



Rulemaking Process

Regular v. Emergency Rulemaking | July 22, 2025

Regular Rulemaking v. Emergency Rulemaking Process

	Regular Rulemaking Process	Emergency Rulemaking Process
Applicable Statute	Section 63G-3-301 - Standard rulemaking procedures	Section 63G-3-304 - Emergency rulemaking procedure
When Available	Standard process for all routine rulemaking	Only when regular procedures would: <ul style="list-style-type: none">• Cause imminent peril to public health, safety, or welfare;• Cause imminent budget reduction due to budget restraints or federal requirements; or• Place agency in violation of federal or state law
Filing Requirements	<ul style="list-style-type: none">• Proposed rule text• Comprehensive rule analysis	<ul style="list-style-type: none">• Rule text• Comprehensive Rule analysis <u>with specific reasons and justifications</u> for emergency finding• Filed with Office of Administrative Rules <u>AND</u> the Rules Review Committee
Public Comment Period	Minimum 30 days after publication in bulletin	No public comment period required before effective date



Public Hearing Requirements	Required if: <ul style="list-style-type: none">• Requested by another state agency• Requested by 10+ interested persons• Requested by a trade association with 10+ members• Required by law	No public hearing required before effective date
Effective Date	<u>No fewer than 7 days</u> after public comment period closes <u>No more than 120 days</u> after publication	<u>Effective immediately</u> upon filing or later date designated in rule
Duration	<u>Permanent</u> (subject to 5-year review requirement)	<u>Maximum 120 days</u> If rule is needed beyond 120 days, agency must complete standard rulemaking process