and the proposed repeal of Rule R916-3, ID 57744, are in this issue, January 15, 2026, of the Utah State Bulletin.)</p>  |

**Fiscal Information**

|  |
|--|
| <b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |
| <b>A. State budget:</b>  |
| There is no aggregate anticipated cost or savings to the state budget because this repeal is clerical in nature; no new obligations or duties are required by or taken away from the Department.     |
| <b>B. Local governments:</b>   |
| There is no aggregate anticipated cost or savings to local governments because this repeal is clerical in nature; no new obligations or duties are required by or taken away from local governments. |
| <b>C. Small businesses ("small business" means a business employing 1-49 persons):</b>   |
| There is no aggregate anticipated cost or savings to small businesses because this repeal is clerical in nature; no new obligations or duties are required by or taken away from small businesses.   |

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

There is no aggregate anticipated cost or savings to non-small businesses because this repeal is clerical in nature; no new obligations or duties are required by or taken away from 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 aggregate anticipated cost or savings to other persons because this repeal is clerical in nature; no new obligations or duties are required by or taken away from other persons.

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

It will cost the Department nothing to adhere to the changes proposed in this repeal.

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

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

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

The Executive Director of the Department of Transportation, Carlos M. Braceras, PE, has reviewed and approved this regulatory impact analysis.

**Citation Information**

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

|                    |                           |                     |
|--------------------|---------------------------|---------------------|
| Section 63G-6a-106 | Section 63G-6a-702        | Section 63G-6a-1302 |
| Section 63G-3-201  | Subsection 72-1-201(1)(h) |                     |

**Public Notice Information**

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

**A. Comments will be accepted until:** 02/17/2026

**10. This rule change MAY become effective on:** 02/24/2026

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

**Agency Authorization Information**

|   |  |              |            |
|---|--|--------------|------------|
| <b>Agency head or designee and title:</b> | Carlos M. Braceras, PE, Executive Director | <b>Date:</b> | 11/13/2025 |
|---|--|--------------|------------|

**End of the Notices of Proposed Rules Section**

## NOTICES OF CHANGES IN PROPOSED RULES

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After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends February 17, 2026.

From the end of the 30-day waiting period through May 15, 2026, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

**CHANGES IN PROPOSED RULES** are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

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

| <b>NOTICE OF SUBSTANTIVE CHANGE</b>                  |                   |                         |
|--|-------------------|-------------------------|
| <b>TYPE OF FILING:</b> CPR (Change in Proposed Rule) |                   |                         |
| <b>Rule or section number:</b>                       | <b>R152-76</b>    | <b>Filing ID: 57660</b> |
| <b>Date of previous publication (only for CPRs):</b> | <b>12/01/2025</b> |                         |

**Agency Information**

|   |                               |                   |
|---|-------------------------------|-------------------|
| <b>1. Title catchline:</b>  | Commerce, Consumer Protection |                   |
| <b>Building:</b>  | Heber Wells Bldg              |                   |
| <b>Street address:</b>  | 160 E 300 S                   |                   |
| <b>City, state:</b>   | Salt Lake City, UT            |                   |
| <b>Mailing address:</b>   | PO Box 146704                 |                   |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-6704 |                   |
| <b>Contact persons:</b>   |                               |                   |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>     |
| Daniel Larsen   | 801-530-6601                  | dcprules@utah.gov |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                   |

**General Information**

|  |  |
|--|--|
| <b>2. Rule or section catchline:</b>   |  |
| R152-76. App Store Accountability Act Rule   |  |
| <b>3. Are any changes in this filing because of state legislative action?</b>  | Changes are because of legislative action. |
| <b>If yes, any bill number and session:</b>  | SB 142 (2025 General Session)              |
| <b>4. Purpose of the new rule or reason for the change:</b>  |  |
| The change to the proposed new rule is designed to clarify that there are multiple methods a regulated entity may use to conform to the App Store Accountability Act's requirements.   |  |
| <b>5. Summary of the new rule or change:</b>   |  |
| This change modifies the proposed rule to include an express reference to Subsection 13-76-201(1)(a)(ii)(A) in response to feedback, renumbers sections to accommodate the changed language, and corrects a terminology error.   |  |
| (EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the December 1, 2025, issue of the Utah State Bulletin, on page 8. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.) |  |

**Fiscal Information**

|  |  |
|--|--|
| <b>6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>   |  |
| <b>A. State budget:</b>  |  |
| This change is not anticipated to create costs or savings to the state budget because it does not impose requirements or other obligations on the state or its agencies. |  |
| <b>B. Local governments:</b>   |  |
| This change is not anticipated to create costs or savings to local governments because it does not impose requirements or other obligations upon local governments.      |  |

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

This change is not anticipated to create costs or savings to small businesses because it does not impose new requirements or other obligations upon small businesses.

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

This change is not anticipated to create costs or savings to non-small businesses because it does not impose new requirements or other obligations upon 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 change is not anticipated to have a fiscal impact on persons other than small businesses, non-small businesses, state, or local government entities) because it does not impose new requirements or other obligations.

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

This change is not expected to alter compliance costs for affected persons because it does not impose new requirements or other obligations.

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

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

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

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

**Citation Information**

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

|                                   |                   |  |
|-----------------------------------|-------------------|--|
| Subsection 13-76-201(1)(a)(ii)(B) | Section 13-76-301 |  |
|-----------------------------------|-------------------|--|

**Public Notice Information**

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

|  |            |
|--|------------|
| <b>A. Comments will be accepted until:</b> | 04/24/2026 |
|--|------------|

|  |            |
|--|------------|
| <b>10. This rule change MAY become effective on:</b> | 05/01/2026 |
|--|------------|

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

**Agency Authorization Information**

|   |                                 |              |            |
|---|---------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Daniel Larsen, Managing Analyst | <b>Date:</b> | 12/16/2025 |
|---|---------------------------------|--------------|------------|

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** CPR (Change in Proposed Rule)

|                                |                 |                         |
|--------------------------------|-----------------|-------------------------|
| <b>Rule or section number:</b> | <b>R590-291</b> | <b>Filing ID:</b> 57607 |
|--------------------------------|-----------------|-------------------------|

|  |                   |
|--|-------------------|
| <b>Date of previous publication (only for CPRs):</b> | <b>11/15/2025</b> |
|--|-------------------|

**Agency Information**

|                             |                                    |                 |
|-----------------------------|------------------------------------|-----------------|
| <b>1. Title catchline:</b>  | Insurance, Administration          |                 |
| <b>Building:</b>            | Taylorsville State Office Building |                 |
| <b>Street address:</b>      | 4315 S 2700 W                      |                 |
| <b>City, state:</b>         | Taylorsville, UT                   |                 |
| <b>Mailing address:</b>     | PO Box 146901                      |                 |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-6901      |                 |
| <b>Contact persons:</b>     |                                    |                 |
| <b>Name:</b>                | <b>Phone:</b>                      | <b>Email:</b>   |
| Steve Gooch                 | 801-957-9322                       | sgooch@utah.gov |

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

**General Information**

**2. Rule or section catchline:**

R590-291. Use of Fire Hazard Data in Rating and Underwriting

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

The Department of Insurance is changing the effective date of this proposed rule to give insurers more time to comply.

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

The change delays the effective date of this rule to 07/01/2026.

(EDITOR'S NOTE: The original proposed new rule upon which this change in proposed rule (CPR) was based was published in the November 15, 2025, issue of the Utah State Bulletin, on page 131. Underlining in the rule below indicates text that has been added since the publication of the proposed new rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

**Fiscal Information**

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

**A. State budget:**

There is no anticipated cost or savings to the state budget. The change merely delays the effective date and does not change the amount or type of work the state will accomplish.

**B. Local governments:**

There is no anticipated cost or savings to local governments. Local governments will not be impacted by this rule in any way.

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

There is no anticipated cost or savings to small businesses. All affected property and casualty insurance companies active in the state have more than 50 employees.

Small businesses will not be impacted by this rule in any way.

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

There is no anticipated cost or savings to non-small businesses.

The change merely delays the effective date of the rule; property and casualty insurers will still be required to comply, just at a later date.

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

There is no anticipated cost or savings to any other persons.

This rule only applies to property and casualty insurance companies and will not impact any other persons.

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

There are no compliance costs for any affected parties.

The change merely delays the effective date of this rule; affected property and casualty insurers will still be required to comply, just at a later date.

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

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

NOTICES OF CHANGES IN PROPOSED RULES

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

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

**Citation Information**

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

|                   |                     |  |
|-------------------|---------------------|--|
| Section 31A-2-201 | Section 31A-22-1310 |  |
|-------------------|---------------------|--|

**Public Notice Information**

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

**A. Comments will be accepted until:** 02/17/2026

**10. This rule change MAY become effective on:** 02/24/2026

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

**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Steve Gooch, Public Information Officer | <b>Date:</b> | 12/18/2025 |
|---|---|--------------|------------|

**End of the Notices of Changes in Proposed Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at [adminrules.utah.gov](http://adminrules.utah.gov). The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

**REVIEWS** are governed by Section 63G-3-305.

## NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

|                        |                   |                         |
|------------------------|-------------------|-------------------------|
| <b>Rule number:</b>    | <b>R51-3</b>      | <b>Filing ID: 57638</b> |
| <b>Effective date:</b> | <b>12/23/2025</b> |                         |

### Agency Information

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

### General Information

|   |  |
|---|--|
| <b>2. Rule catchline:</b>   |  |
| R51-3. Government Records Access Management Act   |  |
| <b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b> |  |
| Section 63G-2-204   | This section authorizes agencies to make rules specifying where and to whom record requests must be directed.          |
| Section 63A-12-104  | Authorizes an agency to make a rule regarding which level within the agency will undertake the requirements as listed. |

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

The Department of Agriculture and Food (department) has not received any public comments regarding this rule over the last five years.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is necessary because it provides essential instructions for the public to direct record requests to the specific division holding the files, ensuring a faster and more accurate response. The department has already streamlined the text to remove redundant language, resulting in a rule that is simple, clear, and compliant with the law. Therefore, this rule should be continued.

**Agency Authorization Information**

|   |                             |              |            |
|---|-----------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Kelly Pehrson, Commissioner | <b>Date:</b> | 12/23/2025 |
|---|-----------------------------|--------------|------------|

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

|                        |                   |                   |              |
|------------------------|-------------------|-------------------|--------------|
| <b>Rule number:</b>    | <b>R131-4</b>     | <b>Filing ID:</b> | <b>50212</b> |
| <b>Effective date:</b> | <b>12/26/2025</b> |                   |              |

**Agency Information**

|                             |  |                    |  |
|-----------------------------|--|--------------------|--|
| <b>1. Title catchline:</b>  | Capitol Preservation Board (State), Administration |                    |  |
| <b>Building:</b>            | Utah State Capitol Building                        |                    |  |
| <b>Street address:</b>      | 350 N State Street, Suite 120                      |                    |  |
| <b>City, state:</b>         | Salt Lake City, UT                                 |                    |  |
| <b>Mailing address:</b>     | PO Box 142110                                      |                    |  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84114-2110                      |                    |  |
| <b>Contact persons:</b>     |  |                    |  |
| <b>Name:</b>                | <b>Phone:</b>                                      | <b>Email:</b>      |  |
| Paul Tonks                  | 385-266-4104                                       | phtonks@agutah.gov |  |

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

**General Information**

|  |  |
|--|--|
| <b>2. Rule catchline:</b>  |  |
| R131-4. Capitol Preservation Board General Procurement Rule  |  |
| <b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b>                                    |  |
| Subsection 63O-2-301(2)(a)   | Authorization for the Capitol Improvement Board to implement administrative rules to govern, administer, and regulate capitol hill.                                    |
| Subsection 63O-2-301(3)  | Authorization for the Capitol Improvement Board to implement rules that are substantially similar to the requirements of Title 63G, Chapter 6a, Utah Procurement Code. |
| <b>4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:</b> |  |
| No comments have been received since the last five-year review of this rule.   |  |

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This administrative rule is necessary for the Capitol Improvement Board to substantially comply with the requirements of the Utah Procurement Code while also being an Independent Procurement Unit as defined by Subsection 63G-6a-103(40)(f). Therefore, this rule should be continued.

**Agency Authorization Information**

|   |   |              |            |
|---|---|--------------|------------|
| <b>Agency head or designee and title:</b> | Dana Jones, Executive Director, Capitol Improvement Board | <b>Date:</b> | 12/26/2025 |
|---|---|--------------|------------|

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

|                        |                   |                         |
|------------------------|-------------------|-------------------------|
| <b>Rule number:</b>    | <b>R162-2g</b>    | <b>Filing ID: 56995</b> |
| <b>Effective date:</b> | <b>12/30/2025</b> |                         |

**Agency Information**

|   |                               |                       |
|---|-------------------------------|-----------------------|
| <b>1. Title catchline:</b>  | Commerce, Real Estate         |                       |
| <b>Building:</b>  | Heber Wells Building          |                       |
| <b>Street address:</b>  | 160 E 300 S                   |                       |
| <b>City, state:</b>   | Salt Lake City, UT            |                       |
| <b>Mailing address:</b>   | PO Box 146711                 |                       |
| <b>City, state and zip:</b>   | Salt Lake City, UT 84114-6711 |                       |
| <b>Contact persons:</b>   |                               |                       |
| <b>Name:</b>  | <b>Phone:</b>                 | <b>Email:</b>         |
| Justin Barney   | 801-530-6603                  | justinbarney@utah.gov |
| Tyler Huff  | 801-530-6284                  | tylerhuff@utah.gov    |
| <b>Please address questions regarding information on this notice to the persons listed above.</b> |                               |                       |

**General Information**

|   |  |
|---|--|
| <b>2. Rule catchline:</b>   |  |
| R162-2g. Real Estate Appraiser Licensing and Certification Administrative Rules   |  |
| <b>3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:</b> |  |
| Subsection 61-2g-102(2),  | Authorizes rulemaking authority to define a term not defined by statute.   |
| Subsection 61-2g-201(2)(h)  | Requires the Division of Real Estate (division), with the concurrence of the board, to adopt rules for the administration of the Real Estate Appraiser Licensing and Certification Act, Title 61, Chapter 2g.<br><br>Rules are not to be inconsistent with Title 61, Chapter 2g, the constitution and laws of the state, or the constitution and laws United States. |
| Subsection 61-2g-205(5)   | Authorizes the board, with the concurrence of the division, to make a rule for the exemption from a provision of the Uniform Standards of Professional Appraisal Practice (USPAP) for an activity engaged in on behalf of a governmental entity or the act of an individual licensed or certified when providing an evaluation.                                      |
| Subsection 61-2g-302(2)   | Requires the board, with the concurrence of the division, to make rules for appraiser trainee registration and renewal of registration.  |

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

|                           |   |
|---------------------------|---|
| Subsection 61-2g-304.5(8) | Authorizes the commission (board), with the concurrence of the division, to make rules about the criminal background check and ongoing monitoring required of an individual applying for appraiser licensure, certification, or registration. |
| Subsection 61-2g-306(2)   | Authorizes the division to make a rule about the subject matter for continuing education required of an applicant seeking reinstatement of an appraiser credential.   |
| Section 61-2g-307         | Authorizes the division, with the concurrence of the board, to adopt rules regarding continuing education requirements.   |
| Section 61-2g-308         | Requires the board to make rules establishing the duration and procedures for renewal of a temporary permit by a nonresident applicant.   |
| Section 61-2g-311         | Requires the division, with the concurrence of the board, to make rules that establish educational and experience requirements to qualify as a state-licensed appraiser.  |
| Subsection 61-2g-313(3)   | Requires the division, with the concurrence of the board, to make rules that establish educational and experience requirements to qualify as a state-certified residential appraiser.   |
| Subsection 61-2g-314(3)   | Requires the division, with the concurrence of the board, to make rules that establish educational and experience requirements to qualify as a state-certified general appraiser.   |
| Section 61-2g-401         | Authorizes the board, with the concurrence of the division, to make rules regarding the signing of an appraisal report and the disclosure and use of a division-assigned credential, registration, license, or certification number.          |
| Section 61-2g-403         | Authorizes the board, with the concurrence of the division, to make a rule that exempts a person licensed, certified, or registered from complying with USPAP for an activity that the person engages in on behalf of a governmental entity.  |
| Section 61-2g-502         | Authorizes the division to establish by rule a collection process for the collection of a fine not paid by the stated deadline in an order issued by the board or division.   |

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

This rule was reviewed and continued in 2021. It was amended in 2022, and again February 25, 2025.

Prior to adopting the proposed amendment to the rule in 2022, the proposed amendment was discussed during public meetings of the Real Estate Appraiser Licensing and Certification Board. On July 29, 2022, the Appraisal Institute provided a letter with some suggestions for the proposed amendment and expressing support for the then proposed amendment that would provide an alternative experience path for an appraiser applicant to qualify for a state-licensed or a state-certified credential.

On September 28, 2022, the division and board carefully considered all public comment made during meetings of the board and the written comment received from the Appraisal Institute.

No public comment was received opposing the adoption of the proposed rule amendments in 2022 or 2025, and the division received no comments opposing the rule itself. The proposed rule amendments were both approved and adopted.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

The statutory requirements, outlined in Box 3 of this Rule Analysis, provide the basis for this rule and the expectation and need for its continued existence. The board and the division have carefully considered all public comments regarding this rule and amendments to this rule. This rule, as amended, is required by statute. Therefore, this rule should be continued.

There have been no comments received in opposition to this rule.

**Agency Authorization Information**

|   |                                    |              |            |
|---|------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Leigh Veillette, Division Director | <b>Date:</b> | 12/19/2025 |
|---|------------------------------------|--------------|------------|

**NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION**

|                        |                   |                   |              |
|------------------------|-------------------|-------------------|--------------|
| <b>Rule number:</b>    | <b>R805-5</b>     | <b>Filing ID:</b> | <b>54650</b> |
| <b>Effective date:</b> | <b>12/17/2025</b> |                   |              |

**Agency Information**

|                             |   |  |  |
|-----------------------------|---|--|--|
| <b>1. Title catchline:</b>  | Higher Education (Board of), University of Utah, Administration |  |  |
| <b>Building:</b>            | Park Building   |  |  |
| <b>Street address:</b>      | 201 S President's Circle  |  |  |
| <b>City, state:</b>         | Salt Lake City, UT  |  |  |
| <b>Mailing address:</b>     | 201 S President's Circle, Room 309                              |  |  |
| <b>City, state and zip:</b> | Salt Lake City, UT 84112-9009                                   |  |  |

|                         |               |                        |  |
|-------------------------|---------------|------------------------|--|
| <b>Contact persons:</b> |               |                        |  |
| <b>Name:</b>            | <b>Phone:</b> | <b>Email:</b>          |  |
| Allyson Hicks           | 801-587-2357  | allyson.hicks@utah.edu |  |

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

**General Information**

|                           |   |  |  |
|---------------------------|---|--|--|
| <b>2. Rule catchline:</b> | R805-5. Enforcement of No Smoking Areas at University of Utah Hospitals and Clinics |  |  |
|---------------------------|---|--|--|

**3. Statutory provisions that authorize or require this rule and an explanation of those particular statutory provisions:**

|                         |  |
|-------------------------|--|
| Section 26-38-1 et seq. | The Utah Clean Air Act establishes requirements related to smoking in publicly-owned buildings and outdoor areas.            |
| Section 63G-4-102       | Establishes the Administrative Procedures Act, which governs adjudicative proceedings.                                       |
| Section 76-6-206        | Defines criminal trespass.   |
| Section 53H-3-304       | Establishes powers of a chief administrative officer to order individuals off an institution of higher education's property. |

**4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:**

No comments were received since the last five-year review of this rule.

**5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:**

This rule is necessary as it sets forth the regulations that govern smoking in the vicinity of the University of Utah's Hospitals and Clinics. This rule reiterates the requirements set forth in the Utah Indoor Clean Air Act in Rule R392-510. It also defines the protocols for enforcing this rule, as well as the sanctions to be applied for failure to comply with this rule. Therefore, this rule should be continued.

**Agency Authorization Information**

|   |                                      |              |            |
|---|--------------------------------------|--------------|------------|
| <b>Agency head or designee and title:</b> | Robert Payne, Deputy General Counsel | <b>Date:</b> | 12/08/2025 |
|---|--------------------------------------|--------------|------------|

**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF RULE EFFECTIVE DATES

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State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

**NOTICES OF EFFECTIVE DATE** are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

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### Agriculture and Food

#### Specialized Products

No. 57488 (Amendment) R66-2: Cannabis Processing

Published: 10/01/2025

Effective: 01/07/2026

No. 57488 (Change in Proposed Rule) R66-2: Cannabis Processing

Published: 12/01/2025

Effective: 01/07/2026

No. 57403 (Amendment) R66-5: Medical Cannabis Pharmacy

Published: 09/15/2025

Effective: 01/07/2026

No. 57403 (Change in Proposed Rule) R66-5: Medical Cannabis Pharmacy

Published: 12/01/2025

Effective: 01/07/2026

#### Plant Industry

No. 57667 (Amendment) R68-1: Utah Bee Inspection Act Governing Inspection of Bees

Published: 12/01/2025

Effective: 01/07/2026

### Education

#### Administration

No. 57677 (Amendment) R277-100: Definitions for Utah State Board of Education (Board) Rules

Published: 12/01/2025

Effective: 01/07/2026

No. 57678 (Amendment) R277-311: Specialized Endorsements

Published: 12/01/2025

Effective: 01/07/2026

No. 57679 (Amendment) R277-325: Public Education Exit and Engagement Surveys

Published: 12/01/2025

Effective: 01/07/2026

NOTICES OF RULE EFFECTIVE DATES

No. 57680 (New Rule) R277-731: Catalyst Center Grant Program Policy  
Published: 12/01/2025  
Effective: 01/07/2026

Environmental Quality

Waste Management and Radiation Control, Radiation

No. 57545 (Amendment) R313-24: Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements  
Published: 11/01/2025  
Effective: 01/12/2026

Governor

Economic Opportunity

No. 57684 (Repeal) R357-11: Utah Technology Innovation Funding Rule  
Published: 12/01/2025  
Effective: 01/13/2026

Insurance

Administration

No. 57626 (Amendment) R590-267: Personal Injury Protection Relative Value Study Rule  
Published: 11/15/2025  
Effective: 01/01/2026

Title and Escrow Commission

No. 57685 (Amendment) R592-6: Prohibited Unfair Methods of Competition  
Published: 12/01/2025  
Effective: 01/07/2026

Labor Commission

Industrial Accidents

No. 57620 (Amendment) R612-300-2: Obtaining Medical Care for Injured Workers  
Published: 11/15/2025  
Effective: 01/01/2026

No. 57619 (Amendment) R612-300-4: General Method For Computing Medical Fees  
Published: 11/15/2025  
Effective: 01/01/2026

No. 57625 (Amendment) R612-300-6: Limitations on Fees for Specific Medical Providers and Non-Physicians  
Published: 11/15/2025  
Effective: 01/01/2026

No. 57637 (Amendment) R612-300-7: Billing and Payment  
Published: 11/15/2025  
Effective: 01/01/2026

No. 57621 (Amendment) R612-400-50: Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund  
Published: 11/15/2025  
Effective: 01/01/2026

Natural Resources

Forestry, Fire and State Lands

No. 57671 (Amendment) R652-20: Mineral Resources  
Published: 12/01/2025  
Effective: 01/07/2026

Public Service Commission

Administration

No. 57639 (New Rule) R746-318: Large Scale Electric Requirements

Published: 11/15/2025

Effective: 01/01/2026

**End of the Notices of Rule Effective Dates Section**