

26-1-23 Regulations for local health departments prescribed by department -- Local standards not more stringent than federal or state standards -- Exceptions for written findings.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may prescribe by rule reasonable requirements not inconsistent with law for a local health department as defined in Section 26A-1-102.
- (2) Except as provided in Subsection (3), or where specifically allowed by federal law or state statute, a local health department, as defined in Section 26A-1-102, may not establish standards or regulations that are more stringent than those established by federal law, state statute, or administrative rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3)
 - (a) The local health department may make standards and regulations more stringent than corresponding federal law, state statute, or state administrative rules, only if the local health department makes a written finding after public comment and hearing and based on evidence in the record, that corresponding federal laws, state statutes, or state administrative rules are not adequate to protect public health of the state.
 - (b) The findings shall address the public health information and studies contained in the record, which form the basis for the local health department's conclusion.
- (4) Nothing in the provisions of Subsection (2) or (3), shall limit the ability of a local health department to make standards and regulations in accordance with Subsection 26A-1-121(1)(a) for:
 - (a) emergency rules made in accordance with Section 63G-3-304; or
 - (b) items not regulated under federal law, state statute, or state administrative rule.

Amended by Chapter 307, 2012 General Session