



# Rulemaking Process

Regular v. Emergency Rulemaking | July 22, 2025

## Regular Rulemaking v. Emergency Rulemaking Process

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



<b>Public Hearing Requirements</b>	Required if: <ul style="list-style-type: none"><li>• Requested by another state agency</li><li>• Requested by 10+ interested persons</li><li>• Requested by a trade association with 10+ members</li><li>• Required by law</li></ul>	No public hearing required before effective date
<b>Effective Date</b>	<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
<b>Duration</b>	<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