

SB0234S02 compared with SB0234S01

~~{Omitted text}~~ shows text that was in SB0234S01 but was omitted in SB0234S02

inserted text shows text that was not in SB0234S01 but was inserted into SB0234S02

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1

Rulemaking Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Brady Brammer
House Sponsor:



2

3 **LONG TITLE**

4 **General Description:**

5 This bill enacts provisions related to rules involving environmental health and waste
6 management.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ prohibits certain rules related to environmental health and waste management from being more
stringent or extensive in scope, coverage, or effect than any federal law or regulation;and
- 13 ▶ requires an agency to ensure certain rules involving environmental health and waste management
are supported by scientific evidence{~~and~~} .

15 ▶ ~~{authorizes the Rules Review and General Oversight Committee to delay the effective date
of rules involving environmental health and waste management.}~~

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

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18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **63G-3-102** , as last amended by Laws of Utah 2025, Chapter 483

24 ~~**63G-3-304.1** , as enacted by Laws of Utah 2025, Chapter 463}~~

22 ENACTS:

23 **63G-3-306** , Utah Code Annotated 1953

24

25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **63G-3-102** is amended to read:

27 **63G-3-102. Definitions.**

As used in this chapter:

32 (1) "Administrative record" means information an agency relies upon when making a rule under this
chapter including:

34 (a) the proposed rule, change in the proposed rule, and the rule analysis form;

35 (b) the public comment received and recorded by the agency during the public comment period;

37 (c) the agency's response to the public comment;

38 (d) the agency's analysis of the public comment; and

39 (e) the agency's report of the agency's decision-making process.

40 (2)

(a) "Agency" includes:

41 (i) each state board, authority, commission, institution, department, division, or officer; or

43 (ii) any other state government entity that is authorized or required by law to make rules,

adjudicate, grant or withhold licenses, grant or withhold relief from legal obligations, or perform
other similar actions or duties delegated by law.

46 (b) "Agency" does not include:

47 (i) the Legislature;

48 (ii) the Legislature's committees;

49 (iii) the political subdivisions of the state; or

50 (iv) the courts.

51 (3) "Best available science" means science that:

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- 52 (a) is reliable, unbiased, and subject to independent verification;
- 53 (b) maximizes the quality, objectivity, relevance, completeness, and integrity of information, including:
- 55 (i) statistical information;
- 56 (ii) human, animal, and other relevant scientific studies; and
- 57 (iii) if applicable, human health risk-based assessments; and
- 58 (c) involves the use of scientifically defensible and quality-assured supporting studies that are
conducted in accordance with generally accepted scientific or technical practices utilizing data
collected by generally accepted methods or best available methods.
- 62 (4) "Bulletin" means the Utah State Bulletin.
- 63 [(4)] (5) "Catchline" means a short summary of each section, part, rule, or title of the code that follows
the section, part, rule, or title reference placed before the text of the rule and serves the same
function as boldface in legislation as described in Section 68-3-13.
- 66 [(5)] (6) "Code" means the body of all effective rules as compiled and organized by the office and
entitled "Utah Administrative Code."
- 68 [(6)] (7) "Department" means the Department of Government Operations created in Section 63A-1-104.
- 70 [(7)] (8) "Director" means the director of the office.
- 71 [(8)] (9) "Effective" means operative and enforceable.
- 72 [(9)] (10) "Executive director" means the executive director of the department.
- 73 [(10)] (11) "File" means to submit a document to the office as prescribed by the office.
- 74 [(11)] (12) "Filing date" means the day and time the document is recorded as received by the office.
- 76 (13) "Generally accepted scientific or technical practices" means scientific methods, principles, or
protocols that:
- 78 (a) are broadly acknowledged and routinely applied by the relevant scientific community; and
- 80 (b) have been tested for reliability and validity.
- 81 [(12)] (14) "Interested person" means any person affected by or interested in a proposed rule,
amendment to an existing rule, or a nonsubstantive change made under Section 63G-3-402.
- 84 (15) "Initiate rulemaking proceedings" means the agency's filing of a proposed rule for the purposes of
publication in accordance with Subsection 63G-3-301(4).
- 86 (16) "Manifest bodily harm" means a physical disease or injury that is:
- 87 (a) presently existing and diagnosable;
- 88 (b) not based solely on the presence or detection of a substance in the human body; and

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89 (c) not based solely on an increased risk of disease.

90 [~~(13)~~] (17) "Office" means the Office of Administrative Rules created in Section 63G-3-401.

91 [~~(14)~~] (18) "Order" means an agency action that determines the legal rights, duties, privileges,
immunities, or other interests of one or more specific persons, but not a class of persons.

94 [~~(15)~~] (19) "Person" means any individual, partnership, corporation, association, governmental entity,
or public or private organization of any character other than an agency.

97 [~~(16)~~] (20) "Publication" or "publish" means making a rule available to the public by including the rule
or a summary of the rule in the bulletin.

99 [~~(17)~~] (21) "Publication date" means the inscribed date of the bulletin.

100 (22) "Refereed journal" means a publication that:

101 (a) uses an editorial board or critical review panel of subject matter experts in the relevant scientific
or technical disciplines who critically and objectively assess the methodology and analysis
of submitted scientific studies in a nonpartisan fashion and provide editorial services before
publication; and

105 (b) takes meaningful steps to avoid biases in the journal's scientific review process.

106 [~~(18)~~] (23) "Register" may include an electronic database.

107 (24) "Regulated material" means an individual chemical substance, mixture, contaminant, pollutant,
hazardous substance, solid waste, hazardous constituent, or hazardous waste.

109 [~~(19)~~] (25)

(a) "Rule" means an agency's written statement that:

110 (i) is explicitly or implicitly required by state or federal statute or other applicable law;

112 (ii) implements or interprets a state or federal legal mandate; and

113 (iii) applies to a class of persons or another agency.

114 (b) "Rule" includes the amendment or repeal of an existing rule.

115 (c) "Rule" does not mean:

116 (i) orders;

117 (ii) an agency's written statement that applies only to internal management and that does not restrict the
legal rights of a public class of persons or another agency;

119 (iii) the governor's executive orders or proclamations;

120 (iv) opinions issued by the attorney general's office;

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(v) declaratory rulings issued by the agency according to Section 63G-4-503 except as required by Section 63G-3-201;

123 (vi) rulings by an agency in adjudicative proceedings, except as required by Subsection 63G-3-201(6);
or

125 (vii) an agency written statement that is in violation of any state or federal law.

126 [(20)] (26) "Rule analysis" means the format prescribed by the office to summarize and analyze rules.

128 (27) "Rule involving environmental health and waste management" means a rule that relates to drinking water, water pollution control, hazardous substances, contaminated site remediation, air quality, solid waste handling, or hazardous waste handling.

131 [(21)] (28) "Small business" means a business employing fewer than 50 persons.

132 [(22)] (29) "Substantial fiscal impact" means an anticipated fiscal impact of a proposed rule of at least \$2,000,000 over a five-year period.

134 [(23)] (30) "Substantive change" means a change in a rule that affects the application or results of agency actions.

136 (31) "Weight of scientific evidence" means an approach to scientific evaluation in which each piece of relevant information:

138 (a) is considered based on the evidence's quality and relevance, including the consideration of study design, fitness for purpose, replicability, peer review, and transparency and reliability of data; and

141 (b) is transparently integrated with other relevant information to inform the scientific evaluation before making a judgment about the scientific evaluation.

143 {Section 2. Section 63G-3-304.1 is amended to read: }

144 **63G-3-304.1. Delaying the effective date of a proposed rule.**

145 (1) Upon a majority vote of the members of the committee, the Rules Review and General Oversight Committee may delay the effective date of a proposed rule [promulgated] to a date determined by the committee for a rule:

148 (a) made by the State Board of Education[to a date determined by the committee.]; or

149 (b) involving environmental health and waste management made by an agency.

150 (2) The Rules Review and General Oversight Committee:

151 (a) may choose to delay the effective date of an entire proposed rule, a single section, or any complete paragraph of a rule; and

153 (b) may not delay the effective day beyond May 15 of the calendar year after the day the vote is taken.

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- 155 (3)
- (a) Upon a majority vote of the members of the committee, the Rules Review and General Oversight Committee may remove the delay of effective date described in Subsection (1).
- 158 (b) A rule or section or paragraph of a rule that has had the delay of effective date removed under Subsection (3)(a) goes into effect on a day designated by the ~~[State Board of Education]~~ agency that made the rule.
- 161 (4) The Rules Review and General Oversight Committee shall notify the ~~[State Board of Education]~~ the agency that made the rule and the office of the delay of the effective date.
- 163 (5) ~~[A State Board of Education]~~ An agency's proposed rule's effective date may not be delayed if:
- 165 (a) the rule is explicitly mandated by a federal law or regulation;
- 166 (b) a provision of Utah's constitution vests the ~~[State Board of Education]~~ agency with specific constitutional authority to promulgate the rule; or
- 168 (c) the rule is an emergency rule filed under Section 63G-3-304.
- 169 (6) The office shall make rules in accordance with this chapter to determine how to bifurcate a rule that has had a section or paragraph's effective date delayed under this section.
- 172 (7) Notwithstanding any other provision of this chapter, the 120-day timeframe for when a proposed rule lapses is paused for any provision subject to a delay of effective date under this section.
- 140 Section 2. Section 2 is enacted to read:
- 141 **63G-3-306. Sound science requirement.**
- 177 (1) For a rule involving environmental health and waste management:
- 178 (a) an agency may not initiate rulemaking proceedings to establish new or change existing numeric criteria or numeric limitations applicable to a regulated material if the new rule or amendment would result in criteria or limitations that are more stringent or extensive in scope, coverage, or effect than any federal law or regulation setting a standard regarding the same or a substantially similar topic; and
- 183 (b) in the absence of any federal law or regulation setting a standard regarding the same or a substantially similar topic, an agency may not initiate rulemaking proceedings that establish new or change existing numeric criteria or numeric limitations unless, for each regulated material to which the rule applies, all scientific and technical information relied on to support the rule is based upon the best available science and the weight of scientific evidence.
- 189 (2)

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(a) For a rule described in Subsection (1)(b) intended to protect human health, safety, or welfare:

191 (i) the best available science and the weight of scientific evidence shall establish a direct causal link between exposure at or above the numeric criteria or numeric limitations provided by the rule and manifest bodily harm in humans, based on generally accepted scientific or technical practices; and

195 (ii) in the absence of data from voluntary scientific studies on humans, the best available science and the weight of scientific evidence may be based on tests performed on experimental animal species or human and animal cells establishing a direct causal link, based on generally accepted scientific or technical practices, between exposure at or above any numeric criteria or numeric limitations provided by the rule and manifest bodily harm in humans, if the harm may be extrapolated to humans based on the best available science and the weight of scientific evidence.

203 (3) This section does not apply to:

169 (a) a rule, including a rule made under Title 19, Environmental Quality Code, that is required by:

204 (a) {(i)} {a rule that is required by } federal law or regulation{~~, including rules adopted under Section 19-2-106, 19-3-104, 19-4-105, 19-5-105, 19-6-106, or 19-6-403,~~ } to comply with and in furtherance of federal agency authorization or a primacy requirement;or

173 (i) state law and applied on a site-specific basis.

207 (b) a rule that is less stringent or extensive in scope, coverage, or effect than any federal law or regulation setting a standard regarding the same or a substantially similar topic or that is substantively equivalent to a federal law or regulation;

210 (c) a rule that would repeal or amend an existing rule to be less stringent or extensive in scope, coverage, or effect; or

212 (d) an emergency rule made under Section 63G-3-304.

180 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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