

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R51-7

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs):

Click or tap to enter a date.

Agency Information

1. Title catchline:		Agriculture and Food, Administration
Building:		TSOB South Bldg., Floor 2
Street address:		4315 S 2700 W
City, state:		Taylorsville, UT
Mailing address:		PO Box 146500
City, state, and zip:		Salt Lake City, UT 84114-6500
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	ambermbrown@utah.gov
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R51-7. Open and Public Meetings Act Electronic Meetings.	
3. Are any changes in this filing because of state legislative action?	Changes are not because of legislative action.
If yes, any bill number and session:	HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)
4. Purpose of the new rule or reason for the change:	
The department is amending this rule to enhance clarity, improve consistency, and ensure broad applicability across the department's regulatory bodies. This revision expands the rule's scope to include all boards, commissions, and other public bodies created under Title 4 to establish uniform procedures for electronic meetings. This amendment streamlines the existing text by removing redundant information that is already codified in statute, thus aligning the rule more closely with both the Open and Public Meetings Act and the requirements of the Utah Rulewriting Manual.	
5. Summary of the new rule or change:	
The amendments formally incorporate each public body created by statute under Title 4, Utah Agricultural Code, by revising the rule's purpose and scope. The revisions remove definitions that duplicate the statute. They also update the Electronic Meeting Designation and Participation section to enhance clarity, eliminating the no longer relevant requirement concerning a "no vote" of the public body for electronic member inclusion. Furthermore, the revisions restate the Anchor Location section in the active voice. Finally, the amendments consolidate the Public Participation section and the Voting section into the Quorum, Member Participation and Voting section to enhance clarity and organizational structure.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The proposed changes will not have an impact on the state's budget because the requirements are not changing.
B. Local governments:
The proposed changes will not have an impact on the local government's budget because the requirements are not changing.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed changes will not have an impact on a small business's budget because the requirements are not changing.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

The proposed changes will not have an impact on a non-small business budget because the requirements are not changing.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The proposed changes will not have an impact on a person's budget because the requirements are not changing.

F. Compliance costs for affected persons:

The compliance costs are not changing.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 52-4-207	Section 63G-3-201	Section 4-2-103

Incorporation by Reference Information**8. Incorporation by Reference** (if this rule incorporates more than two items by reference, please include additional tables):**A. This rule adds or updates the following title of material incorporated by reference** (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:	02/02/2026	
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time (hh: mm AM/PM):	Place (physical address or URL):
Click or tap to enter a date.		
To the agency: If more than one hearing is planned to take place, continue to add rows.		

10. This rule change MAY become effective on:	02/09/2026
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.			
Agency head or designee and title:	Commissioner, Kelly Pehrson	Date:	12/03/2025

R51. Agriculture and Food, Administration.

R51-7. Open and Public Meetings Act Electronic Meetings.

R51-7-1. Authority~~and Purpose~~.

~~[(4)] Sections 52-4-207, 63G-3-201, and 4-2-103, authorize this rule. [requires a state public body that holds electronic meetings to have a rule governing the use of electronic meetings.]~~

R51-7-2. Purpose.

~~_____ This rule establishes procedures for conducting electronic meetings held by each public body created by statute within Title 4, Utah Agricultural Code [or by department rule, except for any public body under the department that has adopted its own rule].~~

~~_____ (2) A public body under the department with rule making authority may adopt a separate rule governing its electronic meetings.~~

~~_____ (3) This rule is authorized by Sections 52-4-207, 63G-3-201, and 4-2-103.]~~

R51-7-~~2~~3. Definitions.

The definitions found in Section 52-4-103 apply to this rule. In addition, the following definitions apply:

~~_____ (1) "Meeting" means a meeting of the public body that is required to be public by Title 52, Chapter 4, Open and Public Meetings Act.~~

~~_____ (2) "Electronic meeting" includes any meeting where at least one member of the public body participates in the public meeting by telephonic or other electronic means.~~

~~_____ (3) "Presiding officer" means the member of the public body designated by statute, rule, or vote of the public body to preside at a meeting of the public body.]~~

~~[(4)]~~ "Business day" means a day that the department is open to the public for the conduct of business, exclusive of weekends and state holidays.

~~_____ (2) "Presiding officer" means the member of the public body designated by statute, rule, or vote of the public body to preside at the meeting of the public body.~~

R51-7-~~3~~4. ~~Designation of~~ Electronic Meetings Designation and Participation Requirements.

(1) The presiding officer may schedule any meeting as an electronic meeting ~~[upon the presiding officer's]~~ at their discretion or upon request of ~~a~~ any member of the public body.

(a) A member of the public body may request ~~[that the member's participation]~~ to participate in the meeting ~~[be allowed]~~ electronically ~~[up to 48 hours, but]~~ by submitting a request to the presiding officer no less than two business days~~[5]~~ before the commencement of the meeting.

~~_____ (c) The presiding officer or the department may [refuse] deny a member's request [to hold a meeting electronically] for electronic participation based on equipment capability.~~

~~_____ (b) If the department cannot technically arrange for the meeting to be held electronically, the department may deny the presiding officer's decision to allow electronic participation.~~

~~_____ (e) The presiding officer or the department may restrict the number of connections for members to participate in the meeting based on available equipment capability.~~

~~_____ (2) No vote of the public body is necessary to include other members of the public body to join the meeting through an electronic connection.]~~

R51-7-~~4~~5. Anchor Location.

(1) Unless otherwise designated in the posted public notice of the meeting, the anchor location for an electronic meeting held by the public body is the Utah Department of Agriculture and Food located at 4315 South 2700 West, TSOB South Bldg., Floor 2, Taylorsville, UT 84129-2128.

(2) The person presiding at the meeting may restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability.

(3) The department shall provide a meeting room ~~[for an]~~ at the anchor location for ~~[any meeting that is held electronically]~~ members of the public to attend and monitor the meeting.

R51-7-~~5~~6. Quorum, Member Participation, and Voting.

(1) A quorum is not required to be physically present at the anchor location.

(2) A presiding officer shall count a member of the public body who participates in the meeting via electronic means ~~[shall be counted]~~ as present for all purposes including [at the meeting for] quorum, participation, and voting requirements.

(3) The public body shall take all votes by roll call unless the vote is unanimous.

~~[R51-7-6. Public Participation.~~

~~Interested persons and the public may attend and monitor the open portions of the meeting at the anchor location.~~

~~R51-7-7. Voting.~~

~~Except for in the case of unanimous vote, a public body that is conducting an electronic meeting shall take each vote by roll call.]~~

KEY: electronic meetings, Open and Public Meetings Act, OPMA, procedures

Date of Last Change: June 1, 2022

Notice of Continuation: July 9, 2025

Authorizing, and Implemented or Interpreted Law: 52-4-207; 63G-3-201; 4-2-103