

Brady Brammer proposes the following substitute bill:

**Rulemaking Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

House Sponsor:

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- defines terms;
- 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;
- requires an agency to ensure certain rules involving environmental health and waste management are supported by scientific evidence; and
- authorizes the Rules Review and General Oversight Committee to delay the effective date of rules involving environmental health and waste management.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

ENACTS:

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

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

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

30 **63G-3-102 . Definitions.**

31 As used in this chapter:

- 32 (1) "Administrative record" means information an agency relies upon when making a rule  
33 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  
36 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  
42 officer; or
  - 43 (ii) any other state government entity that is authorized or required by law to make  
44 rules, adjudicate, grant or withhold licenses, grant or withhold relief from legal  
45 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:
- 52 (a) is reliable, unbiased, and subject to independent verification;
  - 53 (b) maximizes the quality, objectivity, relevance, completeness, and integrity of  
54 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  
59 that are conducted in accordance with generally accepted scientific or technical  
60 practices utilizing data collected by generally accepted methods or best available  
61 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  
64             that follows the section, part, rule, or title reference placed before the text of the rule and  
65             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  
67             office and entitled "Utah Administrative Code."
- 68     ~~[(6)]~~ (7) "Department" means the Department of Government Operations created in Section  
69             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  
75             office.
- 76     (13) "Generally accepted scientific or technical practices" means scientific methods,  
77             principles, or protocols that:
- 78             (a) are broadly acknowledged and routinely applied by the relevant scientific  
79             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  
82             rule, amendment to an existing rule, or a nonsubstantive change made under Section  
83             63G-3-402.
- 84     (15) "Initiate rulemaking proceedings" means the agency's filing of a proposed rule for the  
85             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
- 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,  
92             privileges, immunities, or other interests of one or more specific persons, but not a class  
93             of persons.
- 94     ~~[(15)]~~ (19) "Person" means any individual, partnership, corporation, association,  
95             governmental entity, or public or private organization of any character other than an  
96             agency.

- 97     ~~[(16)]~~ (20) "Publication" or "publish" means making a rule available to the public by  
98     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  
102       relevant scientific or technical disciplines who critically and objectively assess the  
103       methodology and analysis of submitted scientific studies in a nonpartisan fashion and  
104       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,  
108       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  
111       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  
118       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;
- 121       (v) declaratory rulings issued by the agency according to Section 63G-4-503 except  
122       as required by Section 63G-3-201;
- 123       (vi) rulings by an agency in adjudicative proceedings, except as required by  
124       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  
127       analyze rules.
- 128    (27) "Rule involving environmental health and waste management" means a rule that  
129       relates to drinking water, water pollution control, hazardous substances, contaminated  
130       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  
 133 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  
 135 results of agency actions.

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

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

141 (b) is transparently integrated with other relevant information to inform the scientific  
 142 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  
 146 Oversight Committee may delay the effective date of a proposed rule [~~promulgated~~] to a  
 147 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  
 152 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  
 154 vote is taken.

155 (3)(a) Upon a majority vote of the members of the committee, the Rules Review and  
 156 General Oversight Committee may remove the delay of effective date described in  
 157 Subsection (1).

158 (b) A rule or section or paragraph of a rule that has had the delay of effective date  
 159 removed under Subsection (3)(a) goes into effect on a day designated by the [State  
 160 Board of Education] agency that made the rule.

161 (4) The Rules Review and General Oversight Committee shall notify the[~~State Board of~~  
 162 ~~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  
 164 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  
167 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  
170 bifurcate a rule that has had a section or paragraph's effective date delayed under this  
171 section.
- 172 (7) Notwithstanding any other provision of this chapter, the 120-day timeframe for when a  
173 proposed rule lapses is paused for any provision subject to a delay of effective date  
174 under this section.

175 Section 3. Section **63G-3-306** is enacted to read:

176 **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  
179 existing numeric criteria or numeric limitations applicable to a regulated material if  
180 the new rule or amendment would result in criteria or limitations that are more  
181 stringent or extensive in scope, coverage, or effect than any federal law or regulation  
182 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  
184 or a substantially similar topic, an agency may not initiate rulemaking proceedings  
185 that establish new or change existing numeric criteria or numeric limitations unless,  
186 for each regulated material to which the rule applies, all scientific and technical  
187 information relied on to support the rule is based upon the best available science and  
188 the weight of scientific evidence.
- 189 (2)(a) For a rule described in Subsection (1)(b) intended to protect human health, safety,  
190 or welfare:
- 191 (i) the best available science and the weight of scientific evidence shall establish a  
192 direct causal link between exposure at or above the numeric criteria or numeric  
193 limitations provided by the rule and manifest bodily harm in humans, based on  
194 generally accepted scientific or technical practices; and
- 195 (ii) in the absence of data from voluntary scientific studies on humans, the best  
196 available science and the weight of scientific evidence may be based on tests  
197 performed on experimental animal species or human and animal cells establishing  
198 a direct causal link, based on generally accepted scientific or technical practices,

199                    between exposure at or above any numeric criteria or numeric limitations  
200                    provided by the rule and manifest bodily harm in humans, if the harm may be  
201                    extrapolated to humans based on the best available science and the weight of  
202                    scientific evidence.

203                    (3) This section does not apply to:

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

207                    (b) a rule that is less stringent or extensive in scope, coverage, or effect than any federal  
208                    law or regulation setting a standard regarding the same or a substantially similar topic  
209                    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  
211                    scope, coverage, or effect; or

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

213                    Section 4. **Effective Date.**

214                    This bill takes effect on May 6, 2026.