

28 **Utah Code Sections Affected:**

## 29 AMENDS:

- 30 **26-1-5**, as last amended by Laws of Utah 2011, Chapter 297
- 31 **26-8a-104**, as last amended by Laws of Utah 2008, Chapter 382
- 32 **26-8a-106 (Superseded 07/01/16)**, as last amended by Laws of Utah 2011, Chapter 181
- 33 **26-8a-106 (Effective 07/01/16)**, as last amended by Laws of Utah 2015, Chapter 141
- 34 **26-10b-106**, as enacted by Laws of Utah 2014, Chapter 384
- 35 **26-21-5**, as last amended by Laws of Utah 2008, Chapter 382
- 36 **26-21-6**, as last amended by Laws of Utah 2012, Chapter 328
- 37 **26-21-8**, as last amended by Laws of Utah 2011, Chapter 161
- 38 **26-33a-102**, as last amended by Laws of Utah 2011, Chapter 400
- 39 **26-33a-104**, as last amended by Laws of Utah 2013, Chapter 167
- 40 **26-33a-106.5**, as last amended by Laws of Utah 2014, Chapter 425
- 41 **26-33a-107**, as last amended by Laws of Utah 1996, Chapter 201
- 42 **26-33a-109**, as last amended by Laws of Utah 2014, Chapter 425
- 43 **26-39-203**, as enacted by Laws of Utah 2014, Chapter 322
- 44 **26-39-301**, as last amended by Laws of Utah 2014, Chapter 322

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46 *Be it enacted by the Legislature of the state of Utah:*47 Section 1. Section **26-1-5** is amended to read:48 **26-1-5. Rules of department.**

49 (1) (a) Except in areas [~~regulated by statutory committees created by this title~~] subject  
 50 to concurrence between the department and a committee created under this title, the department  
 51 shall have the power to adopt, amend, or rescind rules necessary to carry out the provisions of  
 52 this title.

53 (b) If the adoption of rules under a provision of this title is subject to concurrence  
 54 between the department and a committee created under this title and no concurrence can be  
 55 reached, the department has final authority to adopt, amend, or rescind rules necessary to carry  
 56 out the provisions of this title.

56a **↗ (c) When the provisions of this title require concurrence between the department and a**  
 56b **committee created under this title:**

56c **(i) the department shall report to and update the committee on a regular basis related**  
 56d **to matters requiring concurrence; and**

56e **(ii) the committee shall review the report submitted by the department under**

56f **this Subsection (1)(c) and shall:**

56g **(A) concur with the report; or**

56h **(B) provide a reason for not concurring with the report and provide an alternative**

56i **recommendation to the department.** ←H

57 (2) Rules shall have the force and effect of law and may deal with matters which  
58 materially affect the security of health or the preservation and improvement of public health in