

IDAHO ADMINISTRATIVE BULLETIN

August 7, 2024 – Vol. 24-8

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator



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IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

August 7, 2024 – Vol. 24-8

PREFACE	5
THE OFFICE OF THE GOVERNOR	
<i>Executive Order No. 2024-07</i>	
Only Citizens Will Vote Act	12
OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR / IDAHO DIVISION OF FINANCIAL MANAGEMENT	
Omnibus Notice of Legislative Action – Summary of Action Taken on Pending, Pending Fee, Temporary, and Final Rules	14
History Notes Index of Administrative Rules Reviewed and Approved as Final and Effective During the 2024 Second Regular Session of the Sixty-Seventh Legislature of the State of Idaho	21
IDAPA 02 – DEPARTMENT OF AGRICULTURE	
02.06.09 – <i>Rules Governing Invasive Species and Noxious Weeds</i>	
<i>Docket No. 02-0609-2403</i>	
Notice of Rulemaking – Adoption of Temporary Rule	34
IDAPA 09 – IDAHO DEPARTMENT OF LABOR	
09.01.08 – <i>Rules on Disclosure of Employment Security Information</i>	
<i>Docket No. 09-0108-2401 (ZBR Chapter Rewrite)</i>	
Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking	36
09.05.03 – <i>Rules for Determining Bargaining Representatives</i>	
<i>Docket No. 09-0503-2401 (ZBR Chapter Rewrite)</i>	
Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking	38
IDAPA 11 – IDAHO STATE POLICE	
11.03.01 – <i>Rules Governing Alcohol Testing</i>	
<i>Docket No. 11-0301-2401 (ZBR Chapter Rewrite)</i>	
Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking	40
11.13.01 – <i>The Motor Carrier Rules</i>	
<i>Docket No. 11-1301-2401</i>	
Notice of Rulemaking – Temporary and Proposed Rule	42
IDAPA 13 – IDAHO FISH AND GAME COMMISSION	
<i>Establishing Seasons and Limits for Hunting, Fishing, and Trapping in Idaho</i>	
<i>Docket No. 13-0000-2400P5</i>	
Notice of Adopted / Amended Proclamations for Calendar Year 2024	44
IDAPA 15 – OFFICE OF THE GOVERNOR / IDAHO MILITARY DIVISION	
15.06.05 – <i>Hazardous Substance Response Rules</i>	
<i>Docket No. 15-0605-2401 (ZBR Chapter Rewrite)</i>	
Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking	45

IDAPA 20 – IDAHO DEPARTMENT OF LANDS*20.07.02 – Rules Governing Conservation of Oil and Natural Gas in the State of Idaho****Docket No. 20-0702-2401 (ZBR Chapter Rewrite)***

Notice of Rulemaking – Proposed Rule47

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES*24.02.01 – Rules of the State Athletic Commission****Docket No. 24-0201-2402 (ZBR New Chapter)***

Notice of Rulemaking – Proposed Rule88

*24.29.01 – Rules of Procedure of the Idaho Certified Shorthand Reporters Board****Docket No. 24-2901-2401 (ZBR Chapter Rewrite)***

Notice of Rulemaking – Proposed Rule108

*24.35.01 – Rules of the Outfitters and Guides Licensing Board****Docket No. 24-3501-2401***

Notice of Rulemaking – Proposed Rule113

*24.36.01 – Rules of the Idaho State Board of Pharmacy****Docket No. 24-3601-2402 (ZBR Chapter Rewrite)***

Notice of Rulemaking – Proposed Rule134

*24.39.70 – Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems****Docket No. 24-3970-2401***

Notice of Rulemaking – Adoption of Temporary Rule173

*24.39.90 – Rules Governing the Damage Prevention Board****Docket No. 24-3990-2401 (ZBR Chapter Rewrite)***

Notice of Rulemaking – Proposed Rule175

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION*26.01.37 – Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles****Docket No. 26-0137-2401 (ZBR Chapter Rewrite)***

Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking183

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION*31.21.01 – Customer Relations Rules for Gas, Electric, and Water Public Utilities (The Utility Customer Relations Rules)****Docket No. 31-2101-2401***

Notice of Rulemaking – Proposed Rule185

*31.41.01 – Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission (The Telephone Customer Relations Rules)****Docket No. 31-4101-2401 (ZBR Chapter Rewrite)***

Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking187

IDAPA 42 – IDAHO WHEAT COMMISSION*42.01.01 – Rules of the Idaho Wheat Commission****Docket No. 42-0101-2401 (ZBR Chapter Rewrite)***

Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking189

IDAPA 43 – IDAHO OILSEED COMMISSION*43.01.01 – Rules Governing the Idaho Oilseed Commission***Docket No. 43-0101-2401 (ZBR Chapter Rewrite)**

Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking 191

**IDAPA 44 – OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR /
IDAHO DIVISION OF FINANCIAL MANAGEMENT****Docket No. 44-0000-2401**

Notice of Omnibus Rulemaking – Revocation of Final Rule..... 193

*15.04.01 – Rules of the Division of Human Resources and Idaho Personnel Commission – Subsections
201.01, 06, 07, 09, 11, and 12, only, null and void.***IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY***58.01.02 – Water Quality Standards***Docket No. 58-0102-2401**

Notice of Rulemaking – Proposed Rule 194

*58.01.05 – Rules and Standards for Hazardous Waste***Docket No. 58-0105-2401**

Notice of Rulemaking – Proposed Rule 201

*58.01.10 – Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic
Energy Act of 1954, as Amended***Docket No. 58-0110-2301 (ZBR Chapter Rewrite)**

Notice of Rulemaking – Proposed Rule 204

*58.01.24 – Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites***Docket No. 58-0124-2401 (ZBR Chapter Rewrite)**

Notice of Rulemaking – Proposed Rule 211

SECTIONS AFFECTED INDEX 229**LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS 237****CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES 240****SUBJECT INDEX 270**

PREFACE

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Division of Financial Management, that is published pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all official rulemaking notices, official rule text, executive orders of the Governor, and all legislative documents affecting rules that are statutorily required to be published in the Bulletin. It may also include other rules-related documents an agency may want to make public through the Bulletin.

State agencies are required to provide public notice of all rulemaking actions and must invite public input. This is done through negotiated rulemaking procedures or after proposed rulemaking has been initiated. The public receives notice that an agency has initiated proposed rulemaking procedures through the Idaho Administrative Bulletin and a legal notice (Public Notice of Intent) that publishes in authorized newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties may submit written comments to the agency or request public hearings of the agency, if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual “Notice of Rulemaking - Proposed Rule” for each proposed rule that is published in the Bulletin.

Once the comment period closes, the agency considers fully all comments and information submitted regarding the proposed rule. Changes may be made to the proposed rule at this stage of the rulemaking, but changes must be based on comments received and must be a “logical outgrowth” of the proposed rule. The agency may now adopt and publish the pending rule. A pending rule is “pending” legislative review for final approval. The pending rule is the agency’s final version of the rulemaking that will be forwarded to the legislature for review and final approval. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **19-1** refers to the first Bulletin issued in calendar year **2019**; Bulletin **20-1** refers to the first Bulletin issued in calendar year **2020**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **19-1** refers to January 2019; Volume No. **20-2** refers to February 2020; and so forth. Example: The Bulletin published in January 2019 is cited as Volume **19-1**. The December 2019 Bulletin is cited as Volume **19-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is an electronic-only, online compilation of all final and enforceable administrative rules of the state of Idaho that are of full force and effect. Any temporary rule that is adopted by an agency and is of force and effect is codified into the Administrative Code upon Bulletin publication. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code until approved as final.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the **Cumulative Rulemaking Index**. Link to it on the Administrative Rules homepage at adminrules.idaho.gov.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of rule.

1. NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so. The agency files a “Notice of Intent to Promulgate – Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

2. PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking – Proposed Rule” in the Bulletin. This notice must include very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) protection of the public health, safety, or welfare; or
- b) compliance with deadlines in amendments to governing law or federal programs; or
- c) conferring a benefit.

If a rulemaking meets one or more of these criteria, and with the Governor’s approval, the agency may adopt and make a temporary rule effective prior to receiving legislative authorization and without allowing for any public input. The law allows an agency to make a temporary rule immediately effective upon adoption. A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

4. PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule. When a pending rule is published in the Bulletin, the agency is required to include certain information in the “Notice of Rulemaking – Pending Rule.” This includes a statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

Agencies are required to republish the text of the pending rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule.

5. FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is of full force and effect.

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering schematic. Each state agency has a two-digit identification code number known as the “**IDAPA**” number. (The “IDAPA” Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or sections to which a two-digit “**TITLE**” number is assigned. There are “**CHAPTER**” numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

“**IDAPA**” refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

“**38.**” refers to the Idaho Department of Administration

“**05.**” refers to Title **05**, which is the Department of Administration’s Division of Purchasing

“**01.**” refers to Chapter **01** of Title 05, “Rules of the Division of Purchasing”

“**200.**” refers to Major Section **200**, “Content of the Invitation to Bid”

“**02.**” refers to Subsection 200.02.

“**c.**” refers to Subsection 200.02.c.

“**ii.**” refers to Subsection 200.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. Each rulemaking that is filed with the Coordinator is assigned a “**DOCKET NUMBER**.” The docket number is a series of numbers separated by a hyphen “-”, (**38-0501-1401**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-1901”

“**38-**” denotes the agency's **IDAPA** number; in this case the Department of Administration.

“**0501-**” refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE **05**), Rules of the Division of Purchasing (Chapter **01**).

“**1901**” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2019**. A subsequent rulemaking on this same rule chapter in calendar year 2019 would be designated as “**1902**”. The docket number in this scenario would be 38-0501-**1902**.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section “200” appears before Section “345” and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR YEAR 2023

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
23-2	February 2023	December 23, 2023	January 6, 2023	February 1, 2023	February 22, 2023
23-3	March 2023	January 27, 2023	February 10, 2023	March 1, 2023	March 22, 2023
23-4	April 2023	February 24, 2023	March 10, 2023	April 5, 2023	April 26, 2023
23-5	May 2023	March 24, 2023	April 7, 2023	May 3, 2023	May 24, 2023
23-6	June 2023	April 21, 2023	May 5, 2023	June 7, 2023	June 28, 2023
23-7	July 2023	May 26, 2023	June 9, 2023	July 5, 2023	July 26, 2023
23-8	August 2023	June 23, 2023	July 7, 2023	August 2, 2023	August 23, 2023
23-9	September 2023	July 21, 2023	August 4, 2023	September 6, 2023	September 27, 2023
23-10	October 2023	August 18, 2023	*September 1, 2023	October 4, 2023	October 25, 2023
23-11	November 2023	September 22, 2023	October 6, 2023	November 1, 2023	November 22, 2023
23-12	December 2023	October 27, 2023	November 9, 2023	December 6, 2023	December 27, 2023
24-1	January 2024	November 13, 2023	**November 27, 2023	January 3, 2024	January 24, 2024

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24-4	April 2024	February 23, 2024	March 8, 2024	April 3, 2024	April 24, 2024
24-5	May 2024	March 22, 2024	April 5, 2024	May 1, 2024	May 22, 2024
24-6	June 2024	April 19, 2024	May 3, 2024	June 5, 2024	June 26, 2024
24-7	July 2024	May 24, 2024	June 7, 2024	July 3, 2024	July 24, 2024
24-8	August 2024	June 21, 2024	July 5, 2024	August 7, 2024	August 28, 2024
24-9	September 2024	July 19, 2024	August 2, 2024	September 4, 2024	September 25, 2024
24-10	October 2024	August 16, 2024	*August 30, 2024	October 2, 2024	October 23, 2024
24-11	November 2024	September 20, 2024	October 4, 2024	November 6, 2024	November 27, 2024
24-12	December 2024	October 25, 2024	November 8, 2024	December 4, 2024	December 25, 2024
25-1	January 2025	November 15, 2024	**November 29, 2024	January 1, 2025	January 22, 2025

***Last day to submit a proposed rule for the rulemaking to remain on course for review by the upcoming legislature.**

****Last day to submit a pending rule to be reviewed by the upcoming legislature.**

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 38	Administration , Department of
IDAPA 62	Administrative Hearings , Office of
IDAPA 02	Agriculture , Idaho State Department of
IDAPA 40	Arts , Idaho Commission on the
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 55	Career Technical Education , Division of
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Idaho Department of
IDAPA 08	Education , State Board of and State Department of
IDAPA 32	Endowment Fund Investment Board
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Idaho Department of
IDAPA 13	Fish and Game , Idaho Department of
IDAPA 15	Governor , Office of the Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission (15.04) Idaho Military Division (Division of Homeland Security) (15.06) Idaho State Liquor Division (15.10)
IDAPA 48	Grape Growers and Wine Producers Commission , Idaho
IDAPA 16	Health and Welfare , Department of
IDAPA 41	Health Districts , Public
IDAPA 45	Human Rights Commission
IDAPA 17	Industrial Commission , Idaho
IDAPA 18	Insurance , Idaho Department of
IDAPA 05	Juvenile Corrections , Department of
IDAPA 09	Labor , Idaho Department of

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 20	Lands, Idaho Department of
IDAPA 52	Lottery Commission, Idaho State
IDAPA 24	Occupational and Professional Licenses, Division of (24.20) Accountancy, Board of (24.30) Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Athletic Commission, State (24.02) Barber and Cosmetology Services Licensing Board (24.28) Building Safety, Division of (24.39) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho State (24.21) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Dentistry, State Board of (24.31) Denturity, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, Idaho (24.25) Engineers and Land Surveyors, Board of Licensure of Professional (24.32) Genetic Counselors Licensing Board (24.24) Geologists, Board of Registration for Professional (24.04) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board (24.22) Massage Therapy, Board of (24.27) Medicine, Board of (24.33) Midwifery, Board of (24.26) Morticians, Board of (24.08) Nursing, Board of (24.34) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board (24.06) Optometry, Board of (24.10) Outfitters and Guides Licensing Board (24.35) Pharmacy, Board of (24.36) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.18) Real Estate Commission (24.37) Residential Care Facility Administrators, Board of Examiners of (24.19) Shorthand Reporters Board, Idaho Certified (24.29) Social Work Examiners, Board of (24.14) Speech, Hearing and Communication Services Licensure Board (24.23) Veterinary Medicine, State Board of (24.38)
IDAPA 43	Oilseed Commission, Idaho
IDAPA 50	Pardons and Parole, Commission of
IDAPA 26	Parks and Recreation, Idaho Department of

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 11	Police, Idaho State Alcohol Beverage Control (11.05) Brand Board (11.02) Commercial Vehicle Safety (11.13) Forensic Laboratory (11.03) Motor Vehicles (11.07) Peace Officer Standards and Training Council (11.11) Public Safety and Security Information (11.10) Racing Commission (11.04)
IDAPA 29	Potato Commission, Idaho
IDAPA 61	Public Defense Commission, State
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Management Board
IDAPA 60	Soil and Water Conservation Commission, Idaho State
IDAPA 36	Tax Appeals, Board of
IDAPA 35	Tax Commission, State
IDAPA 39	Transportation Department, Idaho
IDAPA 21	Veterans Services, Division of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission, Idaho

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT STATE OF IDAHO BOISE

EXECUTIVE ORDER NO. 2024-07

ONLY CITIZENS WILL VOTE ACT

WHEREAS, Idaho fiercely defends the right of citizens to vote in our elections; and

WHEREAS, people who entered the United States illegally and have failed to lawfully become U.S. citizens have no right to vote in Idaho elections and should not be allowed to influence our elections; and

WHEREAS, unlike Left Coast states and the Biden Administration, Idaho will not tolerate the erosion of election integrity through efforts to allow a pathway for non-citizens to vote in American elections; and

WHEREAS, Idaho already has the most secure elections in the nation, and it is critical we continue to protect the integrity of our elections and the sanctity of voting; and

WHEREAS, Article VI, Section 2 of the Idaho Constitution and Idaho Code section 34-402 requires every person to be eighteen (18) years old, a citizen of the United States, and a resident of Idaho before they can vote in our elections; and

WHEREAS, Article IV, Section 5 of the Idaho Constitution grants the Governor the supreme executive power and charges the office with ensuring Idaho laws are faithfully executed; and

WHEREAS, the Secretary of State and Idaho's county clerks actively work to validate voter registration information by coordinating with partner agencies to ensure Idaho's voter rolls remain current and free of people who are not citizens of the United States; and

WHEREAS, the Biden Administration is actively promoting registration of non-citizens to vote through the issuance of Executive Order 14019, a directive encouraging and directing federal agencies to promote voter registration at welfare offices and agencies providing services to non-citizens; and

WHEREAS, Idaho refuses to register non-citizens to vote and is exempt from the National Voter Registration Act Of 1993, barring the state from providing registration materials at welfare offices pursuant to 52 U.S. Code § 20503(b); and

WHEREAS, protecting the integrity of our elections by ensuring no non-citizens vote has become even more necessary now than ever before because the Biden Administration's open border policies have significantly increased illegal immigration, including smugglers of drugs and weapons, human traffickers, and terrorists, and the Biden Administration's failure at securing our southern border has made every state a border state.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

- 1. The Secretary of State shall immediately take all necessary steps to ensure that processes are in place to validate voter registration and prevent non-citizens from registering to vote.*
- 2. The Secretary of State shall routinely review Idaho's voter rolls, in coordination with Idaho State Police and the Idaho Transportation Department, to identify any potential non-citizens.*
- 3. The Secretary of State shall coordinate with the U.S. Department of Homeland Security and take any steps necessary to verify citizenship status to ensure no non-citizens are participating in Idaho elections.*

4. *In the annual report to the Governor and Legislature regarding voter registration maintenance, pursuant to Idaho Code 34-418(2), the Secretary of State and county clerks shall report on their efforts to prevent and remove non-citizens from Idaho's voter rolls.*
5. *State agencies shall not provide voter registration materials to non-citizens or coordinate with any federal programs or agencies to provide voter registration material to non-citizens in the State of Idaho.*
6. *State agencies entering into or renewing contracts with federal agencies or partners must confirm there is no requirement to provide voter registration materials to non-citizens or otherwise requiring voter registration activities for non-citizens.*



A blue ink signature of Phil McGrane, written in a cursive style.

PHIL MCGRANE
SECRETARY OF STATE

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho on this 9th day of July in the year of our Lord two thousand and twenty-four.

A blue ink signature of Brad Little, written in a cursive style.

BRAD LITTLE
GOVERNOR

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DIVISION OF FINANCIAL MANAGEMENT**

**ADMINISTRATIVE RULES REVIEWED BY THE SIXTY-SEVENTH LEGISLATURE
OF THE STATE OF IDAHO, SECOND REGULAR SESSION – 2024**

**OMNIBUS NOTICE OF LEGISLATIVE ACTION – SUMMARY OF ACTION TAKEN
ON PENDING, PENDING FEE, TEMPORARY, AND FINAL RULES**

AUTHORITY: In compliance with Sections 67-5224(5), 67-5224(7), 67-5226(3), and 67-5291, Idaho Code, the Administrative Rules Coordinator hereby gives notice that the standing committees of the Sixty-Seventh Legislature in the Second Regular Session, 2024, completed the review of certain administrative rules of the state agencies of the executive branch. Additionally, in compliance with Section 67-5291, Idaho Code, this notice also serves as official notice of final rulemaking for those state agencies whose rules have been approved as final.

DESCRIPTIVE SUMMARY: The following is a brief description of the action taken by the standing committees of the legislature during the 2024 legislative session.

The Administrative Procedures Act (APA) requires that all pending rules be reviewed and approved by concurrent resolution of the legislature in order for the pending rule to become final and effective. The standing committees of the legislature have reviewed the pending rules submitted for review and final approval.

All pending non-fee rules reviewed by the legislature that were approved are now final and of full force and effect, unless otherwise specified in the rule. Section 67-5291, Idaho Code, requires a concurrent resolution of the legislature to approve or reject a pending rule that doesn't meet legislative intent. Any pending rule that was properly rejected pursuant to the APA in whole or in part is listed in this notice with the corresponding house or senate concurrent resolution affecting it. Pending rule dockets that were rejected in whole or any parts of any pending rule that were rejected, are null, void and of no force and effect. Those rules that were acted on and approved by concurrent resolution became final and of full force and effect upon July 1, unless otherwise specified in the concurrent resolution. The concurrent resolutions affecting the rules that were reviewed during the 2024 legislative session are also printed in this Bulletin.

During the 2024 legislative session, the legislature adopted the required concurrent resolutions respective to the germane committee assignments for rules review books approving the pending fees rules that were submitted for review and provided by the Office of the Administrative Rules Coordinator to the standing committees of the legislature. All pending fee rules that were approved by House Concurrent Resolutions (HCRs) and Senate Concurrent Resolutions (SCRs) are now final rules and are of full force and effect pursuant to the adoption of the concurrent resolution, unless another effective date has been specified in the concurrent resolution. Those pending rules that were properly rejected in their entirety are null, void and of no force and effect.

In accordance with Section 67-5226(3), Idaho Code, all temporary rules that were submitted for extension have been reviewed and approved. Temporary rules that were reviewed and extended will continue to be of full force and effect until the end of the next legislative session, unless they expire under their own terms or other provision of law or are rescinded, and any part of a temporary rule that was rejected is declared null, void and of no force and effect.

TEMPORARY, PENDING FEE, AND PENDING NON-FEE RULES: The following tables list all temporary, pending fee, and pending non-fee rulemakings that were submitted for legislative review to the 2024 legislative session. The list includes the docket number of each temporary, pending fee, and pending non-fee rulemaking, the volume number of the Bulletin in which the proposed, pending, and temporary rule notices and text were published, the final effective dates of all approved pending fee and pending non-fee rules, the effective dates of any temporary rules, and the number of the senate or house concurrent resolution, if applicable, affecting the rulemaking. These tables provide final status of all pending non-fee, pending fee, and temporary rules submitted for legislative review.

TEMPORARY RULES				
AFFECTED BY THE 2024 SECOND REGULAR SESSION OF THE SIXTY-SEVENTH LEGISLATURE				
Temporary Rule Docket Number	Bulletin Vol. No.	Temporary Effective Date	Rejected Rule	Action Taken
16-0314-2301	23-12	(11-14-23)T		Approved

PENDING FEE RULES				
AFFECTED BY THE 2024 SECOND REGULAR SESSION OF THE SIXTY-SEVENTH LEGISLATURE				
Fee Rule Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken
02-0213-2301	24-1	23-10	(7-1-24)	Approved
02-0215-2301	24-1	23-10	(7-1-24)	Approved
02-0303-2301	24-1	23-10	(7-1-24)	Approved
02-0432-2301	24-1	23-10	(7-1-24)	Approved
02-0601-2301	24-1	23-10	(7-1-24)	Approved
02-0604-2301	24-1	23-10	(7-1-24)	Approved
11-0201-2301	23-12	23-10	(7-1-24)	Approved
11-0401-2301	23-12	23-5	(7-1-24)	Approved
11-1001-2301	23-12	23-9	(7-1-24)	Approved
12-0108-2301	24-1	23-10	(7-1-24)	Approved
15-1001-2301	24-1	23-10	(7-1-24)	Approved
16-0225-2301	23-12	23-7	(7-1-24)	Approved
16-0318-2301	24-1	23-10	(7-1-24)	Approved
16-0603-2301	24-1	23-8	(7-1-24)	Approved
18-0102-2301	23-12	23-9	(7-1-24)	Approved
20-0301-2301	24-1	23-9	(7-1-24)	Approved
20-0303-2301	24-1	23-9	(7-1-24)	Approved
20-0305-2301	24-1	23-9	(7-1-24)	Approved
21-0104-2301	23-11	23-3	Null and Void	Not Approved
24-0101-2301	23-11	23-8	(7-1-24)	Approved
24-0501-2301	23-1	23-8	(7-1-24)	Approved
24-0601-2301	23-11	23-8	(7-1-24)	Approved
24-1101-2301	23-11	23-8	(7-1-24)	Approved

PENDING FEE RULES AFFECTED BY THE 2024 SECOND REGULAR SESSION OF THE SIXTY-SEVENTH LEGISLATURE				
Fee Rule Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken
24-1301-2301	23-11	23-8	(7-1-24)	Approved
24-1401-2301	23-12	23-9	(7-1-24)	Approved
24-1501-2301	23-11	23-8	(7-1-24)	Approved
24-1601-2301	23-11	23-8	(7-1-24)	Approved
24-1801-2301	23-12	23-10	(7-1-24)	Approved
24-2701-2301	23-11	23-8	(7-1-24)	Approved
24-2801-2301	23-11	23-8	(7-1-24)	Approved
24-3101-2301	23-12	23-9	(7-1-24)	Approved
24-3801-2301	23-12	23-9	(7-1-24)	Approved
24-3910-2302	23-12	23-10	Null and Void	Not Approved
24-3930-2302	23-12	23-9	(7-1-24)	Approved
24-3931-2301	23-12	23-9	(7-1-24)	Approved
24-3950-2301	23-12	23-9	(7-1-24)	Approved
24-4001-2301	23-11	23-9	(7-1-24)	Approved
26-0110-2301	23-12	23-10	(7-1-24)	Approved
26-0120-2301	23-12	23-10	(7-1-24)	Approved
32-0101-2301	24-1	23-11	(7-1-24)	Approved
37-0308-2301	24-1	23-10	(7-1-24)	Approved
39-0260-2301	23-12	23-10	(7-1-24)	Approved
39-0301-2301	23-12	23-10	(7-1-24)	Approved
58-0107-2301	23-12	23-8	(7-1-24)	Approved
58-0108-2301	23-12	23-9	(7-1-24)	Approved
58-0125-2301	23-12	23-9	(7-1-24)	Approved

PENDING NON-FEE RULES AFFECTED BY THE 2024 SECOND REGULAR SESSION OF THE SIXTY-SEVENTH LEGISLATURE				
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken
02-0214-2301	24-1	23-10	(7-1-24)	Approved
02-0414-2301	24-1	23-10	(7-1-24)	Approved

PENDING NON-FEE RULES AFFECTED BY THE 2024 SECOND REGULAR SESSION OF THE SIXTY-SEVENTH LEGISLATURE				
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken
02-0423-2301	24-1	23-10	(7-1-24)	Approved
02-0430-2301	24-1	23-10	(7-1-24)	Approved
02-0602-2301	24-1	23-10	(7-1-24)	Approved
02-0609-2301	24-1	23-10	(7-1-24)	Approved
02-0610-2301	24-1	23-10	(7-1-24)	Approved
02-0616-2301	24-1	23-10	(7-1-24)	Approved
02-0633-2301	24-1	23-10	(7-1-24)	Approved
05-0102-2301	24-1	23-10	(7-1-24)	Approved
05-0104-2301	24-1	23-10	(7-1-24)	Approved
05-0201-2301	24-1	23-10	Null and Void	Not Approved
08-0102-2301	23-12	23-10	(7-1-24)	Approved
08-0113-2302	23-12	23-10	(7-1-24)	Approved
08-0203-2301	23-12	23-10	(7-1-24)	Approved
08-0401-2301	23-12	23-10	Null and Void	Not Approved
11-0701-2301	23-12	23-9	(7-1-24)	Approved
11-0703-2301	23-12	23-9	(7-1-24)	Approved
11-1301-2301	23-12	23-9	(7-1-24)	Approved
12-0104-2301	24-1	23-10	(7-1-24)	Approved
12-0110-2301	24-1	23-10	(7-1-24)	Approved
13-0104-2301	24-1	23-9	(7-1-24)	Approved
13-0106-2301	24-1	23-10	(7-1-24)	Approved
13-0108-2301	24-1	23-10	(7-1-24)	Approved
13-0111-2301	24-1	23-10	(7-1-24)	Approved
13-0112-2301	24-1	23-10	(7-1-24)	Approved
13-0115-2301	24-1	23-10	(7-1-24)	Approved
15-0401-2301	23-12	23-10	(7-1-24)	Approved
16-0102-2301	24-1	23-8	(7-1-24)	Approved
16-0103-2301	24-1	23-8	(7-1-24)	Approved
16-0202-2301	24-1	23-9	(7-1-24)	Approved
16-0206-2301	24-1	23-8	(7-1-24)	Approved
16-0224-2301	23-12	23-8	(7-1-24)	Approved

PENDING NON-FEE RULES AFFECTED BY THE 2024 SECOND REGULAR SESSION OF THE SIXTY-SEVENTH LEGISLATURE				
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken
16-0301-2301	23-12	23-9	(7-1-24)	Approved
16-0302-2301	24-1	23-9	(7-1-24)	Approved
16-0304-2301	24-1	23-9	(7-1-24)	Approved
16-0305-2301	24-1	23-10	(7-1-24)	Approved
16-0306-2301	23-12	23-9	(7-1-24)	Approved
16-0309-2301	23-12	23-7	(7-1-24)	Approved
16-0310-2101	24-1	23-10	(7-1-24)	Approved
16-0313-2101	24-1	23-10	(7-1-24)	Approved
16-0322-2301	24-1	23-7	(7-1-24)	Approved
16-0418-2301	24-1	23-5	(7-1-24)	Approved
16-0601-2301	24-1	23-7	(7-1-24)	Approved
16-0602-2301	24-1	23-8	(7-1-24)	Approved
16-0719-2301	23-12	23-8	(7-1-24)	Approved
16-0725-2301	23-12	23-8	(7-1-24)	Approved
16-0739-2301	24-1	23-10	(7-1-24)	Approved
17-1001-2301	23-11	23-9	(7-1-24)	Approved
18-0404-2301	23-12	23-9	(7-1-24)	Approved
18-0408-2301	23-12	23-9	(7-1-24)	Approved
18-0601-2301	23-12	23-9	(7-1-24)	Approved
18-0602-2301	23-12	23-9	(7-1-24)	Approved
18-0603-2301	23-12	23-9	(7-1-24)	Approved
18-0706-2301	23-12	23-9	(7-1-24)	Approved
18-0710-2301	23-12	23-9	(7-1-24)	Approved
18-0801-2301	23-12	23-9	(7-1-24)	Approved
20-0101-2301	24-1	23-8	(7-1-24)	Approved
20-0501-2301	24-1	23-10	(7-1-24)	Approved
24-0701-2301	23-1	23-9	(7-1-24)	Approved
24-3301-2301	23-12	23-10	(7-1-24)	Approved
24-3501-2301	23-12	23-9	(7-1-24)	Approved
24-3601-2301	24-1	23-12	(7-1-24)	Approved
26-0134-2201	23-12	23-8	(7-1-24)	Approved

PENDING NON-FEE RULES AFFECTED BY THE 2024 SECOND REGULAR SESSION OF THE SIXTY-SEVENTH LEGISLATURE				
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken
29-0101-2301	23-12	23-9	(7-1-24)	Approved
31-1201-2301	23-12	23-10	(7-1-24)	Approved
31-2101-2301	23-12	23-10	(7-1-24)	Approved
31-2601-2301	23-12	23-10	(7-1-24)	Approved
31-3101-2301	23-12	23-10	(7-1-24)	Approved
35-0101-2301	23-12	23-8	(7-1-24)	Approved
35-0101-2302	24-1	23-11	(7-1-24)	Approved
35-0102-2301	24-1	23-11	(7-1-24)	Approved
35-0103-2301	23-12	23-9	(7-1-24)	Approved
35-0108-2301	23-12	23-8	(7-1-24)	Approved
36-0101-2301	24-1	23-11	(7-1-24)	Approved
39-0204-2301	23-12	23-10	(7-1-24)	Approved
39-0222-2301	23-12	23-10	(7-1-24)	Approved
39-0242-2301	23-12	23-10	(7-1-24)	Approved
39-0246-2301	23-12	23-10	(7-1-24)	Approved
39-0276-2301	23-12	23-7	(7-1-24)	Approved
39-0302-2301	23-12	23-10	(7-1-24)	Approved
39-0303-2301	23-12	23-10	(7-1-24)	Approved
39-0304-2301	23-12	23-10	(7-1-24)	Approved
39-0305-2301	23-12	23-10	(7-1-24)	Approved
39-0306-2301	23-12	23-10	(7-1-24)	Approved
39-0307-2301	23-12	23-10	(7-1-24)	Approved
39-0308-2301	23-12	23-10	(7-1-24)	Approved
39-0340-2301	23-12	23-10	(7-1-24)	Approved
39-0342-2301	23-12	23-10	(7-1-24)	Approved
39-0348-2301	23-12	23-10	(7-1-24)	Approved
39-0350-2301	23-12	23-10	(7-1-24)	Approved
39-0401-2301	23-12	23-10	(7-1-24)	Approved
50-0101-2301	24-1	23-11	(7-1-24)	Approved
52-0103-2301	24-1	23-12	Null and Void	Not Approved
55-0103-2301	23-12	23-10	(7-1-24)	Approved

PENDING NON-FEE RULES AFFECTED BY THE 2024 SECOND REGULAR SESSION OF THE SIXTY-SEVENTH LEGISLATURE				
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Action Taken
55-0104-2301	23-12	23-10	(7-1-24)	Approved
58-0101-2301	23-12	23-9	(7-1-24)	Approved
59-0101-2301	24-1	23-11	(7-1-24)	Approved
59-0201-2301	24-1	23-11	(7-1-24)	Approved
62-0101-2301	23-12	23-10	(7-1-24)	Approved

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this notice, contact Brad Hunt (208) 854-3096.

DATED this 7th day of August, 2024.

Brad Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P.O. Box 83720, Boise, ID 83720-0032
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**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DIVISION OF FINANCIAL MANAGEMENT**

**HISTORY NOTES INDEX OF ADMINISTRATIVE RULES REVIEWED AND APPROVED
AS FINAL AND EFFECTIVE DURING THE 2024 SECOND REGULAR SESSION
OF THE SIXTY-SEVENTH LEGISLATURE OF THE STATE OF IDAHO**

The table published herein lists all pending rulemakings that were reviewed during the 2024 legislative session and shows the individual rule sections that were affected by these rulemakings. The table includes the docket number of each affected chapter, the section numbers of the amended rule, the Bulletin publication volume numbers, and the final effective date of the rule.

Effective Dates –

Effective dates for the pending rules reviewed and approved by the 2024 Idaho Legislature are as follows:

Pending Rules:

Effective date – July 1, 2024 (7-1-24), unless otherwise specified in the pending rule.

<i>History Notes of Sections Affected – Legislative Session 2024</i>				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
IDAPA 02 – DEPARTMENT OF AGRICULTURE				
<i>02.02.13, Commodity Dealers’ Rules</i>				
02-0213-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
<i>02.02.14, Rules for Weights and Measures</i>				
02-0214-2301	004	23-10	24-1	(7-1-24)
<i>02.02.15, Rules Governing the Seed Indemnity Fund</i>				
02-0215-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
<i>02.03.03, Rules Governing Pesticide and Chemigation Use and Application</i>				
02-0303-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
<i>02.03.10, Rules Governing the Growing of Potatoes</i>				
02-0610-2301	ZBR Chapter Rewrite	23-10	24-1	(7-1-24)
<i>02.04.14, Rules Governing Dairy Byproduct</i>				
02-0414-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
<i>02.04.23, Rules Governing Commercial Livestock Truck Washing Facilities</i>				
02-0423-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
<i>02.04.30, Rules Governing Environmental and Nutrient Management</i>				
02-0430-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
<i>02.04.32, Rules Governing Poultry Operations</i>				
02-0432-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
<i>02.06.01, Rules Governing the Production and Distribution of Seed</i>				
02-0601-2301	190-192	23-10	24-1	(7-1-24)
<i>02.06.02, Rules Governing Registrations and Licenses</i>				
02-0602-2301	104, 404, 504	23-10	24-1	(7-1-24)
<i>02.06.04, Rules Governing Plant Exports</i>				
02-0604-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
<i>02.06.09, Rules Governing Invasive Species and Noxious Weeds</i>				
02-0609-2301	130, 146, 147, 220	23-10	24-1	(7-1-24)
<i>02.06.16, Rules Governing Honey Standards</i>				
02-0616-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
<i>02.06.33, Organic Food Products Rules</i>				
02-0633-2301	004	23-10	24-1	(7-1-24)

History Notes of Sections Affected – Legislative Session 2024

Chapter and Docket Number	Sections Affected	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS				
05.01.02, Rules and Standards for Secure Juvenile Detention Centers				
05-0102-2301	ZBR Chapter Repeal	23-10	24-1	(7-1-24)
05.01.04, Rules Governing County Juvenile Probation and Detention Services				
05-0104-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
05.02.01, Rules for Residential Treatment Providers				
05-0201-2301	ZBR Chapter Repeal	23-10	24-1	Null and Void

IDAPA 08 – STATE BOARD OF EDUCATION				
08.01.02, Rules Governing the Postsecondary Credit Scholarship Program				
08-0102-2301	Chapter Repeal	23-10	23-12	(7-1-24)
08.01.13, Rules Governing the Opportunity Scholarship Program				
08-0113-2302	000, 101-302	23-10	23-12	(7-1-24)
08.02.03, Rules Governing Thoroughness				
08-0203-2301	112	23-10	23-12	(7-1-24)
08.04.01, Rules of the Idaho Digital Learning Academy				
08-0401-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	Null and Void

IDAPA 11 – IDAHO STATE POLICE				
11.07.01, Rules Governing Motor Vehicles – General Rules				
11-0701-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
11.07.03, Rules Governing Emergency Vehicles/Authorized Emergency Vehicles				
11-0703-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
11.10.01, Rules Governing Idaho Public Safety and Security Information System				
11-1001-2301	018	23-9	23-12	(7-1-24)
11.13.01, The Motor Carrier Rules				
11-1301-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
IDAPA 11.04 – Racing Commission				
11.04.01, Rules Governing the Idaho State Racing Commission				
11-0401-2301	New Chapter (000-999)	23-5	23-12	(7-1-24)

History Notes of Sections Affected – Legislative Session 2024

<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
IDAPA 11.02 – State Brand Board				
11.02.01, Rules of the Idaho State Brand Board				
11-0201-2301	034	23-10	23-12	(7-1-24)

IDAPA 12 – DEPARTMENT OF FINANCE				
12.01.04, Rules Pursuant to the Idaho Credit Union Act				
12-0104-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
12.01.08, Rules Pursuant to the Uniform Securities Act (2004)				
12-0108-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act				
12-0110-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)

IDAPA 13 – DEPARTMENT OF FISH AND GAME				
13.01.04, Rules Governing Licensing				
13-0104-2301	500	23-9	24-1	(7-1-24)
13.01.06, Rules Governing Classification and Protection of Wildlife				
13-0106-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
13.01.08, Rules Governing Taking of Big Game Animals				
13-0108-2301	406	23-10	24-1	(7-1-24)
13.01.11, Rules Governing Fish				
13-0111-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
13.01.12, Rules Governing Commercial Fishing				
13-0112-2301	ZBR Chapter Repeal	23-10	24-1	(7-1-24)
13.01.15, Rules Governing the Use of Dogs				
13-0115-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)

IDAPA 15 – OFFICE OF THE GOVERNOR				
IDAPA 15.04 – Division of Human Resources & Personnel Commission				
15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission				
15-0401-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)

History Notes of Sections Affected – Legislative Session 2024

Chapter and Docket Number	Sections Affected	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
IDAPA 15.10 – Idaho State Liquor Division				
15.10.01, Rules of the Idaho State Liquor Division				
15-1001-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE				
16.01.02, Emergency Medical Services (EMS) – Rule Definitions				
16-0102-2301	000-013	23-8	24-1	(7-1-24)
16.01.03, Emergency Medical Services (EMS) – Agency Licensing Requirements				
16-0103-2301	ZBR Chapter Rewrite (000-999)	23-8	24-1	(7-1-24)
16.02.02, Idaho Emergency Medical Services (EMS) Physician Commission				
16-0202-2301	ZBR Chapter Rewrite (000-999)	23-9	24-1	(7-1-24)
16.02.06, Quality Assurance for Clinical Laboratories				
16-0206-2301	ZBR Chapter Rewrite (000-999)	23-8	24-1	(7-1-24)
16.02.24, Clandestine Drug Laboratory Cleanup				
16-0224-2301	ZBR Chapter Rewrite (000-999)	23-8	23-12	(7-1-24)
16.02.25, State Laboratory Fees				
16-0225-2301	200	23-7	23-12	(7-1-24)
16.03.01, Eligibility for Health Care Assistance for Families and Children				
16-0301-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
16.03.02, Skilled Nursing Facilities				
16-0302-2301	ZBR Chapter Rewrite (000-999)	23-9	24-1	(7-1-24)
16.03.04, Idaho Food Stamp Program				
16-0304-2301	ZBR Chapter Rewrite (000-999)	23-9	24-1	(7-1-24)
16.03.05, Eligibility for Aid to the Aged, Blind, and Disabled (AABD)				
16-0305-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
16.03.06, Refugee Medical Assistance				
16-0306-2301	150	23-9	23-12	(7-1-24)
16.03.09, Medicaid Basic Plan Benefits				
16-0309-2301	004-009, 011-100, 210, 230, 235, 455, 511-514, 524, 549, 573, 602, 640-642, 644, 709, 723, 732, 733, 753, 850, 853, 855, 892, 894	23-7	23-12	(7-1-24)

History Notes of Sections Affected – Legislative Session 2024

<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
16.03.10, Medicaid Enhanced Plan Benefits				
16-0310-2101	004-010, 093, 200, 300, 304, 305, 308, 314, 317, 320, 326, 328, 329, 350, 506, 508, 511, 513-515, 645, 648, 651, 655, 658-702, 704, 705, 727, 728	23-10	24-1	(7-1-24)
16.03.13, Consumer-Directed Services				
16-0313-2101	009, 135, 190, 302, 310	23-10	24-1	(7-1-24)
16.03.18, Medicaid Cost-Sharing				
16-0318-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)
16.03.22, Residential Assisted Living Facilities				
16-0322-2301	110, 215, 930	23-7	24-1	(7-1-24)
16.04.18, Children's Agencies and Residential Licensing				
16-0418-2301	000-100, 102, 106, 108	23-5	24-1	(7-1-24)
16.06.01, Child and Family Services				
16-0601-2301	011, 012, 405, 701	23-7	24-1	(7-1-24)
16.06.02, Foster Care Licensing				
16-0602-2301	ZBR Chapter Rewrite (000-999)	23-8	24-1	(7-1-24)
16.06.03, Daycare Licensing				
16-0603-2301	New Chapter (000-999)	23-8	24-1	(7-1-24)
16.07.19, Peer Support Specialist and Family Support Partner Certification				
16-0719-2301	ZBR Chapter Rewrite (000-999)	23-8	23-12	(7-1-24)
16.07.25, Prevention of Minors' Access to Tobacco or Electronic Smoking Device Products				
16-0725-2301	ZBR Chapter Rewrite (000-999)	23-8	23-12	(7-1-24)
16.07.39, Designated Examiners and Dispositioners				
16-0739-2301	001-700	23-10	24-1	(7-1-24)

IDAPA 17 – INDUSTRIAL COMMISSION

17.10.01, Administrative Rules Under the Crime Victims Compensation Act				
17-1001-2301	ZBR Chapter Rewrite (000-999)	23-9	23-11	(7-1-24)

IDAPA 18 – DEPARTMENT OF INSURANCE

18.01.02, Schedule of Fees, Licenses, and Miscellaneous Charges				
18-0102-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)

History Notes of Sections Affected – Legislative Session 2024

<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
18.04.04, The Managed Care Reform Act Rule				
18-0404-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
18.04.08, Individual and Group Supplementary Disability Insurance Minimum Standards Rule				
18-0408-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
18.06.01, Rules Pertaining to Bail Agents				
18-0601-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
18.06.02, Producers Handling of Fiduciary Funds				
18-0602-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
18.06.03, Rules Governing Disclosure Requirements for Insurance Producers When Charging Fees				
18-0603-2301	ZBR Chapter Repeal	23-9	23-12	(7-1-24)
18.07.06, Life and Health Reinsurance Agreements				
18-0706-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
18.07.10, Corporate Governance Annual Disclosure				
18-0710-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
18.08.01, Adoption of the International Fire Code				
18-0801-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)

IDAPA – 20 DEPARTMENT OF LANDS

20.01.01, Rules of Practice and Procedure Before the State Board of Land Commissioners				
20-0101-2301	ZBR Chapter Rewrite (000-999)	23-8	24-1	(7-1-24)
20.03.01, Rules Governing Dredge and Placer Mining Operations in Idaho				
20-0301-2301	ZBR Chapter Rewrite (000-999)	23-9	24-1	(7-1-24)
20.03.03, Rules Governing Administration of the Reclamation Fund				
20-0303-2301	ZBR Chapter Rewrite (000-999)	23-9	24-1	(7-1-24)
20.03.05, Navigable Waterways Mineral Leasing in Idaho				
20-0305-2301	ZBR Chapter Rewrite (000-999)	23-9	24-1	(7-1-24)
20.05.01, Rules Pertaining to the Recreational Use of Endowment Land				
20-0501-2301	New Chapter (000-999)	23-10	24-1	(7-1-24)

IDAPA 21 – DIVISION OF VETERANS SERVICES

21.01.04, Rules Governing Idaho State Veterans Cemeteries				
21-0104-2301	000, 002-010, 024, 040	23-3	23-11	Null and Void

<i>History Notes of Sections Affected – Legislative Session 2024</i>				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES				
24.01.01, Rules of the Board of Architects and Landscape Architects				
24-0101-2301	ZBR Chapter Rewrite (000-999)	23-8	23-11	(7-1-24)
24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals				
24-0501-2301	ZBR Chapter Rewrite (000-999)	23-8	23-1	(7-1-24)
24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants				
24-0601-2301	ZBR Chapter Rewrite (000-999)	23-8	23-11	(7-1-24)
24.07.07, Rules of the Idaho State Board of Landscape Architects				
24-0701-2301	ZBR Chapter Repeal	23-9	23-1	(7-1-24)
24.11.01, Rules of the State Board of Podiatry				
24-1101-2301	ZBR Chapter Rewrite (000-999)	23-8	23-11	(7-1-24)
24.13.01, Rules Governing the Physical Therapy Licensure Board				
24-1301-2301	ZBR Chapter Rewrite (000-999)	23-8	23-11	(7-1-24)
24.14.01, Rules of the State Board of Social Work Examiners				
24-1401-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists				
24-1501-2301	ZBR Chapter Rewrite (000-999)	23-8	23-11	(7-1-24)
24.16.01, Rules of the State Board of Dentistry				
24-1601-2301	ZBR Chapter Rewrite (000-999)	23-8	23-11	(7-1-24)
24.18.01, Rules of the Real Estate Appraiser Board				
24-1801-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)
24.27.01, Rules of the Idaho State Board of Massage Therapy				
24-2701-2301	ZBR Chapter Rewrite (000-999)	23-8	23-11	(7-1-24)
24.28.01, Rules of the Barber and Cosmetology Services Licensing Board				
24-2801-2301	ZBR Chapter Rewrite (000-999)	23-8	23-11	(7-1-24)
24.31.01, Rules of the Idaho State Board of Dentistry				
24-3101-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
24.33.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho				
24-3301-2301	151, 243, 244	23-10	23-12	(7-1-24)
24.35.01, Rules of the Outfitters and Guides Licensing Board				
24-3501-2301	257, 259	23-9	23-12	(7-1-24)

History Notes of Sections Affected – Legislative Session 2024

<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
24.36.01, Rules of the Idaho State Board of Pharmacy				
24-3601-2301	011, 301	23-12	24-1	(7-1-24)
24.38.01, Rules of the State of Idaho Board of Veterinary Medicine				
24-3801-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
24.39.10, Rules of the Idaho Electrical Board				
24-3910-2302	100-200, 600	23-10	23-12	Null and Void
24.39.30, Rules of Building Safety (Building Code Rules)				
24-3930-2302	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
24.39.37, Rules for Factory Built Structures				
24-3931-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
24.39.50, Rules of the Public Works Contractors License Board				
24-3950-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
24.40.01, Rules for the Board of Naturopathic Health Care				
24-4001-2301	New Chapter (000-999)	23-9	23-11	(7-1-24)

IDAPA 26 – DEPARTMENT OF PARKS & RECREATION

26.01.10, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation				
26-0110-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)
26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities				
26-0120-2301	000–075, 125-200, 225-276, 676	23-10	23-12	(7-1-24)
26.01.34, Idaho Protection Against Invasive Species Sticker Rules				
26-0134-2201	ZBR Chapter Repeal	23-8	23-12	(7-1-24)

IDAPA 29 – IDAHO POTATO COMMISSION

29.01.01, Rules of the Idaho Potato Commission				
29-0101-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)

IDAPA 31 – PUBLIC UTILITIES COMMISSION

31.12.01, Systems of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission				
31-1201-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)

History Notes of Sections Affected – Legislative Session 2024

<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
31.21.01, Customer Relations Rules for Gas, Electric, and Water Public Utilities (The Utility Customer Relations Rules)				
31-2101-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)
31.26.01, Master-Metering Rules for Electric Utilities				
31-2601-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)
31.31.01, Gas Service Rules				
31-3101-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)

IDAPA 32 – ENDOWMENT FUND INVESTMENT BOARD

32.01.01, Rules Governing the Credit Enhancement Program for School Districts				
32-0101-2301	ZBR Chapter Rewrite (000-999)	23-11	24-1	(7-1-24)

IDAPA 35 – STATE TAX COMMISSION

35.01.01, Income Tax Administrative Rules				
35-0101-2301	700	23-8	23-12	(7-1-24)
35-0101-2302	874	23-11	24-1	(7-1-24)
35.01.02, Idaho Sales and Use Tax Administrative Rules				
35-0102-2301	029	23-11	24-1	(7-1-24)
35.01.03, Property Tax Administrative Rules				
35-0103-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)
35.01.08, Mine License Tax Administrative Rules				
35-0108-2301	ZBR Chapter Rewrite (000-999)	23-8	23-12	(7-1-24)

IDAPA 36 – IDAHO BOARD OF TAX APPEALS

36.01.01, Idaho Board of Tax Appeals Rules				
36-0101-2301	ZBR Chapter Rewrite (000-999)	23-11	24-1	(7-1-24)

IDAPA 37 – DEPARTMENT OF WATER RESOURCES

37.03.08, Water Appropriation Rules				
37-0308-2301	ZBR Chapter Rewrite (000-999)	23-10	24-1	(7-1-24)

<i>History Notes of Sections Affected – Legislative Session 2024</i>				
<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT				
39.02.04, Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees				
39-0204-2301	ZBR Chapter Repeal	23-10	23-12	(7-1-24)
39.02.22, Rules Governing Registration and Permit Fee Administration and Temporary Vehicle Clearance for Carriers				
39-0222-2301	010-101	23-10	23-12	(7-1-24)
39.02.42, Rules Governing Conditional Vehicle Registration and Temporary Registration				
39-0242-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)
39.02.46, Rules Governing Temporary Motor Vehicle Registration Permit				
39-0246-2301	ZBR Chapter Repeal	23-10	23-12	(7-1-24)
39.02.60, Rules Governing License Plate Provisions				
39-0260-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)
39.02.76, Rules Governing Driver's License and Identification Card Renewal-By-Mail and Electronic Renewal and Replacement Processes				
39-0276-2301	001-012	23-7	23-12	(7-1-24)
39.03.01, Rules Governing Special Permits				
39-0301-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)
39.03.02, Rules Governing Movement of Disabled Vehicles				
39-0302-2301	ZBR Chapter Repeal	23-10	23-12	(7-1-24)
39.03.03, Rules Governing Special Permits – General Conditions and Requirements				
39-0303-2301	ZBR Chapter Repeal	23-10	23-12	(7-1-24)
39.03.04, Rules Governing Special Permits – Overweight Non-Reducible				
39-0304-2301	ZBR Chapter Repeal	23-10	23-12	(7-1-24)
39.03.05, Rules Governing Special Permits – Oversize Non-Reducible				
39-0305-2301	ZBR Chapter Repeal	23-10	23-12	(7-1-24)
39.03.06, Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations				
39-0306-2301	ZBR Chapter Repeal	23-10	23-12	(7-1-24)
39.03.07, Rules Governing Special Permits for Reducible Loads				
39-0307-2301	ZBR Chapter Repeal	23-10	23-12	(7-1-24)
39.03.08, Rules Governing Self-Propelled Snowplows				
39-0308-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)
39.03.40, Rules Governing Junkyards and Dumps				
39-0340-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)

History Notes of Sections Affected – Legislative Session 2024

Chapter and Docket Number	Sections Affected	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
39.03.42, Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way				
39-0342-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)
39.03.48, Rules Governing Routes Exempt From Local Plans and Ordinances				
39-0348-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)
39.03.50, Rules Governing Safety Rest Areas				
39-0350-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)
39.04.01, Rules Governing Aeronautics and Aviation				
39-0401-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE

50.01.01, Rules of the Commission of Pardons and Parole				
50-0101-2301	ZBR Chapter Rewrite (000-999)	23-11	24-1	(7-1-24)

IDAPA 52 – IDAHO STATE LOTTERY COMMISSION

52.01.03, Rules Governing Operations of the Idaho State Lottery				
52-0103-2301	000-100, 202-204	23-12	24-1	Null and Void

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03, Rules of Career Technical Centers				
55-0103-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)
55.01.04, Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants				
55-0104-2301	ZBR Chapter Rewrite (000-999)	23-10	23-12	(7-1-24)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01, Rules for the Control of Air Pollution in Idaho				
58-0101-2301	107, 130	23-9	23-12	(7-1-24)
58.01.07, Rules Regulating Underground Storage Tank Systems				
58-0107-2301	ZBR Chapter Rewrite (000-999)	23-8	23-12	(7-1-24)
58.01.08, Idaho Rules for Public Drinking Water Systems				
58-0108-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)

History Notes of Sections Affected – Legislative Session 2024

<i>Chapter and Docket Number</i>	<i>Sections Affected</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
58.01.25, Idaho Pollutant Discharge Elimination System Rules				
58-0125-2301	ZBR Chapter Rewrite (000-999)	23-9	23-12	(7-1-24)

IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO - PERSI

59.01.01, Rules for the Public Employee Retirement System of Idaho (PERSI)				
59-0101-2301	ZBR Chapter Rewrite (000-999)	23-11	24-1	(7-1-24)
59.02.01, Rules for the Judges' Retirement Fund				
59-0201-2301	ZBR Chapter Rewrite (000-999)	23-11	24-1	(7-1-24)

IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS

62.01.01, Idaho Rules of Administrative Procedure				
62-0101-2301	New Chapter (000-999)	23-10	23-12	(7-1-24)

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this notice, contact Brad Hunt (208)854-3096.

DATED this 7th day of August, 2024.

Brad Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P.O. Box 83720, Boise, ID 83720-0032
Phone: (208)854-3096
adminrules@dfm.idaho.gov

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS
DOCKET NO. 02-0609-2403
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 28, 2024.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 22-2004, 22-2006, 22-2012, and 22-2013, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

Invasive quagga mussel samples were recently discovered in the Snake River. Left unchecked, quagga mussels pose a significant threat to the health and safety of Idaho's environment, and water use as well as threaten Idaho's economy. Accordingly, the Director has exercised the authority granted to them under Idaho law to quarantine certain areas of the snake river until the Department is able to eradicate any existing quagga mussels. This new temporary rule broadens the April 10, 2024, update to the same rule by allowing for restricted access to the river at defined locations and per a defined requirement for watercraft and conveyances to be inspected and decontaminated and decontaminated as needed prior to launch and decontaminated upon exit.

The new amendment allows for limited, low risk movements from Pillar Falls to the pool below Shoshone Falls for state and county-related watercraft, including those approved vendors with watercraft that operate exclusively in the quarantine area.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Protection for and maintaining the safety of property and aquatic plant life.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

There is no fee being charged by this temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lloyd Knight.

DATED this 28th day of June, 2024.

Lloyd B. Knight, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208) 332-8615
Email: lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0609-2403
(Only Those Sections With Amendments Are Shown.)

135. SNAKE RIVER QUARANTINE.

ISDA has issued a quarantine of the Snake River from Twin Falls Dam to the partial bridge structure at the bottom of Yingst Grade (known as “the Broken Bridge”, “Yingst Grade Bridge”, the “Old Interstate Bridge”), which is approximately one-half (1/2) mile upstream of Auger Falls to contain and treat quagga mussels. All public access to the Snake River via watercraft or other conveyance between Pillar Falls and Twin Falls hydroelectric facility is prohibited. Access to the river by watercraft or other conveyance between the bottom of Yingst Grade (known as “the Broken Bridge”, “Yingst Grade Bridge”, the “Old Interstate Bridge”), which is approximately one-half (1/2) mile upstream of Auger Falls, and Pillar Falls is restricted. Launch of watercraft in this section is restricted to the hours when the watercraft inspection station at Centennial Park is in operation and requires inspection and decontamination of all conveyances and watercraft by ISDA or an assigned entity prior to launch into and upon exit from the water. This requirement applies to all motorized and non-motorized watercraft of any size, including paddle boards and kayaks. (4-10-24)T

01. State and County Watercraft. State and county watercraft, including watercraft operated by the vendor approved by the Twin Falls County to operate at Centennial Park, are permitted to access the area from Pillar Falls to the Shoshone Falls provided the watercraft do not leave the infested area or go through decontamination prior to leaving the quarantine area. All watercraft entering the area between Pillar Falls and Shoshone Falls must launch from Centennial Park, presenting for inspection and decontamination prior to launch into and upon exit from the water. (6-28-24)T

IDAPA 09 – IDAHO DEPARTMENT OF LABOR

09.01.08 – RULES ON DISCLOSURE OF EMPLOYMENT SECURITY INFORMATION

DOCKET NO. 09-0108-2401 (ZBR CHAPTER REWRITE)

NOTICE OF INTENT TO PROMULGATE RULES – ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 72-1300 et seq., Idaho Code, Sections 45-600 et seq., 74-106(7), Idaho Code.

Idaho Department of Labor 317 W. 3rd St. Boise ID 83702	
Monday, August 12, 2024 2:00 p.m. - 3:00 p.m. (MT) Zoom Link	Wednesday, August 14, 2024 10:00 a.m. - 11:00 a.m. (MT) Zoom Link
(Virtual meeting links will also be posted at: townhall.idaho.gov)	

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and/or web conferencing. Individuals interested in participating can visit townhall.idaho.gov for specific meeting information, including web links for participation. For those who cannot participate in this way, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

These rules are being presented for authorization as part of the IDOL's plan to review each rule every 5 years. There are no specific rulemaking changes planned by the IDOL at this time except for evaluation and amendment consistent with the Governor's [Zero-Based Regulation Executive Order](#). It is anticipated that rulemaking stakeholders will propose and advocate for rulemaking changes as part of the negotiated rulemaking process. The IDOL intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order. The IDOL will review the documents that are currently incorporated by reference in this rule and update that list as applicable.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Darlene Carnopis at darlene.carnopis@labor.idaho.gov or (208) 696-2380.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 7th of August, 2024.

Darlene Carnopis
Policy Coordinator
317 W. 3rd St.
Boise, ID 83702
Phone: (208) or (208) 696-2380
Email: darlene.carnopis@labor.idaho.gov

IDAPA 09 – IDAHO DEPARTMENT OF LABOR
09.05.03 – RULES FOR DETERMINING BARGAINING REPRESENTATIVES
DOCKET NO. 09-0503-2401 (ZBR CHAPTER REWRITE)
NOTICE OF INTENT TO PROMULGATE RULES –
ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 72-1300 et seq., Idaho Code, Sections 45-600 et seq., 74-106(7), Idaho Code.

Idaho Department of Labor 317 W. 3rd St. Boise ID 83702	
Monday, August 12, 2024 2:00 p.m. - 3:00 p.m. (MT) Zoom Link	Wednesday, August 14, 2024 10:00 a.m. - 11:00 a.m. (MT) Zoom Link
(Virtual meeting links will also be posted at: townhall.idaho.gov)	

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and/or web conferencing. Individuals interested in participating can visit townhall.idaho.gov for specific meeting information, including web links for participation. For those who cannot participate in this way, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

These rules are being presented for authorization as part of the IDOL's plan to review each rule every 5 years. There are no specific rulemaking changes planned by the IDOL at this time except for evaluation and amendment consistent with the Governor's [Zero-Based Regulation Executive Order](#). It is anticipated that rulemaking stakeholders will propose and advocate for rulemaking changes as part of the negotiated rulemaking process. The IDOL intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order. The IDOL will review the documents that are currently incorporated by reference in this rule and update that list as applicable.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Darlene Carnopis at darlene.carnopis@labor.idaho.gov or (208) 696-2380.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 7th day of August, 2024.

Darlene Carnopis
Policy Coordinator
317 W. 3rd St.
Boise, ID 83702
Phone: (208) or (208) 696-2380
Email: darlene.carnopis@labor.idaho.gov

IDAPA 11 – IDAHO STATE POLICE

11.03.01 – RULES GOVERNING ALCOHOL TESTING

DOCKET NO. 11-0301-2401 (ZBR CHAPTER REWRITE)

NOTICE OF INTENT TO PROMULGATE RULES – ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 67-2901, Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows:

**Monday, August 19, 2024
1:00 p.m. - 2:00 p.m. MT**

**In Person:
Idaho State Police Headquarters
700 S Stratford Dr.
Meridian, ID 83642
(Meeting to be held in District 3 Conference Room)**

**Join by phone
+1 872-215-6990
Phone Conference Pass Code: 456 116 748#**

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone. Individuals interested in participating can visit townhall.idaho.gov for specific meeting information, including web links for participation. For those who cannot participate in this way, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

These rules are being presented for authorization as part of the Idaho State Police's plan to review each rule every 5 years. The goal is to perform a comprehensive review of and update, streamline, and modernize these rules consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#). The Idaho State Police intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Matthew Gamette, (208) 884-7217. Materials pertaining

to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho State Police website at the following web address: www.isp.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 18th day of July, 2024.

Lt. Colonel Bill Gardiner, Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Bill.gardiner@isp.idaho.gov

IDAPA 11 – IDAHO STATE POLICE

11.13.01 – THE MOTOR CARRIER RULES

DOCKET NO. 11-1301-2401

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2024.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 67-2901A, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2024.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Replace language inadvertently struck during ZBR review.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) (include appropriate section(s) a, b, and/or c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule is necessary to provide intrastate commercial carriers relief from some burdensome federal regulations.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees associated with this rule.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because without this section, exempt carriers would be required to abide by federal regulations that would significantly impact the Agriculture, Timber, Livestock, and Aggregate Industries and Idaho's economy.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

- 49 CFR subtitle B Chapter III, subchapter B- Federal Motor Carrier Safety Regulations; and 49 CFR subtitle B, chapter I, Subchapter C-Hazardous Materials Regulations
- 40 CFR Part 262 and 49 CFR, Subtitle B, Chapter I, Parts 107, 171, 172, 173, 177, 178 and 180
- 40 CFR 262: eCFR; 40 CFR Part 262—Standards Applicable to Generators of Hazardous Waste
- 49 CFR Parts 107, 171, 172, 173, 177, 178 and 180: eCFR: 49 Chapter I – Pipeline and Hazardous Materials Safety Administration, Department of Transportation. • Carrier Safety Requirements – 49 CFR Parts 356, Subtitle B, Chapter III, Subchapter B, Sections 365, 380, 382, 383, 385, 386, 387, 388 and 390 through 399.
- eCFR: 49 CFR Chapter III Subchapter B –Federal Motor Carrier Safety Regulations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Captain Shawn Staley, (208) 884-7222, email shawn.staley@isp.idaho.gov.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28th, 2024.

DATED this 1st day of July, 2024.

Lt. Colonel Bill Gardiner Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
Bill.gardiner@isp.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 11-1301-2401
(Only Those Sections With Amendments Are Shown.)**

11.13.01 – THE MOTOR CARRIER RULES

019. CARRIER SAFETY REQUIREMENT EXEMPTIONS.

01. Intrastate Carriers. (7-1-24)

a. Intrastate carriers subject to both the incorporated federal rules and the safety authority of the Idaho State Police may hire drivers who are eighteen (18) years or older as set forth in Section 49-303, Idaho Code. (7-1-24)

b. Intrastate carriers operating commercial motor vehicles transporting property with a GVW, GVWR, GCW or GCWR greater than ten thousand (10,000) pounds and up to twenty-six thousand (26,000) pounds, subject to the authority of the Idaho State Police, must comply with 49 CFR Part 390 Subpart A, Part 391.15, Parts 392, 393, and Part 396.1, 396.3(a), (a)(1), and (a)(2), and 396.5 through 396.9 and the law and rules of the state of Idaho. All intrastate carriers transporting placardable quantities of hazardous material under 49 CFR Part 172, Subpart F and passengers, meeting the definition of a commercial motor vehicle, must comply with 49 CFR Parts 356, 365, 382, 383, 385, 387, 388 and 390 through 399, and the law and rules of the state of Idaho (except Part 391.11(b)(1) for intrastate carriers). (7-1-24)T

IDAPA 13 – IDAHO FISH AND GAME COMMISSION
ESTABLISHING SEASONS AND LIMITS FOR HUNTING, FISHING, AND TRAPPING IN IDAHO
DOCKET NO. 13-0000-2400P5
NOTICE OF ADOPTED / AMENDED PROCLAMATIONS FOR CALENDAR YEAR 2024

AUTHORITY: As authorized by Section 36-104, Idaho Code, and in compliance with Sections 36-105(3), Idaho Code, the Commission adopts proclamations establishing seasons and limits for hunting, fishing, and trapping in Idaho.

AVAILABILITY OF OFFICIAL PROCLAMATIONS: Hunters, anglers, and trappers are advised to consult the text of the Commission's official proclamation before hunting, fishing, or trapping. All proclamations are available on-line at <https://idfg.idaho.gov/rules>, with print versions available at Idaho Department of Fish and Game offices and license vendors.

DESCRIPTIVE SUMMARY AND PUBLIC MEETING SCHEDULE: The Commission meeting schedule and meeting agendas are available on-line at [Commission Meeting Schedule](#), with opportunities for public comment generally scheduled at its January, March, May, July, and November meetings.

Information for Commission proclamations for calendar year 2024 was initially published in the Administrative Bulletin, February 7, 2024, Bulletin [Volume 24-2, pages 10-11](#).

At a July 24, 2024 regular meeting the Commission took the following proclamation actions:

1. Adopted a proclamation setting 2025-2027 fishing seasons and limits.
2. Adopted a proclamation setting the 2024 sage-grouse hunting season and tag limits.
3. Adopted limits for total nonresident participation for 2025 and 2026 for general hunts in certain elk zones and deer units, and allocated tags for outfitted hunter use in these zones and units for 2025.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning proclamations, contact Owen Moroney at (208) 334-3715.

**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO MILITARY DIVISION**

15.06.05 – HAZARDOUS SUBSTANCE RESPONSE RULES

DOCKET NO. 15-0605-2401 (ZBR CHAPTER REWRITE)

**NOTICE OF INTENT TO PROMULGATE RULES –
ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING**

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 46-112(3)(e); 39-7101; and 39-7104, Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows:

Wednesday, August 21, 2024 2:00 p.m. - 3:00 p.m. MT
In Person: 11331 W Chinden Blvd. Building 8, First Floor Boise, ID 83714 (Meeting to be held in IOEM Training Room)
Join by meeting link Meeting ID: 213 097 741 231 Passcode: cTXPRN
Join by phone: +1 323-694-9686,,174958833# United States Find a local number Phone Conference ID: 174 958 833#

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and/or web conferencing. Individuals interested in participating can visit townhall.idaho.gov for specific meeting information, including web links for participation. For those who cannot participate in this way, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

IDAPA 15.01.05 creates local emergency response authorities and regional response teams, identifies the location and jurisdiction of regional response teams, the liability for incident response costs, notification to local and state emergency response authorities of a hazardous substance incident, the call-out procedure for emergency response agencies, and cost recovery and cost reimbursement procedures for emergency response agencies.

This rule is being presented for authorization as part of the Idaho Military Division's plan to review each rule every 5 years. The goal is to perform a comprehensive review of and update, streamline, and modernize these rules consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#). The Idaho Military Division intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking LTC Stephen Stokes at 208-272-5199.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August, 21 2024.

DATED this 19th day of July, 2024.

Timothy J. Donnellan
The Adjutant General
Idaho Military Division
4040 W. Guard, Building 600
Boise, Idaho 83705

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.07.02 – RULES GOVERNING CONSERVATION OF OIL AND NATURAL GAS IN THE STATE OF IDAHO

DOCKET NO. 20-0702-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Title 47, Chapter 3, Idaho Code and Title 67, Chapter 52, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

<p style="text-align: center;">Thursday, August 15, 2024 1:00 p.m. (MT)</p>
<p style="text-align: center;">Idaho Department of Lands Boise Staff Office, Garnet Conference Room 300 N. 6th St., Suite 103 Boise, ID 83702</p> <p style="text-align: center;">To attend by Zoom: https://idl.zoom.us/j/86152132781?pwd=WDrRduOB9bGyrdIUkLK4heYzXA15Ad.1</p> <p style="text-align: center;">To attend by telephone call: +1 (669) 219-2599 Meeting ID: 861 5213 2781 Passcode: 158510</p>

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rules are required for the Oil and Gas Conservation Commission to fulfill their duty to prevent waste, protect correlative rights, and prevent pollution of fresh water supplies during the exploration and production of oil and gas resources. The rules define and clarify the procedures for regulating oil and gas exploration and development activities on public and private lands in the state. Following [Executive Order 2020-01: Zero-Based Regulation](#), this rule chapter is scheduled for a comprehensive review in 2024 with the goal of simplifying the rules for increased clarity and ease of use. Revisions are also needed to better align the rules with statute revisions that occurred in 2017 and 2023. The Department aims to right-size its rule chapter and achieve several objectives, including, but not limited to:

1. Eliminating duplicative statutory language or any rule language that conflicts with governing statutes;
2. Removing rule language that is not absolutely necessary, is outdated, or is overly restrictive; and
3. Removing any language that merely relates to the internal processes of the Department.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: No change in fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: No fiscal impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 3, 2024 Idaho Administrative Bulletin, [Volume 24-4, pages 32-34](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Documents incorporated by reference are industry standards adopted by most oil and gas producing states for consistency in operational procedures and the manufacture of materials. Using widely-adopted standards allows for better efficiencies by companies operating in multiple states and helps to reduce word counts in this rule chapter.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact James Thum, Oil & Gas Program Manager at (208) 334-0243 or via email at jthum@idl.idaho.gov. Materials pertaining to the negotiated rulemaking can be found on the Idaho Oil & Gas Conservation Commission web page at: <https://ogcc.idaho.gov/rulemaking/docket-20-0702-2401-oil-gas/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 2nd day of July, 2024.

James Thum
Oil & Gas Program Manager
Idaho Department of Lands
300 N. 6th Street, Suite 103
P.O. Box 83720
Boise, Idaho 83720-0050
Phone: (208) 334-0243
Fax: (208) 334-3698
rulemaking@idl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 20-0702-2401
(ZBR Chapter Rewrite)

20.07.02 – RULES GOVERNING CONSERVATION OF OIL AND NATURAL GAS
IN THE STATE OF IDAHO

SUBCHAPTER A – GENERAL PROVISIONS

000. LEGAL AUTHORITY.

~~This Chapter is adopted under the legal authorities of Title 47, Chapter 3, Idaho Code, and Title 67, Chapter 52, Idaho Code.~~ (3-18-22)()

001. ~~TITLE AND~~ SCOPE.

~~01. Title. These rules are titled IDAPA 20.07.02, “Rules Governing Conservation of Oil and Natural Gas in the State of Idaho.”~~ (3-18-22)

021. Scope. These rules apply to the exploration and extraction of ~~any and~~ all crude oil and natural gas resources in the state of Idaho, not including biogas, manufactured gas, or landfill gas, regardless of ownership. (3-18-22)()

032. Other Laws. Owners or operators engaged in the exploration and extraction of crude oil and natural gas resources will comply with all applicable laws and rules of the state of Idaho including, but not limited to ~~the following: rules administered by the Idaho Department of Environmental Quality (IDEQ) and rules administered by the Idaho Department of Water Resources (IDWR).~~ (3-18-22)()

~~a. Idaho water quality standards and waste water treatment requirements established in Title 39, Chapter 1, Idaho Code; IDAPA 58.01.02, "Water Quality Standards"; IDAPA 58.01.16, "Wastewater Rules"; and IDAPA 58.01.11, "Ground Water Quality Rule," administered by the IDEQ. (3-18-22)~~

~~b. Idaho air quality standards established in Title 39, Chapter 1, Idaho Code and IDAPA 58.01.01 "Rules for the Control of Air Pollution in Idaho," administered by the IDEQ. (3-18-22)~~

~~c. Requirements and procedures for hazardous and solid waste management, as established in Title 39, Chapter 44, Idaho Code, and rules promulgated thereunder including IDAPA 58.01.05, "Rules and Standards for Hazardous Waste"; IDAPA 58.01.06, "Solid Waste Management Rules"; and IDAPA 58.01.10, "Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, As Amended," administered by the IDEQ. (3-18-22)~~

~~d. Idaho Stream Channel Protection Act, Title 42, Chapter 38, Idaho Code, and rules promulgated thereunder including IDAPA 37.03.07, "Stream Channel Alteration Rules," administered by the IDWR. (3-18-22)~~

~~e. Injection Well Act, Title 42, Chapter 39, Idaho Code and rules promulgated thereunder including IDAPA 37.03.03, "Rules and Minimum Standards for the Construction and Use of Injection Wells," administered by the IDWR. (3-18-22)~~

~~f. Department of Water Resources—Water Resource Board Act, Title 42, Chapter 17, Idaho Code and rules promulgated thereunder including IDAPA 37.03.06, "Safety of Dams Rules," administered by the IDWR. (3-18-22)~~

002. ADMINISTRATIVE APPEALS.

Any person aggrieved by any final decision or order of the Commission shall be entitled to judicial review pursuant to the provisions of Title 67, Chapter 52, Idaho Code, Title 47, Chapter 3, Idaho Code, and IDAPA 20.07.01, "Rules of Practice and Procedure before the Idaho Oil and Gas Conservation Commission." (3-18-22)

002. (RESERVED)

003. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into these rules: (3-18-22)

01. American Petroleum Institute (API) Bulletin E3, Well Abandonment and Inactive Well Practices for U.S. Exploration and Production Operations, Environmental Guidance Document Wellbore Plugging and Abandonment Practices. 1st^{2nd} Edition, ~~January 1993~~, updated April 2018, and Reaffirmed June 2000 ~~a~~ Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. (3-18-22)()

02. API SPEC 5CT, Specifications for Casing and Tubing. The ~~811th~~ 811th edition, updated July/December, 1, 2005/2023, ~~and the amendments dated March, 31, 2006 and April, 7, 2006 are a~~ Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. (3-18-22)()

03. API SPEC 10a, Specification for Cements and Materials for Well Cementing. The ~~2425th~~ 2425th Edition dated ~~December, 2010~~ February, 2019, updated through Addendum 2, August 2022, ~~is a~~ Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. (3-18-22)()

04. American Society for Testing and Materials (ASTM) D698-07e112(2021), Standard Test

Methods for Laboratory Compaction Characteristics of Soil Using Standard Effort (12,400 ft-lbf/ft³ (600 kN-m/m³)). ~~2007~~ June 25, 2012 revision. Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. (3-18-22)()

05. ~~ASTM D1250-08, Standard Guide for Use of the Petroleum Measurement Tables. 2008 revision.~~ 1250-19e1, Standard Guide for the Use of the Joint API and ASTM Adjunct for Temperature and Pressure Volume Correction Factors for Generalized Crude Oils, Refined Products, and Lubricating Oils: API MPMS Chapter 11.1 May 15, 2020 revision. Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. (3-18-22)()

06. ASTM D1557-09 12(2021), Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lbf/ft³ (2,700 kN-m/m³)). ~~2009~~ July 5, 2021 revision. Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103. (3-18-22)()

07. Environmental Protection Agency (EPA) SW-846 Method 9090A, Compatibility Test for Wastes and Membrane Liners. Revision 1, July 1992. Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103 and this website: <http://www.epa.gov/osw/hazard/testmethods/sw846/pdfs/9090a.pdf>. <https://www.epa.gov/hw-sw846/sw-846-test-method-9090a-compatibility-test-wastes-and-membrane-liners>. (3-18-22)()

08. Occupational Safety and Health Administration (OSHA) Standard 1910.1200 (Hazard Communication). Last revised ~~1996~~ 2013. Available at the office of the Idaho Department of Lands at 300 North 6th Street, Suite 103 and this website: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=standards&p_id=10099 <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1200>. (3-18-22)()

004. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the definitions found in Section 47-310, Idaho Code, the following apply: ()

01. **Act.** The Idaho Oil and Gas Conservation Act, Title 47, Chapter 3, Idaho Code. (3-18-22)

02. **Active Well.** A permitted well used for production, disposal, or injection that is not idled for more than twenty-four (24) continuous months. (3-18-22)

03. **Barrel.** Forty-two (42) U. S. gallons at sixty (60) Degrees F at atmospheric pressure. (3-18-22)

04. **Blowout.** An unplanned sudden or violent escape of fluids from a well. (3-18-22)

05. **Blowout Preventer.** A casinghead control equipped with special gates or rams that can be closed and sealed around the drill pipe, or that otherwise completely closes the top of the casing. (3-18-22)

~~06. **Bonus Payment.** Monetary consideration that is paid by the lessee to the lessor for the execution of an oil and gas lease.~~ (3-18-22)

~~07. **Casing Pressure.** The pressure within the casing or between the casing, tubing, or drill pipe.~~ (3-18-22)

~~08. **Casinghead.** A metal flange attached to the top of the conductor pipe that is the primary interface for the diverter system during drilling out for surface casing.~~ (3-18-22)

~~09. **Casinghead Gas.** Any gas or vapor, or both, indigenous to an oil stratum and produced from such stratum with oil.~~ (3-18-22)

~~10. **Common Source of Supply.** The geographical area or horizon definitely separated from any other such area or horizon, and which contains, or from competent evidence appears to contain, a common accumulation of~~

oil or gas or both. Any oil or gas field or part thereof which comprises and includes any area which is underlaid, or which from geological or other scientific data or experiments or from drilling operations or other evidence appears to be underlaid by a common pool or accumulation of oil or gas or both oil and gas. (3-18-22)()

1408. Completion. An oil well is considered completed when the first new oil is produced through wellhead equipment into lease tanks from the ultimate producing interval after the production casing has been run. A gas well is considered completed when the well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production casing has been run. (3-18-22)

1409. Conductor Pipe. The first and largest diameter string of casing to be installed in a well. This casing extends from land surface to a depth great enough to keep surface waters from entering and loose earth from falling in the hole and to provide anchorage for the diverter system prior to setting surface casing. (3-18-22)

1410. Cubic Foot of Gas. The volume of gas contained in one (1) cubic foot of space at a standard pressure base and a standard temperature base. The standard pressure base shall be fourteen and seventy-three hundredths (14.73) pounds per square inch absolute and the standard temperature base shall be sixty (60) Degrees F. (3-18-22)

14. Day. ~~A period of twenty-four (24) consecutive hours from 8 a.m. one day to 8 a.m. the following day.~~ (3-18-22)

1411. Development. Any work that actively promotes bringing in production. (3-18-22)

16. Director. ~~The head of the Idaho Department of Lands and secretary to the Oil and Gas Conservation Commission, or his designee.~~ (3-18-22)

1412. Drilling Logs. The recorded description of the lithologic sequence encountered in drilling a well, and any electric, gamma ray, geophysical, or other logging done in the hole. (3-18-22)

1413. Fresh Water, Fresh-water, or Freshwater. All surface waters and those ground waters that are used, or may be used in the future, for drinking water, agriculture, aquaculture, or industrial purposes other than oil and gas development. The possibility of future use is based on hydrogeologic conditions, water quality, future land use activities, and social/economic considerations. (3-18-22)()

1414. Gas-Oil Ratio. The volume of gas produced in standard cubic feet to each barrel of oil or condensate produced concurrently during any stated period. (3-18-22)

20. Gas Processing Facility. ~~A facility that conditions liquids or gas by compression, dehydration, refrigeration, or by other means.~~ (3-18-22)

2415. Gas Well. (3-18-22)

a. A well that produces primarily natural gas; (3-18-22)

b. Any well capable of producing gas in commercial quantities and also producing oil from the same common source of supply but not in commercial quantities; or (3-18-22)

c. Any well classed as a gas well by the Commission for any reason. (3-18-22)

2216. Geophysical or Seismic Operations. Any geophysical method performed on the surface of the land utilizing certain instruments operating under the laws of physics respecting vibration or sound to determine conditions below the surface of the earth that may contain oil or gas and is inclusive of, but not limited to, the preliminary line survey, the acquisition of necessary permits, the selection and marking of shot-hole locations, necessary clearing of vegetation, shot-hole drilling, implantation of charge, placement of geophones, detonation and backfill of shot-holes, and vibroseis. (3-18-22)()

2317. Hydraulic Fracturing, or Frac'ing, or Fracking. A method of stimulating or increasing the

recovery of hydrocarbons by perforating the production casing and injecting fluids or gels into the potential target reservoir at pressures greater than the existing fracture gradient in the target reservoir. (3-18-22)()

2418. Inactive Well. An unplugged well that has no reported production, disposal, injection, or other permitted activity for a period of greater than twenty-four (24) continuous months, and for which no extension has been granted. (3-18-22)

2519. Intermediate Casing. The casing installed within the well to seal intermediate zones above the anticipated bottom hole depth. The casing is generally set in place after the surface casing and before the production casing. (3-18-22)

2620. Junk. Debris in a hole that impedes drilling or completion. (3-18-22)

2721. Lease. A tract(s) of land that by virtue of an oil and gas lease, fee or mineral ownership, a drilling, pooling or other agreement, a rule, regulation or order of a governmental authority, or otherwise constitutes a single tract or leasehold estate for the purpose of the development or operation thereof for oil or gas or both. (3-18-22)

2822. Mechanical Integrity Test (MIT). A test designed to determine if there is a significant leak in the casing, tubing, or packer of a well. (3-18-22)()

2923. Oil Well. Any well capable of primarily producing oil in paying quantities, but not a gas well. (3-18-22)

3024. Pit. Any excavated or constructed depression or reservoir used to contain reserve, drilling, well treatment, produced water, or other fluids at the drill site. This does not include enclosed, mobile, or portable tanks used to contain fluids. (3-18-22)

3125. Pollution. Constituents of oil, gas, salt water, or other materials used in oil and gas extraction, occurring in fresh water supplies at levels that exceed the standards in IDAPA 58.01.02, "Water Quality Standards," and IDAPA 58.01.11, "Ground Water Quality Rules," as the result of the drilling, casing, treating, operation or plugging of wells. (3-18-22)

~~**32. Pressure Maintenance.** The injection of gas, water, or other fluids into oil or gas reservoirs to maintain pressure or retard pressure decline in the reservoir for the purpose of increasing the recovery of oil or other hydrocarbons therefrom. (3-18-22)~~

~~**3326. Produced Water.** Water that is produced along with oil or gas. (3-18-22)~~

3427. Production Casing. The casing set across the reservoir interval and within which the primary completion components are installed. (3-18-22)

~~**3528. Proppant.** Sand or other materials used in hydraulic fracturing to prop open fractures. (3-18-22)~~

3629. Release. Any unauthorized spilling, leaking, emitting, discharging, escaping, leaching, or disposing into soil, ground water, or surface water. (3-18-22)

3730. Spud. To start the drilling process by removing rock, dirt, and other sedimentary material with the drill bit by the drilling rig that is capable of drilling the well to the permitted total depth. (3-18-22)()

3831. Surface Casing. The first casing that is run and cemented in place after the conductor pipe to anchor blow out prevention equipment and seals out fresh-water zones. (3-18-22)()

~~**3932. Surface Water.** Rivers, streams, lakes, and springs when flowing in their natural channels. (3-18-22)~~

4033. Systems Approach. The disclosure of chemical information by eChemical sAbstracts sService (CAS) name only, without disclosing component percentages or chemical relationships. (3-18-22)()

- ~~4134.~~ **Tank.** A concrete, metal, or plastic stationary vessel used to contain fluids. (3-18-22)
- ~~4235.~~ **Tank Battery.** One (1) or more tanks that are connected to receive crude oil, condensate, or produced waters from a well(s) and that serves as the point of collection and disbursement of oil or gas from a well(s). (3-18-22)
- ~~4336.~~ **Tank Dike.** An impermeable man-made structure constructed around a tank to contain leakage from the tank. (3-18-22)
- ~~4437.~~ **Tubing.** Pipe used inside the production casing to convey oil or gas from the producing interval to the surface. (3-18-22)
- ~~4538.~~ **Volatile Organic Compound (VOC).** Organic chemical compounds whose composition makes it possible for them to evaporate under normal indoor atmospheric conditions of sixty-eight (68) degrees F and an absolute pressure of fourteen point seven (14.7) pounds per square inch (psi) atmospheric. (~~3-18-22~~)()
- ~~46.~~ **Waterflooding.** The injection into a reservoir through one (1) or more wells with volumes of water for the purpose of increasing the recovery of oil therefrom. (3-18-22)
- ~~4739.~~ **Well Report.** The written record progressively describing the strata, water, oil, or gas encountered in drilling a well with such additional information as to give volumes, pressures, rate of fill-up, water depths, casing record, etc., as is usually recorded in normal procedure of drilling; also, it includes electrical radioactivity, or other similar logs run, lithologic description of all cores, and all drill-stem tests, including depth-tested, cushion-used, time tool open, flowing and shut-in pressures and recoveries. (~~3-18-22~~)()
- ~~4840.~~ **Well Site.** The areas that are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well, or injection well, and its associated well pad. (3-18-22)
- ~~4941.~~ **Well Treatment.** Actions performed on a well to acidize, fracture, or stimulate the target reservoir. (3-18-22)
- ~~5042.~~ **Wildcat Well.** An exploratory well drilled in an area of unknown subsurface conditions. (3-18-22)
- 011. ABBREVIATIONS:**
- ~~01.~~ **API.** American Petroleum Institute. (3-18-22)
- ~~02.~~ **ASTM.** American Society for Testing and Materials. (3-18-22)
- ~~03.~~ **BBL.** Oilfield Barrel. (3-18-22)
- ~~04.~~ **BOP.** Blowout Preventer. (3-18-22)
- ~~05.~~ **CAS.** Chemical Abstracts Service. (3-18-22)
- ~~06.~~ **EPA.** United States Environmental Protection Agency. (3-18-22)
- ~~07.~~ **F.** Fahrenheit. (3-18-22)
- ~~08.~~ **GPS.** Global Positioning System. (3-18-22)
- ~~09.~~ **HDPE.** High Density Polyethylene. (3-18-22)
- ~~10.~~ **IDAPA.** Idaho Administrative Procedure Act. (3-18-22)

- ~~11. IDEQ. Idaho Department of Environmental Quality. (3-18-22)~~
- ~~12. IDWR. Idaho Department of Water Resources. (3-18-22)~~
- ~~13. MCF. One thousand cubic foot. (3-18-22)~~
- ~~14. MSDS. Material Safety Data Sheet. (3-18-22)~~
- ~~15. OSHA. Occupational Safety & Health Administration. (3-18-22)~~
- ~~16. PSI. Pounds per Square Inch. (3-18-22)~~
- ~~17. PVC. Polyvinyl Chloride. (3-18-22)~~

~~01211. -- 01429. (RESERVED)~~

015. PROTECTION OF CORRELATIVE RIGHTS.

~~The Commission and the Department should afford a reasonable opportunity to each person entitled thereto to recover or receive the oil or gas in such person's tract(s) or the equivalent thereof, without being required to drill unnecessary wells or to incur other unnecessary expense to recover or receive such oil or gas or its equivalent. (3-18-22)~~

~~016. — 019. (RESERVED)~~

020. APPLICABILITY.

~~01. Oil and Gas Development. These rules apply to oil and gas development and carry out the Commission's duty to prevent waste, protect correlative rights, and prevent pollution of fresh water supplies through activities authorized by these rules. (3-18-22)~~

~~02. Exclusions. These rules do not apply to the exploration and development of other mineral resources covered by Title 47, Chapter 13, Idaho Code; Title 47, Chapter 15, Idaho Code; or Title 42, Chapter 40, Idaho Code. (3-18-22)~~

021. CLASS II INJECTION WELLS.

~~Class II injection wells, as described in IDAPA 37.03.03, "Rules and Minimum Standards for the Construction and Use of Injection Wells," are currently not authorized under this rule. Permits for Class II injection wells must be obtained through IDAPA 37.03.03. (3-18-22)~~

~~022. — 029. (RESERVED)~~

030. NOTICES - GENERAL.

~~01. Written Authorization Required. Any written notice, of intention request to do work, or request to change plans previously approved plans, must be filed with the Department in writing; unless otherwise directed, and must be approved before the work is begun begins. Such approval may be given orally and, if so given, shall thereafter be confirmed by the Department in writing. Written notices may be submitted to the Department by e mail or facsimile. (3-18-22)()~~

~~02. Emergency Authorization. In case of emergency, or a situation where operations might be unduly delayed, any written notice required by these rules and regulations to be given the Department may be given orally or by wire electronically and if approval is obtained, the transaction shall be confirmed in writing, as a matter of record. (3-18-22)()~~

~~03. Publication of Legal Notices. Whenever these rules require publication of a legal notice to be published in a newspaper, the notice must be published once a week for two (2) consecutive weeks. (3-18-22)()~~

031. FORMS.

The Department will adopt such forms of notices, requests, permits, and reports as it may deem advisable or necessary in carrying out the provisions of law and its rules. (3-18-22)

032. ORGANIZATION REPORTS.

01. Required Content. Before any person engages in any activity covered by the ~~statutes Act~~ and ~~these rules of the Commission~~, that person must file an organization report with the Department. The organization report must include the following information: (3-18-22)()

- a. The person's name and the type of the business being operated or conducted; (3-18-22)
- b. The mailing address to which all correspondence from the Department is to be sent; (3-18-22)
- c. The telephone number(s), facsimile number(s), and e-mail address(es) for which contact by the Department may be made; (3-18-22)()
- d. The names of persons authorized to submit required forms, reports, and other documents to the Department; and (3-18-22)
- e. If a legal entity, proof the person is authorized to transact business within the state. (3-18-22)

02. Updates. A supplementary report must be filed with the Department within thirty (30) days of any change to facts stated in a previously-filed organization report. (3-18-22)

033. DESIGNATION OF AGENT.

A "Designation of Agent" must be submitted to the Department in a manner and form approved by the Department ~~prior to the commencement of~~ before commencing operations. A Designation of Agent(s) will be accepted as authority of the agent to fulfill ~~the all legal~~ obligations or powers of the owner and to sign any papers or reports required under these ~~oil and gas operating regulations rules, and a~~ All authorized orders or notices given to the designated agent by the Department, when given in the manner hereinafter provided, will be deemed service of such orders or notices upon the owner and the lessee. All changes of address and any termination of the agent's authority must be immediately reported in writing to the Department, and, in the latter case, the designation of a new agent(s) ~~must be~~ immediately made. If ~~the designated any~~ agent(s) is ~~at any time~~ incapacitated for duty or absent from the address provided, the owner must designate in writing a substitute to serve in ~~his or their stead~~ their place, and ~~i~~ In the absence of such owner or of notice of appointment of a substitute, ~~then, in such case,~~ notices may be ~~given mailed~~ by the Department ~~by delivering a registered letter to the United States Post Office at Boise, Idaho, directed to the agent(s) at the address shown on the current Designation of Agent on file in the Department's office, and s~~ Such notice will be deemed service upon the owner and lessee. (3-18-22)()

034. -- 039. (RESERVED)

040. PUBLIC COMMENT.

Applications submitted under Sections 100, 200, 210, 230 and 330 of these rules will be posted on the Department's website for a ~~fifteen~~ ten-day ~~(+510)~~ written public comment period. The Department will also send an electronic copy of the application to the respective county, and city if applicable, where the proposed operation is located. ~~The purpose of the comment period is to receive written comments on whether a proposed application complies with these rules. These comments will be considered by the Department prior to permit approval or denial. Relevant comments will be posted on the Department's website following the comment period.~~ (3-18-22)()

041. -- 049. (RESERVED)

050. ENFORCEMENT.

~~The Department enforces these rules pursuant to Section 47-325, Idaho Code.~~ (3-18-22)

051. -- 099. (RESERVED)

SUBCHAPTER B – EXPLORATION AND DEVELOPMENT

100. GEOPHYSICAL OPERATIONS.

01. **Permit Required.** Before beginning seismic operations ~~in the state of Idaho~~, a representative of the client company and the seismic contractor will meet with ~~the staff of the~~ Department ~~staff~~, file an application for a permit to conduct seismic operations, and pay an application fee. No seismic operation may be conducted without such a permit. ~~The Department has discretion to waive the requirement of the pre permit meeting for the client company.~~ The permit for seismic operations may be revoked or suspended or the application for the permit denied by the Department for failure to comply with the ~~se Commission's~~ rules, ~~statutes the Act~~, and orders ~~of the~~ Commission ~~or the Department~~. The Department may revoke, suspend, or deny the application for a seismic permit without a hearing; provided that the seismic contractor will be given an opportunity for a hearing at the next regularly scheduled Commission meeting. ~~The fact that~~ ~~Revocation or suspension of~~ a permit ~~is revoked or suspended~~ does not excuse the seismic contractor or client company from properly plugging existing seismic holes but does prohibit ~~the person(s) from~~ drilling any more. The application for a permit for seismic operations must include: ~~(3-18-22)()~~

a. The proposed route of the seismic line on a topographic or recent air photo base map at a sufficient scale to show roads, buildings, surface waters, and ~~S~~section, ~~T~~ownship, and ~~R~~ange lines. The map must also show additional area as needed for any alternative routing. The alternative routing must be within at least one-half (1/2) mile of the proposed route. Reapplication must be made if the final route strays from the proposed route and outside the designated alternative routing areas ~~and~~. ~~(3-18-22)()~~

b. The ~~proposed~~ energy sources ~~proposed to be used~~ for the seismic operation, such as vibroseis, shot holes, surface shot, or others. ~~(3-18-22)()~~

c. The approximate number, depth, and location of ~~the~~ seismic holes and the size of the explosive charges. The application must be accompanied by a map with a scale of one inch equaling two (2) miles that shows the depth and location of the shotholes. ~~(3-18-22)()~~

d. The name and permanent address of the client company the Department may contact about the seismic operation. ~~(3-18-22)~~

e. The name, permanent address, and phone number of the seismic contractor and ~~his~~ ~~their~~ local representative whom the Department may contact about the seismic activity. ~~(3-18-22)()~~

f. The name, phone number, and permanent address of the hole plugging contractor, if different from the seismic contractor. ~~(3-18-22)~~

g. A detailed description of the hole plugging procedures, and a description of the surface reclamation procedures, if such reclamation is needed. ~~(3-18-22)~~

h. The anticipated starting date of seismic operations. ~~(3-18-22)~~

i. The anticipated completion date of seismic operations, and the anticipated date of any required reclamation or hole plugging. ~~(3-18-22)~~

j. A description of the identifying mark that will be on the hat or nonmetallic plug ~~to be~~ used in the plugging of the seismic hole. ~~(3-18-22)()~~

02. **Operating Requirements.** All geophysical operations must comply with the following ~~requirements~~: ~~(3-18-22)()~~

a. ~~All~~ ~~v~~ Vehicles utilized by the permit holder, ~~or~~ its agents, or contractors, shall be clearly identified by signs or markings utilizing letters or numbers, or a combination thereof, a minimum of three (3) inches in height and one-half (1/2) inch wide, indicating the name of ~~such the permit holder, its agent, or contractor~~. ~~(3-18-22)()~~

b. No seismic source generation from vibroseis, shot holes, surface shot, or other method ~~shall~~ ~~may~~ be

conducted within two hundred (200) feet of any residence, water well, oil well, gas well, injection well, or other structure without having first secured the express written authority of the owner(s) thereof and the permit holder shall be responsible for any resulting damages. (3-18-22)()

c. Written authority from the owner of a residence, water well, oil well, gas well, injection well or other structure must also be obtained ~~from the owner(s)~~ if any explosive charge exceeds the maximum allowable charge within the scaled distance below:

DISTANCE TO STRUCTURE (Feet)*	MAXIMUM ALLOWABLE CHARGE WEIGHTS (Pounds)*
50	0.5
100	2.0
150	4.5
200	8.0
250	12.0
300	18.0
350	25.0
* Based upon a charge weight of seventy (70) Foot/Pound ^{1/2}	

(3-18-22)()

d. The maximum allowable charge weight is twenty-five (25) pounds, unless the permit holder requests and secures the Department's prior written authorization ~~from the Department~~. (3-18-22)()

e. All seismic sources placed for detonation shall contain additives to accelerate the biodegradation thereof and ~~shall~~ be handled with due care in accordance with industry standards. ~~The e~~Cap leads for any seismic sources that fail to detonate shall be buried at least three (3) feet deep. (3-18-22)()

f. All vegetation cleared to the ground shall be cleared in a competent and workmanlike manner in the exercise of due care. (3-18-22)

g. Unless otherwise consented to by the surface owner in writing, permit holder ~~shall~~ may not cut down any tree measuring six (6) inches or more in diameter, as measured at a height of three (3) feet from the ground surface, unless there are no reasonable alternatives to the removal of such tree(s) available to permit holder. Permit holder shall compensate surface owner the value of all such trees removed. (3-18-22)()

h. All excessive rutting or soil disturbances shall be repaired or restored to the original condition and contour to the extent reasonable, unless otherwise agreed to by the permit holder and the surface owner in writing. (3-18-22)

i. All fences removed shall be replaced, unless otherwise agreed to by the permit holder and the surface owner in writing. (3-18-22)

j. All debris associated with the seismic activity shall be removed and properly disposed. (3-18-22)

03. Bond Required. (3-18-22)

a. Before beginning geophysical operations, the geophysical contractor must file and have approved by the Department a bond ~~in the amount~~ of at least ten thousand dollars (\$10,000). The Department may increase this bonding requirement for geophysical contractors based on the amount of potential damage from the contemplated operation. The condition of such bond shall comply with the Act, the se rules, and orders of the Commission ~~or and orders of~~ the Department. The obligation of the bond shall not be discharged until one (1) year from completion of the

survey or until the geophysical contractor has complied with the ~~Oil and Gas Conservation Law Act~~, these ~~Commission's~~ rules, and ~~the~~ orders of the Commission ~~and or~~ the Department. (3-18-22)()

b. Persons or other entities who engage in ~~the~~ plugging ~~of~~ seismic holes and are not a regular full-time employee of the seismic company, owner, or operator shall have posted with the ~~director~~ Administrator a surety bond in favor of the Department. Said bond shall be on a form prescribed by the Department and in the amount of five thousand dollars (\$5,000). The condition of the bond shall comply with the ~~Oil and Gas Conservation Law Act~~, these rules, and the regulations and orders of the Commission ~~and or~~ the Department. (3-18-22)()

04. **Newspaper Notice.** Before ~~a geophysical contractor conducts the beginning~~ geophysical operations, the ~~geophysical~~ contractor shall publish a legal notice in a newspaper of general circulation in the county where the survey will be conducted. ~~The notice shall state~~ing the nature and approximate time period of the seismic operations. These requirements do not apply to operations conducted within a well or ~~conducted~~ by aerial surveys. (3-18-22)()

05. **Owner and Occupant Notification.** No ~~entry shall be made by any person to~~ person may conduct seismic operations, ~~upon the lands where such seismic operations are to be conducted~~, without the permit holder having first given notice at least thirty (30) calendar days prior to commencement of field seismic operations, ~~or at the time permission is granted if less than thirty (30) days~~. (3-18-22)()

a. The notice shall be in writing and given either personally or by certified United States mail to the following persons: (3-18-22)

i. Surface owners reflected in the tax records of the counties where the lands are located, at the mailing addresses identified for such surface owners in such records; (3-18-22)

ii. Occupants residing on the lands who are not the surface owners, if it can be reasonably ascertained that there are such occupants; and (3-18-22)

iii. Owners or operators of oil and gas wells within the seismic survey area, as reflected in Department records. (3-18-22)

b. The notice shall contain the following: (3-18-22)

i. Name of the person or entity that is conducting the seismic operations; (3-18-22)

ii. Proposed location of the seismic operations; and (3-18-22)

iii. Approximate date the person or entity proposes to commence seismic operations. (3-18-22)

06. **Department Notifications.** (3-18-22)

a. The permit holder shall also notify the Department within five (5) business days of the commencement and completion of each seismic operation. (3-18-22)

b. Before beginning geophysical operations other than seismic operations, the geophysical contractor shall file a notice of intention to do so with the Department. Said notice shall describe the geophysical method to be used and be accompanied by a map of a scale of one (1) inch equals two (2) miles showing the location of the project. (3-18-22)

07. **Reports and Notices Required.** (3-18-22)

a. Activity Report. Upon completion of the seismic activity or at thirty (30) day intervals after the work has commenced, whichever occurs first, the seismic contractor shall file with the Department a report of the completion or progress of the seismic project. The final completion report shall be in affidavit form and ~~shall~~ include a seven and one-half (7.5) - or fifteen (15) minute United States Geological Survey topographic quadrangle map (at a scale of one (1) inch equals two thousand (2,000) feet or one (1) inch equals four thousand (4,000) feet that shows

section, township, and range) and the location of each survey so that the shot holes and other potential impacts can be easily located. The final completion report ~~shall~~ must also include a statement that all work has been performed in compliance with the application for a permit to perform seismic activity, Section 100 of these rules, and permit provisions. Said maps, applications, and reports ~~shall will~~ be kept confidential by the Department for a period of one (1) year from the date of receipt, subject to the needs of the Department to use them to enforce these ~~regulations~~ rules, the Act, and the orders of the Commission or the Department. Also, ~~the owner of the surface of the land surface~~ owners may be advised of the location of seismic lines or seismic holes on ~~his~~ their land and of the exploration method used. (3-18-22)()

b. Plugging Notice. Seismic contractors shall give the Department at least twenty-four (24) hours advance notice of shothole plugging operations, provided that notice of plugging operations planned for Sunday or Monday may be given on the previous Friday. (3-18-22)

08. Client-Contractor Responsibility. The client company may be held responsible along with the seismic contractor ~~for conducting the operation in compliance with the Commission's rules and orders, the Department's orders, and the Act~~ for the seismic contractor's failure to comply with ~~such~~ these rules, ~~statutes~~ the Act, and orders of the Commission or the Department. The hats used in the plugging of seismic holes ~~shall must~~ be imprinted with the name of the contractor responsible for the plugging of the hole. (3-18-22)()

09. Plugging. Unless the seismic contractor can prove to the satisfaction of the Department that another method will provide better protection to ground water and long-term land stability, seismic shothole operations ~~shall must~~ be conducted ~~in the following manner as follows:~~ (3-18-22)()

a. When water is used in conjunction with the drilling of seismic shotholes and artesian flow is not encountered at the surface, seismic holes are to be filled with a high grade bentonite/water slurry mixture. ~~Said The~~ slurry ~~shall must~~ have a density that is at least four percent (4%) greater than the density of fresh water ~~and; said~~ slurry shall also have a Marsh funnel viscosity of at least sixty (60) seconds per quart. Density and viscosity are to be measured prior to adding cuttings to the slurry. Cuttings not added to the slurry are to be disposed of ~~in accordance with per~~ Paragraph 100.09.f. of this rule. Any other suitable plugging material commonly used in the industry may be substituted for the bentonite/water slurry ~~as long as if~~ the physical characteristics of said substitute are ~~at least~~ comparable to those of the bentonite/water slurry. Between November 1 and May 1, coarse ground bentonite approved by the Department ~~shall must~~ be used as a plugging material. (3-18-22)()

b. The hole will be filled with the slurry from the bottom up to a depth of three (3) feet ~~(three (3) feet below ground level)~~. A nonmetallic plug will be set at this depth ~~of three (3) feet~~, and the remaining hole will be filled and tamped to the surface with cuttings and native soil. (3-18-22)()

c. When drilling with air and nonartesian water is encountered, the hole shall be plugged with the slurry mixture, or coarse ground bentonite, as specified in Paragraph 100.09.a., ~~supra~~. (3-18-22)()

d. When drilling with air only and in completely dry holes, plugging may be accomplished by returning the cuttings to the hole, tamping the returned cuttings to the above-referenced depth of three (3) feet ~~below ground level~~, and setting the ~~p~~Permaplug topped with more cuttings and soil as per Paragraph 100.09.b. ~~above~~. A small mound will be left over the hole for settling allowance. Auger holes twenty (20) feet or less in depth may be plugged in this same manner. (3-18-22)()

e. ~~The foregoing s~~Seismic holes shall be properly plugged and abandoned as soon as practical after the shot has been fired; ~~however, a shot hole shall~~ and may not be left unplugged for more than thirty (30) days without written approval of the Department. (3-18-22)()

f. Any slurry, drilling fluid, or cuttings ~~which are~~ deposited on the surface around the seismic hole will be raked or otherwise spread out to at least within one (1) inch of the surface, so that the growth of the natural grasses or foliage will not be impaired. (3-18-22)()

g. The requirements of Paragraphs 100.09.a. through 100.09.f. of this rule may be modified by any reasonable written agreement between the seismic company and the surface owner. (3-18-22)

h. If artesian flow (water flowing at the surface) is encountered in the drilling of any seismic hole, cement will be used to seal off the water flow thereby preventing cross-flow, erosion, and/or contamination of freshwater supplies. Said holes shall be cemented immediately. (3-18-22)

i. After completing the plugging of seismic shot holes and spreading the cuttings as required by this rule, the seismic contractor shall record the Global Positioning System (GPS) location of the seismic hole, and the contractor shall provide the location data to the Department. (3-18-22)()

10. **Forfeiture of Geophysical Exploration Bond.** The Department may forfeit the bond submitted under Subsection 100.03 of this rule upon failure of the owner or operator to conduct the seismic survey and complete reclamation in conformance with Section 100 of this rule. The owner or operator will be given an opportunity to address compliance issues prior to the Department ~~taking action~~ acting against the bond. (3-18-22)()

101. -- 199. (RESERVED)

SUBCHAPTER C – DRILLING, WELL TREATMENT, AND PIT PERMITS

200. PERMIT TO DRILL, DEEPEN, OR PLUG BACK.

01. **Permits Required.** Prior to the commencement of operations to drill, deepen, or plug back to any source of supply other than the existing producing horizon, an application shall be delivered to must be filed with the Department of intention to drill, deepen, or plug back any well for oil or gas, and approval obtained. Any permit issued under Subchapter C of this rule may be revoked or suspended or the application for permit denied by the Department for failure to comply with these rules, the Act, and orders of the Commission or the Department. (3-18-22)()

02. **Fees.** An application fee must accompany each application for permit to drill, deepen, or plug back. No service fee is required for a permit to deepen or plug back ~~in a well for which the fee has been paid for permit to drill unless the drilling permit has expired.~~ if completed within one (1) year from issuance of permit to drill a well. (3-18-22)()

03. **Time Required to Commence Operations; Term of Permit.** ~~On the first anniversary of the date of issuance of a permit~~ Permits to drill, deepen, or plug back, ~~said permit~~ will expire ~~and be of no further force or effect, one (1) year after being issued by the Department,~~ unless the work for which the permit was issued has been started. Prior to the ~~anniversary date~~ expiration of the permit, the owner or operator may apply to the Department for a one-time, six-month extension if work has not started. If conditions have not changed and no changes to the permit are requested, the extension may be approved by the Department. If a permit expires due to the failure to commence operations, then reapplication is required prior to commencing operations. (3-18-22)()

04. **Application.** The Application for Permit to Drill shall include a Department approved form and the following: (3-18-22)

a. An accurate plat showing the location of the proposed well with reference to the nearest lines of an established public survey. (3-18-22)

b. The location of the nearest structure with a water supply, or the nearest water well as shown on the IDWR registry of water rights or well log database. (3-18-22)

c. Information on the type of tools to be used and the proposed logging program. (3-18-22)

d. Proposed total depth ~~to which of~~ the well ~~will be drilled~~, estimated depth to the top of the important geologic markers, and the estimated depth to the top of the target formations. (3-18-22)()

e. The proposed casing program, including size and weight thereof, the depth at which each casing type is to be set. (3-18-22)

f. The type and amount of cement to be used, and the intervals cemented. (3-18-22)

- g. Information on the drilling plan. (3-18-22)
 - h. Best management practices to be used for erosion and sediment control. (3-18-22)
 - i. Plan for interim reclamation of the drill site after the well is completed, and a plan for final reclamation of the drill site following plugging and abandonment of the well. These plans must contain the information needed to implement reclamation as described in Subsection 310.16 and Section 510 of these rules. (3-18-22)
 - j. Applications that include the following actions must also provide the information from the respective Section of these rules: (3-18-22)
 - i. Well treatments require the submittal of the information in Section 210. (3-18-22)
 - ii. Pit construction and use requires the submittal of the information in Section 230. (3-18-22)
 - iii. Directional or horizontal drilling requires the submittal of the information in Section 330. (3-18-22)
 - k. Any other information which may be required by the Department based on site-specific reasons. (3-18-22)()
- ~~05. Permit Denial. Applications may be denied for the following reasons: (3-18-22)~~
- ~~a. Application fee was not submitted. (3-18-22)~~
 - ~~b. Application is incomplete. (3-18-22)~~
 - ~~c. Failure to post required bonds. (3-18-22)~~
 - ~~d. Proposed well will result in a waste of oil or gas, a violation of correlative rights, or the pollution of fresh water supplies. (3-18-22)~~

201. MULTIPLE ZONE COMPLETIONS.

01. Requirements of the Owner or Operator; Request for Approval. A multiple zone completion may be approved by the Department upon application by the owner or operator and payment of an application fee, ~~as herein provided.~~ The application ~~shall be accompanied by~~ **must include** an exhibit showing the location of wells on applicant's lease and all offset wells on leases, and shall set forth all material facts involved, and the manner and method of completion proposed, including a diagrammatic sketch of the mechanical installation of the proposed well. ~~The application fee may not exceed that required by Subsection 200.02 of these rules. N~~ **The applicant must mail** notice of the filing of such application ~~shall be given by the applicant by mailing~~ to each offset operator. ~~a~~ **The notice must** containing a full description of the proposed completion for which approval is requested. ~~and p~~ **Proof of mailing such notice shall must** be made by **an** affidavit, ~~which shall be~~ attached to the application showing names and addresses of those to whom notice was mailed. (3-18-22)()

02. Conditions for Approval; Cause for Hearing. ~~In the event~~ **If** the Department ~~is in agreement~~ **agrees** with the application and ~~that~~ no offset operator files a written objection to the application with the Department within ~~fifteen ten~~ **(1510)** days of the date of the offset operator's receipt of application, the application shall be approved as an amendment to the drilling permit. If any offset operator ~~shall files said objection, file in writing with the Department an objection to such multiple completion,~~ or if the Department is not in agreement with the application, the matter shall be immediately set for hearing and Notice of Hearing duly given by the Department. (3-18-22)()

03. Zone Effectiveness; Requirement for Production Testing. The Department may require such tests as necessary to determine the effectiveness of the segregation of the different productive zones. (3-18-22)

04. Commingling Production. The Department may require that oil or gas from multiple zones be produced through different sets of tubing, if needed to protect correlative rights or to prevent waste. (3-18-22)

202. -- 209. (RESERVED)

210. WELL TREATMENTS.

01. Application Required. An Application for Permit to Drill required by Section 200 must include any plans for well treatment if they are known before the well is drilled. If well treatments are not covered in the original drilling permit, then an application to amend the permit must be made to the Department with an application fee. Approval by the Department is required ~~prior to~~ before the well treatments ~~being~~ are implemented. Actions to clean the casing or perforations not in excess of pressures sufficient to overcome the fracture gradient in the surrounding formation are not considered to be well treatments, but operators must notify the Department when such actions occur. Applications for well treatments must include the permit number, well name, well location, as-built description if drilling has been completed, and the following: (3-18-22)()

- a. Depth to perforations or the openhole interval; (3-18-22)
- b. The source of water or type of base fluid; (3-18-22)
- c. Additives, meaning any substance or any combination of substances including proppant, having a specified purpose that is combined with base treatment fluid by trade name, if available, and a Safety Data Sheet (MSDS) for each additive; (3-18-22)()
- d. Type of proppant(s); (3-18-22)
- e. Anticipated percentages by volume and total volumes of base treatment fluid, individual additives, and proppant(s); (3-18-22)
- f. Estimated pump pressures; (3-18-22)
- g. Method and timeline for the management, storage, and disposal of well treatment fluids, including anticipated disposal site of treatment fluids or plans for reuse; (3-18-22)
- h. Size and design of storage pits, if proposed, in conformance with Section 230 of these rules; (3-18-22)
- i. Information specific to hydraulic fracturing as described in Section 211 of these rules; (3-18-22)
- j. Summary identifying all water bearing zones from the surface down to the bottom of the well; (3-18-22)
- k. Fresh water protection plan that describes the proposed site-specific measures to protect water quality from activities associated with well treatments. The Department will review this plan in consultation with the IDEQ. The Fresh ~~W~~ water Protection Plan shall include the following information: (3-18-22)()
 - i. Ground water and storm water best management practices; (3-18-22)
 - ii. Statement certifying that the owner or operator is complying with Spill Prevention, Control, and Countermeasures (SPCC) requirements administered by the EPA; (3-18-22)
 - iii. A preconstruction topographic site map or aerial photos identifying all habitable structures, wells, perennial and intermittent springs, surface waters, and irrigation ditches within one-quarter (1/4) mile of the oil or gas well. The distance or location may be changed based on site-specific factors such as horizontal drilling, the expected length of fractures, or lack of suitable water sample locations within one-quarter (1/4) mile; (3-18-22)()

iv. A brief description of the structural geology that may influence ground water flow and direction; and (3-18-22)

v. The general hydrogeological characteristics of the treatment area and surrounding land. (3-18-22)

l. Certification by the owner or operator that all aspects of the well construction, including the suitability and integrity of the cement used to seal the well, are designed to meet the requirements of proposed well treatments; (3-18-22)

m. Affidavit signed by the owner or operator stating that all home-owners and water well owners within one-quarter (1/4) mile of the oil or gas well, and all owners of a public drinking water system that have an IDEQ recognized source water assessment or protection area within one-quarter (1/4) mile of the oil or gas well, have been notified of the proposed treatment. If a well deviates from the vertical, these surface distances will be from the entire length of the wellbore from the surface to total depth. The notification will also offer an opportunity to have the owner or operator sample and test the water, at the owner or operator's cost, ~~prior to~~ before and after the ~~oil or gas well being treated~~ well treatment. Notification shall be by certified mail to the surface owner as identified by the county assessor's records, or to the well owner as identified on the IDWR registry of water rights or well log database; (3-18-22)()

n. Proof of publication in a newspaper of general circulation in the county where the well is located of a legal notice briefly describing the well treatment to be performed. Notice shall also advise all water well or public drinking water system owners, as described in Paragraph 210.01.m. of these rules, of the opportunity to have their water tested at the owner's or operator's cost before and after the well treatment; and (3-18-22)

o. Additional information as required by the Department. (3-18-22)

02. Master Drilling/Treatment Plans. Where multiple stimulation activities will be undertaken for several wells proposed to be drilled in the same field within an area of geologic similarity, approval may be sought from the Department for a comprehensive master drilling/treatment plan containing the information required. The approved master drilling/treatment plan must then be referenced on each individual well's Application for Permit to Drill. (3-18-22)

~~**03. Application Denial.** The Department may deny well treatment applications for one (1) or more of the following reasons:~~ (3-18-22)

~~a. Application does not contain the information in Subsection 210.01 of these rules;~~ (3-18-22)

~~b. Application fee was not submitted.~~ (3-18-22)

~~c. Proposed treatment will result in a waste of oil or gas, a violation of correlative rights, or the pollution of fresh water supplies.~~ (3-18-22)

~~**043. Time Limit.** If a treatment approved in a drilling permit or amended drilling permit is not started within one (1) year of the approval of the well treatment, the well treatment permit will expire, and reapplication will be required prior to before conducting the well treatment. Prior to the anniversary expiration date, the owner or operator may apply for a six-month (6) extension. If conditions have not changed, and no changes to the permit are requested, the extension may be approved by the Department.~~ (3-18-22)()

~~**054. Inspections.** The Department may conduct inspections prior before, during, and after well treatments.~~ (3-18-22)()

~~**065. Reporting Requirements.** A report on the well treatment must be submitted within thirty (30) days of the treatment. The report shall present a detailed account of the work done and the manner in which such work was performed, including:~~ (3-18-22)

~~a. The daily production of oil, gas, and water both prior to before and after the operation.~~ (3-18-22)()

- b. The size and depth of perforations. (3-18-22)
- c. Percentages by volume and total volumes of base treatment fluid, individual additives, and proppant(s). This requirement can be met by the submittal of well completion field tickets if they contain this information. (3-18-22)
- d. Documentation demonstrating the chemicals used in the well treatment have been reported to the website ~~www.fracfocus.org~~ <https://fracfocus.org>, its successor website, or another publicly accessible database approved by the Department. The chemical information must be reported in a systems approach. (3-18-22)()
- e. Information specific to hydraulic fracturing, as described in Section 211 of these rules. (3-18-22)
- f. Static pressure testing results before and after the well treatment. (3-18-22)
- g. The amounts, handling, and if necessary, disposal at an identified appropriate disposal facility, or reuse of the well stimulation fluid load recovered during flow back, swabbing, ~~and/or~~ recovery, or all from production facility vessels. Reporting of recovered fluids ~~shall~~ must be included with other monthly production reports required by the Department. Storage of such fluid ~~shall~~ must be protective of ground-water ~~as demonstrated by the use of~~ using either tanks or authorized lined pits as described in Section 230 of these rules. (3-18-22)()
- h. Any other information related to operations which alter the performance or characteristics of the well. (3-18-22)

076. Fresh-Water Protections for Well Treatments. (3-18-22)()

- a. The Department will not authorize pits, lagoons, ponds, or other methods of subsurface storage for treatment fluids within IDEQ recognized source water assessment or protection areas for public drinking water systems. Owners or operators must store and transport treatment fluids using above ground storage facilities and tanker trucks for well treatments in these locations. (3-18-22)
- b. The Department will not authorize well treatments to create fractures within five hundred (500) vertical feet above or below fresh-water aquifers. (3-18-22)()
- c. ~~The Department shall require the~~ owner or operator ~~to~~ must complete fresh-water monitoring at the owner's or operator's cost before and after a well treatment unless the Department, in consultation with ~~the~~ IDEQ, determines that the proposed treatment does not pose a threat of pollution to fresh waters. The Department will review and approve all monitoring proposals with ~~the~~ IDEQ. The monitoring will be done using representative existing water wells or surface waters within one-quarter (1/4) horizontal mile of the treated well. For wells that deviate from the vertical, sampling may be required within one-quarter (1/4) horizontal mile of the wellbore's projected location on the surface. If no water wells or surface waters are present in this area, the sampling area may be enlarged as needed with approval by the Department. If the Department determines that existing water wells are not representative of the ground waters that could be impacted, then the Department may require the owner or operator to install one (1) or more ground water monitoring wells at the owner's or operator's cost. The owner or operator must obtain consent from appropriate property owners to gain access prior to any sampling or well construction. When monitoring is required by the Department, the operator will prepare a monitoring plan that includes the following: (3-18-22)()
 - i. Location of proposed monitoring sites; (3-18-22)
 - ii. Construction details of any sampled or constructed wells including total well depth, depth of screened interval(s), screen size, and drilling log. For existing wells, the operator must make every reasonable attempt to locate this information; (3-18-22)
 - iii. When possible, data from the existing wells collected within the last five (5) years and analyzed in a state or EPA certified drinking water lab; (3-18-22)

- iv. List of proposed analytes, testing methods, and their detection limits; (3-18-22)
- v. Additional tests such as stable isotopic analysis; and (3-18-22)
- vi. Pre-treatment sampling and analysis when no relevant data exists, and a schedule for post-treatment sampling and analysis. (3-18-22)

d. The owner or operator will provide the Department with copies of any analysis or reports within thirty (30) days of samples being taken. All samples must be analyzed in a state or EPA certified drinking water lab. (3-18-22)

e. Pollution of fresh-water supplies due to a well treatment is a violation of these rules and Title 47, Chapter 3, Idaho Code. (3-18-22)()

211. HYDRAULIC FRACTURING.

01. Application Requirements. In addition to the information required by Subsection 210.01 of this rule, the owner or operator shall provide the following application information regarding hydraulic fracturing: (3-18-22)

a. The geological names and descriptions of the formation into which well stimulation fluids are to be injected; (3-18-22)

b. Detailed information on the base stimulation fluid source. For each stage of the well stimulation program, provide the chemical additives and proppants and concentrations or rates proposed to be mixed and injected, including: (3-18-22)

i. Stimulation fluid identified by additive type (such as but not limited to acid, biocide, breaker, brine, corrosion inhibitor, crosslinker, demulsifier, friction reducer, gel, iron control, oxygen scavenger, pH adjusting agent, proppant, scale inhibitor, surfactant); (3-18-22)

ii. The chemical compound name and ~~Chemical Abstracts Service (CAS)~~ number as found on the previously submitted ~~MSDS shall be identified~~ (such as the additive biocide is glutaraldehyde, or the additive breaker is ammonium persulfate, or the proppant is silica or quartz sand, and so on for each additive used); (3-18-22)()

iii. The proposed rate or concentration for each additive and the total volume of each ~~shall be provided~~ (such as gel as pounds per thousand gallons, or biocide at gallons per thousand gallons, or proppant at pounds per gallon, or expressed as percent by weight or percent by volume, or parts per million, or parts per billion); and (3-18-22)()

iv. The formulary disclosure of the chemical compounds used in the well stimulation(s) for the purpose of protecting public health and safety. (3-18-22)

c. A detailed description of the proposed well stimulation design that shall include: (3-18-22)

i. The anticipated surface treating pressure range; (3-18-22)

ii. The maximum injection treating pressure, which shall be within accepted safety limits. Accepted safety limits are generally eighty percent (80%) of the maximum pressure rating of the pressurized system; (3-18-22)

iii. The estimated or calculated fracture height in both the horizontal and vertical directions. (3-18-22)

02. ~~Volatile Organic Compound~~VOCs and Petroleum Distillates. The injection of ~~volatile organic compounds~~ VOCs, such as benzene, toluene, ethyl benzene, and xylene, also known as BTEX compounds, or any petroleum distillates into ground water in excess of ~~the~~ applicable ground water quality standards is prohibited. ~~Volatile organic compounds~~ VOCs or petroleum distillates may be appropriate as additives, but they are not appropriate for use as the base fluids. The proposed use of ~~volatile organic compounds~~ VOCs or any petroleum

distillates for well stimulation into hydrocarbon bearing zones may be authorized with prior approval of the ~~director~~ Administrator. ~~Water that is produced with oil and gas, and~~ Produced water, which may contain small amounts of naturally occurring ~~volatile organic compounds~~ VOCs or petroleum distillates, may be used as well stimulation fluid in hydrocarbon bearing zones. (3-18-22)()

03. Well Integrity. Prior to the well stimulation, the owner or operator will perform a suitable ~~mechanical integrity test~~ MIT of the casing, or of the casing-tubing annulus or other ~~mechanical integrity test~~ MIT methods and submit an affidavit to the Department certifying that the well was tested in anticipation of proposed treatment pressures. The owner or operator will notify the Department of this test twelve (12) to twenty-four (24) hours in advance. (3-18-22)()

04. Pressure Monitoring. During the well stimulation operation, the owner or operator shall monitor and record the annulus pressure at the casinghead. If intermediate casing has been set on the well being stimulated, the pressure in the annulus between the ~~intermediate casing~~ and the production casing shall also be monitored and recorded. If the annulus pressure increases by more than five hundred (500) psi gauge as compared to the pressure immediately preceding the stimulation, the owner or operator shall verbally notify the Department as soon as practicable but no later than twenty-four (24) hours following the incident. (3-18-22)()

05. Post-Treatment Report. In addition to the information required by Subsection 210.06~~5~~ of this rule, the owner or operator shall provide the following post-treatment reporting: (3-18-22)()

- a. The actual total well stimulation treatment volume pumped; (3-18-22)
- b. The actual surface pressure and rate at the end of each fluid stage and the actual flush volume, rate and final pump pressure; (3-18-22)
- c. The instantaneous shut-in pressure, and the actual fifteen (15) minute and thirty (30) minute shut-in pressures when these pressure measurements are available; (3-18-22)
- d. A continuous record of the annulus pressure during the well stimulation; (3-18-22)
- e. A copy of the well stimulation service contractor's job log, without any cost/pricing data from the field ticket, in lieu of paragraphs (a) through (d) above. If the job log does not contain all the needed information, it must be supplemented with additional information needed to satisfy Paragraphs 211.05.a. through 211.05.d. of this rule. (3-18-22)
- f. A report containing all details pertaining to any annulus pressure increases of more than five hundred (500) psi gauge as described in Subsection 211.04 of this rule. The report shall include corrective actions taken, if necessary. (3-18-22)
- g. Results of post-treatment fluid analysis used to help determine where the fluid can be disposed. (3-18-22)()

212. -- 219. (RESERVED)

220. BONDING.

01. Individual Bond. The Department shall, except as hereinafter provided, require from the owner or operator a good and sufficient bond in the sum of not less than ten thousand dollars (\$10,000) plus one dollar (\$1) for each foot of planned well length in favor of the Department. The bond shall be conditioned upon the performance of the owner's or operator's duty to comply with the requirements of the Act and the rules of the Commission, with respect to the drilling, maintaining, operating, and plugging of each well drilled for oil and gas and the reclamation of surface disturbance associated with these activities. Said bond shall remain in force and effect until the plugging of said well is approved by the Department and the well site is reclaimed as described in Section 510 of these rules, or the bond is released by the Department. (3-18-22)

02. Blanket Bond. In lieu of the bond in Subsection 220.01 of this rule, any owner or operator may file

with the Department a good and sufficient blanket bond covering all active wells drilled or to be drilled in the state of Idaho. The amount of the blanket bond will be as follows according to the number of active wells covered by the bond: (3-18-22)

- a. Up to ten (10) wells, fifty thousand dollars (\$50,000); (3-18-22)
- b. Eleven (11) to thirty (30) wells, one hundred thousand dollars (\$100,000); or (3-18-22)
- c. More than thirty (30) wells, one hundred fifty thousand dollars (\$150,000). (3-18-22)

03. Inactive Well Bond. An owner or operator must provide the Department with a bond of at least ten thousand dollars (\$10,000) plus eight dollars (\$8) for each foot of planned well length for each inactive well ~~that is~~ conditioned upon the performance of the duty to comply with the requirements of the Act, ~~and these~~ rules, ~~of the Commission, and orders issued by the Commission or the Department;~~ with respect to the drilling, maintaining, operating, and plugging of each well drilled for oil and gas. Said bond shall remain in force and effect until the plugging of said well is approved by the Department, or the bond is released by the Department. Inactive wells may not be covered by a blanket bond as provided in Subsection 220.02 of this rule. (3-18-22)()

04. Additional Bonding. The Department may impose additional bonding on an owner or operator given sufficient reason, such as non-compliance, unusual conditions, horizontal drilling, or other circumstances that suggest a particular well or group of wells has potential risk or liability in excess of that normally expected. The owner or operator may request a hearing to appeal either the decision to impose an additional bond or the proposed amount of the bond. (3-18-22)

05. Authorized Bonds. The bond(s) referred to in Section 220 must be by a corporate surety authorized to do business in the state of Idaho or in cash. If cash is used to satisfy the bonding requirements in these rules, interest on the cash will be allocated to the ~~g~~General ~~f~~Fund. (3-18-22)()

221. TRANSFER OF DRILLING PERMITS.

No person ~~to whom a permit has been issued shall~~ with a permit may transfer the permit to any other location or to any other person ~~until unless~~ the following requirements ~~have been complied with~~ are met: (3-18-22)()

01. Prior to Drilling Well. If, prior to the drilling of a well, the person to whom the permit was originally issued desires to change the location, he shall submit a letter so stating and another application properly filled out showing the new location. Drilling ~~shall not be~~ may not started until the transfer has been approved and the new permit posted at the new location. (3-18-22)()

02. During Drilling or After Completion. If, while a well is being drilled or after it has been completed, the person to whom the permit was originally issued disposes of his interest in the well, he shall submit a written statement to the Department setting forth the facts and requesting that the permit be transferred to the person who has acquired the well. (3-18-22)

03. Terms for Acceptance of Transfer. Before the transfer of a drilling permit shall be recognized, the person who has acquired the well must submit a written statement setting forth that he has acquired such well and assumes full responsibility for its operation and abandonment in conformity with the ~~law~~ Act, ~~these~~ rules, ~~regulations,~~ and orders issued by the Commission or the Department. If bond is required to guarantee compliance with ~~these~~ rules and regulations of the Commission, the person acquiring such well shall furnish bond. (3-18-22)()

222. -- 229. (RESERVED)

230. PIT REQUIREMENTS.

01. Plans Required. If pits are proposed to be constructed in connection with another permit application required by these rules, then the owner or operator must include plans for pit construction in the application. If a pit is needed after the other permits have been approved, then an application to amend the permit must be made to the Department with an application fee. Approval by the Department is required prior to the pit being constructed unless the pit is necessary for an emergency action. Pit applications must include the permit

number, well name, well location, as-built description if drilling has been completed, proposed pit location, and plans for pit construction, operation, and reclamation. (3-18-22)

02. Location. (3-18-22)

a. Pits must be located where they are structurally sound and the liner systems can be adequately protected against factors such as wild-fires, floods, landslides, surface and ground water systems, equipment operation, and public access. (3-18-22)()

b. Pits located in a one-hundred-year floodplain must be in conformance with any applicable floodplain ordinances pertaining to activities within the one-hundred-year floodplain. (3-18-22)()

c. Pits ~~shall~~ may not be located within ~~an~~ IDEQ recognized source water assessment or protection areas for public drinking water systems. (3-18-22)()

03. Site Preparation. All sites must be properly prepared prior to pit construction. Vegetation, roots, brush, large woody debris and other deleterious materials, topsoil, historic foundations and plumbing, or other materials that may adversely affect appropriate construction, must be removed from the footprint of the pit unless approved by the Department. (3-18-22)

04. Pit Sizing Criteria. (3-18-22)

a. Pits that have constructed berms ten (10) or more feet in height or hold fifty (50) acre-feet or more of fluid must also comply with the dam safety requirements of IDAPA 37.03.06, "Safety of Dams Rules." (3-18-22)

b. Pits must be designed to hold the maximum volume of fluids being used for drilling or well treatment and the volume of water associated with a one hundred-year, twenty-four-hour precipitation event. (3-18-22)

c. Snowmelt events shall be considered in determining the containment capacity. (3-18-22)

d. Pits that are left over winter must be able to contain one hundred twenty-five percent (125%) of the average annual precipitation that falls from October through May. (3-18-22)

e. Pits must be designed to maintain a minimum two (2) foot freeboard at all times. Contingency plans for managing excesses of fluids shall be described in the application. At no time ~~shall~~ may fluids in a pit be allowed to escape from the impoundment. (3-18-22)()

05. Minimum Plans and Specifications for Reserve, Well Treatment, and Other Short-Term Pits. Pits used for one (1) year or less, not including extensions, are short-term pits. Construction plans and specifications for short term pits must include the requirements under Subsections 230.02 through 230.04 of this rule and the following: (3-18-22)()

a. A prepared subbase, which shall be free of plus three (3) inch rocks, roots, brush, trash, debris or other deleterious materials, and compacted to ninety-five percent (95%) of Standard Proctor Test ASTM D698-07e1 or ninety-five percent (95%) of Modified Proctor Test ASTM D1557-09; (3-18-22)

b. Slopes of two (2) feet horizontal to one (1) foot vertical (2H:1V) or flatter for all interior and exterior pit walls. The top of a bermed pit wall must be a minimum of two (2) feet wide; (3-18-22)

c. A primary liner system consisting of a synthetic liner of at least twenty (20) millimeters thickness ~~and~~ constructed according to manufacturers' standards with at least four (4) inches of welded seam overlap and complete coverage on the floor and inside walls of the pit. Seams must run parallel to the line of maximum slope so they do not traverse across the slope. The liner edges ~~shall~~ must be anchored in a compacted earth filled trench at least eighteen (18) inches ~~in depth~~ deep. The liner must be protected against cracking, sun damage, ice, frost penetration or heaving, wildlife and wildfires, and damage that may be caused by personnel or equipment operating in or around these facilities. Liner compatibility ~~shall~~ must comply with EPA SW-846 method 9090A. Alternative liner systems

with similar standards may be proposed by the owner or operator and approved at the Department's discretion; (3-18-22)()

d. Minimum factors of safety, and the logic behind their selection, for the stability of the earthworks and the ~~pit~~ lining system ~~of the pit~~; (3-18-22)()

e. Site-specific methods for excluding people, terrestrial animals, and avian wildlife from the pits; (3-18-22)()

f. Segregation and stockpiling of topsoil in a manner that will support reestablishment of the pre-disturbance land use after pit closure; and (3-18-22)

g. A closure plan including the following: (3-18-22)

i. Testing of residual fluids and any accumulated solids, if anything other than water-based drilling fluid was placed in the pit; (3-18-22)()

ii. Plans for removal and disposal of residual fluids and accumulated solids, with the liner material, at an appropriate facility; (3-18-22)

iii. Regrading plan, replacement of topsoil, and erosion control measures; and (3-18-22)

iv. Reseeding and Revegetation. (3-18-22)

06. Minimum Plans and Specifications for Long Term Pits. Pits used for more than one (1) year, not including extensions, are long term pits. Construction plans and specifications for long term pits must include the requirements under Subsections 230.02 through 230.05 of this rule and the following: (3-18-22)

a. A quality control/quality assurance construction and installation plan; (3-18-22)

b. Type of fluids to be contained in the pit; (3-18-22)

c. Secondary containment synthetic liners, which ~~shall~~ must have a minimum thickness of sixty (60) millimeters consisting of High Density Polyethylene (HDPE) and a maximum coefficient of permeability of 10^{-9} cm/sec, or comparable liners approved by the Department; (3-18-22)()

d. Leak detection and collection systems. The plans and specifications shall: (3-18-22)

i. Provide a material between primary and secondary containment synthetic liners to collect, transport, and remove all fluids that pass through the primary containment synthetic liner at such a rate as to prevent hydraulic head from developing on the secondary containment synthetic liner to the level at which it may be reasonably expected to result in discharges through the secondary containment synthetic liner; (3-18-22)()

ii. Provide routines and schedules for ~~the~~ evaluation of the efficiency and effectiveness of ~~the removal of fluids~~ removal from the layer placed between primary and secondary containment synthetic liners. The properly working system shall continually relieve head pressures on the secondary containment synthetic liner; (3-18-22)()

iii. Provide specific triggers for maintenance routines, which ~~shall~~ will be initiated in response to inadequate performance of primary or secondary containment synthetic liners; and (3-18-22)()

iv. Specify operation and maintenance procedures, which ~~shall~~ will be initiated in response to inadequate performance of primary and secondary containment or leak detection and collection systems. (3-18-22)()

e. All piping, including that contained in the leak detection and collection system, shall have a minimum wall thickness of polyvinyl chloride (PVC) Schedule 80 and be designed to: (3-18-22)()

- i. Withstand chemical attack from oil field waste or leachate; (3-18-22)
- ii. Withstand structural loading from stresses and disturbances from cover materials or equipment operation; and (3-18-22)
- iii. Facilitate clean-out and maintenance. (3-18-22)
- f. Protections for the liner from excessive hydrostatic force or mechanical damage at the point of discharge into, or suction from, the pit. External discharge or suction lines ~~shall~~ may not penetrate the liner; (3-18-22)()
- g. Plans for erosion control during and immediately following construction; and (3-18-22)
- h. Operating and maintenance plans. (3-18-22)

07. Time Limits for Short-Term Pits. Reserve, well treatment, and other short-term pits must be closed out and reclaimed within one (1) year of being constructed. The owner or operator may request a one-time extension for up to six (6) months. The Department may grant the request if the owner or operator gives sufficient cause and presents a plan for ensuring that the pit is adequately monitored and maintained. (3-18-22)()

a. Fluids may be left in a pit for up to six (6) months after the associated well activities are conducted. The owner or operator may request a one-time extension for up to one (1) year. The Department may grant the request if the owner or operator gives sufficient cause and presents a plan for keeping the fluids in a usable state. (3-18-22)

b. Notwithstanding the above time limits, the owner or operator may request additional time based upon conditions wholly outside of the owner's or operator's control including, but not limited to, governmental lease requirements and delays related to difficult drilling conditions. The Department may impose additional construction or monitoring requirements prior to granting additional time. (3-18-22)

08. Emergency Pits. Pits constructed during an emergency situation may be approved by an after-the-fact application submitted to the Department. The requirements in Subsections 230.02 through 230.05 of this rule shall apply, and the pit must be closed out and reclaimed within six (6) months of being constructed. The Department must be notified within twenty-four (24) hours of an emergency situation requiring an emergency pit. (3-18-22)

09. Operating Requirements. (3-18-22)

a. Waste oil, hydraulic fluid, transmission fluids, trash, or any other miscellaneous waste products must not be disposed of in a pit. ~~Placement of these materials into a pit may result in the creation of a mixed waste that requires handling and disposal as a hazardous waste.~~ (3-18-22)()

b. If a pit liner's integrity is compromised, or if any penetration of the liner occurs above the liquid's surface, then the owner or operator shall notify the appropriate Department area office within forty-eight (48) hours of the discovery and repair the damage or replace the liner. (3-18-22)

c. If a pit or closed-loop system develops a leak, or if any penetration of the pit liner occurs below the liquid's surface, then the owner or operator shall remove all liquid above the damage or leak line within forty-eight (48) hours, notify the appropriate Department area office within forty-eight (48) hours of the discovery, and repair the damage or replace the pit liner. (3-18-22)

d. The owner or operator shall install, or maintain on site, an oil absorbent boom or other device to contain and remove oil from a pit's surface. Visible oil must be removed from short-term pits immediately following the cessation of activity for which the pit was constructed. Visible oil must be removed from long-term pits as soon as it is discovered. (3-18-22)()

10. Closure of Pits. (3-18-22)

a. The owner or operator shall remove all liquids from the pit ~~prior to~~ before closure and dispose of them at an appropriate facility or reuse them at a different location. If the nature of the fluids has substantially altered during their use, then the fluids must be sampled and tested to determine which disposal facility can accept them.

(3-18-22)()

b. Any solids that have ~~been~~ accumulated in the bottom of the pit will be tested to determine which disposal facility can accept the material. The solid material and liner will then be removed and disposed of at an appropriate facility.

(3-18-22)()

c. The owner or operator must notify the Department at least forty-eight (48) hours prior to removal of the pit liner so an inspection may be conducted.

(3-18-22)

d. The pit foundation will be inspected for signs of leakage. If evidence of leakage is observed, the owner or operator must contact the Department and ~~the~~ IDEQ within twenty-four (24) hours and report the type of fluids released and the estimated extent of release. The owner or operator must then remediate the site in conformance with the applicable standards administered by IDEQ in IDAPA 58.01.02, "Water Quality Standards," Sections 850 through 852.

(3-18-22)()

e. After addressing any pit leakage concerns, the owner or operator shall ~~perform the activities described in Subsections 510.04 through 510.08 of these rules~~ undertake surface reclamation activities as provided for in Section 510 of these rules.

(3-18-22)()

11. ~~Condemnation Due to Improper Impoundment.~~ The Department ~~shall have authority to condemn any~~ may order the owner or operator of a pit that does not properly impound fluids ~~and order the~~ under this rule to dispose of such fluids in conformance with IDAPA 58.01.16, "Wastewater Rules," and other applicable rules.

(3-18-22)()

231. -- 299. (RESERVED)

SUBCHAPTER D – WELL SITES AND DRILLING

300. IDENTIFICATION OF WELLS.

01. **Signs; Lease Access Roads.** ~~To identify all producing leases t~~ The owner or operator ~~thereof shall cause a sign to be~~ of a producing lease must place a sign where the principal lease road enters the lease, ~~and s~~ Such sign ~~shall show~~ will identify the name of the lease, ~~and~~ the owner or operator thereof, and the section, township, and range.

(3-18-22)()

02. **Signs; Well Sites.** Prior to spud activity, a legible sign must be placed near the well to identify the operator, permit number, well name, and emergency telephone number. If a multiple completion, each well-head connection shall be identified.

(3-18-22)()

301. WELL SITE OPERATIONS.

The owner or operator must conduct all operations and maintain the well site at all times in a safe and workmanlike manner. Best management practices and good housekeeping practices must be used at well sites.

(3-18-22)

01. **Fencing.** Within sixty (60) days after completion of the well, the owner or operator must install a fence around the well site to maintain safe working conditions, secure the well site, and prevent access by wildlife and livestock. The fence design must be acceptable to both the landowner and owner or operator.

(3-18-22)

02. **Storage.** All chemicals must be stored and maintained in accordance with ~~the~~ applicable MSDS requirements. Materials related to operations must be palletized where applicable. Vehicles and materials not in use must be removed from the well site.

(3-18-22)()

03. **Vegetation.** All well sites must be kept free of excessive vegetation.

(3-18-22)

04. **Trash.** All trash, debris, and scrap metal must be removed from the well site. ~~Pending~~ Before

removal, any trash or debris that might constitute a fire hazard shall be removed to a distance of at least one hundred (100) feet from the well location, tanks, and separator. (3-18-22)()

302. ACCIDENTS AND FIRES.

The owner or operator ~~shall~~ **must** take all reasonable precautions to prevent accidents and fires, **including preparation of a** ~~an~~ emergency response plan. ~~will be prepared and~~ **Such plan must be** available at the well for use or inspection. Coordination with local emergency responders and the Idaho Bureau of Homeland Security is recommended prior to rig set up. The following actions must be taken in event of a release, industrial accident, or fire of major consequence: (3-18-22)()

01. Provide Information to Emergency Response. Emergency workers will be given information on all fluids or chemicals involved in a spill or accident as needed according to OSHA Standard 1910.1200 (Hazard Communication). ~~Nothing in this rule shall authorize any person to withhold information that is required by state or federal law to be provided to a health care professional, a doctor, or a nurse.~~ All information required by a health care professional, a doctor, or a nurse shall be supplied, immediately upon request, by the owner or operator, or their contractors, directly to the requesting health care professional, doctor, or nurse, including the percent by volume of the chemical constituents (and associated CAS numbers) in the fluids and the additives; (3-18-22)()

02. Initiate Spill Response and Corrective Actions. Owner or operator must comply with the requirements of IDAPA 58.01.02, "Water Quality Standards," Sections 850 through 852; and (3-18-22)

03. Notify the Department. Notify the Department within twenty-four (24) hours and submit a full report thereon within fifteen (15) days. (3-18-22)

303. -- 309. (RESERVED)

310. GENERAL DRILLING RULES.

01. General Design Requirements for Casing and Cementing. Casing and cementing programs adopted for wells must be ~~so~~ planned ~~as~~ to protect any potential oil- or gas-bearing horizons penetrated during drilling from infiltration of injurious waters from other sources, and to prevent the migration of oil or gas from one horizon to another. Owners and operators shall follow the standards for casing and tubing in API SPEC 5CT and the standards for cementing in API SPEC 10A. (3-18-22)()

02. Wildcat and High-Pressure Conditions. When drilling wildcat territory or in any field where high pressures are likely to exist, the owner or operator shall take all necessary precautions to keep the well under control at all times and ~~shall~~ use proper high-pressure fittings and equipment at the time the well is started. Under such conditions all strings of casings must be securely anchored. (3-18-22)()

03. High Temperature Conditions. Due to high geothermal gradients in Idaho, the temperature of the return drilling mud shall be monitored daily during the drilling of the surface casing hole and all deeper holes. The owner or operator must use cements appropriate for the temperatures expected or encountered. (3-18-22)

04. Conductor Pipe or Casing Requirements. A minimum of forty (40) feet of conductor pipe shall be installed. If geologic conditions are such that forty (40) feet is not feasible, the owner or operator may request a variance from the Department. The annular space ~~is to~~ **must** be cemented solid to the surface. A twenty-four (24) hour cure period for the grout must be allowed prior to drilling out the shoe unless sufficient additives, as determined by the Department, are used to obtain early strength. (3-18-22)()

05. Surface Casing Requirements. (3-18-22)

a. The **owner or operator will notify the** Department ~~must be notified~~ in writing seventy-two (72) hours in advance of planned spud activity for surface casing. The Department will post the spud activity notice on its website and send an electronic copy ~~of the notice~~ to the county where the well is located. (3-18-22)()

b. Surface casing must be set at a minimum depth equal to ten percent (10%) of the proposed total ~~depth of the~~ well **depth**. In areas where pressures and formations are unknown, a minimum of two hundred (200) feet

of surface casing shall be set. (3-18-22)()

c. Surface casing shall provide for control of formation fluids, protection of fresh water, and for adequate anchorage of blow out prevention equipment. The casing must be seated through a sufficient series of low permeability, competent lithologic units such as claystone, siltstone, basalt, etc., to ensure a solid anchor for blow out prevention equipment and to protect usable ground water from contamination. Additional surface casing may be required if the first string has not been cemented through a sufficient series of low permeability, competent lithologic units, or rapidly increasing thermal gradients or formation pressures are encountered. (3-18-22)()

d. All surface casing shall be cemented solid to the surface by pump and plug, displacement, or other approved method. When surface samples are cured, additional drilling activities may commence. (3-18-22)

e. The Department must be notified in writing twenty-four (24) hours ~~in advance of~~ before planned cementing activity for surface casing. The Department will witness and document all surface casing cementing activities. (3-18-22)()

06. Requirements for BOP Equipment. Unless altered, modified, or changed for a particular pool(s) upon hearing before the Commission, blowout preventer (BOP) and related equipment shall be installed and maintained during the drilling of all wells ~~in accordance with the as~~ following rules: (3-18-22)()

a. BOP equipment installed on wells in which formation pressures to be encountered are abnormal or unknown shall consist of a double-gate, hydraulically operated preventer with pipe and blind rams or two (2) single-ram-type preventers; one (1) equipped with pipe rams, the other with blind rams and an annular type preventer. In addition, upper and lower kelly cocks, pit level indicators with alarms, ~~and/or~~ flow sensors, ~~or both~~, with alarms, and surface facilities to handle pressure kicks shall be installed ~~prior to~~ before drilling any formation with known abnormal pressure. (3-18-22)()

i. Accumulators shall maintain a pressure capacity reserve at all times to provide for operation of the hydraulic preventers and valves with no outside source. (3-18-22)

ii. In all other drilling operations, BOP equipment shall consist of at least one (1) double-gate preventer with pipe and blind rams or two (2) single-ram-type preventers, one (1) equipped with pipe rams, the other with blind rams, and sufficient valving to permit fluid circulation at the surface. (3-18-22)

b. All BOP equipment, choke lines, and manifolds shall be installed above ground level. Casing heads and optional spools may be installed below ground level provided they are visible and accessible. (3-18-22)

c. BOP equipment and related casing heads and spools shall have a vertical bore no smaller than the inside diameter of the casing to which they are attached. (3-18-22)

d. The working pressure rating of all BOP and related equipment shall equal or exceed the maximum anticipated pressure to be contained at the surface. (3-18-22)

e. All ram-type BOP and related equipment, including casing, shall be tested to the full working pressure rating of said equipment upon installation, provided that components need not be tested to levels higher than the lowest working pressure rated component. Annular type BOP and related equipment must be tested in conformance with the manufacturer's published recommendations. If, for any reason, a pressure seal in the assembly is disassembled, a test to a full working pressure rating of that seal shall be conducted ~~prior to~~ before the resumption of any drilling operation. In addition to the initial pressure tests, ram-type BOP shall be checked for physical operation at least once per week and all components, ~~again~~ with exception of the annular-type BOP, tested at least once every twenty-one (21) days to at least fifty percent (50%) of the rated pressure of the BOP equipment ~~and/~~ or to the maximum anticipated pressure to be contained at the surface, whichever is greater. (3-18-22)()

f. The ~~Department will require~~ owner, operator, or contractor must submit an affidavit covering the initial pressure tests after installation ~~signed by the owner, operator, or contractor attesting to the satisfactory pressure tests~~. The Department must be advised at least twenty-four (24) hours in advance of all tests. The Department may inspect and witness all BOP operations and testing. (3-18-22)()

g. A schematic diagram of the BOP and well-head assembly shall be submitted to the Department upon application for a permit to drill. The schematic diagram should indicate the minimum size and pressure rating of all components of the well-head and BOP assembly. (3-18-22)()

h. Studs on all well-head and BOP flanges shall be checked for tightness each week. Hand wheels for locking screws shall be installed and operational, and the entire BOP and well-head assembly shall be kept clean of mud and ice. (3-18-22)()

i. A drillstem safety valve shall be available on the rig floor at all times with correct thread for the pipe in use. (3-18-22)

j. A drillstem float valve shall be installed in bit sub or as close to bit as reasonably possible. (3-18-22)

07. Intermediate Casing. (3-18-22)

a. Intermediate casing, if installed, shall be cemented solidly to the surface or to the top of the casing. (3-18-22)

b. Intermediate casing not run to surface will be lapped into at least one hundred (100) feet of the surface casing, or at least one hundred (100) feet of the next larger casing to provide overlap and secure a seal. (3-18-22)

c. Such casing shall be cemented and pressure tested before cement plugs are drilled. (3-18-22)

d. The Department must be notified in writing twenty-four (24) hours in advance of planned cementing activity for intermediate casing. The Department may witness and document all intermediate casing cementing activities. (3-18-22)

08. Production Casing; Cementing and Testing Requirements. (3-18-22)

a. ~~If and when it becomes necessary to run a p~~Production casing, ~~such casing~~ if needed, shall be cemented and pressure tested before cement plugs are drilled. (3-18-22)()

b. The Department must be notified in writing twenty-four (24) hours in advance of planned cementing activity for production casing. The Department may witness and document all production casing cementing activities. (3-18-22)

c. When not run to the surface, production casing will be lapped into and cemented from the bottom of the hole up into at least one hundred (100) feet of the next larger casing to provide overlap and secure a seal. (3-18-22)()

d. If the bottom plug will be drilled out, the open hole interval must be completed to protect any potential oil-bearing or gas-bearing horizons penetrated during drilling from infiltration of injurious waters from other sources, and to prevent the migration of oil or gas from one horizon to another. (3-18-22)

09. Step-off. An owner or operator may submit to the Department a step-off request to complete a new borehole from surface if a borehole without production casing deviates from vertical plumb by more than five (5) degrees. A step-off borehole must be drilled within the existing pad of the permitted well. The incomplete borehole must be plugged and abandoned ~~in accordance with~~ under Section 502 of these rules. (3-18-22)()

10. Well Control (Rotary Tools); Reserve Mud Tanks. When drilling with rotary tools, the owner or operator shall provide, as required by the Department, a reserve mud pit or tank of suitable capacity for the anticipated depth of the well and maintain an on-site supply of mud additives that can raise the mud weight by one (1) pound per gallon in case of loss of well control. (3-18-22)

11. **Mud Pits.** Before ~~commencing to~~ drilling, proper and adequate mud pits shall be constructed for the reception and confinement of mud and cuttings and to facilitate the drilling operation. Special precautions shall be taken, if necessary, to prevent contamination of fresh waters. These pits must ~~conform to the standards in~~ comply with Section 230 of these rules. If tanks will be used, then mud pits may not be required. (3-18-22)()

12. **Well Control (Cable Tools); Fluid Containment.** Natural gas or oil which may be encountered in a substantial quantity in any section of a cable tool drilled hole above the ultimate objective shall be shut off with reasonable diligence either by mudding, ~~or by~~ casing, or other approved method, and confined to its original source to the ~~satisfaction of the~~ Department's satisfaction. The use of cable tools for drilling activities requires written approval by the Department ~~prior to~~ before spud activities. A request to use cable tools must include the following: (3-18-22)()

- a. Proposed pressure control measures; (3-18-22)
- b. Diversion and disposal methods for stray gas; (3-18-22)
- c. Safety protocols for mud weights and well controls; and (3-18-22)
- d. Annual drill rig safety inspection information, including the date of last replacement of cables, draw works inspection report, and metallurgic report of safety compliance for structural integrity of the drill rig. (3-18-22)

13. **Drilling Mud Disposal.** Drilling mud will be disposed of at an appropriate facility in compliance with applicable state and federal requirements. (3-18-22)

14. **Report of Water Encountered; Owner's or Operator's Duties.** ~~It shall be the duty of any~~ Owners or operators drilling an oil or gas well or drilling a seismic, core, or other exploratory hole ~~to~~ must report to the Department all potential water bearing zones encountered. ~~Such~~ Such report shall be in writing and give the location of the well or hole, the depth at which the zones were encountered, the thickness of such zones, and the rate of flow of water if known. This requirement can be met by the submittal of the logs required in Section 3401 of this rule. (3-18-22)()

15. ~~Spill Prevention, Control, and Countermeasures~~ **SPCC Plan.** The owner or operator must have an ~~Spill Prevention, Control, and Countermeasures~~ SPCC Plan in conformance with the requirements of the EPA. This plan must be updated as needed when facilities or activities change. (3-18-22)()

16. **Interim Drill Site Clean Up.** If a well is completed for production or other purposes, interim reclamation must be completed within six (6) months of the rig being removed. Interim reclamation includes the following ~~activities~~: (3-18-22)()

- a. Debris and waste materials including, but not limited to, concrete, sack bentonite and other drilling mud additives, sand, plastic, pipe, and cable associated with the drilling, re-entry, or completion operations shall be removed and disposed of properly. (3-18-22)
- b. All disturbed areas affected by drilling or subsequent operations, except areas reasonably needed for production operations or for subsequent drilling operations to be commenced within twelve (12) months, shall be reclaimed and revegetated to approximately the pre-drilling condition or to the condition specified in an agreement with the surface owner. The reclamation standards in Subsections 510.04 through 510.07 of these rules, shall apply. (3-18-22)

311. LOSS OF TOOL WITH RADIOACTIVE MATERIAL.

01. **Recovery or Cementing of Tool.** If a gamma ray tool, or some other tool containing radioactive material, becomes lost in a well, the owner or operator shall make every reasonable attempt to retrieve the tool from the well. If the tool cannot be recovered, the owner or operator must immediately cover the tool with cement sufficient to secure it in place and prevent it from contacting any fluids in the well. A whipstock or other approved deflection device shall be placed on top of the cement plug to prevent accidental or intentional mechanical

disintegration of the radioactive source. (3-18-22)

02. Sidetracking. If the hole is later sidetracked above the radioactive material, the sidetracked hole must be at least fifteen (15) feet from the original hole with the lost radioactive material. (3-18-22)

03. Reporting. A report must be sent to the Department and IDEQ within thirty (30) days of cementing the tool. The report must describe the tool that was lost, the depth it was lost at, the specific type and amount of radioactive material in the tool, and an estimate of the length of cement covering the tool. This report may be included in a plugging report if the well will be plugged. (3-18-22)

312. CHOKES.
All flowing wells shall be equipped with adequate chokes or beans to properly control the flow thereof. (3-18-22)

313. USE OF EARTHEN RESERVOIRS.
Oil ~~shall~~ may not be produced, stored, or retained in earthen reservoirs or in open receptacles. (3-18-22)()

314. VACUUM PUMPS PROHIBITED.
The use of vacuum pumps or other devices for the purpose of placing a vacuum on any gas- or oil-bearing stratum is prohibited; however, the Department may upon application and hearing and for good cause shown permit the use of vacuum pumps. (3-18-22)

315. PULLING OUTSIDE STRINGS OF CASING.
Casing ~~shall~~ may not be recovered if its recovery will expose any abnormal pressure, lost circulation, oil, gas, or water zone. In pulling outside strings of casing from any oil or gas well, the space outside the casing left in the hole shall be kept and left full of mud-laden fluid of adequate specific gravity to seal off all fresh and saltwater strata and any strata bearing oil or gas which is not producing. Casing may not be pulled without first making application to the Department and receiving approval. The application must describe how fresh waters will be protected. (3-18-22)()

316. -- 319. (RESERVED)

320. MECHANICAL INTEGRITY TESTING.

01. Mechanical Integrity Testing. (3-18-22)

a. The ~~mechanical integrity test~~ MIT shall include one (1) of the following ~~tests~~ to determine whether leaks are present in the casing, tubing, or packer: (3-18-22)()

i. A pressure test with liquid or gas at a pressure of not less than three hundred (300) psi or the minimum injection pressure, whichever is greater, and not more than the maximum injection pressure; ~~or~~ (3-18-22)()

ii. The monitoring and reporting to the Department, on a monthly basis for sixty (60) consecutive months, of the average casing-tubing annulus pressure, following an initial pressure test; or (3-18-22)

iii. ~~In lieu of Subparagraphs 320.01.a.i. and 320.01.a.ii. of this rule, a~~ Any equivalent test or combinations of tests approved by the Department. (3-18-22)()

b. The ~~mechanical integrity test~~ MIT shall include one (1) of the following ~~tests~~ to determine whether there are fluid movements in vertical channels adjacent to the well bore: (3-18-22)()

i. Tracer surveys; (3-18-22)

ii. Cement bond log or other acceptable cement evaluation log; (3-18-22)

iii. Temperature surveys; or (3-18-22)

iv. ~~In lieu of Subparagraphs 320.01.b.i. through 320.01.b.iii. of this rule, a~~ Any other equivalent test or combination of tests approved by the Department. (3-18-22)()

c. Mechanical integrity tests shall be performed at the rate of not less than one (1) test every five (5) years, regardless of well status. The first five-year period shall commence on the date ~~of the initial mechanical integrity test is performed~~ MIT. (3-18-22)()

02. Inactive Wells. If, at any time, surface equipment excluding the wellhead is removed or the well becomes incapable of production, ~~a mechanical integrity test~~ an MIT shall be performed within thirty (30) days. The ~~mechanical integrity test~~ MIT for an inactive well shall be isolation of the wellbore with a bridge plug or similar approved isolating device set one hundred (100) feet or less above the highest perforations and a pressure test with liquid or gas at a pressure of not less than three hundred (300) psi surface pressure or any equivalent test or combination of tests approved by the Department. (3-18-22)()

03. Prior Notification. ~~Not less than ten (10) days~~ At least twenty-four (24) hours prior to the performance of any ~~mechanical integrity test~~ MIT required by this rule, any person required to perform the test shall notify the Department, in writing, of the scheduled date on which the test will be performed. (3-18-22)()

04. Reporting Requirements. ~~Mechanical integrity test~~ MIT results shall be submitted to the Department within thirty (30) days of testing. (3-18-22)()

05. Mechanical Integrity Required. All wells shall maintain mechanical integrity. All wells that fail a ~~mechanical integrity test~~ an MIT, or that are determined through any other means to lack mechanical integrity, shall immediately be investigated by the owner or operator. The well shall be repaired or immediately shut down following the investigation. Repairs shall be completed within six (6) months, or the well shall be plugged and abandoned. If the repair cannot be completed within six (6) months, the owner or operator may request an extension ~~from the Department~~ and provide a plan for the repair ~~to the Department's satisfaction.~~; (3-18-22)()

321. -- 329. (RESERVED)

330. WELL DIRECTIONAL CONTROL.

01. General Restrictions; Allowable Deviation. The maximum point at which a well penetrates the producing formation ~~shall~~ may not unreasonably vary from the vertical drawn from the center of the hole at the surface. Deviation is permitted without special permission to remedy blowouts and, for short distances, to straighten the hole, sidetrack junk, or correct other mechanical difficulties. (3-18-22)()

02. Controlled Directional Drilling. Except for the purposes recited in Subsection 330.01, no well ~~hereafter~~ drilled may be intentionally directionally deviated from the vertical unless the owner or operator thereof ~~shall~~ first files an application and ~~submits an~~ application fee to amend the drilling permit and receive approval from the Department. Such application shall contain the following information: (3-18-22)()

- a. Name and address of the owner or operator. (3-18-22)
- b. Lease name, well number, name of field and reservoir, and county. (3-18-22)
- c. Description of surface location and proposed location of the producing interval (footage from lease and section or block and survey lines). (3-18-22)
- d. Reason for intentional deviation. (3-18-22)
- e. List of offset operators and statement that each has been furnished a copy of the application by registered mail. (3-18-22)
- f. Signature of representative of owner or operator. (3-18-22)
- g. Notification to offset operators that any objection they may have to the proposed intentional

deviation of the well must be filed with the Department within fifteen (15) days of receipt of a copy of the application. (3-18-22)

h. The application shall be accompanied by a neat, accurate plat or sketch of the lease and all offset leases showing the names of all offset operators and the surface and proposed producing interval locations of the well. Plat shall be drawn to a scale which will permit facile observation of all pertinent data. (3-18-22)

03. Copy of Application to Offset Operators. At the time the application is filed with the Department, a copy of the application and the plat shall be forwarded by registered mail to all offset operators to the lease on which the well is to be drilled. (3-18-22)

04. Department Action. Upon receipt, the Department will hold the application for ~~fifteen (15)~~ ten (10) days. If ~~objection from~~ any offset operator objects to the proposed intentional deviation ~~is received~~ within ~~fifteen (15)~~ ten (10) days of receipt of the application by said operator, or if the Department is not in agreement with the proposed deviation, the application shall be set down for public hearing. If no objection from either an offset operator or the Department is ~~interposed~~ raised within the ~~fifteen (15)~~ ten (10) day period, the application shall be approved and permit issued by the Department. If written consent of the offset operator(s) is filed concurrently with the application to drill directionally, the Department may immediately approve the application without waiting ~~fifteen (15)~~ ten (10) days. (3-18-22)()

05. Angular Deviation and Directional Survey. Upon completion, a complete angular deviation and directional survey of the well obtained by an approved well surveying company shall be filed with the Department, together with other regularly required reports. (3-18-22)

06. Application for Exceptions. In the event the proposed, or final, location of the producing interval of the directionally deviated well is not in agreement with spacing or other rules of the Commission applicable to the reservoir, proper applications shall be made to obtain approval of exceptions to such rules. Such approval shall be granted or denied at the discretion of the Department, and shall be accorded with the same consideration and treatment as if the well had been drilled vertically to the producing interval. (3-18-22)

331. -- 339. (RESERVED)

340. WELL COMPLETION/RECOMPLETION REPORT AND WELL REPORT.

Within thirty (30) days after the completion of a well drilled for oil or gas, or the recompletion of a well into a different source of supply, or where the producing interval is changed, a completion report shall be filed with the Department, on a form prescribed by the Department. Such report shall include name, number, and exact location of the well; lease name, date of completion and date of first production, if any; name and depth of hydrocarbon reservoir(s), if a multiple completion, from which well is producing; annulus pressure test; initial production test, including oil, gas, and water, if any; a well report as defined in Section 010; and such other relevant information as the Department may require. (3-18-22)

341. DRILLING LOGS.

01. Minimum Required Logs. All wells shall have a lithologic log from the bottom of the hole to the top, to the extent practicable. (3-18-22)

02. Bottom Hole Survey. All wells shall have a bottom hole location survey. (3-18-22)

03. Cement Bond Log. All wells that are cased and cemented shall have a cement bond log run across the casing. (3-18-22)

04. Other Logs. If other logs are run, including, but not limited to, resistivity, gamma-neutron log, sonic log, etc., then the owner or operator shall retain a copy regardless of results. (3-18-22)

05. Log Submittal. The above logs shall be submitted to the Department in ~~paper~~ pdf and final processed digital formats within thirty (30) days of the log being run. If logs were run in color, then the submitted copies shall also be in color. Digital formats must be Tiff and LAS 2.0 or higher. Logs submitted to the Department

must have a scale of one (1) inch ~~or two (2) inch~~ for correlation logs and five (5) inches for detail logs.

(3-18-22)()

342. -- 399. (RESERVED)

SUBCHAPTER E – PRODUCTION

400. PRODUCTION REPORTS.

01. Required Content. An owner or operator must report production on a form created by the Department. Production reports submitted to the Department must include gas quantities sold in thousand cubic feet (mcf), condensate sold in barrel quantities (bbl), oil sold in barrel quantities (bbl), and formational waters produced in barrel quantities (bbl). (3-18-22)

02. Annual Production Report. By January 31 of each year, an owner or operator must submit to the Department an aggregated report of all hydrocarbons and formational waters produced and sold or disposed of for each well during the previous calendar year. (3-18-22)

401. MEASUREMENT OF OIL.

The volume of production of oil shall be computed in terms of barrels of clean oil on the basis of meter measurements or tank measurements of oil-level difference made and recorded to the nearest quarter-inch (1/4") of one hundred percent (100%) capacity tables, subject to the following corrections: (3-18-22)

01. Correction for Impurities. The percentage of impurities (water, sand, and other foreign substances, not constituting a natural component part of the oil) shall be determined to the satisfaction of the Department, and the observed gross volume of oil ~~shall will~~ be corrected to exclude the entire volume of such impurities. (3-18-22)()

02. Temperature Correction. The observed volume of oil corrected for impurities ~~shall will~~ be further corrected to the standard volume at sixty (60) Degrees F in accordance with ASTM D-1250-08, Table 7, or any revisions thereof and any supplements thereto, or any close approximation thereof approved by the Department. (3-18-22)()

03. Gravity Determination. The gravity of oil at sixty (60) degrees F ~~shall will~~ be determined in accordance with ASTM D-1250-08, Table 5, or any revisions thereof and any supplements thereto approved by the Department. (3-18-22)()

402. MEASUREMENT OF GAS.

Gas Measurement. For computing volume of gas to be reported to the Department, the standard of pressure shall be fourteen point seventy-three (14.73) psi atmospheric, and the standard of temperature shall be sixty (60) Degrees F. All volumes of gas to be reported to the Department ~~shall will~~ be adjusted by computation to these standards, unless otherwise authorized by the Department. (3-18-22)()

403. GAS-OIL RATIO FOR WELL CLASSIFICATIONS.

In the absence of an order by the Commission setting a field-specific oil-gas ratio, a well that produces gas of five thousand (5,000) cubic feet or greater to one (1) bbl of oil at standard temperature and pressure will be classified as a gas well. (3-18-22)

404. GAS-OIL RATIO LIMITATION.

01. Waste Prevention; Conditions for Emergency Order. To further prevent waste resulting from the production of wells with inefficient gas-oil ratios, the Department may enter an emergency order temporarily prohibiting the production of oil or gas from all wells in a pool producing both oil and gas when the Department believes that waste may be occurring or is imminent in said pool by reason of the operation of wells with inefficient gas-oil ratios. The order shall specify a date for the hearing described in Subsection 404.02 of these rules. The Department may use information provided by an offset operator or an owner or operator in a common source of supply to determine if waste is occurring. (3-18-22)

02. Notice and Cause for Hearing. The Department will notify all offset operators and owners or operators in the common source of supply of the hearing date. A hearing regarding waste due to inefficient gas-oil ratios ~~will be held~~ may be held for any of the following reasons: (3-18-22)()

i. ~~If an emergency order is~~ the Department issued ~~s~~ as an order described in Subsection 404.01 of these rules. The hearing will be scheduled between five (5) and fifteen (15) days after the effective date of the order. (3-18-22)()

ii. Upon application to the Department from any person with an ownership interest in the common source of supply who believes that waste is occurring due to inefficient oil and gas ratios. The application must include credible evidence of such waste. The hearing shall be held within thirty (30) days of the Department receiving the application. (3-18-22)

iii. Prior to an emergency situation and upon its own motion with reasonable cause, the Department may schedule a hearing regarding potential waste due to inefficient gas-oil ratios. (3-18-22)

03. Determination of Inefficient Ratios; Power to Limit Production. If the Department after ~~notice and hearing, whether held upon its own motion, upon the application of an interested party, or pursuant to an emergency order entered as hereinafter provided for~~ conducting a hearing for any of the reasons specified in Section 404.02 of these rules, shall finds that a well(s) in the pool are operating with inefficient gas-oil ratios, and that waste is occurring or is imminent as a result thereof, it shall enter an order limiting the production of oil and gas from said pool to that amount which the pool can produce without waste and in accordance with sound engineering practice. The order shall also limit the amount of oil or gas, or both, that may be produced from any well in the pool, so that each owner or operator is given an opportunity to produce his just and equitable share in the pool in accordance with sound engineering practice. (3-18-22)()

405. GAS-OIL RATIO SURVEYS AND REPORTS.

Within thirty (30) days following the completion or recompletion of each well producing oil and gas, and thereafter as the Department may require, the owner or operator of such well shall make a gas-oil ratio test of such well and ~~report~~ the results of such test shall be reported to the Department within twenty (20) days ~~after the test is made~~. Certain wells may be excepted from this rule by the Department upon written request. Entire fields may be excepted from this rule after notice and hearing. (3-18-22)()

406. -- 409. (RESERVED)

410. METERS.

01. General Requirements. Meter fittings of adequate size to measure the gas efficiently for the purpose of obtaining gas-oil ratios shall be installed on the gas vent line of every separator or proper connections made for orifice well tester. Well-head equipment shall be installed and maintained in excellent condition. Valves shall be installed so that pressures can be readily obtained on both casing and tubing. (3-18-22)()

02. Visibility. All required meters shall be accessible and viewable by the Department for the purpose of monitoring daily, monthly, and ~~for~~ or cumulative production volumes from individual wells. (3-18-22)()

411. SEPARATORS.

All flowing oil wells must be produced through an adequate oil and gas separator or emulsion treater, provided, however, the ~~director~~ Administrator may approve producing wells without a separator or emulsion treater. (3-18-22)()

412. PRODUCING FROM DIFFERENT POOLS THROUGH THE SAME CASING STRING.

No well ~~shall be permitted to~~ may produce either oil or gas from different pools through the same string of casing without first receiving written permission from the Department. (3-18-22)()

413. GAS UTILIZATION.

After a well is completed and while it is being tested, the owner or operator may flare gas for no more than fourteen

(14) days without paying royalties and severance taxes on the flared gas. Under no conditions may gas be flared for more than sixty (60) days after a well is completed or recompleted. Prior to flaring gas, owners or operators must notify the county in which the well is located and all owners of occupied structures within a one-quarter (1/4) mile radius of the well. After the owner or operator has tested a well, no gas from such well shall be permitted to escape into the air, and all gas produced therefrom shall be utilized without waste. (3-18-22)()

414. -- 419. (RESERVED)

420. TANK BATTERIES.

~~Tank batteries must meet the following requirements.~~ (3-18-22)

01. ~~Containment~~ Requirements. All tank batteries consisting of tanks containing produced fluids or crude oil storage tanks or containing tanks equipped to receive produced fluids must be surrounded by tank dikes that meet the following requirements: (3-18-22)()

a. Tank dikes must ~~be designed to~~ have a capacity of at least one and one-half (1½) times the volume of the largest tank which the dike surrounds. (3-18-22)()

b. The material used to construct a tank dike and the material used to line the bottom and sides of the containment reservoir must have a maximum coefficient of permeability of 10⁻⁹ cm/sec so as to contain fluids and resist erosion. An operator must submit proof of compliance for tank dike liner construction to the Department in the form of a manufacturer's statement of design or a nuclear density test performed by a third party trained to perform the test. (3-18-22)()

c. All piping and man-made improvements that perforate the tank dike wall or tank battery floor must be sealed to a minimum radius of twelve (12) inches from the outside edge of the piping or improvement. (3-18-22)()

d. Valves and quick-connect couplers on tank batteries must be at least eighteen (18) inches from the inside wall of the tank dike. (3-18-22)

e. Vegetation on the top and outside surface of tank dike must be properly maintained ~~so as to not pose a~~ prevent fire hazards. (3-18-22)()

f. A ladder or other permanent device must be installed over the tank dike to access the containment reservoir. (3-18-22)

g. The containment reservoir must be kept free of vegetation, stormwater, produced fluids, other oil and gas field related debris, general trash, or any flammable material. Drain lines installed through the tank dike for the purpose of draining storm water from the containment reservoir must have a valve installed ~~which must~~ and remain closed and capped when not in use. Any fluids collected, spilled or discharged within the containment reservoirs must be removed as soon as practical, characterized, treated if necessary, and disposed in conformance with IDAPA 58.01.16, "Wastewater Rules," and other applicable rules. (3-18-22)()

421. -- 429. (RESERVED)

430. GAS PROCESSING FACILITIES.

~~Gas processing facilities must meet the following requirements.~~ (3-18-22)

01. Operations. Operators of gas processing facilities must notify the Department which wells, by API number, are served by a gas processing facility. All gas processing facilities not constructed on a well site must comply with ~~the requirements in~~ Sections 301 and 302 of these rules. (3-18-22)()

02. Meters and Facility Plans. Gas processing facilities must account for all liquids and gas entering and leaving the facility with accurate meters. A supervisory control and data acquisition systems or other data recording system must be used to monitor the liquids and gas in the facility. Operators of gas processing facilities must submit an as-built facility design plan to the Department upon completion of the facility. ~~as a~~ A facility design

plan must contain ~~at the minimum~~:

(3-18-22)()

- a. Site layout; (3-18-22)
- b. Piping and instrumentation diagram; (3-18-22)
- c. Process Flow schematics; (3-18-22)
- d. Electronic controls and sensing schematic; (3-18-22)
- e. Equipment operations and maintenance manuals for, pumps, meters, heat exchangers, and any other operationally critical equipment that requires periodic maintenance and calibration; (3-18-22)()
- f. Periodic maintenance schedule for critical equipment; (3-18-22)
- g. Troubleshooting metric; and (3-18-22)
- h. Other information or documentation necessary for the safe and continued operation of a gas processing facility. (3-18-22)

03. Flaring. Flaring at gas processing facilities must be in conformance with IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho, and any permit issued by ~~the~~ IDEQ. (3-18-22)()

04. Inspections. Gas processing facilities must have site-specific facility design plans and a log book of gas metered in and out of the facility available for review by Department staff ~~during the inspections of gas processing facilities~~. During inspections, gas processing facility staff must demonstrate knowledge of all operations and the location of all emergency shut off equipment, direction of flow lines, and heat exchangers. ~~The Department will conduct quarterly inspections of facilities.~~ (3-18-22)()

431. -- 499. (RESERVED)

SUBCHAPTER F – WELL ACTIVITY AND RECLAMATION

500. ACTIVE WELLS.

01. Gas Storage Wells. Gas storage wells are to be considered active at all times unless physically plugged. (3-18-22)

02. Extension of Active Status. An owner or operator may request an extension of active well status for wells that are idled for more than twenty-four (24) continuous months. The owner or operator shall provide a written request to the Department stating the reason for the extension, the length of extension, the method used to close the well to the atmosphere, and the plans for future operation. The Department shall review the request for approval, modification, or denial, and ~~shall may~~ set the duration of the extension if approved. An extension ~~shall may~~ not exceed five (5) years and may be renewed upon request up to a maximum of ten (10) total years. (3-18-22)()

03. Annual Reports for Active Wells. The owner or operator shall submit an annual report to the Department describing the current status of the well and the plans for future well operation by January 31 of each year. ~~Failure to submit the annual report may result in the Department declaring the well inactive.~~ (3-18-22)()

501. INACTIVE WELLS.

01. Determination of Inactive Status. The Department ~~shall will~~ declare a well inactive after twenty-four (24) continuous months of inactivity if the owner or operator has not received approval for an extension of active status under Section 500.02 of these rules, or ~~after if~~ an owner or operator fails to submit an annual report for an active well under Section 500.03 of these rules. The Department will immediately notify an owner or operator of this determination by certified mail, and the owner or operator may appeal this determination to the Commission.

(3-18-22)()

02. Owner's or Operator's Responsibility for Inactive Wells. The owner or operator must plug and abandon an inactive well ~~in accordance with~~ under Section 502 of these rules within six (6) months of being notified by the Department unless the owner or operator supplies the following information ~~within the six month time period:~~
(3-18-22)()

- a. A written request to extend inactive status; (3-18-22)
- b. An individual bond, as provided for in Subsection 220.03 of these rules, if the well was covered by a blanket bond; and (3-18-22)
- c. A description of how the well is closed to the atmosphere with a swedge and valve, packer, or other approved method, and how the well is to be maintained. (3-18-22)

03. Inactive Review and Decision. The Department ~~shall~~ will review the request for approval, modification, or denial, and ~~shall~~ set the duration of the extension if approved. ~~An e Extensions~~ shall ~~may~~ not exceed three (3) years and may be renewed upon request up to a maximum of six (6) total years. (3-18-22)()

04. Testing of Inactive Wells. In addition to the requirements of Section 320 of these rules, inactive wells ~~shall~~ must have an ~~mechanical integrity test~~ MIT performed within two (2) years after the date of last use in order to retain inactive status. (3-18-22)()

05. Converting Inactive Wells to Active Wells. The owner or operator must apply to the Department to change the status of a well from inactive to active. The Department ~~shall~~ will review the request for approval, modification, or denial. ~~An mechanical integrity test MIT~~ may be required by the Department if the well has been worked over or if a test has not been conducted for five (5) years or longer. If approved, the well may again be covered by a blanket bond. (3-18-22)()

502. WELL PLUGGING.

01. Plugging Required. The owner or operator ~~or owner shall~~ may not ~~permit~~ allow any well drilled for oil, gas, saltwater disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled or converted. (3-18-22)()

02. Notice of Intention to Abandon Well. Before beginning abandonment work on an oil or gas well, a Notice of Intention to Abandon ~~shall~~ must be filed with the Department and approval obtained as to the method of abandonment ~~before the work is started.~~ The notice must show the reason for abandonment and must give a detailed statement of the proposed work, including such information as kind, location, and length of plugs (by depths), and plans for mudding, cementing, shooting, testing, and removing casing as well as any other pertinent information requested by the Department. (3-18-22)()

03. Plugging Dry Holes. If a nonproductive well, or dry hole, is drilled and not needed for any specific purpose, it must be plugged and abandoned prior to removal of the drill rig. A verbal notification and approval may be used for dry holes in lieu of the written notification referenced in Subsection 502.02 of these rules. The standards in Subsections 502.04 through 502.06 of these rules will still apply. (3-18-22)

04. Plugging of Wells. The owner or operator of any well drilled for oil or gas, or any seismic, core, or other exploratory holes, whether cased or uncased, and regardless of diameter ~~shall be responsible for the~~ must ~~plugging of~~ said hole in a manner sufficient to properly protect all freshwater-bearing and possible or probable oil- or gas-bearing formations. The material used in plugging, whether cement, mechanical plug, or some other equivalent method approved in writing by the ~~Director~~ Administrator, must be placed in the well in a manner to permanently prevent migration of oil, gas, water, or other substances from the formation or horizon in which it originally occurred. The preferred plugging cement slurry is that recommended in API Bulletin E3. Pozzolan, gel, and other approved extenders may be used if the owner or operator can document to the Department's satisfaction that the slurry design will achieve a minimum compressive strength of three hundred (300) psi after twenty-four (24) hours, and eight hundred (800) psi after seventy-two (72) hours measured at ninety-five (95) degrees F and at eight hundred (800) psi.

No substances of any nature or description other than those normally used in plugging operations ~~shall~~ may be placed in any well at any time during plugging operations. (3-18-22)()

05. Plugged Intervals. The following plugging standards shall be followed for all wells: (3-18-22)

a. Cement must be placed for a length of at least one hundred (100) feet on either side of each casing shoe, or casing bottom if no shoe is present. If the bottom of the hole is less than one hundred (100) feet from the bottom of the lowest casing, then the entire length of the uncased hole below the casing ~~will~~ must be cemented. (3-18-22)()

b. In the uncased portions of a well, cement plugs must be placed to extend from one hundred (100) feet below the bottom up to one hundred (100) feet above the top of any oil, gas, and abnormally high pressure zones, so as to isolate fluids in the strata ~~in which they are found~~ and ~~to prevent the fluid from escaping~~ into other strata. (3-18-22)()

c. A cement plug shall be placed a minimum of one hundred (100) feet above all producing zones in uncased portions of a well. (3-18-22)

d. A cement plug shall be placed a minimum of fifty (50) feet above and below the following intervals: (3-18-22)

i. Where the casing is perforated or ruptured. If no cement is present behind the casing, then cement must also be squeezed out the perforations or ruptures and into the annular space between the casing and the borehole. (3-18-22)

ii. Top and bottom of fresh-water zones. If fresh-water zone is less than one hundred (100) feet thick, then continuous cement must be placed from fifty (50) feet below the zone upward to fifty (50) feet above the zone. (3-18-22)()

e. The top of all cement plugs will be tagged to verify their depth. (3-18-22)

f. The owner or operator ~~shall have the option as to the method of placing~~ may choose to place cement in the hole by: (3-18-22)()

i. Dump bailer; (3-18-22)

ii. Pumping a balanced cement plug through tubing or drill pipe; (3-18-22)

iii. Pump and plug; or (3-18-22)

iv. Equivalent method approved by the ~~Director~~ Administrator prior to plugging. (3-18-22)()

g. Unless prior approval is given by the Department, all wellbores shall have water-based drilling muds, high viscosity pills, or other approved fluids between all plugs. (3-18-22)()

h. All abandoned wells shall have a plug or seal placed at the surface of the ground or the bottom of the cellar in the hole ~~in such manner so~~ as not to interfere with soil cultivation or other surface use. The top of the pipe must be sealed with either a cement plug and a screw cap, or cement plug and a steel plate welded in place or by other approved method, or in the alternative be marked with a permanent monument which shall consist of a piece of pipe not less than four (4) inches in diameter and not less than ten (10) feet in length, of which four (4) feet shall be above the general ground level, the remainder to be embedded in cement or to be welded to the surface casing. (3-18-22)()

06. Subsequent Report of Abandonment. If a well is plugged or abandoned, a ~~subsequent~~ record of work done must be filed with the Department. ~~This report shall be filed separately~~ within thirty (30) days after the work ~~is done~~ is completed. The report shall give a detailed account of the manner in which the abandonment of plugging work was carried out, including the weight of mud, the nature and quantities of materials used in plugging,

the location and extent (by depths) of the plugs of different materials, and the records of any tests or measurements made and of the amount, size, and location (by depths) of casing left in the well. If an attempt was made to part any casing, a complete report of the method used and the results obtained must be included. (3-18-22)()

07. Wells Used for Fresh Water (Cold Water < 85 degrees Fahrenheit), Low Temperature Geothermal (85 - 212 Degrees Fahrenheit), or Geothermal Wells (>212 Degrees Fahrenheit). (3-18-22)()

a. Oil and gas wells, seismic, core, or other exploratory holes no longer being used for their original purpose may not be converted into fresh-water, low temperature geothermal, or geothermal wells unless the following actions occur: (3-18-22)()

i. The owner, operator, or surface owner files an application with the IDWR describing the conversion and the proposed use for the water or geothermal resource and any modifications necessary to meet the applicable well construction standards; (3-18-22)()

ii. The surface owner provides written documentation assuming responsibility for the converted well including, should it become necessary, decommissioning (plugging) of the converted well in accordance with applicable law; (3-18-22)

iii. IDWR issues a permit for a geothermal resource well, a water right, or recognizes a domestic exemption authorizing the withdrawal of water from the converted well; and (3-18-22)

iv. A licensed driller in Idaho inspects and certifies that the converted well meets all well construction standards for its intended purpose. (3-18-22)

b. The Department's bond may not be released, and the oil and gas permit cancelled, until all requirements in Paragraph 502.07.a. of these rules are met. (3-18-22)

503. -- 509. (RESERVED)

510. SURFACE RECLAMATION.

01. Timing of Reclamation. After the plugging and abandonment of a well or closure of other oil and gas facilities, all reclamation work described in this Section shall be completed within twelve (12) months. The Director Administrator may grant an extension where unusual circumstances are encountered, but every reasonable effort shall be made to complete reclamation before the next local growing season. (3-18-22)()

02. General Clean Up. All debris, abandoned gathering line risers and flowline risers, surface equipment, supplies, rubbish, and other waste materials shall be removed within three (3) months of plugging a well. The burning or burial of such material on the premises shall be performed in accordance with applicable local, state, or federal solid waste disposal and air quality regulations. In addition, material may be burned or buried on the premises only with the prior written consent of the surface owner. (3-18-22)()

03. Road Removal. All access roads to plugged and abandoned wells and associated production facilities shall be ripped, regraded, and recontoured unless otherwise specified in a surface use agreement. Culverts and any other obstructions that were part of the access road(s) shall be removed. Roads to be left not reclaimed will be graded to drain and prepared with rolling dips or other best management practices to minimize erosion. (3-18-22)()

04. Regrading. Drill pads, pits, berms, cut and fill slopes, and other disturbed areas will be regraded to approximate the original contour. Where possible, slopes should be reduced to three (3) horizontal feet to one (1) vertical foot (3H:1V) or flatter. (3-18-22)

05. Compacted Areas. All areas compacted by drilling and subsequent oil and gas operations that are no longer needed following completion of such operations shall must be cross-ripped. Ripping shall will be undertaken to a depth of eighteen (18) inches or bedrock, whichever is reached first. (3-18-22)()

06. Topsoiling. Stockpiled topsoil shall be replaced in a manner that ~~will~~ support^s reestablishment of the pre-disturbance land use and contoured to control erosion and provide long-term stability. If necessary, topsoiled areas ~~shall~~ will be tilled adequately in order to establish a proper seedbed. (3-18-22)()

07. Revegetation. (3-18-22)

a. The owner or operator ~~shall~~ will select and establish plant species that can be expected to result in vegetation comparable to that growing on the affected lands prior to the oil and gas operations. Certified weed free seed should be used in revegetation. The owner or operator may use available technical data and results of field tests for selecting seeding practices and soil amendments that will result in viable revegetation. (3-18-22)()

b. The disturbed areas shall be reseeded in the first favorable season following rig demobilization, site regrading, and topsoil replacement. (3-18-22)

c. Unless otherwise specified in the approved permit, the success of revegetation efforts ~~shall~~ will be measured against the existing vegetation on-site prior to the oil and gas operations, or against an adjacent reference area supporting similar types of vegetation. Reseeding or replanting is required until the following cover standards are met: (3-18-22)()

i. The ground cover of living plants on the revegetated area should be comparable to the ground cover of living plants on an adjacent reference area for two (2) full growing seasons after cessation of soil amendment or irrigation, if used; (3-18-22)

ii. Ground cover ~~shall~~ will be considered comparable if the planted area has at least seventy percent (70%) of the pre-disturbance, or adjacent reference area, ground cover; (3-18-22)()

iii. For locations with an average annual precipitation of more than twenty-six (26) inches, the Department, in approving a drilling permit or a pit, may set a minimum standard for success of revegetation as follows: Vegetative cover of seventy percent (70%) for two (2) full growing seasons in areas planted to herbaceous species only; or fifty percent (50%) vegetative cover for two (2) full growing seasons and six hundred (600) woody plants per acre in areas planted to a mixture of herbaceous and woody species; (3-18-22)

iv. As used in this section, “herbaceous species” means grasses, legumes, and other forbs; “woody plants” means woody shrubs, trees, and vines; and “ground cover” means the area of the ground surface covered by the combined aerial parts of vegetation and the litter that is produced naturally on-site, expressed as a percentage of the total area measured. Rock surface areas will be excluded from this calculation; and (3-18-22)

v. In all cases, vegetative cover shall be established to the extent necessary to control erosion. (3-18-22)

d. Introduced species may be planted if they are known to be comparable to previous vegetation, or if known to be of equal or superior use for the approved post-reclamation land use, or, if necessary, to achieve a quick, temporary cover for soil stabilization purposes. Species classified as poisonous or noxious weed species ~~shall~~ may not be used in revegetation. (3-18-22)()

e. By mutual agreement of the Department, the surface owner, and the owner or operator, a site may be converted to a different, more desirable or more economically suitable habitat. (3-18-22)

f. Planting of grasses and forbs should be done in a manner which promotes rapid stabilization of the soil surface. Wherever terrain permits, grasses and forbs should be drilled or compacted into the ground using agricultural grass planting equipment or other seeders specifically designed for revegetation applications. Broadcast and hydroseeding may be used on areas where other methods are impractical or unavailable. (3-18-22)

g. The owner or operator should plant shrubs or shrub seed, as required, where shrub communities existed prior to oil and gas operations. Shrub seed may be planted as a portion of a grass seed mix or planted as bare-root transplants after grass seeding. Where the surface owner desires a specific land use such as grazing or cropland, shrubs will not be required in the revegetation species mix. Shrub lands undergoing revegetation with shrubs shall be

protected from erosion by vegetation, chemical binders, or other acceptable means during establishment of the shrubs. (3-18-22)

h. Tree stocking of forestlands should meet the following criteria: (3-18-22)

i. Trees that are adapted to the site should be planted in a density which can be expected over time to yield a timber stand comparable to pre-disturbance timber stands; (3-18-22)

ii. Trees ~~shall~~ **must** be established for two (2) full growing seasons after cessation of any soil amendments and irrigation before they are considered ~~to be~~ established; and (3-18-22)()

iii. Forestlands undergoing revegetation with trees should be protected from erosion by vegetation, chemical binders, or other acceptable means during seedling establishment. (3-18-22)

i. Revegetation is not required on areas that the surface owner wishes to incorporate into an irrigated field and any roads which will be used for other oil and gas operations. (3-18-22)

j. Mulch should be used on severe sites and may be required by the permit where slopes are steeper than three (3) horizontal feet to one (1) vertical foot (3H:1V) or the mean annual rainfall is less than twelve (12) inches. ~~When used,~~ **s** Straw, or hay mulch should be obtained from certified weed free sources. "Mulch" means vegetation residues or other suitable materials to aid in the stabilization of soil and soil moisture conservation which will provide a micro-climate more suitable for germination and growth on severe sites. Annual grains such as rye, oats, and wheat may be used as a substitute for mulch where they will provide adequate protection and will be replaced by permanent species within a reasonable length of time. (3-18-22)()

08. Reclamation Under a Surface Use Agreement. Notwithstanding the requirements of Subsections 510.03 through 510.07 of this rule, reclamation may be superseded by the conditions of a surface use agreement as long as the site is left in a stable, non-eroding condition that will not impact ~~f~~resh waters. (3-18-22)()

511. -- 999. (RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.02.01 – RULES OF THE STATE ATHLETIC COMMISSION

DOCKET NO. 24-0201-2402 (ZBR NEW CHAPTER)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 67-9404, 67-9405, 67-9406, 67-9409, 67-9413, and Section 54-406, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

24.02.01 – Rules of the State Athletic Commission
<p>Tuesday, August 13, 2024 – 9 a.m. (MT) Division of Occupational and Professional Licenses Coolwater Room, Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714</p> <p>Virtual Meeting Link</p> <p>Telephone and web conferencing information will be posted on https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/.</p>

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Athletic Commission is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

N/A. The proposed amendments to the rules do not impose any new or increased fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2401. The Omnibus Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 3, 2024, Idaho Administrative Bulletin, [Vol. 24-4, p.41](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

These proposed rules update Rule 002.02 Incorporation by Reference for the Association of Boxing Commissions and Combative Sports Unified Rules of Mixed Martial Arts from the 2019 edition to the 2022 edition.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 5th day of July, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491

Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0201-2402
(ZBR New Chapter)

24.02.01 – RULES OF THE STATE ATHLETIC COMMISSION

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Title 54, Chapter 4, Idaho Code. ()

001. SCOPE.

These rules are intended to provide clarification on the methods and restrictions of unarmed combat in Idaho. ()

002. INCORPORATION BY REFERENCE.

Pursuant to Section 67-5229, Idaho Code, this chapter incorporates by reference the following documents available on the Commission's website: ()

01. Association of Boxing Commissions and Combative Sports Unified Rules of Boxing Amended 2016. This document can be accessed online here: <https://www.abcboxing.com/unified-rules-boxing/>. ()

02. Association of Boxing Commissions and Combative Sports Unified Rules of Mixed Martial Arts. This document can be accessed online here: <https://www.abcboxing.com/wp-content/uploads/2022/08/unified-rules-mma-july-2022.pdf>. ()

03. Athlete Guide to the 2020 Prohibited List. Published by the United States Anti-Doping Agency

(USADA). Copyright date 2019. This document can be accessed online at: <https://www.usada.org/athletes/substances/prohibited-list/athlete-guide-to-the-2020-prohibited-list/>. ()

003. – 009. (RESERVED)

010. DEFINITIONS.

01. Event. A program of one (1) or more unarmed combat contests or exhibitions. ()

a. An “amateur event” is an event in which the only combatants are amateur combatants. ()

b. A “professional event” is an event in which the only combatants are professional combatants. ()

c. A “pro-am” is an event in which combatants include professional combatants and amateur combatants. Professional combatants may not compete against amateur combatants in “pro-am” events. ()

02. Main Event. The headline or marquee contest or exhibition scheduled to occur at an event. ()

011. – 099. (RESERVED)

100. LICENSING.

01. Application for License. Applicants will submit a complete, application to the Division for each of the following licenses: ()

a. Combatant; ()

b. Promoter; ()

c. Matchmaker; ()

d. Manager; ()

e. Second, including a trainer; ()

f. Ring Official; or ()

g. Sanctioning permit for an event. ()

101. COMBATANT.

01. Age of Combatant. The Commission will review all complete applications for a combatant license so that the applicant’s experience and fitness may be considered before a license is issued, if the applicant has: ()

a. Not reached eighteen (18) years of age; or ()

b. Reached thirty-six (36) years of age. ()

c. Poor Vision. The Commission will not issue a license to engage in unarmed combat to any applicant who is found to be blind in one (1) eye or whose vision in one (1) eye is so poor that a physician recommends that no license be granted. No exceptions will be made. ()

d. Cerebral Hemorrhage. Any person who has suffered a cerebral hemorrhage will not be issued a license. ()

e. Serious Head Injuries. The Commission will review the application of any person who has suffered a serious head injury before a license is issued to that person. ()

02. Additional Examination. Any licensed combatant who participates in a contest outside of the state of Idaho, or in an unsanctioned contest will need to fulfill these medical requirements again before being allowed to compete in Idaho, unless they can produce proof of medical clearance after an out of state sanctioned fight. ()

03. Blood Testing. The Commission will not issue a license to or allow an athlete to compete in an event, if the athlete, within the six (6) months immediately preceding the application for licensure or the event at which the licensee wishes to compete, has tested positive for the HIV virus, Hepatitis B Surface Antigen and Hepatitis C Antibody, or illegal drugs or other substances. Upon application for a license, the athlete will submit with the application a blood test report from a blood test conducted within the six (6) months preceding the application date. The blood test must have tested the athlete for HIV virus, Hepatitis B Surface Antigen, Hepatitis C Antibody, and illegal drugs and substances. Additionally, each combatant who is to compete in an event will, at the start of the event, provide the Commission with a blood test report from a blood test conducted within the six (6) months immediately preceding the event. The Commission may, in its discretion, request addition blood tests. ()

04. Drug Abuse. The Commission will not issue a license to an athlete who has a recent history of drug abuse, without proof of participation in a recognized drug rehabilitation program and/or submission to urinalysis. ()

05. Blood Testing and Five Panel Drug Test Results. Results must show blood concentrate percentages. ()

102. ABILITY OF COMBATANT.

01. Ability to Compete. Before the Commission issues a combatant license to any person, the Commission must be satisfied of the person's ability to compete. ()

02. Questioned Ability. If a combatant's ability to perform is questioned for any reason, the Commission may take action per Sections 54-406(s) or 67-2614, Idaho Code, regarding revocation of license and due process to determine: ()

a. Whether the person's license should be revoked; or ()

b. Whether the person should be granted a license. ()

103. HONORING ACTIONS OF REGULATORY AGENCIES IN OTHER JURISDICTIONS. The Commission may honor the following actions of agencies in other jurisdictions which regulate boxing, wrestling, martial arts, or combination thereof and may suspend a combatant as determined: ()

01. Suspension. A suspension of a combatant ordered for: ()

a. Medical Safety. The following suspensions are a guideline for ringside physicians. A ringside physician may additionally require proof of medical clearance for release of suspension:

<u>Technical Knockout (TKO)</u> <u>Occurrence</u>	<u>Loss of Consciousness</u>	<u>Suspension</u>
<u>1</u>	<u>None</u>	<u>30 Days</u>
<u>1</u>	<u>Less than one minute</u>	<u>90 Days</u>
<u>1</u>	<u>Greater than one minute</u>	<u>180 Days</u>
<u>2 in 90 days</u>	<u>None</u>	<u>90 Days</u>

<u>Technical Knockout (TKO)</u> <u>Occurrence</u>	<u>Loss of Consciousness</u>	<u>Suspension</u>
<u>2 in 90 days</u>	<u>Less than one minute</u>	<u>180 Days</u>
<u>2 in 90 days</u>	<u>Greater than one minute</u>	<u>360 Days</u>
<u>3 in 365 days</u>	<u>None</u>	<u>12 Months</u>
<u>3 in 365 days</u>	<u>Regardless of time</u>	<u>18 Months</u>

()

b. A violation of a law or rule governing boxing, wrestling, martial arts, or combination thereof which also exists in this state; or ()

c. Any other conduct which discredits boxing, wrestling, martial arts, or combination thereof as determined by the Commission. ()

104. FEMALE COMBATANTS.

01. Limitation. A female combatant will not engage in a contest with a male combatant. ()

02. General Requirements. In addition to meeting such requirements of this chapter as are applicable to combatants generally, a female applicant will submit to pregnancy test prior to the contest. ()

03. Addendum Requirement. A female combatant will, in addition to signing the contract, sign an addendum certifying that the combatant is not pregnant and that the contest. ()

105. HEALTH INSURANCE.

The promoter may not require a participant to pay a deductible associated with care provided under Section 54-408(5), Idaho Code. If a participant injured during a contest or exhibition pays for medical, surgical or hospital care, the insurance proceeds must be paid to the participant or the participant's beneficiaries for reimbursement for the payment. ()

106. SURETY BOND OR OTHER SECURITY.

01. Requirement. Every promoter who applies for a sanctioning permit shall furnish a surety bond or other form of financial security to the Commission consistent with Section 54-408, Idaho Code. ()

02. Various Locations. The promoter may apply one (1) bond or other form of financial security to multiple locations if only one (1) of the covered locations is scheduled for an event on any given calendar date. ()

03. Total Sum. Each bond or other form of financial security must be conditioned for the payment to the Commission of a sum equivalent to the total sale of tickets if the main event is neither held on the original date advertised nor on a subsequent date fixed by the Commission. ()

04. Sum Due. The sum is due within fifteen (15) days after default, to ensure reimbursement to the purchasers of tickets for the event, if the reimbursement of ticket holders is ordered by the Commission. ()

107. APPROVAL OF SANCTIONED EVENT PERMITS.

01. Prior Approval. A sanctioning permit to hold an event on a specific date, and a permit must be issued by the Commission before the event may be announced or advertised. ()

02. Deadline. A complete application together with application fees, applicable bond amount, proof of insurance, and information regarding the combatants named in the main and semi-main contest must be received by

the Commission no less than thirty (30) days prior to the date requested for the event named in the application. Combatants named in contests may be changed at the discretion of the Commission. ()

03. Cancellation. The failure of the promoter to notify the Commission of a cancellation at least seven (7) calendar days before the date for the program will result in the forfeiture of all fees and will be grounds for disciplinary action. ()

108. ARRANGEMENT OF CONTEST FOR PROMOTER.

A Contest may not be arranged on behalf of a promoter except by a licensed matchmaker. ()

109. LICENSES RETAINED.

No person will be retained by a promoter unless currently licensed by the Commission. ()

110. MANAGER ACTING AS SECOND.

A manager licensed by the Commission may act as a second without having a second's license. ()

111. REQUIREMENTS FOR LICENSE AS A RING OFFICIAL.

01. Qualifications. To qualify for a license as a ring official of contests, an applicant will: ()

a. Be at least twenty-one (21) years of age. The Commission may, for good cause shown, lower the minimum age limit for a particular applicant to eighteen (18) years of age; ()

b. Submit a record of conviction of a crime for Commission review in compliance with Section 67-9411, Idaho Code; ()

c. Have had at least one (1) year experience in amateur or professional contest as a ring official, or other experience as approved by the Commission; ()

d. Submit verifications from two (2) persons of proficiency as a ring official; and ()

e. Each referee licensed by the Commission will be required to undergo an eye examination conducted by an optometrist or ophthalmologist. The Commission may request the licensee to produce all records of the examination. The Commission may require each referee license by the Commission to submit to a pre-fight physical. ()

f. In lieu of the above qualifications, the Commission may accept satisfactory evidence of equivalent qualifications possessed by an applicant who is currently licensed in another state or country. ()

112. OFFICIALS OF EVENTS.

01. Officials Described. The officials of events are the referee, judges, timekeeper, physician, and the Commission's agents. ()

02. Commission Involvement. The Commission will approve and assign all the officials. The promoter may select the announcer, subject to the Commission's approval, which may be withdrawn at any time. ()

113. REFEREES.

01. Selection. The Commission will approve the referee for the main event in championship events and for events that the Commission considers to be special events. ()

02. Protests. If any licensee of the Commission protests the assignment of a referee, the protesting licensee will be given a hearing by the Commission if time permits. If time does not permit, the matter will be heard by two (2) Commissioners in order to make such disposition of the protest as the facts may justify. Protests not made in a timely manner may be summarily rejected. ()

03. Physical Examination. Each referee licensed by the Commission may be required to submit to or provide proof of a complete physical examination, including an eye examination. ()

114. JUDGES.

01. Selection. The Commission will approve the judges for the main event in championship events and for any other events which the Commission considers to be special events. ()

02. Protests. If any licensee of the Commission protests the assignment of a judge, the protesting license will be given a hearing by the Commission if time permits. If time does not permit, the matter will be heard by two (2) Commissioners in order to make such disposition of the protest as the facts may justify. Protests not made in a timely manner may be summarily rejected. ()

03. Station of Judges. Judges will be stationed ringside at places approved by the Commission. ()

04. Physical Examination. Each judge licensed by the Commission may be required to submit to or provide proof of a complete physical examination, including an eye examination. ()

115. DISCIPLINE.

01. Grounds for Discipline. The Commission may take disciplinary action including denial, suspension, or revocation of a license, or other appropriate action, against an applicant or licensee for: ()

a. Violation of the laws or rules of the Commission. ()

b. A felony conviction relevant to licensure with the Commission; ()

c. Engaging in illegal bookmaking; ()

d. Engaging in any illegal gambling activity; ()

e. Engaging in any fraud or misrepresentation in the application process; ()

f. A recent history of drug abuse or failing a drug test or refuses to submit to a drug test; ()

g. Being under suspension from any other commission; ()

h. Failure to report to the Commission a request or suggestion that a contest not be conducted honestly. ()

i. Engaging in any activity or practice which is detrimental to the best interests of a contest regulated by the Commission. ()

j. Failing to appear to an agreed-upon event without written good cause from a physician designated by the Commission prior to weigh in; or ()

k. Allowing any person under suspension to take part as a participant or in arranging or conducting matches or exhibitions. ()

02. Suspension of Revocation. Licensees with suspended or revoked licenses of this state or another state may not: ()

a. Participate in contests; ()

b. Participate in matchmaking or holding contests; ()

- c. Enter dressing rooms at the premises where any program of is being held; ()
- d. Sit within six (6) rows of seats from the ring platform; ()
- e. Approach within six (6) rows of seats from the ring platform; ()
- f. Communicate in the arena or near the dressing rooms with any of the principals in the contests, their managers, their seconds, or the referee, whether directly or by a messenger, during any program. ()
- g. Have any dealings related to mixed martial arts, boxing, or wrestling with any person whose license had been suspended or revoked by the Commission. ()

03. Removal from Premises. Persons who violate the above rule may be ejected from the arena or building where the program is being held, and the price paid for admission refunded upon presentation of the ticket stub at the box office. Thereafter, they are barred entirely from all premises used for contests or exhibitions while the programs are being held, and thereafter, are barred entirely from all premises used for contests or exhibitions while the programs are being held. ()

04. Disciplinary Action for Use of Dishonest Methods. Any license revoked for dishonesty, influencing the outcome of any contest, or for conduct reflecting serious discredit upon the sport, will not be reinstated for six (6) months for the first offense and permanently in the event of a second violation. ()

05. Temporary Suspension. A manager under temporary suspension forfeits all managerial rights related to any licensed combatant. A combatant, matchmaker, or promoter who engages with a suspended manager may be indefinitely suspended. ()

06. Continuation. A combatant whose manager is suspended may compete independently and sign match contracts. Promoters may not pay a suspended manager or their agent, but must pay the combatant in full. ()

07. Unsanctioned Events. Any combatant who takes part in any event not sanctioned by the American Boxing Commission shall be suspended for a minimum of sixty (60) days and is required to submit to a new blood panel before that suspension may be lifted. ()

116. AMATUEAR ATHLETIC SANTIONING ORGANIZATIONS.
The Commission may approve an entity as an officially recognized amateur athletic sanctioning organization that may sanction amateur events. The Commission is the final authority on whether an entity may be an amateur athletic sanctioning organization. ()

117. FEES.

FEE TYPE	AMOUNT	RENEWAL
<u>Professional Combatant</u>	<u>\$75.00</u>	<u>\$75.00</u>
<u>Amateur Combatant</u>	<u>\$50.00</u>	<u>\$50.00</u>
<u>Non-combatant</u>	<u>\$100.00</u>	<u>\$100.00</u>
<u>Matchmaker</u>	<u>\$250.00</u>	<u>\$250.00</u>
<u>Promoter</u>	<u>\$750.00</u>	<u>\$750.00</u>
<u>Sanction permit</u>	<u>\$200.00</u>	<u>\$200.00</u>
<u>Ring official</u>	<u>\$100.00</u>	<u>\$100.00</u>

()

118. – 199. (RESERVED)

200. PHYSICIAN QUALIFICATIONS.

A physician is an individual licensed under the laws of this state to engage in the general practice of medicine or osteopathic medicine. A physician will also have training or experience in combative sports. ()

201. PHYSICIAN'S DETERMINATION OF FITNESS OF COMBATANTS AND REFEREE – CERTIFICATION – REPORT.

01. Determination of Physician. The physician who examines any combatant or referee who has contracted to participate in an event will determine that a combatant or referee will not participate in the event and must immediately report such finding to the promoter and the Commission if: ()

a. The combatant is unfit for competition; or ()

b. The referee is unfit for officiating. ()

02. Written Certification. If the examining physician finds that the combatants and referees are in good physical condition, the physician will, one (1) hour before the start of the event, give written certification of those findings to the Commission. ()

03. Physician's Written Report. Within twenty-four (24) hours after the event ends, the physician will mail or deliver to the Commission his written report on every licensee he examined. The report will be on a form furnished by the Commission. ()

04. Non-Certification. In the event a licensee is determined to be unfit to compete or officiate, they shall be suspended until a physician certifies that they are fit for further competition or officiating. ()

202. COMBATANT'S REPORT OF OWN ILLNESS OR INJURY – EXAMINATION – FEE.

01. Combatant's Report of Non-Participation to Commission. When a licensed combatant is unable to take part in a contest for which they are under contract because of injury or illness, they will immediately report the fact to the Commission and submit to an examination by a physician designated by the Commission. ()

02. Payment of Fees to Physician. The fee for the physician's examination will be paid by the promoter if they have requested the examination, otherwise the fee will be paid by the combatant. ()

203. PREPARATIONS TO STOP HEMORRHAGING.

The Commission will periodically review the preparations available to stop hemorrhaging. Avitene and Thrombin are the only Commission approved preparations to stop hemorrhaging. ()

204. PROHIBITED SUBSTANCES.

The Commission adopts, and incorporates by reference, the the January 1, 2024, World Anti-Doping Code International Standard Prohibited List, available at <https://www.wada-ama.org/en/resources/world-anti-doping-code-and-international-standards/prohibited-list>. Prohibited substances are regulated by Commission in the following manner: ()

01. Urinalysis. A combatant will submit to a urinalysis or chemical test before or after a contest if the Commission directs him to do so. ()

02. Suspension. A Combatant who tests positive for a prohibited substance in quantities prohibited by the incorporated document will forfeit purse. ()

03. Procedure for Testing for Prohibited Substance(s). ()

a. The Commission reserves the right to conduct random drug testing. Combatants may be tested by urine specimen or blood test at the discretion of the Commission. ()

b. The Commission reserves the right to have an approved physician or agent oversee the deposit of specimen into the container. The physician or agent will transport the sample to the testing laboratory as selected by the Commission. ()

205. PERCENTAGE OF GATE RECEIPTS TO COMBATANT.

Each combatant working on a percentage basis will be paid on the basis of the net receipts of each exhibition after state and federal taxes, ring expenses, and the price of complimentary tickets upon which a price is specified, have been deducted. ()

206. FINANCIAL CONFLICTS OF INTEREST.

01. Sureties. A combatant may not have a promoter or any of its members, stockholders, officials, matchmakers or assistant matchmakers act directly or indirectly as manager, or hold any financial interest in the management of the combatant's earnings. ()

02. Advances. A promoter licensed by the Commission will not, directly or indirectly, make any loan or advance to any combatant or manager, unless the promoter has the express written permission of the Commission for that action. ()

207. PAYMENTS.

01. Generally. All payments must be made in legal tender including bank checks and transfers, unless specified by contract with approval of the Commission. ()

02. Combatants. With the prior written permission of a member of the Commission, a promoter may withhold from the purse of a combatant money advanced to the combatant for transportation and maintenance in preparation for a contest, if their agreement so provides. Combatants shall be paid in full according to their contract, and no part of their remuneration may be withheld without order of the Commission. The combatant's remuneration shall not be returned to any matchmaker or promoter, except as provided in this section. Consistent with Section 54-402, Idaho Code, promoters may not compensate amateurs for participating in or being associated with events, including paying an amateur to sell tickets or merchandise or provide services related to an event. ()

03. Promoters. Promoters may withhold from a combatant's purse money advanced for transportation and maintenance, if agreed upon in writing and approved by the Commission, up to ten percent (10%) of the purse. Reconciliation of these expenses and payment of the remaining purse shall be made to the Commission within seven (7) working days after the contest, and written approval of the combatant. The Commission may grant an extension of up to thirty (3) days for good cause shown. ()

04. Manager's Share. A manager's share of the purse may be deducted and paid directly to the manager if the contract so specifies. ()

05. Timing. Checks or cash shall be released to entitled persons immediately after the contest of exhibition, or after the combatant's percentage of net receipts is determined, unless otherwise ordered by the Commission. Entitled persons shall sign a list of acknowledging payment. ()

06. Alternative Payment. The Commission may permit alternative forms of payment, subject to a written request from the promoter at least thirty (30) days before the contest, detailing the proposed method of payment and showing good cause for a waiver of the Commission's provisions. The promoter shall comply with all Commission requirements and procedural directives if the request is granted. ()

208. – 298. (RESERVED)

299. CHANGES TO MAIN AND SEMI-MAIN EVENTS.

01. Notice. The promoter must request Commission approval of any change, including substitutions, in an announced or advertised program for the main and semi-main events at least one (1) week before the event. Notice of any change or substitution must also be conspicuously posted at the box office of the premises where the program is to be held and announced from the ring before the opening contest. ()

02. Refunds. If such change to the main or semi-main events occur and any patron desires a refund of the ticket price, the promoter will provide a refund upon presentation of the ticket or the ticket stub at the box office before the event is scheduled to begin. The box office must remain open a reasonable length of time to redeem such tickets. ()

300. PROGRAM FOR CHARITY.

01. Application. A person who wishes to present a program or event under the jurisdiction of the Commission for charitable purposes will submit a sanction application to present the program. The application will contain the name of the charity, charitable fund or organization which is to benefit from the program and the amount or percentage of the receipts of the program to be paid to the charity. ()

02. Certified, Itemized Statement. Within seventy-two (72) hours after such a program is held, the promoter will furnish to the Commission a certified itemized statement of the receipts and expenditures in connection with the program and the net amount paid to the charitable fund or organization. If the promoter fails to file the statement within the prescribed time, the Commission: ()

a. May suspend or revoke the promoter's license; and ()

b. May prohibit the promoter from holding any program for charitable purposes. ()

301. BEVERAGE CONTAINERS.

All drinks at an event will be dispensed in paper or plastic cups. ()

302. – 399. (RESERVED)

400. TICKETS.

01. Selling Tickets. Promoters may not sell tickets beyond the seating capacity of a venue; no standing room sections are allowed. All attendees must present a ticket, except: ()

a. A Commission designee or Commission member; ()

b. Persons designated by the Commission for official duty; ()

c. Officials attending under provisions of state law or these rules; ()

d. The principals, managers, and corners involved in the contest; ()

e. The emergency medical personnel on duty for the contest; ()

f. Police officers, firefighters, and other public officials on duty for the contest; and ()

g. Persons arranged by the promoter or employed by the venue for other duties. ()

02. Complimentary Tickets. Pursuant to Section 54-411(2), Idaho Code, complimentary tickets are limited to two percent (2%) of the seats. ()

a. Combatants working on a percentage basis will be paid for all complimentary tickets in excess of the two percent (2%) as if they were sold at full price. This may be waived by contract. ()

b. Complimentary tickets, clearly marked by "PRESS", issued to the newspaper reporters.

photographers, and radio announcers, assigned to work by their recognized employers or superiors will not be counted against the two percent (2%) limit on complimentary tickets. ()

03. Inventory of Tickets. Promoters must prepare an inventory of all tickets and send that inventory to the Commission within thirty (30) days of any contest. To comply with this section: ()

a. Tickets may not be resold: ()

b. A promoter may not issue a ticket to any person for the purpose of readmission due to leaving the arena and later reentering the arena without the Commission's written permission; and ()

c. Requests for changes in ticket prices or dates of programs will be made in writing to the Commission for approval. ()

04. Revenue. Gross revenue includes all revenues from the contest and must be reported to the Commission within thirty (30) days of the contest. The state fee on those gross receipts will be delivered to the Commission with this report. ()

05. Records. The promoter must maintain records related to tickets and revenues for at least six (6) months. ()

401. TICKETS – REMOVAL AND RETENTION AFTER MATCH – DESTRUCTION.
After the tickets and stubs have been held for at least fifteen (15) days by the Commission, the Commission will destroy them. If the tickets are not taken by the Commission, they must be retained by the promoters for at least six (6) months. Those tickets may be destroyed after they have been held for at least thirty (30) days and written permission has been granted by the Commission for the destruction of such tickets. Tickets need to be kept in separate packages for each show so that the Commission may, at any time, conduct an audit. ()

402. – 499. (RESERVED)

500. POSTPONEMENT OF PROGRAM.

01. Prior Approval. A promoter may only postpone a sanctioned event with approval from the Commission. ()

02. No Fault Postponement. If a postponement of a sanctioned event becomes necessary through no fault of the promoter, the Commission will grant an extension of the contracts and set a new date. ()

03. Limitations on Postponement. A promoter may not call off a sanctioned event without one (1) week prior written approval of the Commission. A small advance sale is not a legitimate reason for postponement. Indoor boxing and wrestling programs may not be called off or canceled on account of storms or for any other reason not expressed in this chapter except as approved by the Commission. ()

501. MEDICAL PREPAREDNESS.
A promoter must contact the local fire department prior to any event to ensure adequate medical readiness coverage is available for the event. ()

502. SANITATION.
Each promoter is responsible for and must correct any violation of the regulations of the Commission or the public health district regarding the sanitary condition of dressing rooms, showers, water bottles, towels or other equipment, including prior to, during, and after conclusion of an event. ()

503. AUTHORIZED PERSONS IN DRESSING ROOMS.

01. Authorized Persons to Enter. On the day of a contest only the following people are allowed in the dressing room of a combatant: ()

- a.** The combatant's manager; ()
- b.** The combatant's seconds; ()
- c.** Any authorized agent of the promoter; and ()
- d.** Members of the Commission or its agent. ()

02. **Other Persons.** The promoter will furnish a doorman or doormen at the entrance to the dressing rooms to enforce this section. ()

504. EQUIPMENT OF THE CHIEF SECOND.

- 01.** **Equipment.** The chief second will be equipped with: ()
 - a.** A clear plastic water bottle; ()
 - b.** A bucket containing ice; ()
 - c.** A solution of a kind approved by the Commission for stopping hemorrhaging; ()
 - d.** Adhesive tape; ()
 - e.** Gauze; ()
 - f.** Scissors; and ()
 - g.** One (1) extra mouthpiece. ()
- 02.** **Ammonia.** No ammonia may be used in the ring. ()

03. **Inspection.** The ring physician or the Commission may at any time inspect the contents of the chief second's first-aid kit. ()

505. – 599. (RESERVED)

600. WEIGHING IN OF COMBATANTS.

01. **Attendees and Scales Used at Weigh-In.** Each combatant will be weighed in the presence of the public, the other combatant, the Commission and an official representing the promoter, on scales approved by the Commission at any place designated by the Commission. ()

02. **Attire.** The combatant will have all weights stripped from his body before they are weighed in, but they may wear shorts. ()

03. **Press Attendance.** Press who provide official identification will be admitted to each final weighing in of a combatant. ()

04. **Security.** The owner or operator of the premises in which the weighing in is held will provide adequate security for all those present. ()

601. COMBATANTS MUST REPORT.

Each combatant will report to the Commission in the dressing rooms at least one (1) hour before their scheduled time of the first match. ()

602. COSTUME AND EQUIPMENT.

01. Costume. Each combatant on a program will provide the Commission approved ring costume. ()

02. Fit. The trunks must be loose fitting and made of a lightweight cloth. The belt of the trunks must not extend above the waist line. ()

03. Other Equipment. Each combatant will wear: ()

a. A mouthpiece which has been individually fitted; and ()

b. An abdominal cup. ()

603. COMBATANT'S PHYSICAL APPEARANCE.

01. Grease or Foreign Substances. The excessive use of grease or any other foreign substance may not be used on the face of a combatant. The referees or the Commission will cause any excessive grease or foreign substance to be removed. ()

02. Hair. The Commission will determine whether head or facial hair presents any hazard to the safety of the combatant or their opponent or will interfere with the supervision and conduct of the contest. ()

604. PHYSICIAN – SUITABLE PLACE TO EXAMINE COMBATANT – FEE – EMERGENCY TREATMENT.

01. Suitable Examination Place. The promoter will provide the physician designated by the Commission a suitable place to examine each combatant. ()

02. Fees. The physician is entitled to receive a fee for their services at a bout. ()

03. Emergency Treatment. The physician will give any injured combatant temporary or emergency treatment in the arena or dressing room and no additional fee may be charged. ()

605. CONTINUOUS PRESENCE OF PHYSICIAN AT RINGSIDE.

01. Presence of Physician at Ringside. The physician designated by the Commission will sit at the immediate ringside at every event. A contest may not proceed unless the physician is seated at ringside. The physician must not leave until released by the Commission. ()

02. Injury to Combatant During Round. When a combatant appears to have been injured during the course of a round, their manager or second cannot attempt to render aid before the physician has had an opportunity to examine them. ()

606. PROCEDURE FOR USE OF SCORECARDS.

01. Scorecards. The Commission will give scorecards to each judge before the start of the contest. ()

02. Scoring by Judges. The judges will score each round of the contest on an individual scorecard and sign it. The scorekeeper will pick up the scorecard from each judge and turn in the scorecards at the Commission's desk at the end of the contest. ()

607. REFEREE'S INSTRUCTIONS TO COMBATANTS.

Before the contest, the referee will ask the combatant the name of their chief second, who will be in charge of any assistant seconds during the contest. The referee will call combatants together before each contest for final instructions, accompanied only by their chief second. ()

608. LIMITATIONS ON SECONDS.

01. Number of Seconds. No combatant will have more than three (3) seconds except that in a contest for a world title the Commission may authorize four (4) seconds. ()

02. Excessive Use of Water. Any excessive or undue spraying or throwing of water on any combatant by a second between rounds is prohibited. ()

609. PERSONS ALLOWED IN RING.
No persons other than the combatants and the referee may be in the ring during the progress of a round. ()

610. UNFAIR PRACTICES – DUTIES OF REFEREES.

01. Enforcing the Rules. A referee is responsible for enforcing the rules of the contest and cannot permit unfair practices that may cause injury to a combatant. ()

02. Warnings. Referees will warn the combatants whenever they are committing fouls. ()

03. Deducting Points. If a combatant persists in committing fouls after a warning, the referee may deduct points from or disqualify them. ()

611. STOPPING OF CONTEST – ONE-SIDED CONTEST – RISK OF INJURY – EXAMINATION BY PHYSICIAN.

01. One-Sided Contested. The referee may stop a contest at any stage if they consider it too one-sided or if either combatant is in such a condition that to continue might subject him to serious injury. ()

02. Risk of Injury and Examination by Physician. If a combatant sustains any injury concerning to the referee, the referee will call the physician into the ring to examine the combatant. The physician will give their opinion to the referee before the referee renders a decision in the matter. ()

612. STOPPING OF CONTEST – COMBATANT NOT HONESTLY COMPETING.
If the referee decides a combatant is not intelligently defending themselves, they may stop the contest before its scheduled completion, disqualify the combatant and recommend the purse of that combatant be held pending investigation by the Commission. The announcer will then inform the audience that no decision has been rendered. ()

613. FAILURE OF COMBATANT TO RESUME.
A combatant may not leave the ring during any one (1) minute rest period between rounds. If any combatant fails or refuses to resume the contest when the bell sounds signaling the commencement of the next round, the referee will award a decision of technical knockout to their opponent as of the round which has last been finished, unless the circumstances indicate to the referee the need for investigation or punitive action, in which event the referee will not give a decision and will recommend the purse or purses of either or both combatants to be withheld. ()

614. PROCEDURE WHEN COMBATANT IS KNOCKED OUT.
A combatant who has been knocked out will be kept in a prone position until they have recovered. Except for the referee or chief second who may remove the mouthpiece, no one may touch them until the ring physician enters the ring and attends to them. ()

615. CHANGE OF DECISION IN CONTEST.
The Commission will not change a decision rendered at the end of any contest unless the combatant files an appeal with the Commission providing documentation that demonstrates: ()

01. Collusion. Collusion affecting the result of the contest. ()

02. Error in Scoring. The compilation of scorecards of the judges showing an error which shows that the decision was given to the wrong combatant. ()

03. Error in Interpretation of Rules. As a result of an error in interpreting a provision of this chapter, the referee has rendered an incorrect decision, or ()

04. Failure of Drug Test. The Commission determines that there was a violation of Section 205. ()

616. PHYSICIAN'S REPORT TO COMMISSION AFTER CONTEST.
On the report which the Commission-designated physician files after a contest, they shall list each case in which a combatant was injured during the contest, or applied for medical aid after the contest. ()

617. – 699. (RESERVED)

700. GENERAL RULES NOT INCORPORATED BY REFERENCE.

01. Use of Official Rules for Art. Any rules not incorporated by reference must be submitted to the Commission for approval before the Commission will issue a sanctioning permit for the contest or exhibition at the Commission's sole discretion. ()

02. Gloves. Any gloves utilized must be in good condition as approved by the commission. For main and semi-main events, gloves will be in new condition and substantially similar for each combatant. ()

701. SUSPENSION OF MMA CONTEST FOR UNFORESEEN REASONS.

01. Unforeseen Reasons. If a contest has to be suspended for any reason other than the actions of the combatants, the referee will have the clock stopped and attend to the issue. The referee, Commission or Commission's representative will decide the length of time allotted to address the issue. All reasonable efforts are made to resume the contest as soon as possible. It is expected that the responsible party or parties make a true effort to resolve the issue. ()

02. Suspicious Circumstances. If the contest is unexpectedly stopped under suspicious circumstances, all or part of the following actions may take place: ()

a. If a combatant or his corner is involved, the offending combatant may be disqualified. ()

b. The combatant may be subject to investigation and discipline in the event of a violation of these rules. ()

c. In certain circumstances the matter may be referred to the appropriate law enforcement agency or the courts, or both. ()

702. – 799. (RESERVED)

800. BOXING – RULES.
A licensed combatant in a boxing contest must adhere to the Unified Rules of the Association of Boxing Commissions and Combative Sports Unified Boxing Rules. ()

01. The Association of Boxing Commissions and Combative Sports. The Commission adopts the Unified Boxing Rules of the Association of Boxing Commissions and Combative Sports as the official Rules of the Idaho Athletic Commission for boxing. ()

02. Weights and Classes of Boxing Combatants. The classes and weights for each class are shown in the following schedule: ()

a. Strawweight – up to one hundred five (105) pounds. ()

b. Light-Flyweight – over one hundred five (105) to one hundred eight (108) pounds. ()

- c.** Flyweight – over one hundred eight (108) to one hundred twelve (112) pounds. ()
- d.** Super Flyweight – over one hundred twelve (112) to one hundred fifteen (115) pounds. ()
- e.** Bantamweight – over one hundred fifteen (115) to one hundred eighteen (118) pounds. ()
- f.** Super Bantamweight – over one hundred eighteen (118) to one hundred twenty-two (122) pounds. ()
- g.** Featherweight – over one hundred twenty-two (122) to one hundred twenty-six (126) pounds. ()
- h.** Super Featherweight – over one hundred twenty-six (126) to one hundred thirty (130) pounds. ()
- i.** Lightweight – over one hundred thirty (130) to one hundred thirty-five (135) pounds. ()
- j.** Super Lightweight – over one hundred thirty-five (135) to one hundred forty (140) pounds. ()
- k.** Welterweight – over one hundred forty (140) to one hundred forty-seven (147) pounds. ()
- l.** Super Welterweight – over one hundred forty-seven (147) to one hundred fifty-four (154) pounds. ()
- m.** Middleweight – over one hundred fifty-four (154) to one hundred sixty (160) pounds. ()
- n.** Super Middleweight – over one hundred sixty (160) to one hundred sixty-eight (168) pounds. ()
- o.** Light-Heavyweight – over one hundred sixty-eight (168) to one hundred seventy-five (175) pounds. ()
- p.** Cruiserweight – over one hundred seventy-five (175) to two hundred (200) pounds. ()
- q.** Heavyweight – all over two hundred (200) pounds. ()
- 03. Exceeding Weight Allowances.** No contest may be scheduled and no combatant may engage in a boxing contest without the approval of the Commission if the difference in weight between combatants exceeds the allowance shown in the following schedule: ()
- a.** Up to one hundred eighteen (118) pounds – not more than three (3) pounds. ()
- b.** One hundred eighteen (118) to one hundred twenty-six (126) pounds – not more than five (5) pounds. ()
- c.** One hundred twenty-six (126) to one hundred thirty-five (135) pounds – not more than seven (7) pounds. ()
- d.** One hundred thirty-five (135) to one hundred forty-seven (147) pounds – not more than nine (9) pounds. ()
- e.** One hundred forty-seven (147) to one hundred sixty (160) pounds – not more than eleven (11) pounds. ()
- f.** One hundred sixty (160) to one hundred seventy-five (175) – not more than twelve (12) pounds. ()

g. One hundred seventy-five (175) to one hundred ninety-five (195) pounds – not more than twenty (20) pounds. ()

h. One hundred ninety-five (195) pounds and over – no limit. ()

04. Licensing Exemption. Amateur Boxing Organizations that meet the conditions set forth within Section 54-406(3)(b), Idaho Code, are considered exempt from the licensing requirements set forth in these rules. ()

05. Boxing Gloves. The gloves used in a boxing contest must meet the following requirements: ()

a. All gloves will be examined by the Commission and the referee. The Commission or referee may require the examined gloves to be discarded and replaced with gloves acceptable to the Commission. ()

b. The gloves for every main event will be new, of the same brand for both combatants, furnished by the promoter, and of the size specified by the Commission. ()

c. Each combatant will wear gloves that are not less than eight (8) ounces and not more than ten (10) ounces in weight except that the Commission will set the weight of gloves to be used in a championship fight. Eight (8) ounce gloves will be used for all weight classes through welterweight (one hundred forty-seven (147) lbs). Super welterweight (above one hundred forty-seven (147) lbs) and above must use ten (10) ounce gloves. ()

06. Bandaging of Combatant's Hands. Bandages may not exceed one (1) winding of surgeon's adhesive tape, not over one and one-half (1 1/2) inches wide, placed directly on the hand to protect the part of the hand near the wrists. The tape may cross the back of the hand twice but may not extend within three-fourths (3/4) inch of the knuckles when the hand is clenched to make a fist. ()

a. Each combatant will use soft surgical bandage not over two (2) inches wide, held in place by not more than six (6) feet of surgeon's adhesive tape for each hand. Up to one (1) fifteen (15) yard roll of bandage may be used to complete the wrappings for each hand. Strips of tape may be used between the fingers to hold down the bandages. ()

b. Bandages must be adjusted in the dressing room in the presence of the Commission and both combatants. ()

801. BOXING RING. A boxing ring will meet the following requirements: ()

01. Ring Dimensions. The ring will be not less than sixteen (16) feet square not more than twenty-four (24) feet square within the ropes. The ring floor will extend at least eighteen (18) inches beyond the ropes. The ring floor will be padded with Ensolute or another similar closed-cell foam. Padding will extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges must not be used. ()

02. Ring Platform. The ring platform will not be more than four (4) feet above the floor of the building, and will be provided with suitable steps for use of combatants. Ring posts will be of metal, not more than three (3) inches in diameter, extending from the floor of the building to a height of fifty-eight (58) inches above the ring floor. Rings posts will be at least eighteen (18) inches away from the ropes. ()

03. Ropes. There will be four (4) padded ring ropes, not less than one (1) inch in diameter and wrapped in soft material. The lower rope will be eighteen (18) inches above the ring floor and offset four (4) inches to the outside of the ring from the ropes above. ()

802. KNOCKDOWN OF BOXING COMBATANT – PROCEDURE FOR COUNTING.

01. Knockdown. When a combatant is knocked down, the referee will order the opponent to retire to the farthest neutral corner of the ring, and immediately begin the count over the combatant who is down. If the opponent fails to stay in the farthest neutral corner, the referee will cease counting until he has returned to his corner and will then go on with the count from the point at which it was interrupted. The referee indicate the passing of the seconds. A combatant is knocked down, no combatant may be allowed to resume boxing until the referee has finished counting to eight (8) and is assured that the combatant just arisen is in condition to continue. ()

02. Knock-Out. When a combatant is knocked out, the referee will perform a full ten (10) second count unless, in the judgment of the referee, the safety for the combatant would be jeopardized by such a count. If the combatant is still down when the referee calls the count of ten (10), the referee will indicate there has been a knockout. ()

03. Both Combatants Down. If both combatants go down at the same time, the count will be continued as long as one (1) is still down. If both combatants remain down until the count of ten (10), the contest is stopped and the decision is a technical draw. ()

803. RESUMING COUNT ON BOXING COMBATANT.

If a knockdown occurs before the normal termination of a round and the boxer who is down stands up before the count of ten (10) is reached and then falls down immediately without being struck, the referee will resume the count where it was left off. If the combatant is on the ring platform outside the ropes, he must enter the ring immediately where he may resume the contest or take a count. The referee will start the count as soon as the combatant who had fallen is back in the ring. ()

01. Stalling Outside Ropes. If the combatant stalls for time outside the ropes, the referee will start the count without waiting for him to reenter the ring. ()

02. Combatant to Neutral Corner. When one (1) combatant has fallen through the ropes, the other combatant will retire to the farthest corner and stay there until ordered to continue the contest by the referee. ()

03. Penalty. A combatant who deliberately wrestles or throws an opponent from the ring, or who hits when he is partly out of the ring and is prevented by the ropes from assuming a position of defense, may be penalized. ()

804. BOXING COMBATANT DEEMED DOWN.

A boxer is deemed to be down when any part of his body other than his feet is on the floor or when he is prevented from falling to the floor by the ropes. ()

805. – 899. (RESERVED)

900. WRESTLING – SPECIAL LICENSE FOR A CONTEST.

Unless a special license has been obtained, all professional wrestling programs under the supervision and authority of the Commission are only exhibitions and not contests, and those exhibitions cannot be advertised or announced as contests. ()

901. WRESTLING – DISQUALIFICATION FOR DANGEROUS TACTICS.

01. Restrictions. The referee will not permit physically dangerous conduct or tactics. Any wrestler who fails to discontinue those tactics, after being warned by the referee, will be disqualified and have their purse held up and paid to the Commission. ()

02. Professionalism. A referee cannot participate in an exhibition to the extent that the Commission or the referee is made to look ridiculous. ()

902. LICENSEE'S DUTIES AT WRESTLING EXHIBITION.

01. Conduct. The referee, promoter and their agents, attaches and employees, and participants in any

wrestling exhibition will maintain peace, order and decency in the conduct of the exhibition. ()

02. No Abusive Behavior. A person involved in such exhibition will not abuse the referee or an official of the Commission. ()

03. Decision and Appeal. The Commission will hear any complaint about a referee or an official. ()

903. WRESTLERS – PHYSICAL EXAMINATION.

Any person applying for or renewing a license as a wrestler will first be examined by a physician approved by the Commission to establish physical and mental fitness. A wrestler will be furnished a list of approved examining physicians by the Commission. The Commission may order the examination of any wrestler for the purpose of determining whether the wrestler is fit and qualified to engage in further exhibitions. ()

904. – 999. (RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.29.01 – RULES OF PROCEDURE OF THE IDAHO CERTIFIED SHORTHAND REPORTERS BOARD

DOCKET NO. 24-2901-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 67-9404, 67-9405, 67-9406, 67-9409, 67-9413, and 54-3101 through 54-3118, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

24.29.01 – Rules of the Idaho Certified Shorthand Reporters Board
<p>Tuesday, August 13, 2024 – 9 a.m. (MT) Division of Occupational and Professional Licenses Coolwater Room, Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714</p> <p>Virtual Meeting Link</p> <p>Telephone and web conferencing information will be posted on https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/.</p>

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Certified Shorthand Reporters Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

N/A. The proposed amendments to the rules do not impose any new or increased fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2401. The Omnibus Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 3, 2024, Idaho Administrative Bulletin, [Vol. 24-4, p.43](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 5th day of July, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-2901-2401
(ZBR Chapter Rewrite)

24.29.01 – RULES OF PROCEDURE OF THE IDAHO CERTIFIED
SHORTHAND REPORTERS BOARD

000. LEGAL AUTHORITY.

These rules are adopted under the authority of Section 54-3107, Idaho Code. (3-28-23)

001. SCOPE.

These rules govern the practice of shorthand reporting in Idaho. (3-28-23)

002. -- ~~124~~099. (RESERVED)

100. LICENSURE.

01. Written Statement of Suitability for Licensure or Permit. An applicant or licensee who has a conviction, finding of guilt, withheld judgement, or suspended sentence for any crime other than a minor traffic offense must submit with their application a written statement and any supplemental information establishing their current suitability for licensure. ()

02. Registered Professional Reporter. An endorsement applicant who holds a Registered Professional Reporter certificate from The Association for Court Reporters and Captioners will be deemed to have met the endorsement requirements set forth in Section 54-3109A(1), Idaho Code. ()

~~125. FEES.~~

~~All fees are non-refundable.~~

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$50
Examination	\$50
Renewal	\$75
Examination preparation materials	\$20

(3-28-23)

~~126.—200.~~ ~~(RESERVED)~~

201. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE OR PERMIT.

An applicant or licensee who has a conviction, finding of guilt, withheld judgment, or suspended sentence for any crime other than a minor traffic offense must submit with their application a written statement and any supplemental information establishing their current suitability for licensure. (3-28-23)

~~01. Consideration of Factors and Evidence.~~ The Board shall consider the factors set forth in Section 67-9411, Idaho Code. (3-28-23)

~~03. Applicant Bears the Burden.~~ The applicant shall bear the burden of establishing his current suitability for licensure. (3-28-23)

~~202.—299.~~ ~~(RESERVED)~~

300. EXAMINATIONS.

~~01. Examination Process.~~ (3-28-23)

~~a. Late applicants shall not be admitted to the examination room.~~ (3-28-23)

~~b. Picture identification shall be shown by all applicants before taking an examination.~~ (3-28-23)

~~c. Examinees are forbidden to receive any unauthorized assistance during the examination. Communication between examinees or possession of unauthorized material or devices during the examination is strictly prohibited.~~ (3-28-23)

~~d. Only scheduled examinees, Board members, and authorized personnel shall be admitted to the examination room.~~ (3-28-23)

~~02. Scope of Examination.~~ (3-28-23)

~~a. The complete examining procedure for certification as a certified shorthand reporter consists of two (2) sections. The first section is the written examination covering subjects as are ordinarily given in a school of court reporting and which are common to all fields of practice. The second section is the skills portion which shall consist of the following segments and speeds.~~ (3-28-23)

~~i. Question and Answer—Five (5) minutes at two hundred twenty-five (225) words per minute.~~ (3-28-23)

~~ii. Jury Charge—Five (5) minutes at two hundred (200) words per minute.~~ (3-28-23)

~~iii. Literary—Five (5) minutes at one hundred eighty (180) words per minute.~~ (3-28-23)

- ~~iv. Density of Exam — The syllabic content of the dictated exam shall be one point four (1.4). (3-28-23)~~
- ~~b. The examination is the same for all applicants. (3-28-23)~~
- ~~c. The examining committee, which shall consist of three Board members, shall inform applicants of the approximate time allowed for typing the skills portion of the examination. (3-28-23)~~
- ~~d. The written examination and the three (3) skills segments can be passed individually for the Idaho examination. (3-28-23)~~
- ~~03. Grading. (3-28-23)~~
- ~~a. Each applicant must attain a grade of seventy five percent (75%) or above to pass the written examination and ninety five percent (95%) or above in each segment to pass the skills portion. (3-28-23)~~
- ~~b. Every applicant receiving a grade of less than seventy five percent (75%) in the written examination shall be deemed to have failed such examination and shall have the application denied without prejudice. (3-28-23)~~
- ~~c. Every applicant receiving a grade of less than ninety five percent (95%) in each of the skills segments of the examination shall be deemed to have failed such examination and shall have the application denied without prejudice. (3-28-23)~~
- ~~d. An applicant failing either the written section, or the skills portion, and having filed a new application for examination, shall be required to take and pass within a two year period only the section for which a failing grade was received. (3-28-23)~~
- ~~04. Inspection of Examination. (3-28-23)~~
- ~~a. An applicant who fails to obtain a passing grade in the skills portion may inspect his/her examination papers at such times and locations as may be designated by the Board. Inspection of such examination papers shall be permitted within a thirty (30) day period after receipt of notice by the applicant of his/her failure to pass the examination. (3-28-23)~~
- ~~b. At the time of inspection no one other than the examinee or his/her attorney and a representative of the Board shall have access to such examination papers. (3-28-23)~~
- ~~05. Inspection Review. (3-28-23)~~
- ~~a. Within thirty (30) days after the date notice of the results of the examination has been mailed to him/her, an applicant who was unsuccessful in the examination may petition the Board for a review of his/her examination papers. (3-28-23)~~
- ~~b. The petition for review shall be made in writing stating the reason for such review and citing the item or items against which the request is directed. (3-28-23)~~
- ~~c. The Board shall, upon receiving such petition for review, conduct a hearing at the next scheduled Board meeting. (3-28-23)~~
- ~~06. Retention of Examinations. The Board shall retain for at least six (6) months, all examination papers and notes submitted by applicants. (3-28-23)~~
- ~~301.—399. (RESERVED)~~
- ~~400. TEMPORARY PERMIT.~~

- ~~01. Eligibility. (3-28-23)~~
- ~~a. Any one (1) or more of the following shall be considered as minimum evidence that the applicant is qualified to hold a temporary permit: (3-28-23)~~
- ~~i. Hold a Certificate of Merit Reporter (RMR) issued by the National Court Reporters Association (NCRA); (3-28-23)~~
- ~~ii. Hold a Certificate of Registered Professional Reporter (RPR) issued by the National Court Reporters Association (NCRA); (3-28-23)~~
- ~~iii. Hold a Certified Shorthand Reporter certificate, or its equivalent, in good standing from another state; (3-28-23)~~
- ~~iv. Hold a diploma or certificate of completion of all requirements to graduate from a National Court Reporter Association (NCRA) approved school; (3-28-23)~~
- ~~v. Has otherwise demonstrated his/her proficiency by a certificate from an agency from another state. (3-28-23)~~
- ~~b. The applicant must have a high school diploma or equivalent. (3-28-23)~~
- ~~02. Permit. All temporary permits shall be issued for a period of one (1) year and may be renewable for a single additional year if, before the permit expires, the permit holder: (3-28-23)~~
- ~~a. Submits a written renewal request to the Board; (3-28-23)~~
- ~~b. Establishes that they have passed at least one (1) skills segment of the Idaho Certified Shorthand Reporter Examination, the Registered Professional Reporter Examination (RPR), or the Registered Merit Reporter Examination (RMR); and (3-28-23)~~
- ~~c. Pays the required fees as set forth in this Chapter. (3-28-23)~~

~~401~~101. -- ~~499~~299. (RESERVED)

~~500~~300. ~~DISCIPLINARY PENALTY E.~~

01. ~~C~~F~~ees~~. The Board may order anyone licensed under Title 54, Chapter 31, Idaho Code, who is found by the Board to be in violation of the provisions of Title 54, Chapter 31, Idaho Code, to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee. ~~(3-28-23)~~ ()

~~301. -- 399.~~ (RESERVED)

400. F~~E~~ES.

All fees are non-refundable. ()

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$50
Renewal	\$75

~~501~~401. -- 999. (RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 24-3501-2401

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 36-2107, 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

24.35.01 – Rules of the Idaho Outfitters and Guides Licensing Board
<p>Tuesday, August 13, 2024 – 10:00 a.m. (MT) Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714</p> <p>Virtual Meeting Link</p> <p>Telephone and web conferencing information will be posted on https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/.</p>

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The removal of Rule 002.08 Hazardous Desert or Mountain Excursions, as it is duplicative of Section 36-2102(r), Idaho Code, as well as the removal of Rule 100.03 Examinations due to Section 67-9409(4), Idaho Code which supersedes the rule.

Amendments to Rules 103.02(b) Float Boating on Classified Water, 103.05 Renewal, 257.09 Undesignated Tag Pool to add clarifying language.

Amendment to Rule 259.01 (CF2) Clark Fork River to update the dates from Memorial Day through December 31 to the correct dates of the Friday preceding Memorial Day through November 30.

Amendments to Rules 259.04 Other –Table to increase the maximum number of operators from one to two for Lake Coeur d’Alene, Priest Lake, and Lake Pend Orielle.

Amendment to Rule 259.02 Licensable Waters – River Sections (MF1) Middle Fork Salmon River through (SE2) Selway River – Table to add the Little Salmon River above the mouth of Rapid River to Licensable Waters.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

N/A. The proposed amendments to the rules do not impose any new or increased fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-3501-2401. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 5, 2024, Idaho Administrative Bulletin, [Vol. 24-6, p.78-79](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 5th day of July, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3501-2401
(Only Those Sections With Amendments Are Shown.)

24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

002. DEFINITIONS.

The definitions set forth in Section 36-2102, Idaho Code, are applicable to these rules. In addition, the following terms have the meanings set forth below: (4-6-23)

01. Act. Title 36, Chapter 21, Idaho Code, commonly known as the Outfitters and Guides Act, as amended. (4-6-23)

02. Authorized Person. An investigator or inspector in the employ of the Board, a conservation officer of the IFGC, or any local, state, or federal law enforcement officer. (4-6-23)

03. Classified River. For the purpose of these rules, specific sections of some whitewater river or streams which are considered more hazardous than others have been designated “classified.” Classified rivers are denoted by an asterisk (*) in the list of rivers contained in Subsection 259.01. (4-6-23)

04. Compensation. The receipt, exchange or taking of goods, services, or cash in exchange for outfitted or guided activities. A bona fide charging of out-of-pocket travel expenses by members of a recreational party is not deemed compensation. However, such out-of-pocket expenses may not include depreciation, amortization, wages, or other recompense. (4-6-23)

05. Facilities and Services. The provision of personnel, lodging (tent, home, lodge, or hotel/motel), transportation (other than by commercial carrier), guiding, preparation and serving of food and equipment, or any other accommodation for the benefit of clientele in the conduct of outdoor recreational activities as designed in Section 36-2102(b), Idaho Code. (4-6-23)

06. Fishing. Fishing activities on those waters and for those species described in the rules of the IFGC, IDAPA 13.01.11, "Rules Governing Fish," general fishing seasons and any anadromous fishing rules and as authorized in the Outfitter's Operating Plan. (4-6-23)

07. Float Boats. Watercraft (inflatable watercraft, dories, drift boats, canoes, catarafts, kayaks, sport yaks, or other small watercraft) propelled by, and moving with the stream flow, maneuvered by oars, paddles, sweeps, pike poles or by motors for downstream steerage only. Downstream steerage does not include holding or upstream travel of a watercraft with a motor. Excluded as float boats are personal flotation devices, innertubes, air mattresses, or similar devices. (4-6-23)

08. ~~Hazardous Desert or Mountain Excursions~~ Hazards. ~~Outfitted or guided activities conducted in a desert or mountainous environment that may constitute a potential danger to the health, safety, or welfare of participants involved and the outfitted public which are known to involve risks inherent risk to an outfitted or guided activity. These activities include day or overnight trailrides, backpacking, technical mountaineering/rock climbing, cross-country skiing, backcountry alpine skiing, animal pack trips, snowmobiling, ATV, paragliding, motored and non-motored cycling, wagon rides, sleigh rides, and dog sled rides.~~ Potential dangers to the health, safety, or welfare of participants involved and the outfitted public which are known to involve risks inherent risk to an outfitted or guided activity. (4-6-23)()

09. Hunting. The pursuit of any game animal or bird and all related activities including packing of client camp equipment, supplies, game meat and clients to and from a hunting camp. (4-6-23)

10. IFGC. The Idaho Department of Fish and Game or the Idaho Fish and Game Commission. (4-6-23)

11. Major Activity. A licensed activity, the nature of which requires a significant commitment of time and effort by an outfitter in its execution and is intended to provide a significant amount of income to an outfitter. (4-6-23)

12. Major Amendment. All outfitter license amendment requests requiring Board research or recommendation of a land management agency or other agency before the Board takes final action on the amendment request. (4-6-23)

13. Minor Amendment. All outfitter license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency or other agency before the Board takes final action on said amendment request. (4-6-23)

14. Operating Area. The area assigned by the Board to an outfitter for the conduct of outfitting activities. (4-6-23)

15. Operating Plan. A detailed schedule or plan of operation which an outfitter proposes to follow in the utilization of licensed privileges, areas, or activities. (4-6-23)

16. Out-of-Pocket Expenses. The direct expenses attributable to a recreational activity. Such direct expenses do not include: (4-6-23)

a. Compensation for either sponsors or participants; (4-6-23)

b. Amortization or depreciation of debt or equipment; or (4-6-23)

- c. Costs of non-expendable supplies. (4-6-23)

17. Power Boats. All motorized watercraft used on Idaho waters open to commercial outfitting activities. Excluded as power boats are hovercraft, jetskis or similar devices, and float boats using motors for downstream steering. (4-6-23)

18. Watercraft. A boat or vessel propelled mechanically or manually, capable of operating on inland water surfaces. Excluded as watercraft are hovercraft, jetskis, personal flotation devices (PFD's), or similar devices. (4-6-23)

003. – 099. (RESERVED)

100. OUTFITTER OR DESIGNATED AGENT LICENSE OR AMENDMENT APPLICATION.

A complete application for a new outfitter or designated agent license, outfitter license major amendment, or new landowner statement in existing areas must, in addition to all other requirements, include: (4-6-23)

01. Name. The name(s) registered with the Idaho Secretary of State as an assumed business name, the name of the business entity, or both. (4-6-23)

02. Other Signatures. Signed landowner or land manager statement from: (4-6-23)

a. The affected state and federal land managers in all areas where an outfitter plans to utilize lands administered by the state or federal government (this may involve memorandum of understanding procedures as applicable to proposed operation on national forest or public domain lands); and (4-6-23)

b. Private land owners, or their agents, where an outfitter applicant proposes to use such private lands in his operation. (4-6-23)

~~**03. Examinations.** All new applicants applying for an outfitter or designated agent license must successfully pass a Board approved examination on the Act, the rules, and general outfitting procedures germane to the license applied for. An applicant who fails the test may retake it after a five (5) day waiting period. (4-6-23)~~

~~**04. Operating Plan.** An operating plan required by the germane land management agency or on a Board approved form. (4-6-23)~~

~~**05. Insurance.** Current certificate or proof of insurance covering licensed activities. (4-6-23)~~

~~**06. Designated Agent.** When the applicant is a corporation, firm, partnership, or other organization or combination thereof, the designation at least one (1) designated agent who is a qualified outfitter, covered by the outfitter's bond, and who will be responsible for the outfitting business. The designated agent must apply for and be granted a license. (4-6-23)~~

~~**07. Hearing.** If more than one (1) applicant submits a complete application with landowner statement(s), the Board has the discretion to decide the successful applicant. (4-6-23)~~

~~**08. Existing Operating Area.** A licensed outfitter may be given priority for any opportunities within the outfitter's existing operating area boundaries. (4-6-23)~~

~~**09. Operating Area Limitations.** To safeguard the health, safety, and welfare of the public and for the conservation of wildlife and fish resources, the Board may place a limit on the number of outfitter licenses issued within an operating area. (4-6-23)~~

(BREAK IN CONTINUITY OF SECTIONS)

103. GUIDE LICENSE APPLICATION REQUIREMENTS.

All new applicants for a Guide license must submit a completed application on Board approved forms along with the required fee. (4-6-23)

01. General Qualifications. The applicant must provide the following: (4-6-23)

a. Documentation of requisite training and experience sufficient to perform the services and activities provided on the license; and (4-6-23)

b. A current American Red Cross first aid certification or other comparable certification that is acceptable to the Board; (4-6-23)

02. Activity-Specific Qualifications. In addition to the general qualifications, the applicant must provide evidence of activity-specific training submitted with application or amendment. (4-6-23)

a. Hunting. (4-6-23)

i. Experience in the outfitter's operating area(s) for at least ten (10) days and is knowledgeable of trails, terrain, drainages, and game habits and habitat. (4-6-23)

ii. Ability to read and understand a map and compass or operate a global positioning system (GPS) or other computerized map system. (4-6-23)

iii. Training and experience caring for meat and trophies, including the ability to correctly cape an animal and ability to instruct and assist clients in the proper care of meat. (4-6-23)

b. Float Boating on Classified Water. (4-6-23)

i. Three (3) complete float boat trips on each of the classified rivers applied for under the supervision of an outfitter or guide licensed for that river. ~~Allowances may be made for experience gained as a commercial boat operator on selected whitewater rivers with characteristics similar to Idaho's classified rivers, provided the applicant has logged at least five hundred (500) miles as a commercial float boat operator on one (1) or more of those rivers.~~ (4-6-23)()

ii. ~~To document this experience, a statement signed by the applicant under oath or affirmation be recorded on a Board-approved form that includes precise put-in and take-out points, miles logged for each trip, and the names and addresses of the boat operators who have employed them.~~ Guides with six (6) or more documented float trips on any other classified river section, under the supervision of a licensed outfitter or guide for that river, shall be deemed qualified once they complete one additional float trip under the supervision of a licensed outfitter or guide on the classified river section for which licensure is sought. (4-6-23)()

iii. One (1) documented float boat trip on a classified section of river, under the supervision of an outfitter or guide licensed for that river, for an applicant able to demonstrate a log of at least 500 miles operating as a commercial float boat operator on select whitewater rivers with characteristics similar to Idaho's classified rivers. To document this experience, a statement signed by the applicant under oath or affirmation should be recorded on a Board-approved form that includes precise put-in and take-out points, miles logged for each trip, and the names and addresses of the boat operators who have employed them. ()

c. Power Boating on Classified Water. (4-6-23)

i. Fifty (50) hours on the total length of the river or section of water applied for. (4-6-23)

d. Float or Power Boating on Unclassified Water. (4-6-23)

i. At least one (1) complete commercial float or power boat trip on each of the sections or lakes applied for. (4-6-23)

- e. ATV-UTV-Snowmobiling. (4-6-23)
- i. Experience in the outfitter's operating area for at least ten (10) days and is knowledgeable of the area's drainages, rideable terrain, and unique avalanche or other hazards as well as the machines being utilized by the outfitter. (4-6-23)
- ii. When operating in winter conditions in terrain with avalanche potential, must have Recreation level 1 avalanche training, American Avalanche Association or similar consisting of twenty-four (24) hours of training with over fifty percent (50%) in the field, and Avalanche Rescue through American Avalanche Association or similar, consisting of eight (8) hours of training with a minimum of five (5) hours in the field. (4-6-23)
- f. Snow-Based Non-Motorized Travel in Avalanche Terrain (backcountry skiing, Nordic skiing, or snow shoeing on non-groomed trails). (4-6-23)
- i. Experience in the outfitter's operating area(s) for at least ten (10) days and is knowledgeable of the area's drainages, rideable terrain, and unique avalanche hazards. (4-6-23)
- ii. Recreation level 1 avalanche training, American Avalanche Association or similar consisting of twenty-four (24) hours of training with over fifty percent (50%) in the field, and Avalanche Rescue through American Avalanche Association or similar, consisting of eight (8) hours of training with a minimum of five (5) hours in the field. (4-6-23)
- g. Rock Climbing/Mountaineering. (4-6-23)
- i. Experience in the outfitter's operating area for at least ten (10) days and is knowledgeable of the area's routes, navigable terrain, and unique hazards. (4-6-23)
- ii. When operating in winter conditions in terrain with avalanche potential, must have Recreation level 1 avalanche training, American Avalanche Association or similar consisting of twenty-four (24) hours of training with over fifty (50%) in the field, and Avalanche Rescue through American Avalanche Association or similar, consisting of eight (8) hours of training with a minimum of five (5) hours in the field. (4-6-23)
- h. Equestrian Activities. (4-6-23)
- i. Experience in the outfitter's operating area for at least ten (10) days and is knowledgeable of horsemanship and the area's routes, trails, terrain, drainages, and unique hazards. (4-6-23)
- 03. Validity.** A guide license is valid only while the guide is under the employment of an Idaho licensed outfitter. (4-6-23)
- 04. Amendment.** To add authorized activities to the license, a guide must submit a completed license amendment request on a Board-approved form, along with supplemental documentation of training and experience for each newly requested activity. (4-6-23)
- 05. Renewal.** A license must be renewed before it expires by submitting a complete application for renewal ~~on Board-approved~~ forms together with the renewal fee. A license expires annually or biennially on the license holder's birth date in accordance with Section 36-2108, Idaho Code. A license not timely renewed on or before the license holder's birthdate will be immediately canceled in accordance with Section 67-2614(a), Idaho Code. No reinstatement fee will be charged. (4-6-23)()

(BREAK IN CONTINUITY OF SECTIONS)

205. AVAILABILITY OF OUTFITTING OPPORTUNITIES.

Except as provided in other sections of this chapter, when a new opportunity or existing opportunity which had previously been licensed to another outfitter becomes available, the Board may use a competitive application process

through a waiting list, public notice, or both to select a qualified applicant. A competitive application process may be coordinated with another governmental agency that has management or permitting authority over the opportunity. (4-6-23)

01. Waiting List. The waiting list will be maintained for each individual river, lake and reservoir outlined in Section 259 and for each specific IFGC unit listed in IDAPA 13.01.08, "Rules Governing Taking of Big Game Animals." (4-6-23)

02. Placement on Waiting List. A written request, in a form specified by the Board, must be submitted to be placed on the waiting list, and a name on the waiting list will be maintained for a period of five (5) years or until December 31 of the fifth year that the name is placed on the list, whichever comes first. (4-6-23)

03. Notification. When public notice is used when an opening occurs, a public announcement will be made via the Board's website and may be made in conjunction with notice by another governmental agency. Persons on the waiting list will be notified of the available opportunity in any competitive application process. (4-6-23)

04. Application Period and Consideration. Anyone wishing to apply for the opportunity must submit a complete application or amendment, ~~including all applicable fees,~~ by the date specified in the notice. The Board will consider the qualifications of all applicants and in its discretion select the best qualified applicant. (4-6-23) ()

(BREAK IN CONTINUITY OF SECTIONS)

257. DESIGNATION OF ALLOCATED DEER AND ELK TAGS.

For the purposes of this section, an outfitting operation is an outfitter licensee whose licensed activities include hunting for the species in the area of the allocated tag being designated. When IFGC allocates tags, the allocated tags will be designated pursuant to Section 36-2120, Idaho Code, and this rule. The designation applies for the next season unless IFGC adjusts the number of allocated tags for the hunt. (4-6-23)

01. Notification. All notices, orders, or other documents may be made to the email address on file with the Board. (4-6-23)

02. Outfitted Hunter Tag Use History. Each outfitter's hunter tag use history will be determined from the use recorded by IFGC pursuant to Section 36-408(4), Idaho Code, and as may be adjusted as a result of a tag transfer or hardship request that is approved by the Board. (4-6-23)

a. Transfers. An outfitting operation is credited for use of an allocated tag that it transfers to another outfitting operation for use that year in the same hunt. The receiving outfitting operation is not credited for using the transferred tag. (4-6-23)

b. Surrenders. An outfitting operation may surrender a designated allocated tag(s) to the undesignated tag pool for use by any outfitting operation in the same hunt. The surrendering outfitting operation is not credited for use of the surrendered tag unless it later uses the tag from the pool. (4-6-23)

03. New Hunt Allocated Tag Designation. When the IFGC allocates tags for a newly capped or controlled hunt, the allocated tags will be designated proportionately as follows: (4-6-23)

a. Divide each outfitting operation's base allocation by the total of all base allocations in the hunt, resulting in a percentage of total use. Truncate the decimal at the hundredths place. (4-6-23)

b. Multiply the percentage of total use from Subsection 257.03.a. of these rules by the total number of allocated tags for the hunt, which determines the number of allocated tags designated to the outfitting operation. (4-6-23)

04. Use of Previously Designated Allocated Tags. For established capped or controlled hunts,

allocated tags will first be designated to each outfitting operation in an amount equal to the outfitting operation's use of the allocated tags previously designated to it for the same hunt. (4-6-23)

a. In a capped hunt, the use of previously designated allocated tags is the average use of allocated tags in the preceding two (2) years; in the event that IFGC adjusts the number of allocated tags in a hunt where there is only one (1) year of allocation, the Board will not average the use. (4-6-23)

b. In a controlled hunt, the use of previously designated allocated tags is the highest year of use of allocated tags in the preceding two (2) years. (4-6-23)

05. Remaining or Additional Allocated Tags. Allocated tags not designated above will be designated proportionately as follows: (4-6-23)

a. Subtract each outfitting operation's use of previously designated allocated tags from Subsection 257.04 from its base allocation number to determine the number of non-allocated tags it used for a capped hunt or the matching hunt with non-allocated tags for a controlled hunt, when necessary to determine non-allocated tag use; then (4-6-23)

b. Divide the result by the total number of non-allocated tags used by all outfitting operations, resulting in a percentage of the total non-allocated tags used by outfitting operations in that hunt. Truncate the decimal at the hundredths place; and finally (4-6-23)

c. Multiply the percentage of total use from Subsection 257.05.b. by the number of allocated tags yet to be designated, which determines the number of allocated tags designated to the outfitting operation. (4-6-23)

06. Rounding. If allocated tag designation results in a partial tag, the calculation will be rounded up when a decimal equals or exceeds six tenths (0.6) and rounded down when a decimal is less than six tenths (0.6). When calculating after a reduction of allocated tags pursuant to Section 36-2120(4), Idaho Code, the calculation will be rounded up when a decimal equals or exceeds five tenths (0.5) and rounded down when a decimal is less than five tenths (0.5). (4-6-23)

07. Tie-breaker. If, after applying Subsections 257.03 through 06, there is a surplus or deficit of allocated tags to be designated, the unrounded proportion from Subsection 257.05, with as many decimal places as necessary, will be used, and then as follows: (4-6-23)

a. After a reduction in allocated tags, surplus tags will first be designated in amounts to restore outfitter operations to the number of tags that would have otherwise been designated pursuant to Subsection 257.04 or as close thereto as practicable. (4-6-23)

b. If a surplus, the outfitting operation whose unrounded proportion is the greatest will be designated one (1) tag, and if there are additional surplus tags, the outfitter with the next greatest unrounded proportion will be designated one (1) allocated tag, and repeated in descending unrounded proportions until all surplus tags are designated. In the event there is more than one outfitting operation with the same unrounded proportion and there are insufficient undesignated tags to designate to each outfitter, the undesignated tag will be designated based on a random drawing between those outfitting operations. (4-6-23)

c. A deficit will be resolved from the outfitting operation whose unrounded proportion is closest to six tenths (0.6), and then next closest to six tenths (0.6) when there is a deficit of more than one (1) allocated tag. If there is more than one (1) outfitting operation with the same unrounded proportion, a random drawing will be held between those outfitters. (4-6-23)

08. Stipulation by Outfitters. Outfitting operations in a hunt may submit to the Board a written stipulation determining the number of allocated tags designated to each outfitting operation in that hunt. The stipulation must be signed by all eligible outfitting operations for the hunt; however, under special circumstances, the Board may waive the requirement of approval from all other outfitting operations. If the Board approves the stipulation, the stipulation will be effective until the next designation of allocated tags for the hunt. On or before November 1 preceding the hunt, any outfitting operation may petition the Board to vacate the stipulation for good

cause that would make it unconscionable or unjust to enforce the stipulation. If the Board vacates the stipulation, the allocated tags in that hunt will be designated pursuant to Section 36-2120, Idaho Code, and this rule. (4-6-23)

09. Undesignated Tag Pool. Any designated allocated tags that are surrendered or have not been utilized by an outfitting operation on or before July 16 or the next business day for a capped hunt, or on or before September 10 or the next business day for a controlled hunt, will be available in an undesignated pool for any outfitting operation, as follows: (4-6-23)

a. Beginning April 10 preceding the hunt, an outfitting operation may submit a request for an allocated tag from the pool. The request must be on a Board-approved form. (4-6-23)

b. Beginning April 20 preceding the hunt, or next business day ~~thereafter, an allocated tag will be designated from the pool on a first-come, first-served basis to an outfitting operation without any designated allocated tags or which has utilized all of its designated allocated tags, using a waiting list when necessary. A maximum of two (2) allocated tags will be designated to each requesting outfitting operation until all other requesting outfitting operations have been served, then a requesting outfitting operation is eligible to receive a maximum of two (2) additional allocated tags from the pool, repeated until all requesting outfitting operations are served or until no tags remain until July 16, allocated tags will be designated from the pool on a first-come, first-served basis.~~ (4-6-23)()

c. No tags designated from the pool will be considered for historical use calculations until all tag transfers are recorded and all hardship requests have been resolved. (7-1-24)

d. After July 16 preceding the hunt, or the next business day thereafter, allocated tags will be designated from the pool on a first-come, first-served basis to an outfitting operation who has submitted a request for allocated tags from the pool. Initially, a maximum of two (2) allocated tags may be granted to each requesting outfitting operation that either lacks designated tags or has used, without transferring, all of its designated tags. In cases where there are more requesting operations than available tags, the allocation will prioritize outfitting operations with no designated tags, ensuring they receive two tags each until all such operations are served. Once all operations without designated tags have been served, any remaining allocated tags will be distributed among all requesting operations, including those with previously allocated tags, on a first-come, first-served basis, with a maximum of two (2) tags per operation per round of distribution. This process will continue until all requested tags have been allocated. ()

e. If an outfitting operation does not pick up all the designated allocated tags that were requested by hunt, they will only be eligible the following year to request the number of tags that were picked up. If an outfitting operation requested tags from the pool, but fails to pick up any tags, that outfitter will be ineligible the following year to request any tags from the pool absent showing of good cause approved by the Board. ()

10. Objection to Calculation. If an outfitting operation believes the calculation is incorrect, it may object by filing a petition with the Board within fourteen (14) days from the date the notification was sent and in accordance with the Idaho Administrative Procedures Act. The petition will include any supporting information or documentation. (4-6-23)

a. All outfitting operations in the hunt in question will be notified of the petition. (4-6-23)

b. The outfitting operation bears the burden of establishing that the calculation was incorrect. (4-6-23)

11. Hardship Request. An outfitting operation may submit a written hardship request to maintain all or a portion of previous outfitted hunter tag use history when the outfitting operation shows good cause that its use of allocated designated tags was impacted by circumstances beyond the outfitting operation's control. The request must be submitted on or before a deadline set by the Board. The outfitting operation must provide information or documentation as requested by the Board to substantiate the request. (4-6-23)

12. Change in Operating Area or Owner of Business. When an outfitting operation is sold or when an operating area is adjusted through a sale and designated allocated tags are associated with the affected operating area, the associated designated allocated tags and tag use history will transfer to the new owner. (4-6-23)

(BREAK IN CONTINUITY OF SECTIONS)

259. RIVER, LAKE, AND RESERVOIR POWER AND FLOAT OUTFITTER LIMITS.

For the express purpose of safeguarding the health, safety and welfare of the public, for the conservation of wildlife and range resources, and to enable the outfitted and non-outfitted public to enjoy the recreational value of Idaho's rivers, streams, lakes, reservoirs and other natural resources, the Board has discretion to limit the number of outfitters licensed on waters that lie totally or partially within the State of Idaho. Pursuant to Section 36-2107(e), Idaho Code, the Board may cooperate with federal and state government to evaluate relevant factors in decisions related to setting outfitter licensure limits on navigable waterways. The following rivers and streams or sections that lie totally or partially within the state of Idaho are open to commercial boating operations by outfitters and guides. (4-6-23)

01. Licensable Waters – River Sections (BL1) Blackfoot River through (PR1) Priest River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(BL1) Blackfoot River - Blackfoot Reservoir/Government Dam to Trail Creek Bridge. For each license/permit issued, no more than two (2) boats per section/ per day may be used by any outfitter at any one time in each of the following river sections: a) Blackfoot Reservoir/Government Dam to Sage Hen Flats/Cutthroat Campground b) Sage Hen Flats/Cutthroat Campground to Morgan Bridge c) Morgan Bridge to Trail Creek Bridge No outfitter may have more than six (6) boats on the BL1 in any one (1) day. OGLB licenses are for the entire BL1 segment; a section of BL1 cannot be separated from BL1 for the purposes of selling a portion of an outfitter's business.	none	2
(BO1) Boise River, South Fork - Danskin Bridge to the Neal Bridge EXCEPT on weekends or holidays. Each outfitter may use only one (1) boat for fishing only with a maximum of two (2) fisherman. No overnight camping or walk-and-wade fishing allowed.	none	2
(BO1A) Boise River - Eckert Road Bridge to Main Street Bridge.	none	
(BO1B) Boise River - Main Street Bridge to West side of Garden City limits.	none	
(BO2) Boise River - Downstream from the west side of the Garden City municipal limits to the east side of the Caldwell municipal limits. A maximum of two (2) outfitters may be licensed for fishing in addition to float boating. Each outfitter may use at any time a maximum of four (4) boats for boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	none	4

River/Section	Maximum No. Power	Maximum No. Float
(CF1) Clark Fork River - Entire river upstream of a straight line extending north of county boat dock (near mouth of Johnson Creek) to Bear Paw Point (southwest tip of Denton Slough). Each outfitter may use at any one time a maximum of two (2) boats prior to the Friday preceding Memorial Day of each year, there is no limit thereafter.	2 outfitters for either power or float or combination thereof	
(CF2) Clark Fork River - Entire river upstream of a straight line extending north of county boat dock (near mouth of Johnson Creek) to Bear Paw Point (southwest tip of Denton Slough) (boating limited to the Friday preceding Memorial Day through December <u>November 31st</u>)	2 outfitters for either power or float or combination thereof	
(CL1) Clearwater River - Lowell to the Lower Bridge at Kooskia. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. Fishing may not be conducted downstream from the Upper Bridge at Kooskia by CL1 outfitters. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5
(CL2) Clearwater River - The Upper Bridge at Kooskia to the Orofino Bridge. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	6	10
(CL3) Clearwater River - The Orofino Bridge to the mouth of the Clearwater River with the Snake River at Lewiston. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	10	10
* (NFCL) North Fork Clearwater River - Kelly Forks Bridge downstream to backwaters of Dworshak Reservoir	none	4
(CDNF) Headwaters of North Fork Coeur d'Alene - Including tributaries (Independence and Tee Pee Creeks) upstream from Devils Elbow Campground. Three (3) walk and wade only licenses. Up to four (4) clients on the river at one time per license.	none	none
(CD1) Coeur d'Alene River - Devil's Elbow to South Fork confluence. Fishing limit is two (2) float boats per license with a maximum of two (2) clients at a time per boat. Two (2) additional walk and wade licenses can be issued. Walk and wade limited to a maximum of two (2) clients at a time per license.	none	1
(CD2) Coeur d'Alene River - South Fork confluence downstream to Cataldo Mission Boat Ramp. Fishing limit is one (1) float boat per license with a maximum of two (2) clients or two walk and wade clients per license at a time. Walk and wade activities do not have to be initiated from a float boat.	none	1

River/Section	Maximum No. Power	Maximum No. Float
(CD3) Lateral (Coeur d'Alene chain) Lakes - Connected by the Coeur d'Alene River. Cataldo Mission Boat Ramp to Highway 97 Bridge. A limit of one (1) power boat per license with a maximum of two (2) clients at a time or a limit of one (1) guide per license and two (2) float tubes at a time or two (2) clients walking and wading. The walk and wade activities must be associated with the power boating.	3	none
* (JB1) Jarbidge/Bruneau Rivers	none	4
(KO1) Kootenai River - Montana state line to Canada boundary	5	5
(LCL1) Little North Fork Clearwater River - Mouth of Canyon Creek to first bridge on the Little North Fork Clearwater River. Fishing only. Each outfitter may use only two (2) boats per day with a maximum of two (2) fishermen per boat.	none	2
* (LO1) Lochsa River	none	5
(MO1) Moyie River - Canada boundary to Bonners Ferry Municipal Dam (boating closing date July 20)	none	5
* (OW1) Owyhee River - Nevada state line to Oregon state line or South Fork to confluence with Owyhee River and continuing on to a take-out point.	none	6
(PN1) Payette River, North Fork - Payette Lakes Outlet to Hartsell Bridge. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN1A) Payette River, North Fork - Cascade City Park, ¼ mile south of Cascade on Highway 55 to Cabarton. Restrictions: Catch and release for TROUT ONLY, other species F & G rules apply. No stopping by commercial groups from ¼ mile above to ¼ mile below heron nesting trees. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN2) Payette River, North Fork - Cabarton to Smiths Ferry Bridge	none	5
(PS1) Payette River, South Fork - Grandjean to Deadwood River	none	5
* (PS2) Payette River, South Fork - Deadwood River to Banks	none	5
(PA1) Payette River - Banks to Black Canyon Dam	none	5
(PO1) Pend Oreille River	5	5
(PR1) Priest River - Dickensheet Campground to Priest River City	none	2

(7-1-24)()

02. Licensable Waters – River Sections (MF1) Middle Fork Salmon River through (SE2) Selway River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(LS1) Little Salmon River – From Highway 95 bridge at Hazard Creek to confluence of the Main Salmon River. Closed for operating below Rapid River in May and June when the salmon fishing season is open.	none	2

River/Section	Maximum No. Power	Maximum No. Float
***MF1) Salmon River, Middle Fork - Boundary Creek to Cache Bar on the Salmon River	none	27
(SA1) Salmon River - First bridge across Salmon River above Redfish Lake Creek to Torrey's Bar	none	6
(SA2) Salmon River - Torrey's Bar to first Highway 93 bridge above Challis. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	5
(SA3) Salmon River - First Highway 93 bridge above Challis to Kilpatrick River access. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	6
(SA4A) Salmon River - Kilpatrick River access to North Fork - License period from May 1 to September 30. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	5	11
(SA4B) Salmon River - Kilpatrick River access to North Fork - License period from October 1 to April 30. Each power boat outfitter may use at any one time a maximum of one (1) boat and each float boat outfitter may use at any one time a maximum of three (3) boats.	2	8
(SA5) Salmon River - North Fork to Corn Creek	3	9
***SA6) Salmon River - Corn Creek to Spring Bar Boat Ramp with no outfitter fishing below Vinegar Creek from September 15 through March 31 except that on a case-by-case basis, outfitter fishing may occur when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer.	14	31
* (SA7A) Salmon River - Vinegar Creek to Hammer Creek - License period from March 15 to October 15. No power boating is allowed from the Saturday before Memorial Day through Labor Day from 10:30 a.m./Mountain Time to 5:00 p.m./Mountain Time daily between the Riggins City Boat Dock and Lucile.	10	26
* (SA7B) Salmon River - Power boats from Vinegar Creek to Spring Bar Boat Ramp and float boats from Vinegar Creek to Island Bar Boat Ramp, open from September 15 to March 31 only. Each float boat outfitter may use at any one time a maximum of three (3) boats for fishing, or two (2) additional boats for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer; and each power boat outfitter may use at any one time a maximum of two (2) boats for fishing, or one (1) additional boat for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer.	6	12

River/Section	Maximum No. Power	Maximum No. Float
* (SA7C) Salmon River - Riggins City Park Boat Ramp to Hammer Creek. Three (3) designated outfitters may utilize float boats to fish from the Riggins City Boat Dock to Hammer Creek during the period from September 15 to March 31.	none	3
* ##(SA8) Salmon River - Hammer Creek to Heller Bar or Lewiston on the Snake River	15	35
* (SE1) Selway River - Paradise Campground to Selway Falls	none	4
(SE2) Selway River - Selway Falls to the mouth of the Selway River at Lowell. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5

(4-6-23)()

03. Licensable Waters – River Sections (SH1) Henry's Fork Snake River through (TE3) Teton River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(SH1) Snake River, Henry's Fork - Henry's Lake Outlet to Hatchery Ford. (Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing No more than three (3) of these boats may be used at any one time on any of the following river reaches: Henry's Lake Outlet to Island Park Dam, Island Park Dam to Last Chance, Last Chance to Osborn Bridge, and Osborn Bridge to Hatchery Ford), and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	7
(SH2) Snake River, Henry's Fork - Mesa Falls to St. Anthony. Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing, no more than three (3) of these boats may be used at any one time on any one of the following river reaches: Mesa Falls to Stone Bridge, Stone Bridge to Ashton Dam, and Ashton Dam to Chester Dam, and Chester Dam to St. Anthony, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	8

River/Section	Maximum No. Power	Maximum No. Float
<p>(SH3) Snake River, Henry's Fork - No more than three (3) boats for fishing may be used by an outfitter at any one (1) time in each of the following river sections:</p> <p>a) St. Anthony to Red Road Bridge Boat Access (i.e., Parker/Salem or Fort Henry) b) Red Road Bridge Boat Access to Warm Slough Boat Access c) Warm Slough Boat Access to Menan Boat Access</p> <p>No outfitter may have more than six (6) boats on the SH3 in any one (1) day.</p> <p>When permitted by the BLM and with the notification to and concurrence of the Board Executive Officer, each outfitter may be allowed adjustments to the maximum boat limits in order to accommodate non-fishing boating activities (e.g., canoeing, paddle boards, and kayaks) and hazardous excursions that are part of an outfitter's operating plan. These adjustments must be reviewed and approved annually.</p> <p>OGLB licenses are for the entire SH3 segment; a section of SH3 cannot be separated from SH3 for the purposes of selling a portion of an outfitter's business.</p>	none	4

River/Section	Maximum No. Power	Maximum No. Float
<p>(SS1) Snake River - South Fork - No more than four (4) boats per section/per day may be used by an outfitter at any one (1) time in each of the following river sections:</p> <p>a) Palisades Dam Boat Access to the Spring Creek Boat Access (Swan Valley Bridge) or Conant Boat Access. Exception: Not more than eight boats would be permitted between Spring Creek Boat Access and Conant Boat Access to allow for the flexibility to launch/take-out boats.</p> <p>b) Spring Creek or Conant Boat Access to Fullmer Boat Access. Exception: Not more than eight (8) boats would be permitted in Section (b) on the same day, provided that no more than four (4) of said boats are in this Section after 11:00 a.m. due to overnight use at designated outfitter camps.</p> <p>c) Fullmer Boat Access to Byington Boat Access.</p> <p>d) Byington Boat Access to Lorenzo Boat Access.</p> <p>e) Lorenzo Boat Access to Menan Boat Access.</p> <p>Additionally, no outfitter may have more than twelve (12) boats on the SS1 in any one day.</p> <p>A one-time per year exception after July 15 may be granted from Conant Boat Access to Byington Boat Access that would allow two (2) additional boats per section to accommodate large client groups. During this one-time exception, if the two (2) additional boats do not accommodate the large client group, additional boats must come from slots allocated to other outfitters. The maximum daily boat limit for SS1 may not be exceeded. This would require written concurrence from the BLM/USFS and the Board Executive Officer.</p> <p>Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire SS1 segment; a section of SS1 cannot be separated from SS1 for the purposes of selling a portion of an outfitter's business.</p>	None*	8**

River/Section	Maximum No. Power	Maximum No. Float
<p>* Each licensed float boat outfitter may use one (1) supply boat (float or power) that does not carry clients. During periods of preparing overnight camps (i.e., setting up tents and portable toilet facilities, boating in grills and other cooking supplies) for the season, usually May or June of each year; and removing the same items listed above from overnight camps at the end of the season, usually October or November; multiple supply boats may be used.</p> <p>** One (1) license additional for waterfowl hunting covering both BLM and USFS managed lands and waters for the South Fork (Palisades Dam to Wolf Flats Boat Access may be issued. This license opportunity is in addition to the eight (8) float licenses and is limited to providing waterfowl hunting during waterfowl hunting season as defined by Idaho Fish and Game Rules and where no more than two (2) float or power boat boats per day per section a and b only can be used by the outfitter at any one time for that purpose. Fishing may not be provided or conducted unless the outfitter is also licensed and permitted as one (1) of the eight (8) outfitters addressed in this rule who may not provide hunting activities. This business opportunity may be sold separately.</p>		
<p>(SN1) Snake River - For each license/permit issued, no more than four (4) boats per section/per day may be used by an outfitter at any one time in each of the following river sections:</p> <p>a) Menan Boat Access to Mike Walker Boat Access (includes Federally managed lands).</p> <p>b) Mike Walker Boat Access to Gem State Power Plant (includes non-Federal lands).</p> <p>Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire SN1 segment; a section of SN1 cannot be separated from SN1 for the purposes of selling a portion of an outfitter's business.</p>	3 outfitters either float or power or combination thereof	

River/Section	Maximum No. Power	Maximum No. Float
<p>(SN2) Snake River - Gem State Power Plant. Idaho Falls, downstream to headwaters of American Falls Reservoir. For each license/permit issued, no more than four (4) boats per section/per day may be used by any outfitter at any one time in each of the following river sections:</p> <p>a) Gem State Power Plant to Shelley/Firth b) Shelley/Firth to Porterville c) Porterville to Blackfoot (Boating limited, walk-wade if there is access) d) Blackfoot to Tilden Bridge e) Tilden Bridge to the headwaters of American Falls Reservoir</p> <p>No outfitter may have more than twelve (12) boats on the SN2 in any one day.</p> <p>OGLB licenses are for the entire SN2 segment; a section of SN2 cannot be separated from SN2 for the purposes of selling a portion of an outfitter's business.</p>	3 outfitters either float or power or combination thereof	
<p>(SN3) Snake River - American Falls Dam to Massacre Rocks State Park. For each license/permit issued, no more than five (5) boats per section/per day may be used by any outfitter at any one time in each of the following river sections:</p> <p>a) American Falls Dam to Pipeline (includes federally and non- federally managed lands) b) Pipeline to Vista (includes federally and non- federally managed lands) c) Vista to Eagle Rock (includes non-federally managed lands) d) Eagle Rock to Massacre Rocks (includes non-federally managed lands)</p> <p>No outfitter may have more than ten (10) boats on the SN3 in any one day.</p> <p>Float boats may use motors (5HP or less) for downstream steerage only. Downstream steerage does not include holding or upstream travel of watercraft with a motor.</p> <p>Sturgeon Fishing: Pipeline to Massacre Rocks, no more than five (5) boats per section/per day may be used by any outfitter at any one time in each of the river sections between Pipeline to Massacre Rocks.</p> <p>American Falls Dam to Pipeline, one (1) boat within this section/two (2) weekdays per week/two (2) weekend days per month. Idaho Department of Fish and Game, Southeast Region (Pocatello) needs to be notified prior to Sturgeon Fishing.</p> <p>OGLB licenses are for the entire SN3 segment; a section of SN3 cannot be separated from SN3 for the purposes of selling a portion of an outfitter's business.</p>	3 outfitters either float or power or combination thereof	
(SN4) Snake River - Massacre Rocks State Park to Milner Dam	3	3
* (SN5) Snake River - Milner Dam to Star Falls	none	3
* (SN6) Snake River - Star Falls to Twin Falls	none	5

River/Section	Maximum No. Power	Maximum No. Float
(SN7) Snake River - Twin Falls to Lower Salmon Falls Dam	3	3
(SN8) Snake River - Lower Salmon Falls Dam to Bliss Dam	3	5
(SN9) Snake River - Bliss Dam to headwaters of C.J. Strike Reservoir	5	5
(SN10) Snake River - C.J. Strike Dam to Walter's Ferry	5 outfitters for either power or float or combination thereof	
(SN11) Snake River - Walter's Ferry to headwaters of Brownlee Reservoir	5	none
* (SN12) Snake River - Hells Canyon Dam to Pittsburg Landing	18	15
* (SN13) Snake River - Hells Canyon Dam to Pittsburg Landing, two (2) one-day float trips only	none	2
(SN14) Snake River - Pittsburg Landing to Heller Bar or Lewiston	19	15
(SN15) Snake River - Washington/Oregon state line to Lewiston	Limitations pending. (This section is set aside for future rules of fishing only outfitters.)	
(SJ1) St. Joe River - St. Joe River Headwaters to Red Ives. No outfitted boating. One (1) walk and wade only fishing outfitter.	none 2	none
(SJ2) St. Joe River - Red Ives to Avery. In addition to one (1) float boat license, three (3) walk and wade only outfitters. No fishing from float boats, boat clients may fish via walk and wade.	none	1
(SJ3) St. Joe River - Avery to St. Joe City Bridge	none	2
(SJ4) St. Joe River - St. Joe City Bridge to Lake Coeur d'Alene	2	none
(SM1) St. Maries River	5	5
(TE1) Teton River - Upper put-in to Cache Bridge, motors not to exceed 10 hp	5 outfitters for either power or float or combination thereof	
(TE2) Teton River - Cache Bridge to Harrop Bridge, motors not to exceed 10 hp	6 outfitters for either power or float or combination thereof	

River/Section	Maximum No. Power	Maximum No. Float
<p>(TE3) Teton River - No more than two (2) boats per section/per day may be used by an outfitter at any one time in each of the following river sections: a), b), d), e) and f). No more than four (4) boats per section/per day may be used by an outfitter at any one time on river section c) and where two (2) boats from same outfitter must be spaced at three-hour (3) intervals:</p> <p>a) Harrop Bridge Boat Access to Felt Dam Boat Access. b) Felt Dam Boat Access to Spring Hollow Boat Access. c) Spring Hollow Boat Access to Teton Dam Site Boat Access. d) Teton Dam Site Boat Access to Hog Hollow Bridge Boat Access. e) Hog Hollow Bridge Boat Access to Teton Highway. f) Teton Highway to confluence with the Henry's Fork of the Snake River. Note: No boat access exists at the confluence with the Henry's Fork of the Snake River. Outfitters would utilize Hibbard Bridge or Warm Slough Access on SH3. No fishing on SH3.</p> <p>No outfitter may have more than eight (8) boats on the TE3 in any one day.</p> <p>Float boats may use motors not to exceed 10 hp in section a) (Harrop Bridge to Felt Dam Access) only. Float boats may use motors (5HP or less) for downstream steerage only in sections d), e) and f). Motors are not allowed in other sections. Downstream steerage does not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire TE3 segment; a section of TE3 cannot be separated from TE3 for the purposes of selling a portion of an outfitter's business.</p>	none	5

* Classified rivers

Floatboat and powerboat outfitters on these sections are considered within their area of operations when hiking from the river or fishing in tributaries away from the river but does not include overnight activities. Conflicts with land-based outfitters will be handled on a case-by-case basis. (4-6-23)

04. Other -- Table. The following lakes and reservoirs or portions thereof that lie totally or partially within the state of Idaho are open to fishing by outfitters with the following limitations:

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Lake Coeur d'Alene	8	4 2
Dworshak Reservoir	7	2
Henry's Lake	8	2
Island Park Reservoir	7	2
Magic Reservoir	3	2
Palisades Reservoir	10	2
Lake Pend Oreille	11	4 2

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Priest Lake	5	4 2
American Falls Reservoir	3	2
C.J. Strike Reservoir	4	2
Brownlee Reservoir	5	2
Oxbow Reservoir	3	2
Hells Canyon Reservoir	3	2

(~~7-1-24~~)()

05. Other Lakes and Reservoirs. All other Idaho lakes and reservoirs are limited to two (2) ~~fishing~~ outfitters with a maximum of two (2) boats (float or power) per outfitter. (~~4-6-23~~)()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.36.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 24-3601-2402 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 37-2702, 37-2715, 54-1717, 54-1753, 54-1755, 67-2614, 67-9406, and 67-9409, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

24.36.01 – Rules of the Idaho State Board of Pharmacy
Wednesday, August 21, 2024 – 3:00 p.m. (MT) Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714 Virtual Meeting Link Telephone and web conferencing information will be posted on https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/.

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho State Board of Pharmacy is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

Due to the volume of reformatting of the rule chapter, the redline version of the rules provided in the bulletin will show many sections of the current rules being struck and added back in as new text as they are moving to new sections for consistent formatting. A redlined document to show what changes were made can be found at <https://dopl.idaho.gov/wp-content/uploads/2024/08/BOP-Redlines-V4-06-13-24.pdf>.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

N/A. The proposed amendments to the rules do not impose any new or increased fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2401. The Omnibus Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 3, 2024, Idaho Administrative Bulletin, [Vol. 24-4, p.43](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 5th day of July, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3601-2402
(ZBR Chapter Rewrite)

24.36.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of the Uniform Controlled Substances Act, Title 37, Chapter 27, Idaho Code; the Idaho Pharmacy Act, the Idaho Wholesale Drug Distribution Act, and the Idaho Legend Drug Donation Act, Title 54, Chapter 17, Idaho Code; and specifically pursuant to Sections 37-2702, 37-2715, 54-1717, 54-1753, and 54-1755, Idaho Code. (3-28-23)

001. SCOPE.

These rules regulate and control the manufacture, distribution, and dispensing of controlled substances within or into the state, pursuant to the Uniform Controlled Substances Act, Section 37-2715, Idaho Code; and regulate and control the practice of pharmacy, pursuant to the Idaho Pharmacy Act, Title 54, Chapter 17, Idaho Code. (3-28-23)

~~002. 009. (RESERVED)~~

~~0402. DEFINITIONS AND ABBREVIATIONS (A-N).~~

The definitions set forth in Sections 54-1705 and 37-2701, Idaho Code, are applicable to these rules. (3-28-23)()

~~01. ACCME. Accreditation Council for Continuing Medical Education. (3-28-23)~~

- ~~02. ACPE. Accreditation Council for Pharmacy Education. (3-28-23)~~
- 031. ADS – Automated Dispensing and Storage.** A mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, dispensing, or distribution of drugs and that collects, controls, and maintains transaction information. (3-28-23)
- ~~04. Change of Ownership. A change of majority ownership or controlling interest of a drug outlet licensed or registered by the Board. (3-28-23)~~
- ~~05. CME. Continuing medical education. (3-28-23)~~
- ~~06. CPE. Continuing pharmacy education. (3-28-23)~~
- ~~07. CPE Monitor. An NABP service that allows pharmacists to electronically keep track of CPE credits from ACPE-accredited providers. (3-28-23)~~
- ~~082. DEA. United States Drug Enforcement Administration. (3-28-23)~~
- 093. DME - Durable Medical Equipment Outlet.** A registered outlet that may hold for sale at retail durable medical equipment (DME) and the following prescription drugs: pure oxygen for human application, nitrous oxide, sterile sodium chloride, and sterile water for injection. (3-28-23)()
- ~~104. Drug Outlet.~~ Drug outlets include, but are not limited to, sterile product pharmacies, remote dispensing pharmacies, facilities operating narcotic treatment programs, DME outlets, prescriber drug outlets, outsourcing facilities, nuclear pharmacies, cognitive service pharmacies, correctional facilities, offsite ADSs for non-emergency dispensing, reverse distributors, mobile pharmacies, and analytical or research laboratories. (3-28-23)
- ~~105. FDA. United States Food and Drug Administration. (3-28-23)~~
- ~~12. Flavoring Agent. An additive in food or drugs in the minimum quantity necessary. (3-28-23)~~
- ~~13. Floor Stock. Drugs or devices not labeled for a specific patient that are maintained at a nursing station or other department of an institutional facility, excluding the pharmacy, for the purpose of administering to patients of the facility. (3-28-23)~~
- ~~14. FPGEC Certification. Foreign Pharmacy Graduate Examination Committee Certification. (3-28-23)~~
- ~~1506. Hazardous Drug.~~ Any drug listed as such by the National Institute for Occupational Safety and Health or any drug identified by at least one (1) of the following criteria: carcinogenicity; teratogenicity or developmental toxicity; reproductive toxicity in humans; organ toxicity at low doses in humans or animals; genotoxicity; or new drugs that mimic existing hazardous drugs in structure or toxicity. (3-28-23)
- ~~1607. HIPAA. Health Insurance Portability and Accountability Act of 1996. (3-28-23)~~
- ~~17. NABP. National Association of Boards of Pharmacy. (3-28-23)~~
- ~~18. NAPLEX. North American Pharmacists Licensure Examination. (3-28-23)~~
- ~~1908. NDC. National Drug Code. (3-28-23)~~
- 041. DEFINITIONS AND ABBREVIATIONS (O – Z).**
The definitions set forth in Sections 54-1705 and 37-2701, Idaho Code, are applicable to these rules. In addition, the following terms have the meanings set forth below: (3-28-23)
- ~~01. Parenteral Admixture. The preparation and labeling of sterile products intended for administration by injection. (3-28-23)~~

09. Pharmaceutical Care Services. A broad range of services for patients performed independently or in collaboration with other health care professionals. Pharmaceutical care services are not limited to, but may include one (1) or more of the following: ()

a. Diagnosing the patient's health status or condition; ()

b. Reviewing or formulating a drug utilization plan; ()

c. Monitoring and evaluating the patient's response to drug therapy; ()

d. Ordering and interpreting laboratory tests and imaging; ()

e. Performing drug product selection, substitution, medication administration, prescription adaptation, or refill authorization as provided in these rules; and ()

f. Prescribing drugs and devices as provided in these rules. ()

0310. PDMP. Prescription Drug Monitoring Program. (3-28-23)

04. Prescriber. An individual currently licensed, registered, or otherwise authorized to prescribe and administer drugs in the course of professional practice. (3-28-23)

05. Purple Book. The list of licensed biological products with reference product exclusivity and biosimilarity or interchangeability evaluations published by the FDA under the Public Health Service Act. (3-28-23)

0611. Readily Retrievable. Records are considered readily retrievable if they are able to be completely and legibly produced upon request within seventy-two (72) hours. (3-28-23)

0712. Reconstitution. The process of adding a diluent to a powdered medication to prepare a solution or suspension, according to the product's labeling or the manufacturer's instructions. (3-28-23)

08. Restricted Drug Storage Area. The area of a drug outlet where prescription drugs are prepared, compounded, distributed, dispensed, or stored. (3-28-23)

09. Therapeutic Equivalent Drugs. Products assigned an "A" code by the FDA in the Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book) and animal drug products published in the FDA Approved Animal Drug Products (Green Book). (3-28-23)

103. USP-NF. United State Pharmacopeia-National Formulary. (3-28-23)

01203. – 099. (RESERVED)

SUBCHAPTER A – GENERAL PROVISIONS
(Rules 100 through 199)

100. PRACTICE OF PHARMACY: GENERAL APPROACH.

To evaluate whether a specific act is within the scope of pharmacy practice in or into Idaho, or whether an act can be delegated to other individuals under their supervision, a licensee or registrant of the Board must independently determine whether: (3-28-23)

01. Express Prohibition. The act is expressly prohibited by: (3-28-23)

a. The Idaho Pharmacy Act, Title 54, Chapter 17, Idaho Code; (3-28-23)

b. The Uniform Controlled Substances Act, Title 37, Chapter 27, Idaho Code; (3-28-23)

- ~~c. The rules of the Idaho State Board of Pharmacy; or (3-28-23)~~
- ~~d. Any other applicable state or federal laws or regulations. (3-28-23)~~
- ~~02. **Education, Training, and Experience.** The act is consistent with licensee or registrant's education, training, and experience. (3-28-23)~~
- ~~03. **Standard of Care.** Performance of the act is within the accepted standard of care that would be provided in a similar setting by a reasonable and prudent licensee or registrant with similar education, training and experience. (3-28-23)~~
- 101. ~~PRESCRIBER PERFORMANCE OF PHARMACY FUNCTIONS.~~**
~~For the purposes of this chapter, any function that a pharmacist may perform may similarly be performed by an Idaho prescriber or may be delegated by an Idaho prescriber to appropriate support personnel, in accordance with the prescriber's practice act. (3-28-23)~~
- 102. ~~WAIVERS OR VARIANCES.~~**
- ~~01. **Emergency Waiver.** In the event of an emergency declared by the President of the United States, the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, the division administrator may waive any requirement of these rules for the duration of the emergency. (3-28-23)~~
- 103. ~~BOARD INSPECTIONS AND INVESTIGATIONS.~~**
- ~~01. **Records Subject to Board Inspection.** Records created, maintained, or retained by Board licensees or registrants in compliance with statutes or rules enforced by the Board must be made available for inspection upon request by Board inspectors or authorized agents. It is unlawful to refuse to permit or to obstruct a Board inspection. (3-28-23)~~
- ~~02. **Inspections.** Prior to the commencement of business, as applicable, and thereafter at regular intervals, registrants and licensees must permit the Board or its compliance officers to enter and inspect the premises and to audit the records of each drug outlet for compliance with laws enforced by or under the Board's jurisdiction. (3-28-23)~~
- ~~03. **Inspection Deficiencies.** Deficiencies noted must be promptly remedied, and if requested, the Board office notified of corrective measures. One (1) follow-up inspection may be performed by the Board at no cost. For additional follow-up inspections, the drug outlet will be charged actual travel and personnel costs incurred in the inspection to be paid within ninety (90) days of inspection. (3-28-23)~~
- ~~04. **Inspection Reports.** Inspection reports must be reviewed with the Board inspector and signed by an agent of the drug outlet upon completion of the exit interview. (3-28-23)~~
- ~~05. **Investigations.** Licensees or registrants must fully cooperate with Board investigations conducted to confirm compliance with laws enforced by the Board, to gather information pertinent to a complaint received by the Board, or to enforce disciplinary actions. (3-28-23)~~
- 104. ~~UNPROFESSIONAL CONDUCT.~~**
~~The following acts or practices by any licensee or registrant are declared to be specifically, but not by way of limitation, unprofessional conduct and conduct contrary to the public interest. (3-28-23)~~
- ~~01. **Unethical Conduct.** Conduct in the practice of pharmacy or in the operation of a pharmacy that may reduce the public confidence in the ability and integrity of the profession of pharmacy or endangers the public health, safety, and welfare. A violation of this section includes committing fraud, misrepresentation, negligence, concealment, or being involved in dishonest dealings, price fixing, or breaching the public trust with respect to the practice of pharmacy. (3-28-23)~~
- ~~02. **Lack of Fitness.** A lack of fitness for professional practice due to incompetency, personal habits,~~

~~drug or alcohol dependence, physical or mental illness, or for any other cause that endangers public health, safety, or welfare.~~ (3-28-23)

~~**03. On-Duty Intoxication or Impairment.** Intoxication, impairment, or consumption of alcohol or drugs while on duty, including break periods after which the individual is expected to return to work, or prior to reporting to work.~~ (3-28-23)

~~**04. Diversion of Drug Products and Devices.** Supplying or diverting drugs, biologicals, and other medicines, substances, or devices legally sold in pharmacies that allows the circumvention of laws pertaining to the legal sale of these articles.~~ (3-28-23)

~~**05. Unlawful Possession or Use of Drugs.** Possessing or using a controlled substance without a lawful prescription drug order. A failed drug test creates a rebuttable presumption of a violation of this rule.~~ (3-28-23)

~~**06. Prescription Drug Order Noncompliance.** Failing to follow the instructions of the person writing, making, or ordering a prescription as to its refills, contents, or labeling except as provided in these rules.~~ (3-28-23)

~~**07. Failure to Confer.** Failure to confer with the prescriber when necessary or appropriate or filling a prescription if necessary components of the prescription drug order are missing or questionable.~~ (3-28-23)

~~**08. Excessive Provision of Controlled Substances.** Providing an excessive amount of controlled substances. Evidentiary factors of a clearly excessive amount include, but are not limited to, the amount of controlled substances furnished and previous ordering patterns (including size and frequency of orders).~~ (3-28-23)

~~**09. Failure to Counsel or Offer Counseling.** Failing to counsel or offer counseling, unless specifically exempted or refused.~~ (3-28-23)

~~**10. Substandard, Misbranded, Adulterated, or Expired Products.** Manufacturing, compounding, delivering, distributing, dispensing, or permitting to be manufactured, compounded, delivered, distributed or dispensed substandard, misbranded, or adulterated drugs or preparations or those made using secret formulas. Failing to remove expired drugs from stock.~~ (3-28-23)

~~**11. Prescriber Incentives.** Allowing a commission or rebate to be paid, or personally paying a commission or rebate, to a person writing, making, or otherwise ordering a prescription.~~ (3-28-23)

~~**12. Exclusive Arrangements.** Participation in a plan or agreement that compromises the quality or extent of professional services or limits access to provider facilities at the expense of public health or welfare.~~ (3-28-23)

~~**13. Failure to Report.** Failing to report to the Board any violation of statutes or rules pertaining to the practice of pharmacy or any act that endangers the health, safety, or welfare of patients or the public.~~ (3-28-23)

~~**14. Failure to Follow Board Order.** Failure to follow an order of the Board.~~ (3-28-23)

~~**15. Use of False Information.** Knowingly using false information in connection with the prescribing, delivering, administering, or dispensing of a controlled substance or other drug product.~~ (3-28-23)

~~**16. Standard of Care.** Acts or omissions within the practice of pharmacy which fail to meet the standard provided by other qualified licensees or registrants in the same or similar setting.~~ (3-28-23)

~~**17. Unnecessary Services or Products.** Directly promoting or inducing for the provisions of health care services or products that are unnecessary or not medically indicated.~~ (3-28-23)

~~**18. Controlled Substance Non-Compliance.** Violating provisions of the federal Controlled Substances Act or Title 37, Chapter 27, Idaho Code.~~ (3-28-23)

~~105.—199. (RESERVED)~~

SUBCHAPTER B—RULES GOVERNING LICENSURE AND REGISTRATION
(Rules 200 through 299)

200. BOARD OF PHARMACY LICENSURE AND REGISTRATION.

~~The Board will issue or renew a license or certificate of registration upon application and determination that the applicant has satisfied the requirements of applicable statutes, and any additional criteria specified by these rules. Licenses or registrations must be obtained prior to engaging in these practices or their supportive functions.~~

~~(3-28-23)~~

201. LICENSURE AND REGISTRATION: GENERAL REQUIREMENTS.

01. Board Forms. Initial applications, annual renewal applications, and other forms used for licensure, registration, or other purposes must be in such form as designated by the Board.

~~(3-28-23)~~

02. Incomplete Applications. Information requested on any form must be provided and submitted to the Board office with the applicable fee or the submission will be considered incomplete and will not be processed. Applications that remain incomplete after six (6) months from the date of initial submission will expire.

~~(3-28-23)~~

03. On-Time Annual Renewal Application. Licenses and registrations must be renewed annually prior to expiration to remain valid. Timely submission of the renewal application is the responsibility of each licensee or registrant. Licenses and certificates of registration issued to individuals will expire annually on the last day of the individual's birth month, and on December 31 for facilities, unless an alternate expiration term or date is stated in these rules.

~~(3-28-23)~~

04. Late Renewal Application. Failure to submit a renewal application prior to the expiration date will cause the license or registration to lapse and will result in the assessment of a late fee and possible disciplinary action. A lapsed license or registration is invalid until renewal is approved by the Board and if not renewed within thirty (30) days after its expiration will require reinstatement.

~~(3-28-23)~~

05. Exemption. New licenses and registrations issued ten (10) weeks or less prior to the renewal due date are exempt from the renewal requirements that year only.

~~(3-28-23)~~

06. Cancellation and Registration. Failure to maintain the requirements for any registration will result in the cancellation of the registration.

~~(3-28-23)~~

07. Reinstatement of License or Registration. Unless otherwise specified in Board rule, consideration of a request for reinstatement of a license or registration will require a completed application on a Board form, submission of a completed fingerprint card, as applicable, and payment of any applicable fees due or delinquent at the time reinstatement is requested.

~~(3-28-23)~~

08. Parent or Legal Guardian Consent. No person under the age of eighteen (18), unless an emancipated minor, may submit an application for licensure or registration without first providing the Board with written consent from a parent or legal guardian.

~~(3-28-23)~~

202. BOARD FEES.

01. Fee Determination and Collection. Pursuant to the authority and limitations established by Sections 37-2715 and 54-1720(5)(a), Idaho Code, the Board has determined and will collect fees for the issuance, annual renewal, or reinstatement of licenses and certificates of registration to persons and drug outlets engaged in acts or practices regulated by the Board.

~~(3-28-23)~~

02. Time and Method of Payment. Fees are due at the time of application payable to the "Idaho State Board of Pharmacy."

~~(3-28-23)~~

03. Fee for Dishonored Payment. A reasonable administrative fee may be charged for a dishonored

check or other form of payment. If a license or registration application has been approved or renewed by the Board and payment is subsequently dishonored, the approval or renewal is immediately canceled on the basis of the submission of an incomplete application. The board may require subsequent payments to be made by cashier's check, money order, or other form of guaranteed funds. (3-28-23)

04. Fee Exemption for Controlled Substance Registrations. Persons exempt pursuant to federal law from fee requirements applicable to controlled substance registrations issued by the DEA are also exempt from fees applicable to controlled substance registrations issued by the Board. (3-28-23)

203. FEE SCHEDULE:

01. Licenses and Registrations—Professionals:

License/Registration	Initial Fee	Annual Renewal Fee
Pharmacist License	\$140	\$130
Nonresident PIC Registration	\$290	\$290
Pharmacist Intern	\$50	\$50
Technician	\$35	\$35
Practitioner Controlled Substance Registration	\$60	\$60

(3-28-23)

02. Certificates of Registration and Licensure—Facilities:

License/Registration	Initial Fee	Annual Renewal Fee
Drug Outlet (unless otherwise listed)	\$100	\$100
Wholesale License	\$180	\$180
Wholesale Registration	\$150	\$150
Central Drug Outlet (Nonresident)	\$500	\$250
Mail Service Pharmacy	\$500	\$250
Durable Medical Equipment Outlet	\$50	\$50
Outsourcing Facility (Nonresident)	\$500	\$250
Manufacturer	\$150	\$150
Veterinary Drug Outlet	\$35	\$35

(3-28-23)

03. Late Fees and Reinstatements:

Category	Fee
Late payment processing fee	\$50
License or registration reinstatement fee	One half (1/2) of the amount of the annual renewal

(3-28-23)

~~04. Administrative Services.~~

Category	Fee
Experiential hours certification	\$25
Duplicate pharmacist certificate of licensure	\$35

~~(3-28-23)~~

~~204.—209. (RESERVED)~~

~~210. DETERMINATION OF NEED FOR NONRESIDENT LICENSURE OR REGISTRATION.~~

~~01. Independent Practice.~~ Nonresident pharmacists must be licensed if engaged in the independent practice of pharmacy across state lines and not practicing for an Idaho registered drug outlet. ~~(3-28-23)~~

~~02. Practice for an Idaho Registered Drug Outlet.~~ A nonresident pharmacist serving as the PIC for an Idaho registered nonresident drug outlet must be registered to practice into Idaho. All other nonresident pharmacists who are employed by, or affiliated with, and practicing for the Idaho registered nonresident drug outlet, but who are not the PIC, are exempt from license and registration requirements for practice into Idaho. ~~(3-28-23)~~

~~03. Multistate Pharmacists.~~ Multistate pharmacists, as defined in Section 54-1723B, Idaho Code, are exempt from separate licensure or registration in Idaho. ~~(3-28-23)~~

~~04. Exemption from Separate Controlled Substance Registration.~~ All pharmacists who are practicing in or into Idaho are exempt from obtaining a separate controlled substance registration, but are subject to compliance with all requirements under Title 37, Chapter 27, Idaho Code. ~~(3-28-23)~~

~~211. PHARMACIST LICENSURE BY EXAMINATION.~~

To be considered for licensure, a person must satisfy the requirements of Section 54-1722(1)(a) through (e), Idaho Code, submit to the Board an application for licensure by examination, and meet the following: ~~(3-28-23)~~

~~01. Graduates of U.S. Pharmacy Schools.~~ Graduate from an ACPE-accredited school or college of pharmacy within the United States. ~~(3-28-23)~~

~~02. Graduates of Foreign Pharmacy Schools.~~ Graduate from a school or college of pharmacy located outside of the United States, submit certification by the FPGEC, and complete a minimum of seventeen hundred forty (1,740) experiential hours as verified on an employer's affidavit signed by a pharmacist licensed and practicing in the United States. The Board may request verifiable business records to document the hours. ~~(3-28-23)~~

~~03. Licensure Examinations.~~ Qualified applicants must pass the NAPLEX in accordance with NABP standards. A candidate who fails the NAPLEX three (3) times must complete at least thirty (30) hours of continuing education accredited by an ACPE-accredited provider prior to being eligible to sit for each subsequent reexamination. Candidates are limited to five (5) total NAPLEX attempts. ~~(3-28-23)~~

~~04. Score Transfer.~~ Score transfers into Idaho during the examination registration process are accepted for one (1) year. After taking the exam, score transfers into Idaho must be submitted within eighty-nine (89) days. ~~(3-28-23)~~

~~212. PHARMACIST LICENSURE BY RECIPROCITY.~~

An applicant for pharmacist licensure by reciprocity must satisfy the requirements of Section 54-1723, Idaho Code, and submit a preliminary application for licensure transfer through NABP. An applicant whose pharmacist license is currently restricted by a licensing entity in another state must appear before the Board to petition for licensure by reciprocity. An applicant not actively engaged in the practice of pharmacy during the year preceding the date of application may have to complete intern hours for each year away from the practice of pharmacy. ~~(3-28-23)~~

~~213. PHARMACIST LICENSE: CPE REQUIREMENTS.~~

~~Each pharmacist must complete fifteen (15) CPE hours each calendar year between January 1 and December 31.~~
~~(3-28-23)~~

~~**01. ACPE.** At least twelve (12) of the CPE hours obtained must be from programs by an ACPE that have a participant designation of "P" (for pharmacist) as the suffix of the ACPE universal program number. ACPE credits must be reported to and documented in CPE Monitor in order to be accepted.~~
~~(3-28-23)~~

~~**02. CME.** A maximum of three (3) of the hours may be obtained from CME, if the credits are:~~
~~(3-28-23)~~

~~**a.** Obtained from an ACCME accredited provider; and~~
~~(3-28-23)~~

~~**b.** A certificate is furnished that identifies the name of the ACCME accredited provider and a clear reference to its accreditation status, the title of the CME program, the completed hours of instruction, the date of completion, and the name of the individual obtaining the credit. Upon audit, all CME certificates must be submitted to the Board.~~
~~(3-28-23)~~

~~**03. Alternative to CPE.** If audited, a pharmacist may substitute a current certification by a nationally accredited pharmacy practice specific specialty certification program.~~
~~(3-28-23)~~

~~214. PHARMACIST LICENSE: REINSTATEMENT.~~

~~The Board may, at its discretion, consider reinstatement of a pharmacist license upon receipt of a completed application, background check, and payment of the reinstatement and other fees due or delinquent at the time reinstatement is requested.~~
~~(3-28-23)~~

~~**01. Satisfactory Evidence.** Reinstatement applicants must provide satisfactory evidence of completion of a minimum of thirty (30) CPE hours within the twenty-four (24) months prior to reinstatement and compliance with any direct orders of the Board.~~
~~(3-28-23)~~

~~**02. Additional Requirements.** A pharmacist reinstatement applicant may be required to appear before the Board. The Board may also, at its discretion, impose additional requirements on a pharmacist reinstatement applicant who has not practiced as a pharmacist for the preceding twelve (12) months or longer that may include taking and passing an examination, completion of intern hours, completion of additional CPE hours, or other requirements determined necessary to acquire or demonstrate professional competency.~~
~~(3-28-23)~~

~~215. NONRESIDENT PIC REGISTRATION TO PRACTICE PHARMACY INTO IDAHO.~~

~~To be registered as a nonresident PIC, an applicant must submit an application on a Board form including, but not limited to:~~
~~(3-28-23)~~

~~**01. Individual License Information.** Current pharmacist licensure information in all other states, including each state of licensure and each license number;~~
~~(3-28-23)~~

~~**02. Facility License Information.** The license or registration number of the facility for which the applicant will be practicing.~~
~~(3-28-23)~~

~~216. PHARMACIST INTERN REGISTRATION.~~

~~**01. Registration Requirements.** To be approved for and maintain registration as a pharmacist intern, the applicant must:~~
~~(3-28-23)~~

~~**a.** Currently be enrolled and in good standing in an accredited school or college of pharmacy, pursuing a professional degree in pharmacy; or~~
~~(3-28-23)~~

~~**b.** Be a graduate of an accredited school or college of pharmacy within the United States and awaiting examination for pharmacist licensure; or~~
~~(3-28-23)~~

~~c. Be a graduate of a school or college of pharmacy located outside the United States, obtain certification by the FPGEC, and be awaiting finalization of pharmacist licensure. (3-28-23)~~

~~**02. Renewal. (3-28-23)**~~

~~a. Current Students. A pharmacist intern registration must be renewed annually by July 15; however, the renewal fee will be waived, if renewed on time, for the duration of the student's enrollment in the school or college of pharmacy. Following graduation, if a pharmacist license application has been submitted, the pharmacist intern license will be extended at no cost for up to six (6) additional months from the date of application as a pharmacist, after which time the individual will need to submit a new application to continue to be a pharmacist intern. (3-28-23)~~

~~b. Pharmacy Graduates. A graduate pharmacist intern registration may be obtained and renewed once within one (1) year from the date of issuance. The Board may, at its discretion, grant additional time to complete internship experience if unique circumstances present. (3-28-23)~~

~~**217. 219. (RESERVED)**~~

~~**220. TECHNICIAN REGISTRATION.**~~

~~**01. Registration Requirements.** A person may apply for registration as a technician if the person satisfies the following requirements: (3-28-23)~~

~~a. Age. Be at least sixteen (16) years of age. (3-28-23)~~

~~b. Exemption from Criminal Background Check. Technician candidates under the age of eighteen (18) are exempt from the fingerprint-based criminal history check requirement of Idaho Code. (3-28-23)~~

~~**02. Certified Technician Registration.** To be approved for registration as a certified technician, a person must have obtained and maintained certified pharmacy technician (CPhT) status through the Pharmacy Technician Certification Board (PTCB), the National Healthcareer Association (NHA), or their successors. (3-28-23)~~

~~**221. 223. (RESERVED)**~~

~~**224. PRACTITIONER CONTROLLED SUBSTANCE REGISTRATION.**~~

~~Any practitioner in Idaho who intends to prescribe, administer, dispense, or conduct research with a controlled substance must first obtain an Idaho practitioner controlled substance registration and: (3-28-23)~~

~~**01. State License.** Hold a valid license or registration to prescribe medications from a licensing entity established under Title 54, Idaho Code. (3-28-23)~~

~~**02. DEA Registration.** Obtain a valid federal DEA registration, if needed under federal law. (3-28-23)~~

~~a. Failure to obtain a federal DEA registration for any reason within forty five (45) days of the issuance of the Idaho Practitioner Controlled Substance Registration will result in automatic cancellation. (3-28-23)~~

~~**225. 229. (RESERVED)**~~

~~**230. DRUG OUTLET LICENSURE AND REGISTRATION: GENERAL REQUIREMENTS.**~~

~~A license or a certificate of registration is required for drug outlets prior to doing business in or into Idaho. A license or certificate of registration will be issued by the Board to drug outlets pursuant to, and in the general classifications defined by, Section 54-1729, Idaho Code. (3-28-23)~~

~~**01. New Drug Outlet Inspections.** Following the issuance of a new license or registration, each drug outlet will be inspected to confirm that the facility is compliant with applicable law. A change of ownership of a currently registered pharmacy will not require an onsite inspection of a new pharmacy registration unless a change of~~

~~location occurs.~~ (3-28-23)

~~02. License and Registration Transferability.~~ Drug outlet licenses and registrations are location and owner specific and are nontransferable as to person or place. (3-28-23)

~~03. Nonresident Drug Outlet.~~ The Board may license or register a drug outlet licensed or registered under the laws of another state if the other state's standards are comparable to those in Idaho and acceptable to the Board, evidenced by an inspection report. (3-28-23)

~~04. Change of Location.~~ At least ten (10) days prior to the event, the registrant must notify the Board of a drug outlet's change of location through the completion of an application for a new license or registration. When a licensee or registrant has made a timely and complete application for a new license or registration, the existing license does not expire until the application has been finally determined by the Board, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the Board order. This does not preclude the Board from taking immediate action to protect the public interest. (3-28-23)

~~05. Change of Ownership.~~ The registrant must notify the Board of a drug outlet's change of ownership within thirty (30) days of the event on a Board form. (3-28-23)

~~06. Permanent Closing.~~ A registrant must notify the Board and the general public of the pharmacy's permanent closing at least ten (10) days prior to closing. The notice must include the proposed date of closure, and the new location of the prescription files. The notice to the board is to include the location where the closing inventory record of controlled substances is retained. (3-28-23)

~~07. Exemption from Separate Controlled Substance Registration.~~ All drug outlets doing business in or into Idaho who hold a valid license or registration from the Board are exempt from obtaining a separate controlled substance registration, but are subject to compliance with all requirements under Title 37, Chapter 27, Idaho Code. (3-28-23)

~~08. Sterile Preparation Endorsement.~~ A drug outlet engaged in sterile preparation must obtain a single endorsement for one (1) or more hood or aseptic environmental control devices. (3-28-23)

~~231.—239. (RESERVED)~~

240. WHOLESALE LICENSURE AND REGISTRATION.

~~01. Wholesaler Licensure.~~ The following information must be provided under oath by each applicant for wholesaler licensure as part of the initial licensing procedure and for each renewal on a Board form: (3-28-23)

~~a. Any felony conviction or any conviction of the applicant relating to wholesale or retail prescription drug distribution or distribution of controlled substances.~~ (3-28-23)

~~b. Any discipline of the applicant by a regulatory agency in any state for violating any law relating to wholesale or retail prescription drug distribution or distribution of controlled substances.~~ (3-28-23)

~~02. NABP Accreditation.~~ The Board will recognize a wholesaler's accreditation by NABP for purposes of reciprocity and satisfying the new drug outlet inspection requirements of these rules. (3-28-23)

~~03. Wholesaler Registration.~~ Except when licensed pursuant to the Idaho Wholesale Drug Distribution Act and these rules, a wholesaler that engages in wholesale distribution of DME supplies, prescription medical devices, or products that contain pseudoephedrine in or into Idaho must be registered by the Board. (3-28-23)

~~241.—249. (RESERVED)~~

250. MANUFACTURER REGISTRATION. Manufacturers must be registered as follows: (3-28-23)

~~01. **Mail Service Pharmacy.** Those that ship, mail, or deliver dispensed prescription drugs or devices to an Idaho resident will be registered by the Board as a mail service pharmacy. (3-28-23)~~

~~02. **Manufacturer.** Those engaged in wholesale distribution will be registered as a manufacturer and comply with the Idaho Wholesale Drug Distribution Act and rules, as applicable. (3-28-23)~~

~~251. 299. (RESERVED)~~

SUBCHAPTER C DRUG OUTLET PRACTICE STANDARDS
(Rules 300 through 399)

300. DRUG OUTLETS: MINIMUM FACILITY STANDARDS.

A resident drug outlet that dispenses prescription drugs to patients in Idaho must meet the following minimum requirements: (3-28-23)

~~01. **Security and Privacy.** A drug outlet must be constructed and equipped with adequate security to protect its equipment, records and supply of drugs, devices and other restricted sale items from unauthorized access, acquisition or use. All protected health information must be stored and maintained in accordance with HIPAA. (3-28-23)~~

~~02. **Controlled Substance Storage.** Drug outlets must store controlled substances in accordance with federal law. (3-28-23)~~

~~03. **Authorized Access to the Restricted Drug Storage Area.** Access to the restricted drug storage area must be limited to authorized personnel. (3-28-23)~~

~~04. **Staffing.** A drug outlet must be staffed sufficiently to allow for appropriate supervision, to otherwise operate safely and, if applicable, to remain open during the hours posted as open to the public for business. (3-28-23)~~

~~05. **Electronic Recordkeeping System.** A drug outlet that dispenses more than twenty (20) prescriptions per day must use an electronic recordkeeping system to establish and store patient medication records and prescription drug order, refill, transfer information, and other information necessary to provide safe and appropriate patient care. The electronic recordkeeping system must have audit trail functionality that documents for each prescription drug order the identity of each individual involved at each step of its processing, filling, and dispensing or, alternatively, the identity of the pharmacist or prescriber responsible for the accuracy of these processes. (3-28-23)~~

301. DRUG OUTLETS THAT DISPENSE PRESCRIPTION DRUGS: MINIMUM PRESCRIPTION FILLING REQUIREMENTS.

Unless exempted by these rules, each drug outlet that dispenses prescription drugs to patients in Idaho must meet the following minimum requirements either at the drug outlet or through offsite pharmacy services: (3-28-23)

~~01. **Valid Prescription Drug Order.** Prescription drugs may only be dispensed pursuant to a valid prescription drug order as set forth in Subchapter E of these rules. (3-28-23)~~

~~02. **Prospective Drug Review.** Prospective drug review must be provided. (3-28-23)~~

~~03. **Labeling.** Each drug must bear a complete and accurate label as set forth in these rules. (3-28-23)~~

~~04. **Verification of Dispensing Accuracy.** Verification of dispensing accuracy must be performed to compare the drug stock selected to the drug prescribed. If not performed by a pharmacist or prescriber, an electronic verification system must be used that confirms the drug stock selected to fill the prescription is the same as indicated on the prescription label. (7-1-24)~~

~~05. **Patient Counseling.** Counseling must be provided. (3-28-23)~~

~~302. DRUG OUTLETS THAT DISPENSE DRUGS TO PATIENTS WITHOUT AN ONSITE PHARMACIST OR PRESCRIBER.~~

~~A drug outlet that dispenses drugs to patients in Idaho that does not have a pharmacist or prescriber onsite to perform or supervise pharmacy operations must comply with the following requirements:~~ (3-28-23)

~~01. Security and Access.~~ Maintain adequate video surveillance of the facility and retain a high quality recording for a minimum of thirty (30) days. (3-28-23)

~~02. Technology.~~ The video or audio communication system used to counsel and interact with each patient or patient's caregiver, must be clear, secure, and HIPAA compliant. (3-28-23)

~~03. Technical Limitation Closure.~~ The drug outlet must be, or remain, closed to the public if any component of the surveillance or video and audio communication system is malfunctioning, until system corrections or repairs are completed. (3-28-23)

~~04. Exemption for Self-Service Systems.~~ A self-service ADS that is operating as a drug outlet is exempt from the video surveillance requirement and the self-inspection requirement of this rule. In addition, if counseling is provided by an onsite prescriber or pharmacist, a self-service ADS is exempt from the video and audio communication system requirements of this rule. (3-28-23)

~~05. Exemption for Veterinarians.~~ Veterinarians practicing in accordance with their Idaho practice act are exempt from this rule. (3-28-23)

~~303. DRUGS STORED OUTSIDE OF A DRUG OUTLET FOR RETRIEVAL BY A LICENSED HEALTH PROFESSIONAL.~~

~~Drugs may be stored in an alternative designated area outside the drug outlet, including, but not limited to, floor stock, in an emergency cabinet, in an emergency kit, or as emergency outpatient drug delivery from an emergency room at a registered institutional facility, provided the following conditions are met:~~ (3-28-23)

~~01. Supervising Drug Outlet.~~ Drugs stored in such a manner must remain under the control of, and be routinely monitored by, the supervising drug outlet. (3-28-23)

~~02. Secure Storage.~~ The area is appropriately equipped to ensure security and protection from diversion or tampering. (3-28-23)

~~03. Controlled Substances.~~ Controlled substances may only be stored in an alternative designated area as permitted by, and in accordance with, federal law. (3-28-23)

~~04. Stocking and Replenishing.~~ Stocking or replenishing drugs in an alternative designated area may be performed by a pharmacist or prescriber, or by appropriate support personnel using either an electronic verification system or a two (2) person checking system. (3-28-23)

~~304. 349. (RESERVED)~~

~~SUBCHAPTER D—RULES GOVERNING PHARMACIST PRESCRIPTIVE AUTHORITY~~
~~(Rules 350 through 399)~~

~~350. PHARMACIST PRESCRIBING: GENERAL REQUIREMENTS.~~

~~In accordance with Section 54-1705, Idaho Code, a pharmacist may independently prescribe provided the following general requirements are met by the pharmacist:~~ (3-28-23)

~~01. Education.~~ Only prescribe drugs or devices for conditions for which the pharmacist is educationally prepared and for which competence has been achieved and maintained. (3-28-23)

~~02. Patient-Prescriber Relationship.~~ Only issue a prescription for a legitimate medical purpose arising from a patient-prescriber relationship as defined in Section 54-1733, Idaho Code. (3-28-23)

~~03. Patient Assessment.~~ Obtain adequate information about the patient's health status to make appropriate decisions based on the applicable standard of care and the best available evidence. (3-28-23)

~~04. Collaboration with Other Health Care Professionals.~~ Recognize the limits of the pharmacist's own knowledge and experience and consult with and refer to other health care professionals as appropriate. (3-28-23)

~~05. Documentation.~~ Maintain documentation adequate to justify the care provided including, but not limited to, the information collected as part of the patient assessment, the prescription record, provider notification, and the follow-up care plan. (3-28-23)

~~06. Prescribing Exemption.~~ The general requirements set forth in this section do not apply to collaborative pharmacy practice agreements, devices, and nonprescription drugs. (3-28-23)

351. COLLABORATIVE PHARMACY PRACTICE.

Collaborative pharmacy practice may be performed in accordance with an agreement that identifies the parties to the agreement, the pharmacist's scope of practice authorized, and if necessary, any monitoring parameters. (3-28-23)

~~352.—399. (RESERVED)~~

SUBCHAPTER E FILLING AND DISPENSING PRESCRIPTION DRUGS
(Rules 400 through 499)

400. PRESCRIPTION DRUG ORDER: VALIDITY.

Prior to filling or dispensing a prescription drug order, a pharmacist must verify its validity. (3-28-23)

~~01. Invalid Prescription Drug Orders.~~ A prescription drug order is invalid if not issued by a licensed prescriber for a legitimate medical purpose, and within the course and scope of the prescriber's professional practice and prescriptive authority. (3-28-23)

~~02. Antedating or Postdating.~~ A prescription drug order is invalid if antedated or postdated. (3-28-23)

~~03. Tampering.~~ A prescription drug order is invalid if, at the time of presentation, it shows evidence of alteration, erasure, or addition by any person other than the person who wrote it. (3-28-23)

~~04. Prescriber Self Use.~~ A prescription drug order written for a controlled substance is invalid if written for the prescriber's own use. (3-28-23)

~~05. Digital Image Prescriptions.~~ A digital image of a prescription drug order is invalid if it is for a controlled substance or if the patient intends to pay cash for the drug in whole. (3-28-23)

401. PRESCRIPTION DRUG ORDER: MINIMUM REQUIREMENTS.

A prescription drug order must comply with applicable requirements of federal law and, except as differentiation is permitted for an institutional drug order, include at least the following: (3-28-23)

~~01. Patient's Name.~~ The patient's or authorized entity's name and: (3-28-23)

~~a. If for a controlled substance, the patient's full name and address; and~~ (3-28-23)

~~b. If for an animal, the species.~~ (3-28-23)

~~02. Date.~~ The date issued. (3-28-23)

~~03. Drug Information.~~ The drug name, strength, and quantity. (3-28-23)

~~04. Directions.~~ The directions for use. (3-28-23)

~~05. **Prescriber Information.** The name and, if for a controlled substance, the address and DEA registration number of the prescriber. (3-28-23)~~

~~06. **Signature.** A signature sufficient to evidence a valid prescription of either the prescriber or, if a renewal of a previous prescription, the prescriber's agent, when authorized by the prescriber. (3-28-23)~~

~~07. **Institutional Drug Order Exemptions.** An institutional drug order may exempt the patient's address, the dosage form, quantity, prescriber's address, and prescriber's DEA registration number. (3-28-23)~~

~~08. **Exemptions for Non-Controlled Substances.** A prescriber may omit drug information and directions and make an indication for the pharmacist to finalize the patient's drug therapy plan. (3-28-23)~~

~~**402. FILLING PRESCRIPTION DRUG ORDERS: PRACTICE LIMITATIONS.**~~

~~01. **Drug Product Selection.** Drug product selection is allowed only between therapeutic equivalent drugs. If a prescriber orders by any means that a brand name drug must be dispensed, then no drug product selection is permitted. (3-28-23)~~

~~02. **Partial Filling.** A prescription drug order may be partially filled within the limits of federal law. The total quantity dispensed in partial fillings must not exceed the total quantity prescribed. (3-28-23)~~

~~03. **Refill Authorization.** A prescription drug order may be refilled when permitted by state and federal law and as specifically authorized by the prescriber. A pharmacist may also refill a prescription for a non-controlled drug to ensure continuity of care. (3-28-23)~~

~~**403. FILLING PRESCRIPTION DRUG ORDERS: ADAPTATION.**~~

~~A pharmacist may adapt drugs as specified in this rule. (3-28-23)~~

~~01. **Change Quantity.** A pharmacist may change the quantity of medication prescribed if: (3-28-23)~~

~~a. The prescribed quantity or package size is not commercially available; (3-28-23)~~

~~b. The change in quantity is related to a change in dosage form, strength, or therapeutic interchange; (3-28-23)~~

~~c. The change is intended to dispense up to the total amount authorized by the prescriber including refills; or (3-28-23)~~

~~d. The change extends a maintenance drug for the limited quantity necessary to coordinate a patient's refills in a medication synchronization program. (3-28-23)~~

~~02. **Change Dosage Form.** A pharmacist may change the dosage form of the prescription if it is in the best interest of patient care, so long as the prescriber's directions are also modified to equate to an equivalent amount of drug dispensed as prescribed. (3-28-23)~~

~~03. **Complete Missing Information.** A pharmacist may complete missing information on a prescription if there is evidence to support the change. (3-28-23)~~

~~04. **Documentation.** The adaption must be documented in the patient's record. (3-28-23)~~

~~**404. FILLING PRESCRIPTION DRUG ORDERS: DRUG PRODUCT SUBSTITUTION.**~~

~~Drug product substitutions in which a pharmacist dispenses a drug product other than that prescribed are allowed only as follows: (3-28-23)~~

~~01. **Hospital.** Pursuant to a formulary or drug list prepared by the pharmacy and therapeutics committee of a hospital; (3-28-23)~~

~~02. Institutional Facility. At the direction of the quality assessment and assurance committee of an institutional facility; (3-28-23)~~

~~03. Biosimilars. A pharmacist may substitute an interchangeable biosimilar product for a prescribed biological product if: (3-28-23)~~

~~a. The biosimilar has been determined by the FDA to be interchangeable and published in the Purple Book; (3-28-23)~~

~~b. The name of the drug and the manufacturer or the NDC number is documented in the patient medical record. (3-28-23)~~

~~04. Therapeutic Interchange. A pharmacist may substitute a drug with another drug in the same therapeutic class, provided the substitution lowers the cost to the patient or occurs during a drug shortage. (3-28-23)~~

405. FILLING PRESCRIPTION DRUG ORDERS: TRANSFERS.

~~A prescription drug order may be transferred within the limits of federal law. Drug outlets using a common electronic file are exempt from transfer limits. (3-28-23)~~

406. LABELING STANDARDS.

~~All prescription drugs must be in an appropriate container and bear information that identifies the drug product, any additional components as appropriate, and the individual responsible for its final preparation. (3-28-23)~~

~~01. Standard Prescription Drug. A prescription drug for outpatient dispensing must be labeled in accordance with federal law. (3-28-23)~~

~~02. Parenteral Admixture. If one (1) or more drugs are added to a parenteral admixture, the admixture's container must include the date and time of the addition, or alternatively, the beyond use date. (3-28-23)~~

~~03. Prepackaged Product. The containers of prepackaged drugs must include an expiration date that is the lesser of the manufacturer's original expiration date, one (1) year from the date the drug is prepackaged, or a shorter period if warranted. (3-28-23)~~

~~04. Repackaged Drug. If a previously dispensed drug is repackaged, it must contain the serial number and contact information for the original dispensing pharmacy, as well as a statement that indicates that the drug has been repackaged, and the contact information of the repackaging pharmacy. (3-28-23)~~

~~05. Distributed Compounded Drug Product. Compounded and sterile prepackaged drug product distributed in the absence of a patient specific prescription must be labeled as follows: (3-28-23)~~

~~a. If from a pharmacy, the statement: "not for further dispensing or distribution." (3-28-23)~~

~~b. If from an outsourcing facility, the statements: "office use only" and "not for resale." (3-28-23)~~

407. PRESCRIPTION DELIVERY: RESTRICTIONS.

~~01. Acceptable Delivery. A drug outlet that dispenses drugs to patients in Idaho may deliver filled prescriptions in accordance with federal law, as long as appropriate measures are taken to ensure product integrity and safety. (3-28-23)~~

~~02. Pick-up or Return by Authorized Personnel. Filled prescriptions may be picked-up for or returned from delivery by authorized personnel from a secured delivery area. (3-28-23)~~

408. DESTRUCTION OR RETURN OF DRUGS OR DEVICES: RESTRICTIONS.

~~A drug outlet registered with the DEA as a collector may collect controlled and non-controlled drugs for destruction in accordance with applicable federal law. Otherwise a dispensed drug or prescription device may only be accepted~~

for return as follows:

(3-28-23)

- 01. Potential Harm.** When the pharmacist determines that harm could result if the drug is not returned. (3-28-23)

02. Did Not Reach Patient. Non-controlled drugs that have been maintained in the custody and control of the institutional facility, dispensing pharmacy, or their related clinical facilities may be returned if product integrity can be assured. Controlled substances may only be returned from a hospital daily delivery system under which a pharmacy dispenses no more than a seventy-two (72) hour supply for a drug order. (3-28-23)

03. Donation. Those that qualify for return under the provisions of the Idaho Legend Drug Donation Act as specified in Section 54-1762, Idaho Code. (3-28-23)

~~409.~~ **499. (RESERVED)**

SUBCHAPTER F—REPORTING REQUIREMENTS AND DRUG OUTLET RECORDKEEPING
(Rules 500 through 599)

500. RECORDKEEPING: MAINTENANCE AND INVENTORY REQUIREMENTS.

01. Records Maintenance and Retention Requirement. Unless an alternative standard is stated for a specified record type, form, or format, records required to evidence compliance with statutes or rules enforced by the Board must be maintained and retained in a readily retrievable form and location for at least three (3) years from the date of the transaction. (3-28-23)

02. Prescription Retention. A prescription drug order must be retained in a readily retrievable manner by each drug outlet and maintained in accordance with federal law. (3-28-23)

03. Inventory Records. Each drug outlet must maintain a current, complete and accurate record of each controlled substance manufactured, imported, received, ordered, sold, delivered, exported, dispensed or otherwise disposed of by the registrant. Drug outlets must maintain inventories and records in accordance with federal law. An annual inventory must be conducted at each registered location no later than seven (7) days after the date of the most recent inventory in a form and manner that satisfies the inventory requirements of federal law. Drugs stored outside a drug outlet in accordance with these rules must be regularly inventoried and inspected to ensure that they are properly stored, secured, and accounted for. Additional inventories are necessary when required by federal law. (3-28-23)

04. Rebuttal Presumption of Violation. Evidence of an amount of a controlled substance that differs from the amount reflected on a record or inventory required by state or federal law creates a rebuttable presumption that the registrant has failed to keep records or maintain inventories in conformance with the recordkeeping and inventory requirements of state and federal law. (3-28-23)

05. Drug Distributor Records. Wholesalers and other entities engaged in wholesale drug distribution must maintain inventories and records or transactions pertaining to the receipt and distribution or other disposition of drugs in accordance with federal law that include at least: (3-28-23)

a. The source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped; (3-28-23)

b. The identity and quantity of the drugs received and distributed or disposed of; (3-28-23)

c. The dates of receipt and distribution or other disposition of the drugs; and (3-28-23)

d. Controlled substance distribution invoices, in the form and including the requirements of federal law. (3-28-23)

06. Central Records Storage. Records may be retained at a central location in compliance with federal

law. (3-28-23)

~~07. **Electronic Records Storage.** Records may be electronically stored and maintained if they remain legible and are in a readily retrievable format, and if federal law does not require them to be kept in a hard copy format.~~ (3-28-23)

501. ~~REPORTING REQUIREMENTS.~~

~~01. **Theft or Loss of Controlled Substances.** A registrant must report to the Board on the same day reported to the DEA a theft or loss of a controlled substance that includes the information required by federal law.~~ (3-28-23)

~~02. **Individual and Outlet Information Changes.** Changes in employment or changes to information provided on or with the initial or renewal application must be reported to the Board within ten (10) days of the change.~~ (3-28-23)

~~03. **Drug Distributor Monthly Reports.** An authorized distributor must report specified data on drugs distributed at least monthly to the Board in a form and manner prescribed by the Board.~~ (3-28-23)

~~502.—599. (RESERVED)~~

~~SUBCHAPTER C—PRESCRIPTION DRUG MONITORING PROGRAM REQUIREMENTS~~
~~(Rules 600 through 699)~~

~~600. **CONTROLLED SUBSTANCES: PDMP.~~**

~~Specified data on controlled substances must be reported by the end of the next business day by all drug outlets that dispense controlled substances in or into Idaho and prescribers that dispense controlled substances to humans.~~ (3-28-23)

~~01. **Online Access to PDMP.** To obtain online access, a prescriber or pharmacist, or their delegate must complete and submit a registration application and agree to adhere to the access restrictions and limitations established by law.~~ (3-28-23)

~~02. **Use Outside Scope of Practice.** Information obtained from the PDMP must not be used for purposes outside the prescriber's or pharmacist's scope of professional practice. A delegate may not access the PDMP outside of their supervisor's scope of professional practice.~~ (3-28-23)

~~03. **Profile Requests.** Authorized persons without online access may obtain a profile by completing a Board form and submitting it to the Board office with proof of identification and other credentials necessary to confirm the requestor's authorized status pursuant to Section 37-2726, Idaho Code.~~ (3-28-23)

~~601.—699. (RESERVED)~~

~~SUBCHAPTER H—RULES GOVERNING DRUG COMPOUNDING~~
~~(Rules 700 through 799)~~

~~700. **COMPOUNDING DRUG PREPARATIONS.~~**

~~Any compounding that is not permitted herein is considered manufacturing.~~ (3-28-23)

~~01. **Application.** This rule applies to any person, including any business entity, authorized to engage in the practice of non-sterile compounding, sterile compounding, and sterile prepackaging of drug products in or into Idaho, except these rules do not apply to:~~ (3-28-23)

~~a. Compound positron emission tomography drugs;~~ (3-28-23)

~~b. Radiopharmaceutics;~~ (3-28-23)

- ~~e. The reconstitution of a non-sterile drug or a sterile drug for immediate administration; (3-28-23)~~
- ~~d. The addition of a flavoring agent to a drug product; and (3-28-23)~~
- ~~e. Product preparation of a non-sterile, non-hazardous drug according to the manufacturer's FDA approved labeling. (3-28-23)~~
- ~~**02. General Compounding Standards. (3-28-23)**~~
 - ~~a. Active Pharmaceutical Ingredients. All active pharmaceutical ingredients must be obtained from an FDA registered manufacturer. FDA registration as a foreign manufacturer satisfies this requirement. (3-28-23)~~
 - ~~b. Certificate of Analysis (COA). Unless the active pharmaceutical ingredient complies with the standards of an applicable USP-NF monograph, a COA must be obtained for all active pharmaceutical ingredients procured for compounding and retained for a period of not less than three (3) years from the date the container is emptied, expired, returned, or disposed of. The following minimum information is necessary on the COA: product name, lot number, expiration date, and assay. (3-28-23)~~
 - ~~c. Equipment. Equipment and utensils must be of suitable design and composition and cleaned, sanitized, or sterilized as appropriate prior to use. (3-28-23)~~
 - ~~d. Disposal of Compromised Drugs. When the correct identity, purity, strength, and sterility of ingredients and components cannot be confirmed (in cases of, for example, unlabeled syringes, opened ampoules, punctured stoppers of vials and bags, and containers of ingredients with incomplete labeling) or when the ingredients and components do not possess the expected appearance, aroma, and texture, they must be removed from stock and isolated for return, reclamation, or destruction. (3-28-23)~~
- ~~**03. Prohibited Compounding. Compounding any drug product for human use that the FDA has identified as presenting demonstrable difficulties in compounding or has withdrawn or removed from the market for safety or efficacy reasons is prohibited. (3-28-23)**~~
- ~~**04. Limited Compounding. (3-28-23)**~~
 - ~~a. Triad Relationship. A pharmacist may compound a drug product in the usual course of professional practice for an individual patient pursuant to an established prescriber/patient/pharmacist relationship and a valid prescription drug order. (3-28-23)~~
 - ~~b. Commercially Available Products. A drug product that is commercially available may only be compounded if not compounded regularly or in inordinate amounts and if:~~
 - ~~i. It is medically warranted to provide an alternate ingredient, dosage form, or strength of significance; or (3-28-23)~~
 - ~~ii. The commercial product is not reasonably available in the market in time to meet the patient's needs. (3-28-23)~~
 - ~~c. Anticipatory Compounding. Limited quantities of a drug product may be compounded or sterile prepackaged prior to receiving a valid prescription drug order based on a history of receiving valid prescription drug orders for the compounded or sterile prepackaged drug product. (3-28-23)~~
- ~~**05. Drug Compounding Controls. (3-28-23)**~~
 - ~~a. Policies and Procedures. In consideration of the applicable provisions of USP Chapter 795 concerning pharmacy compounding of non-sterile preparations, USP Chapter 797 concerning sterile preparations, Chapter 1075 of the USP-NF concerning good compounding practices, and Chapter 1160 of the USP-NF concerning pharmaceutical calculations, policies and procedures for the compounding or sterile prepackaging of drug products~~

~~must ensure the safety, identity, strength, quality, and purity of the finished product, and must include any of the following that are applicable to the scope of compounding practice being performed:~~ (3-28-23)

- ~~i. Appropriate packaging, handling, transport, and storage requirements;~~ (3-28-23)
- ~~ii. Accuracy and precision of calculations, measurements, and weighing;~~ (3-28-23)
- ~~iii. Determining ingredient identity, quality, and purity;~~ (3-28-23)
- ~~iv. Labeling accuracy and completeness;~~ (3-28-23)
- ~~v. Beyond use dating;~~ (3-28-23)
- ~~vi. Auditing for deficiencies, including routine environmental sampling, quality and accuracy testing, and maintaining inspection and testing records;~~ (3-28-23)
- ~~vii. Maintaining environmental quality control; and~~ (3-28-23)
- ~~viii. Safe limits and ranges for strength of ingredients, pH, bacterial endotoxins, and particulate matter.~~ (3-28-23)

~~b. Accuracy. Components including, but not limited to, bulk drug substances, used in the compounding or sterile prepackaging of drug products must be accurately weighed, measured, or subdivided, as appropriate. The amount of each active ingredient contained within a compounded drug product must not vary from the labeled potency by more than the drug product's acceptable potency range listed in the USP-NF monograph for that product. If USP-NF does not publish a range for a particular drug product, the active ingredients must not contain less than ninety percent (90%) and not more than one hundred ten percent (110%) of the potency stated on the label.~~ (3-28-23)

~~c. Non-Patient Specific Records. Except for drug products that are being compounded or sterile prepackaged for direct administration, a production record of drug products compounded or sterile prepackaged in anticipation of receiving prescription drug orders or distributed in the absence of a patient specific prescription drug order ("office use") solely as permitted in these rules, must be prepared and kept for each drug product prepared, including:~~ (3-28-23)

- ~~i. Production date;~~ (3-28-23)
- ~~ii. Beyond use date;~~ (3-28-23)
- ~~iii. List and quantity of each ingredient;~~ (3-28-23)
- ~~iv. Internal control or serial number; and~~ (3-28-23)
- ~~v. Initials or unique identifier of all persons involved in the process or the compounder responsible for the accuracy of these processes.~~ (3-28-23)

701. STERILE PREPARATION.

~~01. Application. In addition to all other applicable rules in this chapter, including the rules governing Compounding Drug Preparations, these rules apply to all persons, including any business entity, engaged in the practice of sterile compounding and sterile prepackaging in or into Idaho.~~ (3-28-23)

~~02. Dosage Forms Requiring Sterility. The sterility of compounded biologics, diagnostics, drugs, nutrients, and radiopharmaceuticals must be maintained or the compounded drug preparation must be sterilized when prepared in the following dosage forms:~~ (3-28-23)

- ~~a. Aqueous bronchial and nasal inhalations, except sprays and irrigations intended to treat nasal~~

~~mucosa only;~~ (3-28-23)

~~b. Baths and soaks for live organs and tissues;~~ (3-28-23)

~~c. Injections (for example, colloidal dispersions, emulsions, solutions, suspensions);~~ (3-28-23)

~~d. Irrigations for wounds and body cavities;~~ (3-28-23)

~~e. Ophthalmic drops and ointments; and~~ (3-28-23)

~~f. Tissue implants.~~ (3-28-23)

03. ~~Compounder Responsibilities.~~ ~~Compounders and sterile prepackagers are responsible for ensuring that sterile products are accurately identified, measured, diluted, and mixed and are correctly purified, sterilized, packaged, sealed, labeled, stored, dispensed, and distributed, as well as prepared in a manner that maintains sterility and minimizes the introduction of particulate matter;~~ (3-28-23)

~~a. Unless following manufacturer's guidelines or another reliable literature source, opened or partially used packages of ingredients for subsequent use must be properly stored as follows;~~ (3-28-23)

~~i. Opened or entered single-dose containers, such as bags, bottles, syringes, and vials of sterile products and compounded sterile preparations are to be used within one (1) hour if opened in non-sterile conditions, and any remaining contents must be discarded;~~ (3-28-23)

~~ii. Single-dose vials needle-punctured in a sterile environment may be used up to six (6) hours after initial needle puncture;~~ (3-28-23)

~~iii. Opened single-dose ampules may not be stored for any time period; and~~ (3-28-23)

~~iv. Multiple-dose containers that are formulated for removal of portions on multiple occasions because they contain antimicrobial preservatives, may be used for up to twenty-eight (28) days after initial opening or entering, unless otherwise specified by the manufacturer;~~ (3-28-23)

~~b. Water-containing compounded sterile products that are non-sterile during any phase of the compounding procedure must be sterilized within six (6) hours after completing the preparation in order to minimize the generation of bacterial endotoxins;~~ (3-28-23)

~~c. No food, drinks, or materials exposed in patient care and treatment areas may enter ante areas, buffer areas, or segregated areas where components and ingredients of sterile preparations are prepared.~~ (3-28-23)

04. ~~Environmental Controls.~~ ~~Except when prepared for immediate administration, the environment for the preparation of sterile preparations in a drug outlet must be in an isolated area, designed to avoid unnecessary traffic and airflow disturbances, and equipped to accommodate aseptic techniques and conditions.~~ (3-28-23)

~~a. Hoods and aseptic environmental control devices must be certified for operational efficiency as often as recommended by the manufacturer or at least every six (6) months or if relocated.~~ (3-28-23)

~~b. Filters must be inspected and replaced in accordance with the manufacturer's recommendations.~~ (3-28-23)

05. ~~Sterile Preparation Equipment.~~ ~~A drug outlet in which sterile preparations are prepared must be equipped with at least the following:~~ (3-28-23)

~~a. Protective apparel including gowns, masks, and sterile (or the ability to sterilize) non-vinyl gloves, unless written documentation can be provided from the aseptic isolator manufacturer that any component of garbing is not necessary;~~ (3-28-23)

- ~~b. A sink; (3-28-23)~~
- ~~c. A refrigerator for proper storage of additives and finished sterile preparations prior to delivery when necessary; and (3-28-23)~~
- ~~d. An appropriate laminar airflow hood or other aseptic environmental control device such as a laminar flow biological safety cabinet, or a comparable compounding area when authorized by USP Chapter 797. (3-28-23)~~
- ~~06. Documentation Requirements. The following documentation must also be maintained by a drug outlet in which sterile preparations are prepared: (3-28-23)~~
 - ~~a. Justification of beyond use dates assigned, pursuant to direct testing or extrapolation from reliable literature sources; (3-28-23)~~
 - ~~b. Training records, evidencing that personnel are trained on a routine basis and are adequately skilled, educated, and instructed; (3-28-23)~~
 - ~~c. Audits appropriate for the risk of contamination for the particular sterile preparation including: (3-28-23)~~
 - ~~i. Visual inspection to ensure the absence of particulate matter in solutions, the absence of leakage from bags and vials, and the accuracy of labeling with each dispensing; (3-28-23)~~
 - ~~ii. Periodic hand hygiene and garbing competency; (3-28-23)~~
 - ~~iii. Media fill test procedures (or equivalent), aseptic technique, and practice related competency evaluation at least annually by each compounder or sterile prepackager; (3-28-23)~~
 - ~~iv. Environmental sampling testing at least upon registration of a new drug outlet, following the servicing or re-certification of facilities and equipment, or in response to identified problems with end products, staff techniques or patient related infections, or every six (6) months. (3-28-23)~~
 - ~~v. Gloved fingertip sampling testing at least annually for personnel who compound low- and medium-risk level compounded sterile preparations and every six (6) months for personnel who compound high risk level compounded sterile preparations. (3-28-23)~~
 - ~~vi. Sterility testing of high risk batches of more than twenty five (25) identical packages (ampules, bags, vials, etc.) before dispensing or distributing; (3-28-23)~~
 - ~~d. Temperature, logged daily; (3-28-23)~~
 - ~~e. Beyond use date and accuracy testing, when appropriate; and (3-28-23)~~
 - ~~f. Measuring, mixing, sterilizing, and purification equipment inspection, monitoring, cleaning, and maintenance to ensure accuracy and effectiveness for their intended use. (3-28-23)~~
- ~~07. Policy and Procedures Manual. Maintain a policy and procedures manual to ensure compliance with this rule. (3-28-23)~~

702. HAZARDOUS DRUGS PREPARATION.

In addition to all other applicable rules in this chapter, including the rules governing Compounding Drug Preparations and Sterile Preparation, these rules apply to all persons, including any business entity, engaged in the practice of compounding or sterile prepackaging with hazardous drugs. Such persons must: (3-28-23)

- 01. Ventilation.** Ensure the storage and compounding areas have sufficient general exhaust ventilation to dilute and remove any airborne contaminants. (3-28-23)

~~02. **Ventilated Cabinet.** Utilize a ventilated cabinet designed to reduce worker exposures while preparing hazardous drugs. (3-28-23)~~

~~a. Sterile hazardous drugs must be prepared in a dedicated Class II biological safety cabinet or a barrier isolator of appropriate design to meet the personnel exposure limits described in product material safety data sheets; (3-28-23)~~

~~b. When asepsis is not required, a Class I BSC, powder containment hood or an isolator intended for containment applications may be sufficient. (3-28-23)~~

~~c. A ventilated cabinet that re-circulates air inside the cabinet or exhausts air back into the room environment is prohibited, unless: (3-28-23)~~

~~i. The hazardous drugs in use will not volatilize while they are being handled; or (3-28-23)~~

~~ii. Written documentation from the manufacturer attesting to the safety of such ventilation. (3-28-23)~~

~~03. **Clear Identification.** Clearly identify storage areas, compounding areas, containers, and prepared doses of hazardous drugs. (3-28-23)~~

~~04. **Labeling.** Label hazardous drugs with proper precautions, and dispense them in a manner to minimize risk of hazardous spills. (3-28-23)~~

~~05. **Protective Equipment and Supplies.** Provide and maintain appropriate personal protective equipment and supplies necessary for handling hazardous drugs, spills and disposal. (3-28-23)~~

~~06. **Contamination Prevention.** Unpack, store, prepackage, and compound hazardous drugs separately from other inventory in a restricted area in a manner to prevent contamination and personnel exposure until hazardous drugs exist in their final unit-of-use packaging. (3-28-23)~~

~~07. **Compliance With Laws.** Comply with applicable local, state, and federal laws including for the disposal of hazardous waste. (3-28-23)~~

~~08. **Training.** Ensure that personnel working with hazardous drugs are trained in hygiene, garbing, receipt, storage, handling, transporting, compounding, spill control, clean up, disposal, dispensing, medical surveillance, and environmental quality and control. (3-28-23)~~

~~09. **Policy and Procedures Manual.** Maintain a policy and procedures manual to ensure compliance with this rule. (3-28-23)~~

~~703. **OUTSOURCING FACILITY.**~~

~~01. **Federal Act Compliance.** An outsourcing facility must ensure compliance with 21 U.S.C. Section 353b of the Federal Food, Drug and Cosmetic Act. (3-28-23)~~

~~02. **Adverse Event Reports.** Outsourcing facilities must submit to the Board a copy of all adverse event reports submitted to the secretary of Health and Human Services in accordance with Section 310.305 of Title 21 of the Code of Federal Regulations. (3-28-23)~~

~~704.—999. **(RESERVED)**~~

100. **LICENSURE.**

01. **Licensure and Registration: Special Requirements.** ()

a. **Out-of-Practice.** The Board may require any applicant who has both failed to maintain an active

license in Idaho and has not practiced as a pharmacist for the preceding twelve (12) months or longer to take and pass an examination, complete intern hours, complete additional continuing education hours, or complete other requirements determined necessary to acquire or demonstrate professional competency. ()

b. Cancellation and Registration. Failure to maintain the requirements for any registration will result in the cancellation of the registration. ()

c. Reinstatement of License or Registration. Reinstatement applicants must provide satisfactory evidence of completion of a minimum of thirty (30) continuing education hours within the twenty-four (24) months prior to reinstatement and compliance with any direct orders of the Board. ()

02. Pharmacist Continuing Education Requirement. To meet the standard of care, pharmacists are expected to complete sufficient continuing education germane to the practice of pharmacy to maintain their professional competence. At license renewal, every pharmacist shall attest that they have maintained competence through continuing education commensurate with their active practice setting. ()

03. Determination of Need for Nonresident Licensure or Registration. ()

a. Independent Practice. Nonresident pharmacists must be licensed if engaged in the independent practice of pharmacy across state lines and not practicing for an Idaho registered drug outlet. ()

b. Practice for an Idaho Registered Drug Outlet. A nonresident pharmacist serving as the PIC for an Idaho registered nonresident drug outlet must be registered to practice into Idaho. All other nonresident pharmacists who are employed by, or affiliated with, and practicing for the Idaho registered nonresident drug outlet, but who are not the PIC, are exempt from license and registration requirements for practice into Idaho. ()

c. Multistate Pharmacists. Multistate pharmacists, as defined in Section 54-1723B, Idaho Code, are exempt from separate licensure or registration in Idaho. ()

d. Exemption from Separate Practitioner Controlled Substance Registration. All pharmacists who manufacture, distribute, administer, dispense, or conduct research with any controlled substance in or into Idaho are exempt from obtaining a separate controlled substance registration, subject to compliance with all requirements of Title 37, Chapter 27, Idaho Code. This exemption does not apply to pharmacists who prescribe controlled substances in Idaho. ()

04. Nonresident PIC Registration to Practice Pharmacy into Idaho. To be registered as a nonresident PIC, an applicant must submit an application on a Board form including, but not limited to: ()

a. Individual License Information. Current pharmacist licensure information in all other states, including each state of licensure and each license number; ()

b. Facility License Information. The license or registration number of the facility for which the applicant will be practicing. ()

05. Pharmacist Intern Registration. ()

a. Registration Requirements. To be approved for and maintain registration as a pharmacist intern, the applicant must: ()

i. Currently be enrolled and in good standing in an accredited school or college of pharmacy, pursuing a professional degree in pharmacy; or ()

ii. Be a graduate of an accredited school or college of pharmacy within the United States and awaiting examination for pharmacist licensure; or ()

iii. Be a graduate of a school or college of pharmacy located outside the United States, obtain certification by the FPGEC, and be awaiting finalization of pharmacist licensure. ()

b. Renewal. ()

i. Current Students. A pharmacist intern registration must be renewed biennially; however, the renewal fee will be waived, if renewed on time, for the duration of the student's enrollment in the school or college of pharmacy. Following graduation, if a pharmacist license application has been submitted, the pharmacist intern license will be extended at no cost for up to six (6) additional months from the date of application as a pharmacist, after which time the individual will need to submit a new application to continue to be a pharmacist intern. ()

ii. Pharmacy Graduates. A graduate pharmacist intern registration may be obtained and renewed once within one (1) year from the date of issuance. The Board may, at its discretion, grant additional time to complete internship experience if unique circumstances present. ()

06. Technician Exemption from Criminal Background Check. Technician candidates under the age of eighteen (18) are exempt from the fingerprint-based criminal history check requirement of Idaho Code. ()

07. Practitioner Controlled Substance Registration. Any practitioner in Idaho who intends to prescribe, administer, dispense, or conduct research with a controlled substance must first obtain an Idaho practitioner controlled substance registration and: ()

a. State License. Hold a valid license or registration to prescribe medications from a licensing entity established under Title 54, Idaho Code. ()

b. DEA Registration. Obtain a valid federal DEA registration, if needed under federal law. Failure to obtain a federal DEA registration for any reason within forty-five (45) days of the issuance of the Idaho Practitioner Controlled Substance Registration will result in automatic cancellation. ()

c. Idaho Practice Address. An Idaho practitioner controlled substance registration requires the applicant to establish an Idaho practice address, subject to inspection by the Board. This requirement does not apply to out-of-state practitioners who only prescribe into Idaho. ()

08. Drug Outlet Licensure and Registration: General Requirements. A license or a certificate of registration is required for drug outlets prior to doing business in or into Idaho. A license or certificate of registration will be issued by the Board to drug outlets pursuant to, and in the general classifications defined by, Section 54-1729, Idaho Code. ()

a. New Drug Outlet Inspections. Following the issuance of a new license or registration, each drug outlet will be inspected to confirm that the facility is compliant with applicable law. A change of ownership of a currently registered pharmacy will not require an onsite inspection of a new pharmacy registration unless a change of location occurs. ()

b. License and Registration Transferability. Drug outlet licenses and registrations are location and owner specific and are nontransferable as to person or place. ()

c. Nonresident Drug Outlet. The Board may license or register a drug outlet licensed or registered under the laws of another state if the other state's standards are comparable to those in Idaho and acceptable to the Board, evidenced by an inspection report. ()

d. Change of Location. At least ten (10) days prior to the event, the registrant must notify the Board of a drug outlet's change of location through the completion of an application for a new license or registration. When a licensee or registrant has made a timely and complete application for a new license or registration, the existing license does not expire until the application has been finally determined by the Board, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the Board order. This does not preclude the Board from taking immediate action to protect the public interest. ()

e. Change of Ownership. The registrant must notify the Board of any change to the operating legal entity's majority ownership of a drug outlet within thirty (30) days of the event. ()

f. Permanent Closing. A registrant must notify the Board and the general public of the pharmacy's permanent closing at least ten (10) days prior to closing. The notice must include the proposed date of closure, and the new location of the prescription files. The notice to the board is to include the location where the closing inventory record of controlled substances is retained. ()

g. Exemption from Separate Controlled Substance Registration. All drug outlets doing business in or into Idaho who hold a valid license or registration from the Board are exempt from obtaining a separate controlled substance registration, but are subject to compliance with all requirements under Title 37, Chapter 27, Idaho Code. ()

09. Wholesaler Licensure and Registration. ()

a. Wholesaler Licensure. The following information must be provided under oath by each applicant for wholesaler licensure as part of the initial licensing procedure and for each renewal on a Board form: ()

i. Any felony conviction or any conviction of the applicant relating to wholesale or retail prescription drug distribution or distribution of controlled substances. ()

ii. Any discipline of the applicant by a regulatory agency in any state for violating any law relating to wholesale or retail prescription drug distribution or distribution of controlled substances. ()

b. Accreditation. The Board will recognize a wholesaler's accreditation by National Association of Boards of Pharmacy for purposes of reciprocity and satisfying the new drug outlet inspection requirements of these rules. ()

c. Wholesaler Registration. Except when licensed pursuant to title 54, chapter 17, Idaho Code, and these rules, a wholesaler that engages in wholesale distribution of Durable Medical Equipment supplies, prescription medical devices, or products that contain pseudoephedrine in or into Idaho must be registered by the Board. ()

10. Manufacturer Registration. Manufacturers that ship, mail, or deliver dispensed prescription drugs or devices to an Idaho resident must also register with the Board as a nonresident drug outlet. Those manufacturers that only engage in the wholesale distribution of their own product are exempt from wholesale licensure. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Scope of Practice. Subject to Idaho Code § 54-1705, pharmacists may perform pharmaceutical care services, as defined in these rules. ()

02. Waivers or Variances. In the event of an emergency declared by the President of the United States, the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, the division administrator may waive any requirement of these rules for the duration of the emergency. ()

03. Drug Outlets: Minimum Facility Standards. A resident drug outlet that dispenses prescription drugs to patients in Idaho must meet the following minimum requirements: ()

a. Security and Privacy. A drug outlet must be constructed and equipped with adequate security to protect its equipment, records and supply of drugs, devices and other restricted sale items from unauthorized access, acquisition or use. All protected health information must be stored and maintained in accordance with HIPAA. ()

b. Controlled Substance Storage. Drug outlets must store controlled substances in accordance with federal law. ()

c. Authorized Access to the Restricted Drug Storage Area. Access to the area where prescription drugs are prepared, compounded, distributed, dispensed, or stored must be limited to authorized personnel. ()

d. Staffing. A drug outlet must be staffed sufficiently to allow for appropriate supervision, to otherwise operate safely and, if applicable, to remain open during the hours posted as open to the public for business. ()

e. Electronic Recordkeeping System. A drug outlet that dispenses more than twenty (20) prescriptions per day must use an electronic recordkeeping system to establish and store patient medication records and prescription drug order, refill, transfer information, and other information necessary to provide safe and appropriate patient care. The electronic recordkeeping system must have audit trail functionality that documents for each prescription drug order the identity of each individual involved at each step of its processing, filling, and dispensing or, alternatively, the identity of the pharmacist or prescriber responsible for the accuracy of these processes. ()

04. Drug Outlets that Dispense Prescription Drugs: Minimum Prescription Filling Requirements. Unless exempted by these rules, each drug outlet that dispenses prescription drugs to patients in Idaho must meet the following minimum requirements either at the drug outlet or through offsite pharmacy services: ()

a. Valid Prescription Drug Order. Prescription drugs may only be dispensed pursuant to a valid prescription drug order as set forth below in Rules 200.08 and 200.09. ()

b. Prospective Drug Review. Prospective drug review must be provided. ()

c. Labeling. Each drug must bear a complete and accurate label as set forth in these rules. ()

d. Verification of Dispensing Accuracy. Verification of dispensing accuracy must be performed to compare the drug stock selected to the drug prescribed. If not performed by a pharmacist or prescriber, either an electronic verification system or verification by two (2) support persons must be used that confirms the drug stock selected to fill the prescription is the same as indicated on the prescription label. ()

e. Patient Counseling. Counseling must be provided. ()

05. Drug Outlets that Dispense Drugs to Patients without an Onsite Pharmacist or Prescriber. A drug outlet that dispenses drugs to patients in Idaho that does not have a pharmacist or prescriber onsite to perform or supervise pharmacy operations must comply with the following requirements: ()

a. Security and Access. Maintain adequate video surveillance of the facility and retain a high quality recording for a minimum of thirty (30) days. ()

b. Technology. The video or audio communication system used to counsel and interact with each patient or patient's caregiver, must be clear, secure, and HIPAA-compliant. ()

c. Technical Limitation Closure. The drug outlet must be, or remain, closed to the public if any component of the surveillance or video and audio communication system is malfunctioning, until system corrections or repairs are completed. ()

d. Exemptions. ()

i. A self-service ADS that operates as a drug outlet is exempt from the video surveillance requirement of this rule. In addition, if counseling is provided by an onsite prescriber or pharmacist, a self-service ADS is exempt from the video and audio communication system requirements of this rule. ()

ii. Veterinarians are exempt from this rule. ()

06. Drugs Stored Outside of a Drug Outlet for Retrieval by a Licensed Health Professional. Drugs may be stored in an alternative designated area outside the drug outlet, including, but not limited to, in an emergency

cabinet, in an emergency kit, or as emergency outpatient drug delivery from an emergency room at a registered institutional facility, provided the following conditions are met: ()

a. Supervising Drug Outlet. Drugs stored in such a manner must remain under the control of, and be routinely monitored by, the supervising drug outlet. ()

b. Secure Storage. The area is appropriately equipped to ensure security and protection from diversion or tampering. ()

c. Controlled Substances. Controlled substances may only be stored in an alternative designated area as permitted by, and in accordance with, federal law. ()

d. Stocking and Replenishing. Stocking or replenishing drugs in an alternative designated area may be performed by a pharmacist or prescriber, or by appropriate support personnel using either an electronic verification system or two (2) persons. ()

07. Pharmacist Prescribing: General Requirements. In accordance with Section 54-1704, Idaho Code, a pharmacist may independently prescribe provided the following general requirements are met by the pharmacist: ()

a. Education. Only prescribe drugs or devices for conditions for which the pharmacist is educationally prepared and for which competence has been achieved and maintained. ()

b. Patient-Prescriber Relationship. Only issue a prescription for a legitimate medical purpose arising from a patient-prescriber relationship as defined in Section 54-1733, Idaho Code. ()

c. Patient Assessment. Obtain adequate information about the patient's health status to make appropriate decisions based on the applicable standard of care and the best available evidence. ()

d. Collaboration with Other Health Care Professionals. Recognize the limits of the pharmacist's own knowledge and experience and consult with and refer to other health care professionals as appropriate. ()

e. Documentation. Maintain documentation adequate to justify the care provided including, but not limited to, the information collected as part of the patient assessment, the prescription record, provider notification, and the follow-up care plan. ()

f. Prescribing Exemption. The general requirements set forth in this section do not apply to the prescribing of devices and nonprescription drugs, prescribing under a collaborative pharmacy practice agreement, direct administration of a medication, or prescribing emergency drugs pursuant to Section 54-1735, Idaho Code. ()

08. Prescription Drug Order: Validity. Prior to filling or dispensing a prescription drug order, a pharmacist must verify its validity. ()

a. Invalid Prescription Drug Orders. A prescription drug order is invalid if not issued by a licensed prescriber for a legitimate medical purpose, and within the course and scope of the prescriber's professional practice and prescriptive authority. ()

b. Antedating or Postdating. A prescription drug order is invalid if antedated or postdated. ()

c. Tampering. A prescription drug order is invalid if, at the time of presentation, it shows evidence of alteration by any person other than the person who wrote it. ()

d. Prescriber Self-Use. A prescription drug order written for a controlled substance is invalid if written for the prescriber's own use. ()

e. Digital Image Prescriptions. A digital image of a prescription drug order is invalid if it is for a

controlled substance or if the patient intends to pay cash for the drug in whole. ()

09. Prescription Drug Order: Minimum Requirements. A prescription drug order must comply with applicable requirements of federal law and, except as differentiation is permitted for an institutional drug order, include at least the following: ()

a. Patient's Name. The patient's or authorized entity's name and: ()

i. If for a controlled substance, the patient's full name and address; and ()

ii. If for an animal, the species. ()

b. Date. The date issued. ()

c. Drug Information. The drug name, strength, and quantity. ()

d. Directions. The directions for use. ()

e. Prescriber Information. The name and, if for a controlled substance, the address and DEA registration number of the prescriber. ()

f. Signature. A signature sufficient to evidence a valid prescription of either the prescriber or, if a renewal of a previous prescription, the prescriber's agent, when authorized by the prescriber. ()

g. General Exemption. A prescriber may omit drug information and directions and make an indication for the pharmacist to finalize the patient's drug therapy plan. ()

10. Filling Prescription Drug Orders: Practice Limitations. ()

a. Drug Product Selection. Drug product selection is allowed only between therapeutic equivalent drugs as published in the FDA's Orange Book or Green Book. If a prescriber orders by any means that a brand name drug must be dispensed, then no drug product selection is permitted. ()

b. Partial Filling. A prescription drug order may be partially filled within the limits of federal law. The total quantity dispensed in partial fillings must not exceed the total quantity prescribed. ()

c. Refill Authorization. A prescription drug order may be refilled when permitted by state and federal law and as specifically authorized by the prescriber. A pharmacist may also refill a prescription to ensure continuity of care. ()

11. Filling Prescription Drug Orders: Adaptation. A pharmacist may adapt drugs as specified in this rule. ()

a. Change Quantity. A pharmacist may change the quantity of medication prescribed if: ()

i. The prescribed quantity or package size is not commercially available; ()

ii. The change in quantity is related to a change in dosage form, strength, or therapeutic interchange; ()

iii. The change is intended to dispense up to the total amount authorized by the prescriber including refills; or ()

iv. The change extends a maintenance drug for the limited quantity necessary to coordinate a patient's refills in a medication synchronization program. ()

b. Change Dosage Form. A pharmacist may change the dosage form of the prescription if it is in the

best interest of patient care, so long as the prescriber's directions are also modified to equate to an equivalent amount of drug dispensed as prescribed. ()

c. Complete Missing Information. A pharmacist may complete missing information on a prescription if there is evidence to support the change. ()

d. Documentation. The adaption must be documented in the patient's record. ()

12. Filling Prescription Drug Orders: Drug Product Substitution. Drug product substitutions in which a pharmacist dispenses a drug product other than that prescribed are allowed only as follows: ()

a. Hospital. Pursuant to a formulary or drug list prepared by the pharmacy and therapeutics committee of a hospital; ()

b. Institutional Facility. At the direction of the quality assessment and assurance committee of an institutional facility; ()

c. Biosimilars. A pharmacist may substitute an interchangeable biosimilar product for a prescribed biological product if: ()

i. The biosimilar has been determined by the FDA to be interchangeable as published in the FDA's Purple Book; ()

ii. The name of the drug and the manufacturer or the NDC number is documented in the patient medical record. ()

d. Therapeutic Interchange. A pharmacist may substitute a drug with another drug in the same therapeutic class, provided the substitution lowers the cost to the patient or occurs during a drug shortage. ()

13. Filling Prescription Drug Orders: Transfers. A prescription drug order may be transferred within the limits of federal law. Drug outlets using a common electronic file are exempt from transfer limits. ()

14. Labeling Standards. All prescription drugs must be in an appropriate container and bear information that identifies the drug product, any additional components as appropriate, and the individual responsible for its final preparation. ()

a. Standard Prescription Drug. A prescription drug for outpatient dispensing must be labeled in accordance with federal law. ()

b. Parenteral Admixture. If one (1) or more drugs are added to a preparation of sterile products intended for administration by injection, the admixture's container must include the date and time of the addition or the beyond use date. ()

c. Prepackaged Product. The containers of prepackaged drugs must include an expiration date that is the lesser of the manufacturer's original expiration date, one (1) year from the date the drug is prepackaged, or a shorter period if warranted. ()

d. Repackaged Drug. If a previously dispensed drug is repackaged, it must contain the prescription number and contact information for the original dispensing pharmacy, as well as a statement that indicates that the drug has been repackaged, and the contact information of the repackaging pharmacy. ()

e. Distributed Compounded Drug Product. Compounded and sterile prepackaged drug product distributed in the absence of a patient specific prescription must be labeled as follows: ()

i. If from a pharmacy, the statement: "not for further dispensing or distribution." ()

ii. If from an outsourcing facility, the statements: "office use only" and "not for resale." ()

15. Prescription Delivery: Restrictions. ()

a. Acceptable Delivery. A drug outlet that dispenses drugs to patients in Idaho may deliver filled prescriptions in accordance with federal law, as long as appropriate measures are taken to ensure product integrity and safety. ()

b. Pick-up or Return by Authorized Personnel. Filled prescriptions may be picked up for or returned from delivery by authorized personnel from a secured delivery area. ()

16. Destruction or Return of Drugs or Devices: Restrictions. A drug outlet registered with the DEA as a collector may collect controlled and non-controlled drugs for destruction in accordance with applicable federal law. Otherwise a dispensed drug or prescription device may only be accepted for return as follows: ()

a. Potential Harm. When the pharmacist determines that harm could result if the drug is not returned. ()

b. Did Not Reach Patient. Non-controlled drugs that have been maintained in the custody and control of the institutional facility, dispensing pharmacy, or their related clinical facilities may be returned if product integrity can be assured. Controlled substances may only be returned from a hospital daily delivery system under which a pharmacy dispenses no more than a seventy-two (72) hour supply for a drug order. ()

c. Donation. Those that qualify for return under the provisions of the Idaho Legend Drug Donation Act as specified in Section 54-1762, Idaho Code. ()

17. Recordkeeping: Maintenance and Inventory Requirements. ()

a. Records Maintenance and Retention Requirement. Unless an alternative standard is stated for a specified record type, form, or format, records required to evidence compliance with statutes or rules enforced by the Board must be maintained and retained in a readily retrievable form and location for at least three (3) years from the date of the transaction. ()

b. Prescription Retention. A prescription drug order must be retained in a readily retrievable manner by each drug outlet and maintained in accordance with federal law. ()

c. Inventory Records. Each drug outlet must maintain a current, complete and accurate record of each controlled substance manufactured, imported, received, ordered, sold, delivered, exported, dispensed or otherwise disposed of by the registrant. Drug outlets must maintain inventories and records in accordance with federal law. A biennial inventory must be conducted at each registered location no later than seven (7) days after the date of the most recent inventory in a form and manner that satisfies the inventory requirements of federal law. Drugs stored outside a drug outlet in accordance with these rules must be regularly inventoried and inspected to ensure that they are properly stored, secured, and accounted for. Additional inventories are necessary when required by federal law. ()

d. Rebuttal Presumption of Violation. Evidence of an amount of a controlled substance that differs from the amount reflected on a record or inventory required by state or federal law creates a rebuttable presumption that the registrant has failed to keep records or maintain inventories in conformance with the recordkeeping and inventory requirements of state and federal law. ()

e. Drug Distributor Records. Wholesalers and other entities engaged in wholesale drug distribution must maintain inventories and records or transactions pertaining to the receipt and distribution or other disposition of drugs in accordance with federal law that include at least: ()

i. The source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped; ()

ii. The identity and quantity of the drugs received and distributed or disposed of; ()

- iii. The dates of receipt and distribution or other disposition of the drugs; and ()
- iv. Controlled substance distribution invoices, in the form required by federal law. ()
- f. Central Records Storage. Records may be retained at a central location in compliance with federal law. ()
- g. Electronic Records Storage. Records may be electronically stored and maintained if they remain legible and are in a readily retrievable format, and if federal law does not require them to be kept in a hard copy format. ()

18. Reporting Requirements. ()

- a. Theft or Loss of Controlled Substances. A registrant must report to the Board on the same day reported to the DEA a theft or loss of a controlled substance that includes the information required by federal law. ()
- b. Criminal Convictions and Disciplinary Decisions. Licensees must report to the Board all felony convictions and any other criminal convictions involving any legend drug(s) within thirty (30) days of judgment. Licensees must also report to the Board all disciplinary decisions of any other licensing authority, or the surrender of a license in lieu of discipline, within thirty (30) days of the disciplinary order or the surrender. ()
- c. Adverse Event Reports. Outsourcing facilities must submit to the Board a copy of all adverse event reports submitted to the secretary of Health and Human Services in accordance with 21 CFR § 310.305. ()
- d. Individual and Outlet Information Changes. Changes in employment or changes to information provided on or with the initial or renewal application must be reported to the Board within ten (10) days of the change. ()
- e. Drug Distributor Monthly Reports. An authorized distributor must report to the Board specified data on controlled substances distributed in a form and manner prescribed by the Board. ()

201. -- 299. (RESERVED)

300. DISCIPLINE.

01. Unprofessional Conduct. The following acts or practices by any licensee or registrant are declared to be specifically, but not by way of limitation, unprofessional conduct and conduct contrary to the public interest. ()

- a. Unethical Conduct. Conduct in the practice of pharmacy or in the operation of a pharmacy that may reduce the public confidence in the ability and integrity of the profession of pharmacy or endangers the public health, safety, and welfare. A violation of this section includes committing fraud, misrepresentation, negligence, concealment, or being involved in dishonest dealings, price fixing, or breaching the public trust with respect to the practice of pharmacy. ()
- b. Lack of Fitness. A lack of fitness for professional practice due to incompetency, personal habits, drug or alcohol dependence, physical or mental illness, or for any other cause that endangers public health, safety, or welfare. ()
- c. On-Duty Intoxication or Impairment. Intoxication, impairment, or consumption of alcohol or drugs while on duty, including break periods after which the individual is expected to return to work, or prior to reporting to work. ()
- d. Diversion of Drug Products and Devices. Supplying or diverting drugs, biologicals, and other medicines, substances, or devices legally sold in pharmacies that allows the circumvention of laws pertaining to the legal sale of these articles. ()

e. Unlawful Possession or Use of Drugs. Possessing or using a controlled substance without a lawful prescription drug order. A failed drug test creates a rebuttable presumption of a violation of this rule. ()

f. Self-prescribing of Controlled Substances. Prescribing any drug legally classified as a controlled substance to himself or herself, or to a spouse, child, or stepchild. ()

g. Prescription Drug Order Noncompliance. Failing to follow the instructions of the person writing, making, or ordering a prescription as to its refills, contents, or labeling except as provided in these rules. ()

h. Failure to Confer. Failure to confer with the prescriber when necessary or appropriate. ()

i. Excessive Provision of Controlled Substances. Providing an excessive amount of controlled substances. Evidentiary factors of a clearly excessive amount include, but are not limited to, the amount of controlled substances furnished and previous ordering patterns (including size and frequency of orders). ()

j. Failure to Counsel or Offer Counseling. Failing to counsel or offer counseling, unless specifically exempted or refused. ()

k. Substandard, Misbranded, Adulterated, or Expired Products. Manufacturing, compounding, delivering, distributing, dispensing, or permitting to be manufactured, compounded, delivered, distributed or dispensed substandard, misbranded, or adulterated drugs or preparations or those made using secret formulas. Failing to remove expired drugs from stock. ()

l. Prescriber Incentives. Allowing a commission or rebate to be paid, or personally paying a commission or rebate, to a person writing, making, or otherwise ordering a prescription. ()

m. Exclusive Arrangements. Participation in a plan or agreement that compromises the quality or extent of professional services or limits access to provider facilities at the expense of public health or welfare. ()

n. Failure to Report. Failing to report to the Board any violation of statutes or rules pertaining to the practice of pharmacy or any act that endangers the health, safety, or welfare of patients or the public. ()

o. Failure to Follow Board Order. Failure to follow an order of the Board. ()

p. Use of False Information. Knowingly using false information in connection with the prescribing, delivering, administering, or dispensing of a controlled substance or other drug product. ()

q. Standard of Care. Acts or omissions within the practice of pharmacy which fail to meet the standard provided by other qualified licensees or registrants in the same or similar setting. ()

r. Unnecessary Services or Products. Directly promoting or inducing for the provisions of health care services or products that are unnecessary or not medically indicated. ()

s. Controlled Substance Non-Compliance. Violating provisions of the federal Controlled Substances Act or Title 37, Chapter 27, Idaho Code. ()

02. Board Inspections and Investigations. ()

a. Records Subject to Board Inspection. Records created, maintained, or retained by Board licensees or registrants in compliance with statutes or rules enforced by the Board must be made available for inspection upon request by Board inspectors or authorized agents. It is unlawful to refuse to permit or to obstruct a Board inspection. ()

b. Inspections. Prior to the commencement of business, as applicable, and thereafter at regular intervals, registrants and licensees must permit the Board or its compliance officers to enter and inspect the premises

and to audit the records of each drug outlet for compliance with laws enforced by or under the Board's jurisdiction.

()

c. Inspection Deficiencies. Deficiencies noted must be promptly remedied, and if requested, the Board office notified of corrective measures. One (1) follow-up inspection may be performed by the Board at no cost. For additional follow-up inspections, the drug outlet will be charged actual travel and personnel costs incurred in the inspection to be paid within ninety (90) days of inspection.

()

d. Inspection Reports. Inspection reports must be reviewed with the Board inspector and signed by an agent of the drug outlet upon completion of the exit interview.

()

e. Investigations. Licensees or registrants must fully cooperate with Board investigations conducted to confirm compliance with laws enforced by the Board, including audits of continuing education, to gather information pertinent to a complaint received by the Board or to enforce disciplinary actions.

()

301. -- 399. (RESERVED)

400. FEES.

Nonrefundable fees are as follows:

()

01. Licenses and Registrations – Professionals.

License/Registration	Initial Fee	Annual Renewal Fee
Pharmacist License	\$140	\$130
Nonresident PIC Registration	\$290	\$290
Pharmacist Intern	\$50	\$50
Technician	\$35	\$35
Practitioner Controlled Substance Registration	\$60	\$60

()

02. Certificates of Registration and Licensure – Facilities.

License/Registration	Initial Fee	Annual Renewal Fee
Drug Outlet (unless otherwise listed)	\$100	\$100
Wholesale License	\$180	\$180
Wholesale Registration	\$150	\$150
Central Drug Outlet (Nonresident)	\$500	\$250
Mail Service Pharmacy	\$500	\$250
Durable Medical Equipment Outlet	\$50	\$50
Outsourcing Facility (Nonresident)	\$500	\$250
Manufacturer	\$150	\$150
Veterinary Drug Outlet	\$35	\$35

()

03. Administrative Services.

<u>Category</u>	<u>Fee</u>
<u>Experiential hours certification</u>	<u>\$25</u>

()

04. Fee Exemption for Controlled Substance Registrations. Persons exempt pursuant to federal law from fee requirements applicable to DEA registrations are also exempt from fees applicable to Idaho practitioner controlled substance registrations. ()

401. -- 699. (RESERVED)

700. SAFE COMPOUNDING.

01. Compounding Drug Preparations: General Provisions. Any compounding that is not permitted herein is considered manufacturing. ()

a. Application. This rule applies to any person, including any business entity, authorized to engage in the practice of non-sterile compounding, sterile compounding, and sterile prepackaging of drug products in or into Idaho, except these rules do not apply to: ()

i. The reconstitution of a non-sterile drug or a sterile drug for immediate administration; ()

ii. The addition of a flavoring agent and/or a coloring agent to a drug product, so long as the agent is therapeutically inert and in the minimum quantity necessary; and ()

iii. Product preparation of a non-sterile, non-hazardous drug according to the manufacturer's FDA approved labeling. ()

b. General Compounding Standards. ()

i. Active Pharmaceutical Ingredients. All active pharmaceutical ingredients must be obtained from an FDA registered manufacturer. FDA registration as a foreign manufacturer satisfies this requirement. ()

ii. Certificate of Analysis (COA). Unless the active pharmaceutical ingredient complies with the standards of an applicable USP-NF monograph, a COA must be obtained for all active pharmaceutical ingredients procured for compounding and retained for a period of not less than three (3) years from the date the container is emptied, expired, returned, or disposed of. The following minimum information is necessary on the COA: product name, lot number, expiration date, and assay. ()

iii. Equipment. Equipment and utensils must be of suitable design and composition and cleaned, sanitized, or sterilized as appropriate prior to use. ()

iv. Disposal of Compromised Drugs. When the correct identity, purity, strength, and sterility of ingredients and components cannot be confirmed (in cases of, for example, unlabeled syringes, opened ampoules, punctured stoppers of vials and bags, and containers of ingredients with incomplete labeling) or when the ingredients and components do not possess the expected appearance, aroma, and texture, they must be removed from stock and isolated for return, reclamation, or destruction. ()

c. Prohibited Compounding. Compounding any drug product for human use that the FDA has identified as presenting demonstrable difficulties in compounding or has withdrawn or removed from the market for safety or efficacy reasons is prohibited. ()

d. Limited Compounding. ()

i. Triad Relationship. A pharmacist may compound a drug product in the usual course of professional practice for an individual patient pursuant to an established prescriber/patient/pharmacist relationship and a valid prescription drug order. ()

ii. Commercially Available Products. A drug product that is commercially available may only be compounded if not compounded regularly or in inordinate amounts and if: ()

(1) It is medically warranted to provide an alternate ingredient, dosage form, or strength of significance; or ()

(2) The commercial product is not reasonably available in the market in time to meet the patient's needs. ()

iii. Anticipatory Compounding. Limited quantities of a drug product may be compounded or sterile prepackaged prior to receiving a valid prescription drug order based on a history of receiving valid prescription drug orders for the compounded or sterile prepackaged drug product. ()

e. Drug Compounding Controls. Policies and procedures for the compounding or sterile prepackaging of drug products must ensure the safety, identity, strength, quality, and purity of the finished product. To meet this standard, licensees and registrants will take into consideration the applicable provisions of USP Chapter 795 concerning pharmacy compounding of non-sterile preparations, USP Chapter 797 concerning sterile preparations, Chapter 1075 of the USP-NF concerning good compounding practices, and Chapter 1160 of the USP-NF concerning pharmaceutical calculations. ()

02. Sterile Preparation. ()

a. Application. In addition to all other applicable rules in this chapter, including the rules governing Compounding Drug Preparations, these rules apply to all persons, including any business entity, engaged in the practice of sterile compounding and sterile prepackaging in or into Idaho. ()

b. Dosage Forms Requiring Sterility. The sterility of compounded diagnostics, drugs, nutrients, and radiopharmaceuticals must be maintained or the compounded drug preparation must be sterilized when prepared in the following dosage forms: ()

i. Aqueous bronchial and nasal inhalations, except nasal dosage forms intended for local application; ()

ii. Baths and soaks for live organs and tissues; ()

iii. Injections (for example, colloidal dispersions, emulsions, solutions, suspensions); ()

iv. Irrigations for internal body cavities; ()

v. Ophthalmic drops and ointments; and ()

vi. Tissue implants. ()

c. Compounder Responsibilities. Compounders and sterile packagers are responsible for ensuring that sterile products are accurately identified, measured, diluted, and mixed and are correctly purified, sterilized, packaged, sealed, labeled, stored, dispensed, and distributed, as well as prepared in a manner that maintains sterility and minimizes the introduction of particulate matter. ()

i. Environmental Control Requirements. Except when prepared for immediate administration, the environment for the preparation of sterile preparations in a drug outlet must be in an isolated area, designed to avoid unnecessary traffic and airflow disturbances, and equipped to accommodate aseptic techniques and conditions.

- ()
- ii. Documentation Requirements. The following documentation must also be maintained by a drug outlet in which sterile preparations are prepared: ()
- (1) Justification of beyond use dates assigned, pursuant to direct testing or extrapolation from reliable literature sources; ()
- (2) Training records, evidencing that personnel are trained on a routine basis and are adequately skilled, educated, and instructed; ()
- (3) Audits appropriate for the risk of contamination for the particular sterile preparation including: ()
- iii. Visual inspection to ensure the absence of particulate matter in solutions, the absence of leakage from bags and vials, and the accuracy of labeling with each dispensing; ()
- iv. Periodic hand hygiene and garbing competency; ()
- v. Media-fill test procedures (or equivalent), aseptic technique, and practice related competency evaluation at least annually by each compounder or sterile pre-packager; ()
- vi. Environmental sampling testing at least upon registration of a new drug outlet, following the servicing or re-certification of facilities and equipment, or in response to identified problems with end products, staff techniques or patient-related infections, or every six (6) months; ()
- vii. Gloved fingertip sampling testing; ()
- viii. Sterility testing; ()
- d. Temperature, logged daily; ()
- e. Beyond use date and accuracy testing, when appropriate; and ()
- f. Measuring, mixing, sterilizing, and purification equipment inspection, monitoring, cleaning, and maintenance to ensure accuracy and effectiveness for their intended use. ()
- 03. Hazardous Drugs Preparation.** In addition to all other applicable rules in this chapter, including the rules governing Compounding Drug Preparations and Sterile Preparation, these rules apply to all persons, including any business entity, engaged in the practice of compounding or sterile prepackaging with hazardous drugs. Such persons must: ()
- a. Ventilation. Ensure the storage and compounding areas have sufficient general exhaust ventilation to dilute and remove any airborne contaminants. ()
- b. Ventilated Cabinet. Utilize a ventilated cabinet designed to reduce worker exposures while preparing hazardous drugs. ()
- i. Sterile hazardous drugs must be prepared in a dedicated Class II biological safety cabinet or a barrier isolator of appropriate design to meet the personnel exposure limits described in product material safety data sheets; ()
- ii. When asepsis is not required, a Class I BSC, powder containment hood or an isolator intended for containment applications may be sufficient. ()
- iii. A ventilated cabinet that re-circulates air inside the cabinet or exhausts air back into the room environment is prohibited, unless: ()

- (1) The hazardous drugs in use will not volatilize while they are being handled; or ()
- (2) Written documentation from the manufacturer attesting to the safety of such ventilation. ()
- c.** Clear Identification. Clearly identify storage areas, compounding areas, containers, and prepared doses of hazardous drugs. ()
- d.** Labeling. Label hazardous drugs with proper precautions, and dispense them in a manner to minimize risk of hazardous spills. ()
- e.** Protective Equipment and Supplies. Provide and maintain appropriate personal protective equipment and supplies necessary for handling hazardous drugs, spills and disposal. ()
- f.** Contamination Prevention. Unpack, store, prepackage, and compound hazardous drugs separately from other inventory in a restricted area in a manner to prevent contamination and personnel exposure until hazardous drugs exist in their final unit-of-use packaging. ()
- g.** Training. Ensure that personnel working with hazardous drugs are trained in hygiene, garbing, receipt, storage, handling, transporting, compounding, spill control, clean up, disposal, dispensing, medical surveillance, and environmental quality and control. ()

701. -- 799. (RESERVED)

800. PRESCRIPTION DRUG MONITORING PROGRAM.

- 01. Required Reporting.** Specified data on controlled substances must be reported by the end of the business day by all drug outlets that dispense controlled substances in or into Idaho and prescribers that dispense controlled substances to humans. ()
- 02. Online Access to PDMP.** To obtain online access, a prescriber or pharmacist, or their delegate must complete and submit a registration application and agree to adhere to the access restrictions and limitations established by law. ()
- 03. Profile Requests.** Authorized persons without online access may obtain a profile by completing a Board form and submitting it to the Board office with proof of identification and other credentials necessary to confirm the requestor's authorized status pursuant to Section 37-2726, Idaho Code. ()

801. -- 999. (RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.70 – RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 24-3970-2401

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 10, 2024.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code, Idaho Code, and Title 54, Chapter 50, Idaho Code, and Section 54-5005, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rule adds a new paragraph (c) under Section 100.02 Journeyman Certificate of Competency to allow for the waiver of the requirement of a written examination if the applicant can provide proof they have completed or approved U.S. Department of Labor HVAC apprenticeship or sheet metal apprenticeship.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

As large projects enter the state, the Division of Occupational and Professional Licenses and the Idaho Heating, Ventilation, and Air Conditioning Board recognize the need for additional workers to help complete those projects to further the positive impacts on the economy of Idaho. This temporary rule also goes hand in hand with one of the Governor's top initiatives to continue reducing regulatory burden on licensees throughout all professions within the state.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

There is no fee added or changed as part of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the rulemaking can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 10th of July, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
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Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 24-3970-2401
(Only Those Sections With Amendments Are Shown.)

**24.39.70 – RULES GOVERNING INSTALLATION OF HEATING, VENTILATION,
AND AIR CONDITIONING SYSTEMS**

100. CERTIFICATES OF COMPETENCY AND REGISTRATION.

01. Apprentice and Specialty Apprentice Registration and Renewal. To register or renew an apprentice or specialty apprentice registration, a person shall comply with Section 54-5012(4), Idaho Code. A specialty apprentice's scope of work is limited as set forth in Rule 100.04.a. (3-28-23)

02. Journeyman Certificate of Competency. An applicant must pass an examination designated by the Board and either (a) submit evidence of a minimum of eight thousand (8,000) hours of work experience as an apprentice making HVAC installations in accordance with the requirements of the jurisdiction in which the applicant obtained the experience and satisfactory completion of 576 hours of a board-approved course of instruction, or (b) submit proof of sixteen thousand (16,000) hours of HVAC experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience. (3-28-23)

a. Examination. An applicant may sit for the exam after showing proof of completion of either 576 hours of board-approved course of instruction or 16,000 hours of HVAC experience. (3-28-23)

b. Educational Lab Work. Time spent by an applicant performing lab work in a board-approved course of instruction may be credited toward the eight thousand (8,000) hour work experience requirement. (3-28-23)

c. Waiver of Exam. Applicants from another state who have demonstrated successful completion of an approved U.S. Department of Labor HVAC apprenticeship or Sheetmetal apprenticeship are not required to take a written examination. (7-10-24)T

03. Contractor and Specialty Contractor Certificate of Competency. An applicant must successfully pass an examination designated by the Board and provide a compliance bond in the amount of two thousand dollars (\$2,000) which is effective for the duration of the certificate period. The specialty contractor's scope of work is limited as set forth in Rule 100.04.a. (3-28-23)

04. Specialty Journeyman Certificate of Competency. An applicant must submit evidence of a minimum of two thousand (2,000) hours of specialty-related experience in accordance with the requirements of the jurisdiction in which the applicant obtained the experience, and either (a) pass an examination designated by the Board, or (b) submit evidence of satisfactory completion of a minimum of sixty (60) hours of education in fuel gas code and piping installation methods. (3-28-23)

a. Permitted Scope of Work. Permitted to install hearth appliances, and non-duct connected oil furnaces, the associated fuel gas piping, and venting dedicated exclusively thereto. Does not include any plumbing, electrical or duct work. (3-28-23)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.90 – RULES GOVERNING THE DAMAGE PREVENTION BOARD

DOCKET NO. 24-3990-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code, as well as Title 55, Chapter 22, Idaho Code, and 55-2203, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

24.39.90 – Rules of the Damage Prevention Board
<p>Monday, August 12, 2024 – 9:00 a.m. (MT) Division of Occupational and Professional Licenses Soldier Room, Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714</p> <p>Virtual Meeting Link</p> <p>Telephone and web conferencing information will be posted on https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/.</p>

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Damage Prevention Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

N/A. The proposed amendments to the rules do not impose any new or increased fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-3990-2401. Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 5, 2024, Idaho Administrative Bulletin [Vol. 24-6, p.82-83](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 5th day of July, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3990-2401
(ZBR Chapter Rewrite)

24.39.90 – RULES GOVERNING THE DAMAGE PREVENTION BOARD

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 55-2203, 67-2604, 67-2614, 67-9409, and 67-9406, Idaho Code.
(3-28-23)()

001. SCOPE.

These rules are applicable to underground facilities, and facility owners as established in Title 55, Chapter 22, Idaho Code.
(3-28-23)

002. -- 099. (RESERVED)

100. EDUCATIONAL AND TRAINING MATERIALS.

01. Approval of Training and Educational Programs. The Board approves acceptable training courses or programs and educational materials on relevant underground facility damage prevention topics pertaining to safe excavation, locating and marking of facilities, determining facility damage, emergency procedures, excavator downtime, pre-marking of intended excavation areas, and appropriate procedures when encountering unmarked facilities.
()

02. Scope of Training and Educational Programs. Such training programs and educational materials must relate to various aspects of underground facility damage prevention, and contain practices, information, and standards generally accepted and recognized among stakeholders in Idaho.
()

03. Accessibility of Training and Educational Programs. The Division maintains and periodically updates a database of approved educational materials and training programs. ()

04. Purposes of Training and Educational Programs. Such programs may be used for general educational use by stakeholders or for remedial training that may be ordered by the board or the administrator pursuant to Section 55-2211, Idaho Code. ()

101. -- 299. (RESERVED)

300. DISCIPLINE.

01. Complaint Forms. Persons may submit written complaints to the administrator regarding an alleged violation of Title 55, Chapter 22, Idaho Code, on such forms as required by the Division. Notice of the complaint may be served concurrently on the alleged violator by the person submitting the complaint. Verifiable proof of such notification of a complaint provided to the alleged violator must also be provided to the administrator, as outlined in the board-approved complaint form. ()

02. Complaint Procedures and Timelines. The following timelines and procedure govern the process of filing and administering complaints related to violations of Title 55, Chapter 22, Idaho Code, and the rules of the Board. ()

a. Initial Filing. Complaints must be filed with the administrator not later than thirty (30) days from the date of the alleged violation giving rise to the complaint or from the date the violation should have reasonably been discovered by the complainant, whichever is later. ()

b. Response. The administrator must notify the alleged violator of the complaint and request a response and any additional information from the alleged violator as may be necessary. The alleged violator may provide a response to the administrator within thirty (30) days from the date they are notified of the complaint by the administrator. ()

c. Recommendation. Within thirty (30) days of receipt of the response, or if no response is received, within fifteen (15) days from the deadline for filing a response, the administrator must notify the complainant and the alleged violator of his recommended course of action. The administrator may extend the period of time in which to determine a recommended course of action, and so notify the parties, if he determines it is necessary to further review or investigate the complaint. ()

d. Contest. The alleged violator has the right to contest the imposition of a civil penalty before the damage prevention board. Notice of such contest must be provided by the alleged violator not more than thirty (30) days after receipt of the administrator's recommended course of action. Recommendations of the administrator regarding complaints may be reviewed by the board at its next regularly scheduled meeting. ()

03. Claims. Claims for the cost of repairs for damaged underground facilities are enforced by the affected underground facility owner in accordance with procedures as may be established by the facility owner, and in accordance with applicable law. Underground facility owners must provide notice to excavator contractors of such procedures, along with sufficient information supporting the basis for the amount of a claim within six (6) months from the date of the event giving rise to the claim or from the date the event should have reasonably been discovered by the underground facility owner, whichever is later. ()

04. Civil Penalties. The Idaho Damage Prevention Board is authorized under Section 55-2203(17), Idaho Code, to establish by administrative rule the fines to be paid for civil penalties issued for violations of Title 55, Chapter 22, Idaho Code. To the extent authorized by Section 55-2211, Idaho Code, the acts described in this section subject the violator to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen (18) months from an earlier violation, and where facility damage has occurred. ()

05. Violations of Title 55, Chapter 22, Idaho Code. The following acts subject a person to civil penalties: ()

a. Pre-marking Excavation Site. Any person who fails to adequately pre-mark onsite the path of proposed excavation as reasonably required under the circumstances in accordance with Section 55-2205(1)(b), Idaho Code, is subject to a civil penalty. ()

b. Notice of Excavation. Any person who fails to provide notice of the scheduled commencement of excavation to any underground facility owner through a one-number notification service, or directly to a facility owner, as applicable within the prescribed time as required by Section 55-2205(1)(c), Idaho Code, is subject to a civil penalty. ()

c. One-Number Notification to Facility Owner. A one-number notification service that fails to provide notice of a scheduled excavation upon notification from an excavator is subject to a civil penalty. ()

d. Failure to Locate or Mark. An underground facility owner, owner's agent, or locator who fails to locate or mark underground facilities when responsible to do so in accordance with Section 55-2205(2), Idaho Code, or within the prescribed time provided therein, is subject to a civil penalty. ()

e. Failure to Wait for Locate or Maintain Markings. An excavator who commences excavation prior to waiting the time prescribed by Section 55-2205(2), Idaho Code, for all known facilities to be located and marked, or an excavator who fails to maintain the markings of underground facilities previously so marked subsequent to the commencement of excavation in accordance with Section 55-2205(2), Idaho Code, is subject to a civil penalty. ()

f. Failure to Cease Excavation or Report Unidentified Facilities. An excavator who does not cease excavation in the immediate vicinity upon the discovery of underground facilities therein, whether such facilities be active or abandoned, which were not previously identified or located with reasonable accuracy, or does not notify the owner or operator of the facilities, or a one-number notification service in accordance with Section 55-2205(4), Idaho Code, is subject to a civil penalty. ()

g. Failure to Identify Facilities in Contract Documents. Project owners who fail to indicate in bid or contract documents the existence of underground facilities known by the owner to be located within the proposed area of excavation in accordance with Section 55-2207, Idaho Code, is subject to a civil penalty. ()

h. Precautions to Avoid Damage. An excavator who does not engage in any of the activities required by Section 55-2207(2), Idaho Code, or use reasonable care to avoid damage to underground facilities is subject to a civil penalty. ()

i. Reporting of Damage to Facility. An excavator who fails to report to a facility owner and a one-number notification service any contact or damage to an underground facility caused by such excavator in the course of excavation, or fails to alert an appropriate authority upon an actual breach of a facility which causes the release of gas or hazardous liquids as required by Section 55-2208(1), Idaho Code, is subject to a civil penalty. ()

j. Reporting to the Board. An excavator or underground facility owner who observes, suffers or causes damage to an underground facility or excavator downtime related to the failure of one (1) or more stakeholders to comply with the damage prevention regulations and fails to report such information to the board as required by Section 55-2208(5), Idaho Code, is subject to a civil penalty. ()

k. Failure to Participate. Any person, as defined in Section 55-2206 who fails to participate or cooperate with a one-number notification service as prescribed by Section 55-2206, Idaho Code, is subject to a civil penalty. ()

l. False Notification of Emergency. Any person who provides notice of an emergency excavation when there is not an emergency as defined in Idaho Code Section 55-2202(5). ()

06. Second Offense. For the purpose of this section, a second offense is deemed to be any violation of Title 55, Chapter 22, Idaho Code, for which a civil penalty may be imposed in accordance with this section which occurs within eighteen (18) months of a previous violation of any provision. ()

07. Multiple Violations. Each day that a violation of Title 55, Chapter 22, Idaho Code, occurs for which a civil penalty may be imposed as provided herein constitutes a separate offense. ()

301. -- 349. (RESERVED)

002350. ADMINISTRATIVE APPEALS.

01. Appeal Bond. Upon notice of the imposition of training or a civil penalty, the notified party may contest the imposition of such before the Damage Prevention Board in accordance with Section 018 of these rules. An appeal bond in the amount of two hundred dollars (\$200) must accompany the request for hearing to contest the matter. In the case of training, the Division of Building Safety will refund the bond if the contesting party appears at the hearing. In the case of a civil penalty, the Division will refund any portion of the bond not used to satisfy the penalty imposed by the Board or the entire bond if the contesting party prevails at the hearing. (3-28-23)

002351. -- 006399.(RESERVED)

007400. FUNDING OF BOARD ACTIVITIES FEES.

Each owner of an underground facility must pay a fee of ten cents (\$.10) each time such owner receives notice from a one-number notification service as prescribed by Section 55-2205, Idaho Code. The fee assessed upon the underground facility owner is collected by the one-number notification service, and is payable to the board in accordance with the following schedule: (3-28-23)()

01. Fee Assessed. The fee will be assessed on an underground facility owner for each notification issued by the one-number notification service to the underground facility owner, with the one-number notification service required to submit a summary of the number of notices issued in a given month to the board no later than fifteen (15) days following the end of the month in which the notices were issued. (3-28-23)

02. Payment Submission. The one-number notification service must submit payment to the board for all payments received from underground facility owners no later than seventy (70) days following the end of the month in which the notices were issued to the facility owners. In those cases where the payment from the underground facility owner is received after the seventy-day (70) period, the one-number service must include late payments in its next payment to the board. (3-28-23)

03. Notices Issued. The one-number notification service must also submit a detailed list of notices issued, including the facility owner's contact information, for which payment has not been received within the seventy (70) day period following the end of the month in which the notices were issued. Such list must be updated on a monthly basis to reflect the status of all past-due payments due from underground facility owners that have not been received. (3-28-23)

008. AUDIT OF ONE NUMBER SERVICE RECORDS.

04. Audit of One Number Service Records. The Board has the right to review and audit the payment records of any one-number notification service relating to the collection of the fee imposed on underground facility owners. In the event the board wishes to conduct a review and/or audit of a one-number notification service, the board will provide no less than a five (5) business day advance notice of the intended action. The board may delegate any responsibilities contained herein this chapter to the Division of ~~Building Safety~~ Occupational and Professional Licenses. (3-28-23)()

009. -- 014. (RESERVED)

015. EDUCATIONAL AND TRAINING MATERIALS.

01. Approval of Training and Educational Programs. ~~The Board approves acceptable training courses or programs and educational materials on relevant underground facility damage prevention topics pertaining to safe excavation, locating and marking of facilities, determining facility damage, emergency procedures, excavator downtime, pre marking of intended excavation areas, and appropriate procedures when encountering unmarked facilities.~~ (3-28-23)

~~02. **Scope of Training and Educational Programs.** Such training programs and educational materials must relate to various aspects of underground facility damage prevention, and contain practices, information, and standards generally accepted and recognized among stakeholders in Idaho. (3-28-23)~~

~~03. **Accessibility of Training and Educational Programs.** The Division maintains and periodically updates a database of approved educational materials and training programs. (3-28-23)~~

~~04. **Purposes of Training and Educational Programs.** Such programs may be used for general educational use by stakeholders or for remedial training that may be ordered by the board or the administrator pursuant to Section 55-2211, Idaho Code. (3-28-23)~~

~~**016. ADEQUACY OF FACILITY OWNERS LOCATING UNDERGROUND FACILITIES.**~~

~~The board reviews all stakeholder complaints of violations related to underground facility line locating, as well as generally accepted practices and procedures related to locating. Stakeholders must take remedial actions to improve line locating performance and monitor and report performance improvements to the board. (3-28-23)~~

~~**017. IMPROVEMENT OF TECHNOLOGY AND COMMUNICATIONS BY STAKEHOLDERS.**~~

~~01. **Adoption of Technology and Communications Materials.** On an annual basis the board reviews and adopts any available technology and communications materials which promote effective underground facility locating. The board will make available any such appropriate technology and communications materials as it may determine to all stakeholders on the Division website. (3-28-23)~~

~~02. **Availability of Technology and Communications Materials.** The board may request that stakeholders provide it with information or data related to procedures, methods, or technologies utilized by such stakeholders to enhance communications among other stakeholders, or that enhances underground facility locating capabilities, or enhances the stakeholder's ability to gather and analyze data related to underground facility damage. The board will review such technologies, methods, or materials adopted by stakeholders to ensure that such use is adequate, as well as to provide stakeholders with best practices. The Division of Building Safety must maintain an approved database of such referenced stakeholder data for public viewing and analysis on its website. (3-28-23)~~

~~**018. DAMAGE PREVENTION COMPLAINTS.**~~

~~01. **Complaint Forms.** Persons may submit written complaints to the administrator regarding an alleged violation of Title 55, Chapter 22, Idaho Code, on such forms as required by the Division. Notice of the complaint may be served concurrently on the alleged violator by the person submitting the complaint. Verifiable proof of such notification of a complaint provided to the alleged violator must also be provided to the administrator. (3-28-23)~~

~~02. **Contents.** Complaints must include the name and address of the complainant and the alleged violator, the date and location of the alleged violation, as well as a complete description of the nature of the violation alleged, including whether it resulted in damage to an underground facility or an excavator downtime event. Complainants may also provide additional documentation in support of a complaint. Complaints must be accompanied by a sworn declaration from the complainant declaring that the information contained therein is true and accurate. The administrator may request additional information or documents in support of the complaint. (3-28-23)~~

~~03. **Complaint Procedures and Timelines.** The following timelines and procedure govern the process of filing and administering complaints related to violations of Title 55, Chapter 22, Idaho Code, and the rules of the Board. (3-28-23)~~

~~a. **Initial Filing.** Complaints must be filed with the administrator not later than thirty (30) days from the date of the alleged violation giving rise to the complaint or from the date the violation should have reasonably been discovered by the complainant, whichever is later. (3-28-23)~~

~~b. **Response.** The administrator must notify the alleged violator of the complaint and request a response and any additional information from the alleged violator as may be necessary. The alleged violator may~~

provide a response to the administrator within thirty (30) days from the date they are notified of the complaint by the administrator. (3-28-23)

~~c. Recommendation.~~ Within thirty (30) days of receipt of the response, or if no response is received, within fifteen (15) days from the deadline for filing a response, the administrator must notify the complainant and the alleged violator of his recommended course of action. The administrator may extend the period of time in which to determine a recommended course of action, and so notify the parties, if he determines it is necessary to further review or investigate the complaint. (3-28-23)

~~d. Contest.~~ The alleged violator has the right to contest the imposition of a civil penalty before the damage prevention board. Notice of such contest must be provided by the alleged violator not more than thirty (30) days after receipt of the administrator's recommended course of action. Recommendations of the administrator regarding complaints may be reviewed by the board at its next regularly scheduled meeting. (3-28-23)

~~019. CLAIMS AND REPORTS OF DAMAGE OR EXCAVATOR DOWNTIME.~~

~~01. Claims.~~ Claims for the cost of repairs for damaged underground facilities are enforced by the affected underground facility owner in accordance with procedures as may be established by the facility owner, and in accordance with applicable law. Underground facility owners must provide notice to excavator contractors of such procedures, along with sufficient information supporting the basis for the amount of a claim within six (6) months from the date of the event giving rise to the claim or from the date the event should have reasonably been discovered by the underground facility owner, whichever is later. (3-28-23)

~~02. Reports.~~ Underground facility owners and excavators who observe, suffer or cause damage to an underground facility or observe, suffer or cause excavator downtime related to a failure of one (1) or more stakeholders to comply with applicable damage prevention statutes or regulations must report such information to the board on forms or by such method adopted for such by the board. Forms are available at the Division offices and electronically on the Division's website. (3-28-23)

~~020. CIVIL PENALTIES.~~

The Idaho Damage Prevention Board is authorized under Section 55-2203(17), Idaho Code, to establish by administrative rule the fines to be paid for civil penalties issued for violations of Title 55, Chapter 22, Idaho Code. To the extent authorized by Section 55-2211, Idaho Code, the acts described in this section subject the violator to a civil penalty of not more than one thousand dollars (\$1,000) for a second offense and a civil penalty of not more than five thousand dollars (\$5,000) for each offense that occurs thereafter within eighteen (18) months from an earlier violation, and where facility damage has occurred. (3-28-23)

~~01. Violations of Title 55, Chapter 22, Idaho Code.~~ The following acts subject a person to civil penalties: (3-28-23)

~~a. Pre marking Excavation Site.~~ Any person who fails to adequately pre mark onsite the path of proposed excavation as reasonably required under the circumstances in accordance with Section 55-2205(1)(b), Idaho Code, is subject to a civil penalty. (3-28-23)

~~b. Notice of Excavation.~~ Any person who fails to provide notice of the scheduled commencement of excavation to any underground facility owner through a one number notification service, or directly to a facility owner, as applicable within the prescribed time as required by Section 55-2205(1)(c), Idaho Code, is subject to a civil penalty. (3-28-23)

~~c. One Number Notification to Facility Owner.~~ A one number notification service that fails to provide notice of a scheduled excavation upon notification from an excavator is subject to a civil penalty. (3-28-23)

~~d. Failure to Locate or Mark.~~ An underground facility owner, owner's agent, or locator who fails to locate or mark underground facilities when responsible to do so in accordance with Section 55-2205(2), Idaho Code, or within the prescribed time provided therein, is subject to a civil penalty. (3-28-23)

~~e. Failure to Wait for Locate or Maintain Markings.~~ An excavator who commences excavation prior

~~to waiting the time prescribed by Section 55-2205(2), Idaho Code, for all known facilities to be located and marked, or an excavator who fails to maintain the markings of underground facilities previously so marked subsequent to the commencement of excavation in accordance with Section 55-2205(2), Idaho Code, is subject to a civil penalty.~~

~~(3-28-23)~~

~~**f.** Failure to Cease Excavation or Report Unidentified Facilities. An excavator who does not cease excavation in the immediate vicinity upon the discovery of underground facilities therein, whether such facilities be active or abandoned, which were not previously identified or located with reasonable accuracy, or does not notify the owner or operator of the facilities, or a one-number notification service in accordance with Section 55-2205(4), Idaho Code, is subject to a civil penalty.~~

~~(3-28-23)~~

~~**g.** Failure to Identify Facilities in Contract Documents. Project owners who fail to indicate in bid or contract documents the existence of underground facilities known by the owner to be located within the proposed area of excavation in accordance with Section 55-2207, Idaho Code, is subject to a civil penalty.~~

~~(3-28-23)~~

~~**h.** Precautions to Avoid Damage. An excavator who does not engage in any of the activities required by Section 55-2207(2), Idaho Code, or use reasonable care to avoid damage to underground facilities is subject to a civil penalty.~~

~~(3-28-23)~~

~~**i.** Reporting of Damage to Facility. An excavator who fails to report to a facility owner and a one-number notification service any contact or damage to an underground facility caused by such excavator in the course of excavation, or fails to alert an appropriate authority upon an actual breach of a facility which causes the release of gas or hazardous liquids as required by Section 55-2208(1), Idaho Code, is subject to a civil penalty.~~

~~(3-28-23)~~

~~**j.** Reporting to the Board. An excavator or underground facility owner who observes, suffers or causes damage to an underground facility or excavator downtime related to the failure of one (1) or more stakeholders to comply with the damage prevention regulations and fails to report such information to the board as required by Section 55-2208(5), Idaho Code, is subject to a civil penalty.~~

~~(3-28-23)~~

~~**k.** Failure to Participate. Any person who fails to participate or cooperate with a one-number notification service as prescribed by Section 55-2206, Idaho Code, is subject to a civil penalty.~~

~~(3-28-23)~~

~~**l.** False Notification of Emergency. Any person who provides notice of an emergency excavation when there is not an emergency as defined in Idaho Code Section 55-2202(5).~~

~~(3-28-23)~~

~~**02. Second Offense.** For the purpose of this section, a second offense is deemed to be any violation of Title 55, Chapter 22, Idaho Code, for which a civil penalty may be imposed in accordance with this section which occurs within eighteen (18) months of a previous violation of any provision.~~

~~(3-28-23)~~

~~**03. Multiple Violations.** Each day that a violation of Title 55, Chapter 22, Idaho Code, occurs for which a civil penalty may be imposed as provided herein constitutes a separate offense.~~

~~(3-28-23)~~

~~021~~**401.** -- 999. (RESERVED)

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION
26.01.37 – RULES GOVERNING TEST PROCEDURES AND INSTRUMENTS
FOR NOISE ABATEMENT OF OFF HIGHWAY VEHICLES
DOCKET NO. 26-0137-2401 (ZBR CHAPTER REWRITE)
NOTICE OF INTENT TO PROMULGATE RULES –
ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 67-4223 and 67-4249 Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows:

Wednesday, August 28, 2024 10:00 a.m. to 11:00 a.m. (MT)
Meeting held via video conference: Click here to join the meeting Meeting ID: 278 670 955 26 Passcode: 33iC2y Download Teams Join on the web
Join with a video conferencing device idahogov@m.webex.com Video Conference ID: 116 974 952 7 Alternate VTC instructions
Or call in (audio only) +1 208-985-2810 Phone Conference ID: 819 411 148# Find a local number Reset PIN

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and/or web conferencing. Individuals interested in participating can visit townhall.idaho.gov for specific meeting information, including web links for participation. For those who cannot participate in this way, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Idaho Department of Parks and Recreation is proposing to repeal this chapter and place it in Idaho statute.

These rules are being presented for authorization as part of the Idaho Department of Parks and Recreation's plan to review each rule every 5 years. The goal is to perform a comprehensive review of and update, streamline, and modernize these rules consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#). The Idaho Department of Parks and Recreation intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Seth Hobbs, (208) 514-2427, seth.hobbs@idpr.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Parks and Recreation website at the following web address: <https://parksandrecreation.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28th, 2024.

DATED this 18th day of July, 2024.

Seth Hobbs
Idaho Department of Parks and Recreation
5657 Warm Springs Ave.
Boise, ID 83716
Phone: (208) 514-2427

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.21.01 – CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC, AND WATER PUBLIC UTILITIES (THE UTILITY CUSTOMER RELATIONS RULES)

DOCKET NO. 31-2101-2401

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to the General legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the specific legal authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2024.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

During a legislative committee hearing, it was requested the Public Utilities Commission make a one word change in IDAPA 31.21.01.304.02 Rule the following year, change the word “may” to “shall.”

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this set of rules went through negotiated rulemaking last year according to the Zero-Based Rulemaking process. Language in Rule 304 was adjusted to reflect the request of House Committee Chairman.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rulemaking or to obtain a preliminary draft copy of the rule text, contact Stephen Goodson at (208) 334-0323. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the Idaho Public Utilities Commission web site at the following web address: www.puc.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 5th day of July, 2024.

Monica Barrios-Sanchez, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720 Boise, ID 83720-0074
(208) 334-0323 Office
(208) 334-4045 Fax

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 31-2101-2401
(Only Those Sections With Amendments Are Shown.)

31.21.01 – CUSTOMER RELATIONS RULES FOR GAS,
ELECTRIC, AND WATER PUBLIC UTILITIES
(THE UTILITY CUSTOMER RELATIONS RULES)

304. REQUIREMENTS FOR NOTICE TO CUSTOMERS BEFORE TERMINATION OF SERVICE
(RULE 304).

01. **Initial Notice.** If the utility intends to terminate service to a customer under Rule 302, the utility will send to the customer written notice of termination mailed at least seven (7) calendar days before the proposed date of termination. Written notice may be provided by electronic mail (i.e. e-mail) if the customer is billed electronically and separately consents in writing to receiving electronic notification. This written notice will contain the information required by Rule 305. (7-1-24)

02. **Final Notice.** The utility ~~may~~ shall mail a final written notice to the customer at least three (3) calendar days, excluding weekends and holidays, before the proposed date of termination. ~~Regardless of whether~~ When the utility ~~elects to mails~~ a written notice, at least twenty-four (24) hours before the proposed date of termination, the utility must diligently attempt to contact the customer affected, either in person or by telephone, to advise the customer of the proposed action and steps to take to avoid or delay termination. This final notice will contain the same information required by Rule 305. (7-1-24)()

03. **Additional Notice.** If service is not terminated within twenty-one (21) calendar days after the proposed termination date as specified in a written notice the utility will again provide notice under Subsections 304.01 and 304.02 if it still intends to terminate service. (7-1-24)

04. **Failure to Pay.** No additional notice of termination is required if, upon receipt of a termination notice, the customer: (7-1-24)

- a. Makes a payment arrangement and subsequently fails to keep that arrangement; (7-1-24)
- b. Tenders payment with a dishonored check; or (7-1-24)
- c. Makes an electronic payment drawn on an account with insufficient funds. (7-1-24)

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.41.01 – CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS PROVIDING SERVICES IN IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION BY THE IDAHO PUBLIC UTILITIES COMMISSION (THE TELEPHONE CUSTOMER RELATIONS RULES)

DOCKET NO. 31-4101-2401 (ZBR CHAPTER REWRITE)

NOTICE OF INTENT TO PROMULGATE RULES – ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Title 61, and the Public Records Act, Section 74-107(13), Idaho Code, and Executive Order No. 2020-01.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Thursday, August 29, 2024 10:00 a.m. (MT)
<i>In-person participation is available at:</i> Idaho Public Utilities Commission Hearing Room 11331 W. Chinden Blvd. Building 8, Suite 201-A Boise, Idaho 83714

To participate by phone or web conferencing, please contact Adam Rush at (208) 334-0339 or adam.rush@puc.idaho.gov. Any additional meeting dates will be posted at <https://puc.idaho.gov> in the “News Updates” section.

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting in person or via telephone/web conferencing. For those who cannot participate by attending the meeting, written comments may be submitted to the Idaho Public Utilities Commission by email at secretary@puc.idaho.gov. Written comments may also be submitted using the Idaho Public Utilities Commission’s Case Comment Form: <https://puc.idaho.gov/Form/CaseComment>.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Idaho Public Utilities Commission initiated this rulemaking in compliance with [Executive Order No. 2020-01: Zero-Based Regulation](#), issued by Governor Little on January 16, 2020. The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Stephen Goodson at (208) 334-0323. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Public Utilities Commission web site at the following web address: www.puc.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 5th day of July, 2024.

Monica Barrios-Sanchez, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
(208) 334-0323 Office
(208) 334-4045 Fax

IDAPA 42 – IDAHO WHEAT COMMISSION
42.01.01 – RULES OF THE IDAHO WHEAT COMMISSION
DOCKET NO. 42-0101-2401 (ZBR CHAPTER REWRITE)
NOTICE OF INTENT TO PROMULGATE RULES –
ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 22-3309, Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows:

<p style="text-align:center">Wednesday, August 14, 2024 2:00 p.m. to 3:00 p.m. (MT)</p>
<p style="text-align:center"><i>In-person participation is available at:</i> Idaho Wheat Commission 821 W. State Street Boise, ID 83702</p> <p style="text-align:center">Web meeting link: Click here to join the meeting Meeting ID: 874 9573 7045 Passcode: IdahoWheat</p>

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Those interested in participating in the negotiated rulemaking process are encouraged to submit written comments for the record to the Idaho Wheat Commission, 821 W. State Street, Boise, Idaho 83702 or electronically to wheat@idahowheat.org and attend the scheduled meeting via telephone and/or web conferencing. Individuals interested in participating can visit townhall.idaho.gov for specific meeting information, including web links for participation.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

These rules are being presented for authorization as part of the Idaho Wheat Commission's plan to review each rule every 5 years. The goal is to perform a comprehensive review of and update, streamline, and modernize these rules consistent with the Governor's [Executive Order 2020-01: Zero-Based Regulation](#). The Idaho Wheat Commission intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Britany Hurst Marchant at wheat@idahowheat.org. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Wheat Commission website at the following web address: idahowheat.org.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Monday, August 12, 2024.

Dated this 1st day of August, 2024.

Britany Hurst Marchant, Executive Director
Idaho Wheat Commission
821 W. State Street, Boise, Idaho 83702
208-334-2353
[Idahowheat.org](http://idahowheat.org)

IDAPA 43 – IDAHO OILSEED COMMISSION
43.01.01 – RULES GOVERNING THE IDAHO OILSEED COMMISSION
DOCKET NO. 43-0101-2401 (ZBR CHAPTER REWRITE)
NOTICE OF INTENT TO PROMULGATE RULES –
ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment and input prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-4710, 22-4717, and 22-4718 Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting will be held as follows:

<p style="text-align:center">Thursday, August 22, 2024 10:00 a.m. to 11:30 a.m. MT</p>
<p style="text-align:center">In Person: Idaho Oilseed Commission Office 55 SW 5th Ave., Ste 100 Meridian, ID 83642</p> <p style="text-align:center">For virtual meeting links please contact Patxi Larrocea-Phillips at patxi@amgidaho.com.</p>

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and web conferencing. Individuals interested in participating by telephone and web conferencing should contact patxi@amgidaho.com for the virtual information. For those who cannot participate by attending the meeting, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

These rules are being presented for authorization as part of the Idaho Oilseed Commission's plan to review its rules every 5 years. There are no specific rulemaking changes planned by the Idaho Oilseed Commission at this time except for evaluation and amendment consistent with the Governor's [Zero-Based Regulation Executive Order](#). It is anticipated that rulemaking stakeholders will propose and advocate for rulemaking changes as part of the negotiated rulemaking process. The Idaho Oilseed Commission intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact patxi@amgidaho.com. Materials pertaining to the

negotiated rulemaking, including any available preliminary rule drafts, can be obtained through Patxi Larrocea-Phillips at patxi@amgidaho.com.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 29, 2024 to be considered in the proposed rule.

DATED this 22nd day of July, 2024.

Patxi Larrocea-Phillips
Administrator
55 SW 5th Ave, Suite 100
Meridian, ID 83642
Phone: 208-888-0988
Email: patxi@amgidaho.com

**IDAPA 44 – OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR,
DIVISION OF FINANCIAL MANAGEMENT**

DOCKET NO. 44-0000-2401

NOTICE OF OMNIBUS RULEMAKING – REVOCATION OF FINAL RULE

EFFECTIVE DATE: The effective date of this action is July 1, 2024.

AUTHORITY: In compliance with Sections 67-5201(2), 67-5202(2), 67-5204(2)(b), and 67-5206(3), Idaho Code, notice is hereby given that the Office of the Administrative Rules Coordinator has taken action to revise Idaho's Administrative Code to remove certain final rules that are no longer in full force and effect.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for publishing this notice:

Idaho's Administrative Procedures Act stipulates that the administrative code may contain only, in relevant part, all "final rules." When the Legislature created the Office of Administrative Hearings (OAH), it did so with the intent of creating a non-biased decision maker to facilitate due process for Idahoans. In carrying out that process, the Legislature also intended that all state agencies and their contested cases, with limited exceptions, operate under one set of contested case rules. To that end, Section 67-5206(3), Idaho Code, states that any contested case rules promulgated by either the attorney general's office or an agency shall "remain in full force and effect ... until such time as [OAH] promulgates replacement rules." [IDAPA 62.01.01, Idaho Rules of Administrative Procedure](#), (OAH's contested case rules) went into effect on July 1, 2024. Accordingly, the Division of Financial Management and Office of the Administrative Rules Coordinator has taken action to remove certain rules from the administrative code that are no longer final rules because they are no longer in full force and effect.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the legislative intent of [House Bill 629 \(2022\)](#) to provide for the independence and impartiality of hearing officers in the Administrative Hearing Act contested case proceedings by removing the affected chapters and subsections of rules of the agencies listed below.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill 629 (2022), recodification of the Idaho Administrative Code will reflect the actions in this notice.

This rulemaking notice is germane to and affects the following rule chapters and enumerated subsections:

- *15.04.01 – Rules of the Division of Human Resources and Idaho Personnel Commission* – Subsections 201.01, 06, 07, 09, 11, and 12, only, null and void.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the revocation of this final rule, contact Josh Scholer at 208-854-3097.

DATED this 7th day of August, 2024.

Brad Hunt
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Division of Financial Management
P.O. Box 83720, Boise, ID 83720-0032
Phone: (208) 854-3096
adminrules@dfm.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-2401

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Sections 39-105, 39-107, and Chapter 36, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before August 23, 2024. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to remove Sections 851, Petroleum Release Reporting, Investigation, and Confirmation, and 852, Petroleum Release Response and Corrective Action, from IDAPA 58.01.02, Water Quality Standards, and move to IDAPA 58.01.24, Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites (Docket No. 58-0124-2401). Sections 851 and 852 address petroleum releases and storage tanks, which are not water quality standard regulations as described in Section 1314(a) of the Clean Water Act and are better suited for placement in IDAPA 58.01.24. Docket No. 58-0102-2401 is a companion rulemaking to Docket No. 58-0124-2401 for the purpose of moving sections 851 and 852 from one chapter to the other.

The proposed rule text is in legislative format. Language the agency proposes to remove is struck out. It is these deletions to which public comment should be addressed. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2025 Idaho State Legislature, the rule will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible due to the simple nature of this rulemaking, and the transfer of Sections 851 and 852 to IDAPA 58.01.24 was negotiated under Docket No. 58-0124-2401.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Not applicable.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Elizabeth Spelsberg at elizabeth.spelsberg@deq.idaho.gov or (208) 373-0158. The webpage for this docket is available at <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/water-quality-docket-no-58-0102-2401/>.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before September 6, 2024. Submit written comments to:

Elizabeth Spelsberg
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
elizabeth.spelsberg@deq.idaho.gov

Dated this 7th day of August, 2024.

Janeena White
Senior Operations Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0502
janeena.white@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0102-2401
(Only Those Sections With Amendments Are Shown.)

58.01.02 – WATER QUALITY STANDARDS

~~851. PETROLEUM RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION.~~

~~01. Reporting of Suspected Releases for All Petroleum Storage Tank Systems.~~ Owners and operators of petroleum storage tank (PST) systems shall report to the Department within twenty-four (24) hours and follow the procedures in Subsection 851.03 for any of the following conditions: (3-31-22)

~~a. The discovery by owners and operators or others of a petroleum release at the PST site or in the surrounding area other than spills and overfills described in Subsection 851.04, such as the presence of free product or dissolved product in nearby surface water or ground water or vapors in soils, basements, sewer or utility lines. (3-31-22)~~

~~b. Unusual operating conditions observed by owners and operators such as the erratic behavior of product dispensing equipment, the sudden loss of product from the PST system, or an unexplained presence of water in the PST system, unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced. (3-31-22)~~

~~c. Monitoring results from a release detection method that indicate a release may have occurred unless: (3-31-22)~~

~~i. The monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result; or (3-31-22)~~

~~ii. In the case of inventory control, a second month of data does not confirm the initial result. (3-31-22)~~

~~02. Investigation Due to Off-Site Impacts.~~ When required by the Department, owners and operators shall follow the procedures in Subsection 851.03 to determine if the PST system is the source of off-site impacts. These impacts include the discovery of petroleum, such as the presence of free product or dissolved product in nearby surface water or ground water or vapors in soils, basements, sewer and utility lines, that has been observed by the Department or brought to its attention by another party. (3-31-22)

~~03. Release Investigation and Confirmation Steps.~~ Unless corrective action is initiated in accordance with Section 852, owners and operators shall immediately investigate and confirm all suspected releases of petroleum within seven (7) days, or another time period specified by the Department, of discovery and using at least one (1) of

the following steps or another procedure approved by the Department: (3-31-22)

~~a. Owners and operators shall conduct tightness tests that determine whether a leak exists in any portion of the PST system, including the tank, the attached delivery piping, and any connected tanks and piping. All such portions shall be tested either separately or together or in combinations thereof, as required by the Department. (3-31-22)~~

~~i. Owners and operators shall repair, replace or upgrade the PST system in accordance with applicable federal, state and local laws, and begin corrective action in accordance with Section 852 if the test results for the system, tank, or delivery piping indicate that a leak exists. (3-31-22)~~

~~ii. Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release. (3-31-22)~~

~~iii. Owners and operators shall conduct a site check as described in Subsection 851.03.b. if the test results for the system, tank, and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release. (3-31-22)~~

~~b. Owners and operators shall measure for the presence of a release where contamination is most likely to be present. In selecting sample types, sample locations, and measurement methods, owners and operators shall consider the nature of the petroleum, the type of initial alarm or cause for suspicion, the type of backfill, the depth of ground water, and other factors appropriate for identifying the presence and source of the release. Methods of sample collection and sample analysis are subject to Department approval. (3-31-22)~~

~~i. If release has occurred, owners and operators shall begin corrective action in accordance with Section 852. (3-31-22)~~

~~ii. If test results for the PST system do not indicate that a release has occurred, further investigation is not required. (3-31-22)~~

~~**04. Reporting and Cleanup of Above Ground Spills and Overfills.** Owners and operators shall contain and immediately clean up an above ground spill or overflow of petroleum only after identifying and mitigating any fire, explosion and vapor hazards. (3-31-22)~~

~~a. An above ground spill or overflow of petroleum that results in a release that exceeds twenty five (25) gallons or that causes a sheen on nearby surface water shall be reported to the Department within twenty four (24) hours and owners and operators shall begin corrective action in accordance with Section 852. (3-31-22)~~

~~b. An above ground spill or overflow of petroleum that results in a release that is less than twenty five (25) gallons and does not cause a sheen on nearby surface water shall be reported to the Department only if cleanup cannot be accomplished within twenty four (24) hours. (3-31-22)~~

~~**852. PETROLEUM RELEASE RESPONSE AND CORRECTIVE ACTION.**~~

~~**01. Release Response.** Upon confirmation of a petroleum release in accordance with Section 851 or after a release from the PST system is identified in any other manner, owners and operators shall perform the following initial response actions within twenty four (24) hours: (3-31-22)~~

~~a. Identify and mitigate fire, explosion and vapor hazards; (3-31-22)~~

~~b. Take immediate action to prevent any further release of petroleum into the environment; and (3-31-22)~~

~~c. Report the release to the Department. (3-31-22)~~

~~**02. Initial Abatement Measures.** Unless directed to do otherwise by the Department, owners and operators shall perform the following abatement measures: (3-31-22)~~

~~a. Remove as much of the petroleum from the leaking PST system as is necessary to prevent further release to the environment; (3-31-22)~~

~~b. Visually inspect any above ground releases or exposed below ground releases and prevent further migration of the released substance into surrounding soils, surface water and ground water; (3-31-22)~~

~~c. Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the PST site and entered into subsurface structures such as sewers or basements; (3-31-22)~~

~~d. Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator shall comply with applicable state and local requirements. (3-31-22)~~

~~**03. Initial Site Characterization.** Unless directed to do otherwise by the Department, owners and operators shall assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures in Subsection 852.02. This information shall include, but is not necessarily limited to the following: (3-31-22)~~

~~a. Data on the nature and estimated quantity of release; (3-31-22)~~

~~b. Data from available sources and/or site investigations concerning the following factors: surrounding populations, water quality, use and approximate location of wells potentially affected by the release, subsurface soil condition, locations of subsurface sewers, climatological conditions and land use; and (3-31-22)~~

~~c. Data from measurements that assess the site for the presence of petroleum contamination including: (3-31-22)~~

~~i. Measurements for the presence of a release where contamination is most likely to be present, unless the presence and source of the release have been confirmed in accordance with the site check required by Subsection 851.03.b. or the closure site assessments required by applicable federal, state, or local laws. Sample types, sample locations and analytical methods are subject to Department approval and shall be based on consideration of the nature of the petroleum, the type of backfill, depth to ground water and other factors appropriate for identifying the presence and source of the release; and (3-31-22)~~

~~ii. Measurements to determine the presence of free product. (3-31-22)~~

~~d. Within forty-five (45) days of release confirmation, or another time specified by the Department, owners and operators shall submit the information collected in compliance with Subsection 852.03 to the Department in a manner that demonstrates its applicability and technical adequacy to be reviewed as follows: (3-31-22)~~

~~i. If the Department determines that the information shows that no further corrective action is required, owners and operators shall be notified accordingly. (3-31-22)~~

~~ii. If the Department determines that the information shows petroleum contamination is limited to soils, owners and operators shall treat or dispose of contaminated soils in accordance with Department guidelines, and need not perform any further corrective action. (3-31-22)~~

~~iii. If the Department determines that the information shows that any of the conditions in Subsections 852.05.a. through 852.05.e. exist, owners and operators shall comply with the requirements in Subsections 852.04 through 852.07. (3-31-22)~~

~~**04. Free Product Removal.** At sites where investigations under Subsection 852.03.c.ii. indicate the presence of free product, owners and operators shall remove free product to the maximum extent practicable as determined by the Department while continuing, as necessary, any actions initiated under Subsections 852.01 through~~

~~852.03 or preparing for actions required under Subsections 852.05 and 852.06. In meeting the requirements of Subsection 852.04, owners and operators shall:~~ (3-31-22)

~~a. Conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated areas by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site, and that properly treats, discharges or disposes of recovery by products in compliance with applicable local, state and federal regulations;~~ (3-31-22)

~~b. Use abatement of free product migration as a minimum objective for the design of the free product removal system;~~ (3-31-22)

~~c. Handle any flammable products in a safe and competent manner to prevent fires or explosions; and~~ (3-31-22)

~~d. Unless directed to do otherwise by the Department, prepare and submit to the Department for review and approval, within forty-five (45) days after confirming a release, a free product removal report that provides at least the following information:~~ (3-31-22)

~~i. The name of the person(s) responsible for implementing the free product removal measures;~~ (3-31-22)

~~ii. The estimated quantity, type and thickness of free product observed or measured in wells, boreholes, and excavations;~~ (3-31-22)

~~iii. The type of free product recovery system used;~~ (3-31-22)

~~iv. Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located;~~ (3-31-22)

~~v. The type of treatment applied to, and the effluent quality expected from, any discharge;~~ (3-31-22)

~~vi. The steps that have been or are being taken to obtain necessary permits for any discharge; and~~ (3-31-22)

~~vii. The disposition of the recovered free product.~~ (3-31-22)

~~**05. Investigations for Soil and Water Cleanup.** If any of the conditions in Subsections 852.05.a. through 852.05.e. exist, and unless directed to do otherwise by the Department, owners and operators shall notify the Department and conduct investigations in accordance with Subsection 852.05.d. of the release, the release site, and the surrounding area possibly affected by the release in order to determine the full extent and location of soils contaminated by the petroleum release and the presence and concentrations of dissolved product contamination in the ground water or surface water:~~ (3-31-22)

~~a. There is evidence that ground water or surface water has been affected by the release such as found during release confirmation or previous corrective action measures;~~ (3-31-22)

~~b. Free product is found to need recovery in compliance with Subsection 852.04;~~ (3-31-22)

~~c. There is evidence that contaminated soils may affect nearby ground water, surface water or the public health and have not been treated or disposed of in accordance with Subsection 852.03.d.ii.~~ (3-31-22)

~~d. Unless determined otherwise by the Department, investigations conducted under this Subsection, 852.05, shall include, but are not necessarily limited to the following:~~ (3-31-22)

~~i. The physical and chemical characteristics of the petroleum product including its toxicity, persistence, and potential for migration;~~ (3-31-22)

- ~~ii. The type and age of the PST system, inventory loss, and type of containment failure; (3-31-22)~~
 - ~~iii. The hydrogeologic characteristics of the release site and the surrounding area; (3-31-22)~~
 - ~~iv. The background concentrations of contaminants in soil, surface water and ground water; (3-31-22)~~
 - ~~v. A site drawing, showing boring and monitoring well locations, nearby structures, under ground utilities, drainage ditches, streams, suspected locations of leakage, direction of ground water flow, and any domestic or irrigation wells within a one-fourth (1/4) mile radius of the site; (3-31-22)~~
 - ~~vi. Information on ownership and use of any well identified pursuant to Subsection 852.05.d.v.; (3-31-22)~~
 - ~~vii. Site borings and well logs and rationale for choosing drilling locations, and a description of methods and equipment used for all water and soil sampling; (3-31-22)~~
 - ~~viii. A description of contaminant stratigraphy with accompanying geologic cross section drawings; (3-31-22)~~
 - ~~ix. A demonstration and description of the horizontal and vertical extent of contamination, free product thickness, modes and rate of contaminant transport, and concentrations of dissolved constituents in surface water and ground water; (3-31-22)~~
 - ~~x. The potential effects of residual contamination on nearby surface water and ground water; and (3-31-22)~~
 - ~~xi. A discussion of laboratory analytical methods and information pertaining to laboratory certification. (3-31-22)~~
- ~~e. Owners and operators shall submit the information collected in investigating the release site in compliance with Subsection 852.05 for the Department's review and approval in accordance with a schedule established by the Department as provided in Subsection 852.07. (3-31-22)~~

~~**06. Corrective Action Plan.** At any point after reviewing the information submitted in compliance with Subsections 852.01 through 852.05, the Department may require owners and operators to submit additional information or to develop and submit a corrective action plan for responding to contaminated soils, surface water and ground water. If a plan is required, owners and operators shall submit the plan according to a schedule and criteria established by the Department as provided in Subsection 852.07. Alternatively, owners and operators may, after fulfilling the requirements of Subsections 852.01 through 852.05, choose to submit a corrective action plan for responding to contaminated soil, surface water and ground water. In either case, owners and operators are responsible for submitting a plan that provides for adequate protection of human health and the environment as determined by the Department, and shall modify their plan as necessary to meet the Department's standards. (3-31-22)~~

~~**a.** The Department will approve the corrective action plan only after ensuring that implementation of the plan will adequately protect human health and the environment. In making this determination, the Department should consider the following factors as appropriate: (3-31-22)~~

- ~~i. The maximum contaminant levels for drinking water or other health-based levels for water and soil which consider the potential exposure pathway of the petroleum product; (3-31-22)~~
- ~~ii. The physical and chemical characteristics of the petroleum product including its toxicity, persistence, and potential for migration; (3-31-22)~~
- ~~iii. The hydrogeologic characteristics of the release site and the surrounding area; (3-31-22)~~
- ~~iv. The proximity, quality, and current and future uses of nearby surface water and ground water; (3-31-22)~~

- v. ~~The potential effects of residual contamination on nearby surface water and ground water; and~~ (3-31-22)
- vi. ~~Other information assembled in compliance with Section 851.~~ (3-31-22)
- ~~b. Upon approval of the corrective action plan or as directed by the Department, owners and operators shall implement the plan including modification to the plan made by the Department. Owners and operators shall monitor, evaluate, and report the results of implementing the plan in accordance with a schedule and criteria established by the Department as provided in Subsection 852.07.~~ (3-31-22)
- ~~e. Owners and operators may, in the interest of minimizing environmental contamination and promoting more effective cleanup, begin cleanup of soil, surface water, and ground water before the corrective action plan is approved provided that they:~~ (3-31-22)
 - i. ~~Notify the Department of their intention to begin cleanup;~~ (3-31-22)
 - ii. ~~Comply with any conditions imposed by the Department, including halting cleanup or mitigating adverse consequences from cleanup activities; and~~ (3-31-22)
 - iii. ~~Incorporate these self-initiated cleanup measures in the corrective action plan that is submitted to the Department for approval.~~ (3-31-22)
- ~~07. Compliance. If the Department determines that any of the conditions in 852.05.a. through 852.05.e. exist, owners and operators shall be given an opportunity to enter into a consent order with the Department.~~ (3-31-22)
 - ~~a. The Department shall send owners and operators a consent order that sets forth at least the following:~~ (3-31-22)
 - i. ~~A schedule for owners and operators to submit the information collected in investigating the release site in compliance with Subsection 852.05.~~ (3-31-22)
 - ii. ~~A schedule for owners and operators to submit, and a criteria for, a corrective action plan in compliance with Subsection 852.06.~~ (3-31-22)
 - iii. ~~A schedule for the Department to review, modify, and approve the site release investigation and corrective action plan.~~ (3-31-22)
 - iv. ~~A schedule and criteria for owners and operators to implement a corrective action plan, and monitor, evaluate, and report the results of implementing the corrective action plan.~~ (3-31-22)
 - ~~b. Owners and operators shall be given thirty (30) days from receipt of the consent order in which to reach an agreement with the Department regarding the terms of the consent order.~~ (3-31-22)
 - ~~e. If owners and operators cannot reach an agreement with the Department within thirty (30) days, the Department shall establish a schedule and criteria with which owners and operators shall comply in order to meet the requirements of Subsections 852.05 and 852.06.~~ (3-31-22)

8531. -- 999. (RESERVED)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 – RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-2401

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Chapters 1, 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e)(1) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before August 21, 2024. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking: The purpose of this rulemaking is to ensure that the state rules remain consistent with federal regulations. Idaho's Rules and Standards for Hazardous Waste, IDAPA 58.01.05, are updated annually to maintain consistency with the federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA). This proposed rule updates federal regulations incorporated by reference with the July 1, 2024 Code of Federal Regulations (CFR) effective date. The July 1, 2024 CFR is a codification of federal regulations published in the Federal Register as of July 1, 2024.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2025 Idaho Legislature, the rule will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Adoption of federal regulations is necessary to maintain program primacy, allows DEQ to keep its rules up to date with federal regulation changes, and simplifies compliance for the regulated community. Information for obtaining a copy of the federal regulations is included in the rule.

In compliance with Idaho Code 67-5223(4), DEQ prepared a brief synopsis detailing the substantive differences between the previously incorporated material and the latest revised edition or version of the incorporated material being proposed for incorporation by reference. The Overview of Incorporations by Reference is available at <https://www.deq.idaho.gov/public-information/laws-guidance-and-orders/rulemaking/hazardous-waste-docket-no-58-0105-2401>.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible pursuant to Section 67-5220, Idaho Code, due to the simple nature of this rulemaking and because DEQ has no discretion with respect to adopting EPA's federal regulations implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA). Whenever possible, DEQ incorporates federal regulations by reference to ensure that the state rules are consistent with federal regulations.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Albert Crawshaw at albert.crawshaw@deq.idaho.gov or (208) 373-0554.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before August 28, 2024. Submit written comments to:

Albert Crawshaw
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
albert.crawshaw@deq.idaho.gov

Dated this 7th day of August, 2024.

Janeena White
Senior Operations Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0502
janeena.white@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0105-2401
(Only Those Sections With Amendments Are Shown.)

58.01.05 – RULES AND STANDARDS FOR HAZARDOUS WASTE

000. LEGAL AUTHORITY.

~~Under Chapters 1, 44 and 58, Title 39, Idaho Code, the Idaho Legislature has granted the Board of Environmental Quality the authority to promulgate these rules.~~ (3-24-22)()

~~**001. TITLE.**~~

~~These rules are titled IDAPA 58.01.05, “Rules and Standards for Hazardous Waste.”~~ (3-24-22)

001. (RESERVED)

002. INCORPORATION BY REFERENCE ~~OF FEDERAL REGULATIONS.~~

01. Federal Regulations Incorporated by Reference. Any reference in these rules to requirements, procedures, or specific forms contained in the Code of Federal Regulations (CFR), Title 40, 40 CFR Parts 124, 260 - 268, 270, 273, 278, and 279 ~~constitute the full adoption by reference of that part and Subparts as they appear in 40 CFR, revised as of July 1, 2022, including any notes and appendices therein, unless expressly provided otherwise in~~ are incorporated by reference into these rules. (4-6-23)()

042. Exceptions. Nothing in 40 CFR Parts 260 - 268, 270, 273, 278, 279 or Part 124 as pertains to permits for Underground Injection Control (U.I.C.) under the Safe Drinking Water Act, the Dredge or Fill Program under Section 404 of the Clean Water Act, the National Pollution Discharge Elimination System (NPDES) under the Clean Water Act or Prevention of Significant Deterioration Program (PSD) under the Clean Air Act is adopted or included by reference herein. (3-24-22)

~~02. Availability of Referenced Material. The federal regulations adopted by reference throughout these rules are maintained at the following locations:~~ (3-24-22)

- ~~a. U.S. Government Printing Office, <https://www.ecfr.gov/current/title-40>;~~ (4-6-23)
- ~~b. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, ID 83720-0051, (208) 334-3316;~~
and (3-24-22)
- ~~c. Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208) 373-0502.~~
(3-24-22)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.10 – RULES REGULATING THE DISPOSAL OF RADIOACTIVE MATERIALS NOT REGULATED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

DOCKET NO. 58-0110-2301 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Sections 39-105, 39-107, and 39-4405, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before August 21, 2024. If no such written request is received, a public hearing will not be held. Three public meetings were held during the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in compliance with [Executive Order No. 2020-01, Zero-Based Regulation](#) (EO 2020-01), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at https://adminrules.idaho.gov/forms_menu.html. This is one of the DEQ rule chapters up for review in 2024. The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use.

During the negotiated rulemaking process, DEQ reviewed the list of federal regulations incorporated by reference in Section 004. Based on that review, DEQ made the following adjustments:

1. 10 CFR 30.14 – 30.15, 30.18 – 30.21, 32.11, and 32.18 were identified for deletion from Section 004. These sections are referenced in Section 010, Definitions, but not intended to be incorporated by reference.
2. 10 CFR Part 20, Standards for Protection Against Radiation, was identified as a regulation meant to be incorporated by reference (with the exclusion of Subparts K, M, O, and 10 CFR Sections 20.1001, 20.1002, and 20.1006 through 20.1009) and added to Section 004. 40 CFR Part 20 is referenced in Section 020, Radiation Protection Standards, but had not been incorporated by reference in previous rulemakings.
3. The “revised as of date” of 10 CFR 40.13, Unimportant Quantities of Source Material, has been updated to January 1, 2024, even though 10 CFR 40.13 has not been revised since incorporated by reference into IDAPA 58.01.10 when promulgated in 2001. The purpose of this update is to simplify compliance by making the CFR citation more accessible.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2025 Idaho State Legislature, the rule will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Negotiated rulemaking was conducted pursuant to Section 67-5220, Idaho Code. On September 6, 2023, the Notice of Intent to Promulgate Rules Zero-Based Regulation (ZBR) Negotiated Rulemaking was published in the Idaho Administrative Bulletin. At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at <https://www.deq.idaho.gov/disposal-radioactive-materials-docket-no-58-0110-2301/>.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

1. Incorporation by reference allows DEQ to keep its rules up to date with federal regulations, includes terms and definitions used by the Nuclear Regulatory Commission, and simplifies compliance for the regulated community. Information for obtaining a copy of the federal regulations is included in the rule.
2. 10 CFR Part 20, Standards for Protection Against Radiation, was identified during negotiated rulemaking as a regulation meant to be incorporated by reference (with the exclusion of Subparts K, M, O, and 10 CFR Sections 20.1001, 20.1002, and 20.1006 through 20.1009) and added to Section 004. 40 CFR Part 20 is referenced in Section 020, Radiation Protection Standards, but had not been incorporated by reference in previous rulemakings.
3. For 10 CFR 40.13, Unimportant Quantities of Source Material, the “revised as of date” has been updated to January 1, 2024, even though 10 CFR 40.13 has not been revised since incorporated by reference into IDAPA 58.01.10 when promulgated in 2001. The purpose of this update is to simplify compliance by making the CFR citation more accessible.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule regulates an activity not regulated by the federal government and has previously been approved as meeting the requirements of Section 39-107D, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Albert Crawshaw at albert.crawshaw@deq.idaho.gov or (208) 373-0554.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before August 28, 2024. Submit written comments to:

Albert Crawshaw
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
albert.crawshaw@deq.idaho.gov

Dated this 7th day of August, 2024.

Janeena White
Senior Operations Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
208-373-0151
Janeena.White@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0110-2301
(ZBR Chapter Rewrite)

58.01.10 – RULES REGULATING THE DISPOSAL OF RADIOACTIVE MATERIALS
NOT REGULATED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

000. LEGAL AUTHORITY.

~~The Idaho Legislature has given the Board of Environmental Quality the authority to promulgate these rules pursuant to Sections 39-105, 39-107, and 39-4405, Idaho Code.~~ (3-31-22)()

001. ~~TITLE AND SCOPE.~~

~~**01. Title.** These rules are titled IDAPA 58.01.10, “Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, As Amended.”~~ (3-31-22)

~~**02. Scope.** These rules regulate the disposal of radioactive materials not regulated under the Atomic Energy Act of 1954, As Amended, at facilities permitted and subject to the requirements of the Idaho Hazardous Waste Management Act, Chapter 44, Title 39, Idaho Code, and the Idaho Hazardous Waste Facility Siting Act, Chapter 58, Title 39, Idaho Code. These rules do not regulate NORM or TENORM waste from the production of elemental phosphorus or from the production of phosphate fertilizers, ~~which~~ that includes the production of wet and purified phosphoric acid. These rules also place restrictions on disposal of certain radioactive materials at municipal solid waste landfills and identify other approved disposal options for radioactive materials.~~ (3-31-22)()

002. ~~WRITTEN INTERPRETATIONS.~~

~~Any written statements pertaining to the interpretation of these rules shall be available for review at the Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706 1255.~~ (3-31-22)

002. (RESERVED)

003. ADMINISTRATIVE APPEALS.

Persons may be entitled to appeal agency actions authorized under this chapter pursuant to IDAPA 58.01.23, “Contested Case Rules and Rules for Protection and Disclosure of Records.” (3-31-22)

004. INCORPORATION BY REFERENCE.

~~**01. General.** Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 004.02 shall constitute the full adoption by reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association.~~ (3-31-22)

~~**02. Documents Incorporated by Reference.** The following documents are incorporated by reference into these rules:~~ (3-31-22)

~~**a.** 10 CFR 30.14 through 30.15, revised as of January 1, 2014.~~ (3-31-22)

~~**b.** 10 CFR 30.18 through 30.21, revised as of January 1, 2014.~~ (3-31-22)

~~**c.** 10 CFR 32.11, revised as of January 1, 2014.~~ (3-31-22)

~~**d.** 10 CFR 32.18, revised as of January 1, 2014.~~ (3-31-22)

01. Standards for Protection Against Radiation. 10 CFR Part 20, revised as of January 1, 2024, are incorporated by reference into these rules with the following exclusions: Subparts K, M, O, and 10 CFR Sections 20.1001, 20.1002, and 20.1006 through 20.1009. ()

e02. Unimportant Quantities of Source Material. 10 CFR 40.13, revised as of January 1, 2014²⁴. (3-31-22)()

~~**03. Availability of Referenced Material.** Copies of the documents incorporated by reference into these rules are available at the following locations:~~ (3-31-22)

~~**a.** Department of Environmental Quality, 1410 N. Hilton, Boise ID 83706 1255.~~ (3-31-22)

- ~~b.~~ Idaho State Law Library, 451 W. State Street, P.O. Box 83720, Boise ID 83720-0051. (3-31-22)
- ~~e.~~ U.S. Government Printing Office, www.gpo.gov. (3-31-22)

005. OFFICE OFFICE HOURS MAILING ADDRESS AND STREET ADDRESS.

The state office of the Department of Environmental Quality and the office of the Board of Environmental Quality are located at 1410 N. Hilton, Boise, Idaho 83706-1255, telephone number (208) 373-0502. The office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. (3-31-22)

006.5. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the definitions found in Section 39-4403, Idaho Code, terms in this chapter have the following definitions. ()

01. Accelerator-Produced Radioactive Material. Any material made radioactive by a particle accelerator. (3-31-22)

~~02. Board.~~ The Idaho Board of Environmental Quality. (3-31-22)

~~03.2. Byproduct Material.~~ Byproduct Material means: (3-31-22)()

a. Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or utilizing special nuclear material; ~~and~~. (3-31-22)()

b. The tailings or waste produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition. (3-31-22)()

c. Any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; or any material that: (3-31-22)

i. Has been made radioactive by use of a particle accelerator; and (3-31-22)

ii. Is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and (3-31-22)

d. Any discrete source of naturally occurring radioactive material, other than source material, that: (3-31-22)

i. The U.S. Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and (3-31-22)

ii. Before, on, or after August 8, 2005, is extracted for use in a commercial, medical, or research activity. (3-31-22)

~~04. Department.~~ The Idaho Department of Environmental Quality. (3-31-22)

05.3. Exempt Quantities and Concentrations of Byproduct Materials. Radioactive materials defined as exempt byproduct materials by the U.S. Nuclear Regulatory Commission (10 CFR 30.14 through 30.15, 10 CFR 30.18 through 30.21, 10 CFR 32.11 and 10 CFR 32.18). (3-31-22)

04. Licensee. When used in the context of 10 CFR and these rules, the definition is Operator or Owner.

()

065. Naturally Occurring Radioactive Material (NORM). ~~Any material containing natural radionuclides at natural background concentrations, where human intervention has not concentrated the naturally occurring radioactive material or altered its potential for causing human exposure. NORM does not include source, byproduct or special nuclear material licensed by the U.S. Nuclear Regulatory Commission under the Atomic Energy Act of 1954.~~ Materials which contain any of the primordial radionuclides or radioactive elements as they occur in nature, such as radium, uranium, thorium, potassium, and their radioactive decay products. (3-31-22)()

076. Operator. Any person(s) currently responsible, or responsible at the time of disposal, for the overall operation of a hazardous waste treatment, storage or disposal facility or part of a hazardous waste treatment, storage or disposal site. (3-31-22)

087. Owner. Any person(s) who currently owns, or owned at the time of disposal, a hazardous waste treatment, storage or disposal facility or part of a hazardous waste treatment, storage or disposal site. (3-31-22)

09. Person. ~~Any individual, association, partnership, firm, joint stock company, trust, political subdivision, public or private corporation, state or federal government department, agency, or instrumentality, municipality, industry, or any other legal entity which is recognized by law as the subject of rights and duties.~~ (3-31-22)

108. Radioactive Material. Radioactive Material includes: (3-31-22)

- a. Technologically Enhanced Naturally Occurring Radioactive Material; (3-31-22)
- b. Byproduct material authorized for disposal pursuant to 10 CFR 20.2008(b); (3-31-22)
- c. Exempt Quantities and Concentrations of Byproduct Materials; (3-31-22)
- d. Unimportant Quantities of Source Material, not including the natural uranium and thorium concentrations of rocks or soils; and (3-31-22)()

e. Any other byproduct, source material, or special nuclear material or devices or equipment utilizing such material, which has been exempted or released from radiological control or regulation under the Atomic Energy Act of 1954, as amended, to be disposed of in a commercial hazardous waste facility as regulated pursuant to the rules, permit requirements, and acceptance criteria provided for by Chapter 44, Title 39, Idaho Code. (3-31-22)

109. Reasonably Maximally Exposed Individual. That individual or group of individuals who by reason of location has been determined, through the use of environmental transport modeling and dose calculation, to receive the highest total effective dose equivalent from radiation emitted from the site and/or radioactive material transported off-site. (3-31-22)

120. Source Material. ~~Source material means:~~ (3-31-22)()

- a. Uranium or thorium, or any combination thereof, in any physical or chemical form; or (3-31-22)
- b. Ores which contain by weight one-twentieth of one percent (0.05%) or more of: (3-31-22)
 - i. Uranium; (3-31-22)
 - ii. Thorium; or (3-31-22)
 - iii. Any combination thereof. (3-31-22)
- c. Source material does not include special nuclear material. (3-31-22)

131. Special Nuclear Material. ~~Special Nuclear Material means:~~ (3-31-22)()

a. Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material ~~which~~ that the U.S. Nuclear Regulatory Commission determines to be special nuclear material. (3-31-22)()

b. Any material artificially enriched by any of the material listed in Subsection 010.12.a. (3-31-22)

142. Technologically Enhanced Naturally Occurring Radioactive Material (TENORM). ~~Any naturally occurring radioactive materials not subject to regulation under the Atomic Energy Act whose radionuclide concentrations or potential for human exposure have been increased above levels encountered in the natural state by human activities. TENORM does not include source, byproduct or special nuclear material licensed by the U.S. Nuclear Regulatory Commission under the Atomic Energy Act of 1954. Naturally occurring radioactive material whose radionuclide concentrations are increased by or as a result of past or present human practices.~~ (3-31-22)()

13. Total Effective Dose Equivalent (TEDE). The sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures). ()

154. Unimportant Quantities of Source Material. ~~Radioactive materials defined as a~~ Unimportant quantities of source materials defined by the U.S. Nuclear Regulatory Commission (10 CFR 40.13). (3-31-22)()

011. -- 018. (RESERVED)

019. NOTIFICATION OF RADIOACTIVE MATERIALS.

Any person with knowledge of the transfer, or proposed transfer, of radioactive materials for disposal to any location other than a location authorized by Section 020 to receive radioactive materials for disposal ~~shall~~ must notify the Department of the transfer as soon as the transfer takes place or as soon as the person learns of the transfer, or proposed transfer, whichever is sooner. (3-31-22)()

020. RADIATION PROTECTION STANDARDS.

01. General Protection Standards. (3-31-22)

a. All owners and operators ~~shall~~ must conduct operations in a manner consistent with radiation protection standards contained in 10 CFR Part 20; (3-31-22)()

b. No owner or operator ~~shall~~ may conduct operations, create, use or transfer radioactive materials in a manner such that any member of the public will receive an annual Total Effective Dose Equivalent (TEDE) in excess of one hundred (100) millirem per year (1 milliseivert/year); and (3-31-22)()

c. No person ~~shall~~ may release radioactive materials for unrestricted use in such a manner that the reasonably maximally exposed individual will receive an annual TEDE in excess of fifteen (15) millirem per year (fifteen one-hundredths (0.15) milliseivert/year) excluding natural background. (3-31-22)()

02. Protection of Workers During Operations. All owners and operators ~~shall~~ must conduct operations in a manner consistent with radiation protection standards for occupation workers contained in 10 CFR Part 20. (3-31-22)()

03. Disposal of Radioactive Material. No person, owner, or operator ~~shall~~ may dispose of radioactive materials by any method other than: (3-31-22)()

a. At a permitted treatment, storage or disposal facility under the authority of ~~the Idaho Hazardous Waste Management Act~~, Chapter 44, Title 39, Idaho Code, provided that the facility owner or operator complies with each of the following: (3-31-22)()

i. Department-approved waste acceptance criteria for radioactive material ~~defined in Section 010~~;

(3-31-22)()

ii. A Department-approved closure program that provides reasonable assurance that the radon emanation rate from the closed disposal unit will not exceed twenty (20) picocuries per square meter per second averaged across the entire area of the closed disposal unit and meets the requirements in Subsection 020.01.b.; and
(3-31-22)

iii. A Department-approved environmental monitoring program that monitors air, ground-water, surface water, and soil for radionuclides and ambient radiation levels ~~in~~ at the ~~environs~~ boundary of the facility and which demonstrates that no member of the general public is likely to exceed a radiation dose of one hundred (100) millirem (one (1) milliseivert) per year from operations conducted at the site.
(3-31-22)()

~~b. By transferring wastes for disposal to a facility licensed under requirements for uranium or thorium byproduct materials in either 40 CFR 192 or 10 CFR 40 Appendix A;~~
(3-31-22)

~~e. By transferring wastes for disposal to a disposal facility licensed by the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state; or~~
(3-31-22)

~~db.~~ In accordance with alternate methods authorized by the Department upon application or upon the Department's initiative, consistent with Section 020.01 and all applicable state statutes and regulations. (3-31-22)

04. Prohibit Disposal at a Municipal Solid Waste Landfill. No person ~~shall~~ may dispose of radioactive material ~~as defined in these rules~~ at a municipal solid waste landfill, except for individual consumer products containing radioactive material or as authorized under Subsection 020.03.b.
(3-31-22)()

021. -- 029. (RESERVED)

030. RECORDS.

Records of disposal, ~~including such as a manifest~~ or bill of landing, ~~shall~~ must be maintained for three (3) years ~~in accordance with 40 CFR 262.40 and 40 CFR 262.23.~~
(3-31-22)()

031. -- 039. (RESERVED)

040. VIOLATIONS.

01. Failure to Comply. Failure by any person, owner, or operator to comply with the provisions of these rules ~~shall~~ will be deemed a violation of these rules.
(3-31-22)()

02. Falsification of Statements and Records. It ~~shall be~~ is a violation of these rules for any person, owner, or operator to knowingly make a false statement, representation, or certification in any document or record developed, maintained, or submitted pursuant to these rules.
(3-31-22)()

03. Penalties. Any person violating any provision of these rules or order issued thereunder ~~shall~~ may be liable for civil penalty in accordance with Chapter 44, Title 39, Idaho Code.
(3-31-22)()

041. -- 999. (RESERVED)

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.24 – STANDARDS AND PROCEDURES FOR APPLICATION OF RISK BASED CORRECTIVE ACTION AT PETROLEUM RELEASE SITES

DOCKET NO. 58-0124-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Section 39-107(7), and Chapters 1, 36, 44, 72, and 74, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before August 21, 2024. If no such written request is received, a public hearing will not be held. Two public scoping meets were held before the negotiated rulemaking process and three public meetings were held during the negotiated rulemaking process.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking in compliance with [Executive Order No. 2020-01, Zero-Based Regulation](#) (EO 2020-01), issued by Governor Little on January 16, 2020. Pursuant to EO 2020-01, each rule chapter effective on June 30, 2020, shall be reviewed by the agency that promulgated the rule. The review will be conducted according to a schedule established by the Division of Financial Management, Office of the Governor (DFM), posted at https://adminrules.idaho.gov/forms_menu.html. This is one of the DEQ rule chapters up for review in 2024. The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, increase clarity and ease of use, and maintain state program approval.

This proposed rule includes retiring DEQ's risk evaluation software in exchange for the Environmental Protection Agency's (EPA) risk evaluation process using EPA's Regional Screening Level Calculator and Vapor Intrusion Screening Level Calculator. It also includes updates consistent with the adopted Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (40 CFR Part 280) required for state program approval.

In addition, this proposed rule includes moving Sections 851, Petroleum Release Reporting, Investigation, and Confirmation, and 852, Petroleum Release Response and Corrective Action, from IDAPA 58.01.02, Water Quality Standards, to new sections IDAPA 58.01.24.060 and 061 and moving IDAPA 58.01.24.200.03 to new 58.01.24.061.01.b. As these sections were moved from one rule chapter or section to another, unnecessary restrictive words were removed. DEQ initiated companion rulemaking docket 58-0102-2401 for the purpose of deleting Sections 851 and 852 from IDAPA 58.01.02.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed. If adopted by the Idaho Board of Environmental Quality and approved by concurrent resolution of the 2025 Idaho State Legislature, the rule will become effective on July 1, 2025, unless otherwise specified in the concurrent resolution.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Negotiated rulemaking was conducted pursuant to Section 67-5220, Idaho Code. On March 6, 2024, the Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking was published in the Idaho Administrative Bulletin. At the conclusion of the negotiated rulemaking process, DEQ submitted the draft rule to the Division of Financial Management for review. DEQ formatted the draft for publication as a proposed rule and is now seeking public comment. The negotiated rulemaking record, which includes the negotiated rule drafts, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary, is available at <https://www.deq.idaho.gov/petroleum-release-corrective-action-docket-no-58-0124-2401/>.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Not applicable.

IDAHO CODE SECTION 39-107D STATEMENT: There is no federal law or regulation that is comparable to the Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites. Therefore, this rule is not broader in scope or more stringent than federal law or regulations.

Section 39-107D, Idaho Code, also applies to a rule which “proposes to regulate an activity not regulated by the federal government.” This rule does not propose to regulate an activity not regulated by the federal government. However, the proposed rule does make revisions to a process currently in the rule that is not specifically delineated or required by the federal government. DEQ previously addressed Sections 39-107D(3) and (4), Idaho Code, when this rule chapter was first promulgated in 2009 under Docket No. 58-0124-0801.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this proposed rulemaking, contact Kristi Lowder at kristi.lowder@deq.idaho.gov or (208) 373-0347.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rule. The Department will consider all written comments received on or before August 28, 2024. Submit written comments to:

Kristi Lowder
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706
kristi.lowder@deq.idaho.gov

Dated this 7th day of August, 2024.

Janeena White
Senior Operations Analyst
Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Phone: (208)373-0502
janeena.white@deq.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0124-2401
(ZBR Chapter Rewrite)

58.01.24 – ~~STANDARDS AND PROCEDURES FOR APPLICATION OF RISK-BASED-CORRECTIVE ACTION AT PETROLEUM RELEASE SITES~~ RULES FOR PETROLEUM RELEASE CORRECTIVE ACTION

000. LEGAL AUTHORITY.

Section 39-107(7), and Chapters 1, 36, 44, 72 and 74, Title 39, Idaho Code ~~grant authority to the Board of Environmental Quality to adopt rules and administer programs to protect public health and the environment, including the protection of surface water, ground water, and drinking water quality.~~ (3-31-22)()

001. ~~TITLE, SCOPE AND APPLICABILITY.~~

~~01. Title.~~ These rules are titled IDAPA 58.01.24, “Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites.” (3-31-22)

~~02. Scope.~~ These rules establish standards and procedures to determine whether and what ~~risk-based corrective action~~ measures should be applied to property subject to petroleum release response, assessment, and corrective action cleanup requirements under IDAPA 58.01.02, Sections 851 and 852, “Water Quality Standards,” and associated definitions; IDAPA 58.01.11, Subsection 400.05, “Ground Water Quality Rule,” or when assessment and cleanup requirements are incorporated into compliance documents entered into per Chapter 1, Title 39, Idaho Code. Compliance with these rules shall not relieve persons from the obligation to comply with other applicable state or federal laws. These rules do not apply to previously closed ~~sites releases~~. The Department will not require any additional evaluation of petroleum sites previously granted closure unless there is a new petroleum release. (3-31-22) ()

002. WRITTEN INTERPRETATIONS.

As described in Section 67-5201(19)(b)(iv), Idaho Code, the Department of Environmental Quality may have written statements which pertain to the interpretation of these rules. If available, such written statements can be inspected and copied at cost at the Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255. (3-31-22)

003. ADMINISTRATIVE PROVISIONS.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to IDAPA 58.01.23, “Contested Case Rules and Rules for Protection and Disclosure of Records.” (3-31-22)

004. INCORPORATION BY REFERENCE.

These rules do not contain documents incorporated by reference. (3-31-22)

005. AVAILABILITY OF REFERENCED MATERIAL.

Documents and data bases referenced within these rules are available at the following locations: (3-31-22)

~~01. Idaho Risk Evaluation Manual for Petroleum Releases.~~ Idaho Risk Evaluation Manual for Petroleum Releases and subsequent editions, <http://www.deq.idaho.gov>. (3-31-22)

~~02. U.S. EPA RAGS.~~ U.S. EPA RAGS, Volume 1, <http://www.epa.gov/oswer/riskassessment/policy.htm#5>. (3-31-22)

~~03. U.S. EPA Exposure Factors Handbook.~~ U.S. EPA Exposure Factors Handbook, <http://www.epa.gov/neca/pdfs/efh/front.pdf>. (3-31-22)

~~04. Idaho Source Water Assessment Plan.~~ Idaho Source Water Assessment Plan, <http://www.deq.idaho.gov>. (3-31-22)

~~05. EPA Regional Screening Tables.~~ EPA Regional Screening Tables, http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/index.htm. (3-31-22)

006. OFFICE HOURS—MAILING ADDRESS AND STREET ADDRESS.

The state office of the Department of Environmental Quality and the office of the Board of Environmental Quality are located at 1410 N. Hilton, Boise, Idaho 83706-1255, (208) 373-0502, www.deq.idaho.gov. The office hours are 8 a.m. to 5 p.m. Monday through Friday. (3-31-22)

007. CONFIDENTIALITY OF RECORDS.

Information obtained by the Department under these rules is subject to public disclosure pursuant to the provisions of Title 74, Chapter 1, Idaho Code, and IDAPA 58.01.21, “Rules Governing the Protection and Disclosure of Records in the Possession of the Idaho Department of Environmental Quality.” (3-31-22)

008. TABLES.

~~01. Chemicals of Interest for Various Petroleum Products.~~ The table of chemicals of interest for various petroleum products is available in Section 800 of these rules. (3-31-22)

~~02. Screening Level Concentrations for Soil, Ground Water, and Soil Vapor.~~ The table of screening level concentrations for soil, ground water, and soil vapor is available in the Idaho Risk Evaluation Manual for Petroleum Releases at www.deq.idaho.gov. (3-31-22)

~~03. Default Toxicity Values for Risk Evaluation.~~ The table of default toxicity values for risk evaluation is available in the Idaho Risk Evaluation Manual for Petroleum Releases at www.deq.idaho.gov. (3-31-22)

~~009. ACRONYMS.~~

~~01. EPA.~~ The United States Environmental Protection Agency. (3-31-22)

~~02. PST.~~ Petroleum Storage Tank System. (3-31-22)

~~03. RAGS.~~ Risk Assessment Guidance for Superfund. (3-31-22)

~~04. UECA.~~ Uniform Environmental Covenant Act. See definition in Section 010. (3-31-22)

~~003. -- 009. (RESERVED)~~

010. DEFINITIONS.

For the purpose of the rules contained in IDAPA 58.01.24, "Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites," the following definitions apply: The terms "department," "person," and "waters" have the same meaning provided for those terms in Section 39-103, Idaho Code. The term "environmental covenant" has the same meaning provided for that term in Section 55-3002, Idaho Code. The terms "petroleum" and "release" have the same meaning provided for those terms in Section 39-7203, Idaho Code. (3-31-22)()

01. Acceptable Target Hazard Index. The summation of the hazard quotients of all chemicals and routes of exposure to which a receptor is exposed and equal to a value of one (1). If the initial value exceeds one (1), further evaluation, including individual organs, can be completed. (3-31-22)

02. Acceptable Target Hazard Quotient. The ratio of a dose of a single chemical over a specified time period to a reference dose for that chemical derived for a similar exposure period. A hazard quotient of one (1) for a specified receptor when applied to individual chemicals. A hazard quotient of 0.1 (zero point one) for a specified receptor when multiple chemicals and/or exposure routes are present. (3-31-22)()

03. Acceptable Target Risk Level. Acceptable risk level for human exposure to carcinogens. For exposure to individual carcinogens a lifetime excess cancer risk of less than or equal to one per one million (1 E-6) for a receptor at a reasonable maximum exposure. For combined exposure to all carcinogens and routes of exposure, a lifetime excess cancer risk of less than or equal to one per one hundred thousand (1 E-5) for a receptor at a reasonable maximum exposure. (3-31-22)

04. Activity and Use Limitations. Restrictions or obligations, with respect to real property, created by an environmental covenant. Activity and use limitations may include, but are not limited to, land use controls, activity and use restrictions, environmental monitoring requirements, and site access and security measures. Also known as institutional controls. (3-31-22)

05. Background. Media specific concentration of a chemical that is consistently present in the environment in the vicinity of a site which is the result of human activities unrelated to release(s) from that site under investigation. (3-31-22)

~~06. Board.~~ The Idaho Board of Environmental Quality. (3-31-22)

~~07.~~ **Corrective Action Plan (CAP).** A document, subject to approval by the Department, which that describes: ()

~~a. describes~~ The actions and measures that will be implemented to ensure that adequate protection of human health and the environment is achieved and maintained. ~~A corrective action plan also;~~ and ()

~~b. describes~~ The applicable remediation standards. ~~Also may~~ May also be known as a risk management plan or a remediation workplan. (3-31-22)()

087. Delineated Source Water Protection Area. The physical area around a public drinking water supply well or surface water intake identified in an approved Department source water assessment that contributes water to a well (the zone of contribution). The size and shape of the delineated source water area depend on the delineation method and site-specific factors. The area may be mapped as a one thousand (1000) ft. fixed radius around the well (transient public water systems) or divided into three (3), six (6), and ten (10) year time of travel zones (e.g. zones indicating the number of years necessary for a particle of water to reach a well or surface water intake). For the purposes of these rules, where ground-water time of travel zones have been delineated, the three (3) year time of travel zone shall apply. Where surface water systems have been delineated, this area includes a five hundred (500) ft. buffer around a lake or reservoir, or a five hundred (500) ft. buffer along the four (4) hour upstream time of travel of streams. See the Idaho Source Water Assessment Plan. (3-31-22)()

~~09. Department.~~ The Idaho Department of Environmental Quality. (3-31-22)

08. Dissolved Product. Petroleum product constituents found in solution with water. ()

~~10. Environmental Covenant.~~ As defined in the Uniform Environmental Covenant Act (UECA), Chapter 30, Title 55, Idaho Code, an environmental covenant is a servitude arising under an environmental response project that imposes activity and use limitations. (3-31-22)

109. Exposure Point Concentration. The average concentration of a chemical to which receptors are exposed over a specified duration within a specified geographical area. The exposure point concentration is typically a conservative estimate of the mean. Also referred to as the representative concentration. (3-31-22)

~~12. Hazard Quotient.~~ The ratio of a dose of a single chemical over a specified time period to a reference dose for that chemical derived for a similar exposure period. (3-31-22)

130. Method Detection Limit. The minimum concentration of a substance that can be reported with ninety-nine percent (99%) confidence is greater than zero. Method detection limits can be operator, method, laboratory, and matrix specific. (3-31-22)

141. Operator. Any person presently or who was at any time during a release in control of, or responsible for, the daily operation of the petroleum storage tank (PST) system. (3-31-22)

152. Owner. Any person who owns or owned a PST system any time during a release and the current owner of the property where the PST system is or was located. (3-31-22)

~~16. Person.~~ An individual, public or private corporation, partnership, association, firm, joint stock company, joint venture, trust, estate, state, municipality, commission, political subdivision of the state, state or federal agency, department or instrumentality, special district, interstate body, or any legal entity which is recognized by law as the subject of rights and duties. (3-31-22)

~~17. Petroleum.~~ Crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (sixty (60) degrees Fahrenheit and fourteen and seven tenths (14.7) pounds per square inch absolute). This includes petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, and lubricants. (3-31-22)

183. Petroleum Storage Tank (PST) System. Any one (1) or combination of storage tanks or other containers, including pipes connected thereto, dispensing equipment, and other connected ancillary equipment, and stationary or mobile equipment, that contains petroleum or a mixture of petroleum with de minimis quantities of other

regulated substances. (3-31-22)

194. Practical Quantitation Limit. The lowest concentration of a chemical that can be reliably quantified among laboratories within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions. Specified limits of precision and accuracy are the criteria listed in the calibration specifications or quality control specifications of an analytical method. Practical quantitation limits can be operator, method, laboratory, and matrix specific. (3-31-22)

2015. Reasonable Maximum Exposure. The highest exposure that can be reasonably expected to occur for a human or other living organism at a site under current and potential future site use. (3-31-22)

2416. Reference Dose. For chronic or long-term exposures an estimate of a daily exposure level to a chemical for the human population, including sensitive subpopulations, that is likely to be without an appreciable risk of deleterious noncarcinogenic effects during a lifetime, expressed in units of milligrams per kilogram body weight per day. (3-31-22)

22. Release. ~~Any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from a PST into soil, ground water, or surface water.~~ (3-31-22)

2317. Remediation Standard. A media specific concentration ~~which that~~, when attained, is considered to provide adequate protection of human health and the environment. (3-31-22)()

2418. Residential Use. Residential use means land uses ~~which that~~ include residential or sensitive populations. (3-31-22)()

2519. Risk-Based Concentration. The residual media specific concentration of a chemical that is determined to be protective of human health and the environment under specified exposure conditions. (3-31-22)

260. Risk Evaluation. The process used to determine the probability of an adverse effect due to the presence of a chemical. A risk evaluation includes development of a ~~site~~ conceptual ~~site~~ model, identification of the chemicals present in environmental media, assessment of exposure and exposure pathways, assessment of the toxicity of the chemicals present, characterization of human risks, and characterization of impacts or risks to the environment. (3-31-22)()

271. Screening Level. A media specific concentration ~~which that~~, based on specified levels of risk or hazard, exposure pathways and routes of exposure, expected land use, and exposure factors, can be used to assess the need for additional investigation or corrective action. (3-31-22)()

282. Slope Factor. A plausible upper-bound estimate of the probability of an individual developing cancer as a result of a lifetime of exposure to a particular level of a potential carcinogen. It is expressed as the probability of a response per unit intake of a chemical over a lifetime. (3-31-22)

29. Uniform Environmental Covenant Act (UECA). ~~UECA is found in Chapter 30, Title 55, Idaho Code. UECA provides a statutory mechanism for creating, modifying, enforcing and terminating environmental covenants.~~ (3-31-22)

011. -- ~~099~~**59. (RESERVED)**

060. PETROLEUM RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION.

01. Reporting of Suspected Releases. Owners and operators of petroleum storage tank (PST) systems must report to the Department within twenty-four (24) hours and follow the procedures in Subsection 060.03 for any of the following conditions. ()

a. The discovery by owners and operators or others of a petroleum release at the PST site or in the surrounding area other than spills and overfills described in Subsection 060.04, such as the presence of free product or dissolved product in nearby surface water or groundwater or vapors in soils, basements, sewer or utility lines.

()

b. Unusual operating conditions observed by owners and operators such as the erratic behavior of product dispensing equipment, the sudden loss of product from the PST system, liquid in the interstitial space of secondarily contained systems, or an unexplained presence of water in the PST system, unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced. ()

c. Monitoring results, including investigation of an alarm, from a release detection method that indicate a release may have occurred unless the monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result. ()

02. Investigation Due to Off-Site Impacts. When required by the Department, owners and operators must follow the procedures in Subsection 060.03 to determine if the PST system is the source of off-site impacts. These impacts include the discovery of petroleum, such as the presence of free product or dissolved product in nearby surface water or groundwater or vapors in soils, basements, sewer, and utility lines. ()

03. Release Investigation and Confirmation Steps. Unless corrective action is initiated in accordance with Section 061, owners and operators must immediately investigate and confirm all suspected releases of petroleum within seven (7) days, or another time period specified by the Department, of discovery and using at least one (1) of the following steps or another procedure approved by the Department: ()

a. Conduct tightness tests or, as appropriate, secondary containment testing that determine whether a leak exists in any portion of the PST system, including the tank, the attached delivery piping, a breach of either wall of the secondary containment, and any connected tanks and piping. All such portions can be tested either separately or together or in combinations thereof. ()

i. Repair, replace or upgrade the PST system in accordance with applicable federal, state and local laws, and begin corrective action in accordance with Section 061 if the test results for the system, tank, or delivery piping indicate that a leak exists. ()

ii. Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release. ()

iii. Conduct a site check as described in Subsection 060.03.b. if the test results for the system, tank, and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release. ()

b. Measure for the presence of a release where contamination is most likely to be present. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the nature of the petroleum, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater, and other factors appropriate for identifying the presence and source of the release. Methods of sample collection and sample analysis are subject to these rules and Department approval. ()

i. If a release has occurred, begin corrective action in accordance with Section 061. ()

ii. If test results for the PST system do not indicate that a release has occurred, further investigation is not required. ()

04. Reporting and Cleanup of Above Ground Releases. Owners and operators shall contain and immediately clean up an above ground release of petroleum only after identifying and mitigating any fire, explosion, and vapor hazards. ()

a. A release that exceeds twenty-five (25) gallons or that causes a sheen on nearby surface water must be reported to the Department within twenty-four (24) hours and begin corrective action in accordance with Section 061. ()

b. A release that is less than twenty-five (25) gallons and does not cause a sheen on nearby surface

water must be reported to the Department only if cleanup cannot be accomplished within twenty-four (24) hours. ()

061. PETROLEUM RELEASE RESPONSE AND CORRECTIVE ACTION.

01. Release Response. Upon confirmation of a petroleum release in accordance with Section 060 or after a release from the PST system is identified in any other manner, owners and operators must perform the following initial response actions within twenty-four (24) hours: ()

a. Identify and mitigate fire, explosion and vapor hazards; ()

b. Take immediate action to prevent any further release of petroleum into the environment; and ()

c. Report the release to the Department. ()

02. Initial Abatement Measures. Unless directed to do otherwise by the Department, owners and operators must perform the following abatement measures: ()

a. Remove as much of the petroleum from the leaking PST system as is necessary to prevent further release to the environment; ()

b. Visually inspect any above ground releases or exposed below ground releases and prevent further migration of the released substance into surrounding soils, surface water and groundwater; ()

c. Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the PST site and entered into subsurface structures such as sewers or basements; and ()

d. Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement, or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator must comply with applicable state and local requirements. ()

03. Initial Site Characterization. Unless directed to do otherwise by the Department, owners and operators must assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures in Subsection 061.02. This information includes, but is not necessarily limited to the following data: ()

a. On the nature and estimated quantity of release; ()

b. From available sources and site investigations concerning the following factors: surrounding populations, water quality, use and approximate location of wells potentially affected by the release, subsurface soil condition, locations of subsurface sewers, climatological conditions, and land use; and ()

c. From measurements that assess the site for the presence of petroleum contamination including measurements: ()

i. For the presence of a release where contamination is most likely to be present, unless the presence and source of the release have been confirmed in accordance with the site check described in Subsection 060.03.b. or the closure site assessments required by applicable federal, state, or local laws. Sample types, sample locations and analytical methods are subject to these rules and Department approval and will be based on consideration of the nature of the petroleum, the type of backfill, depth to groundwater, and other factors appropriate for identifying the presence and source of the release; and ()

ii. To determine the presence of free product. ()

d. Within forty-five (45) days of release confirmation, or another time specified by the Department,

owners and operators must submit the information collected in compliance with Subsection 061.03 to the Department in a manner that demonstrates its applicability and technical adequacy to be reviewed as follows, if the Department determines that the information shows: ()

- i. That no further corrective action is required, owners and operators will be notified accordingly; ()
- ii. Contamination is limited to soils, owners and operators must treat or dispose of contaminated soils in accordance with Department guidelines, and need not perform any further corrective action; ()
- iii. That any of the conditions in Subsections 061.05.a. through 061.05.c. exist, owners and operators must comply with the provisions in Subsections 061.04 through 061.07. ()

04. Free Product Removal. At sites where investigations under Subsection 061.03.c.ii. indicate the presence of free product, owners and operators must remove free product to the maximum extent practicable as determined by the Department while continuing, as necessary, any actions initiated under Subsections 061.01 through 061.03 or preparing for actions under Subsections 061.05 and 061.06. In meeting the provisions of Subsection 061.04, owners and operators must: ()

a. Conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated areas by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site, and that properly treats, discharges or disposes of recovery by-products in compliance with applicable local, state and federal regulations; ()

b. Use abatement of free product migration as a minimum objective for the design of the free product removal system; ()

c. Handle any flammable products in a safe and competent manner to prevent fires or explosions; and ()

d. Unless directed to do otherwise by the Department, submit to the Department for review and approval, within forty-five (45) days after confirming a release, a free product removal report that provides at least the following information: ()

- i. The name of the person(s) responsible for implementing the free product removal measures; ()
- ii. The estimated quantity, type and thickness of free product observed or measured in wells, boreholes, and excavations; ()
- iii. The type of free product recovery system used; ()
- iv. Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located; ()
- v. The type of treatment applied to, and the effluent quality expected from, any discharge; ()
- vi. The steps that have been or are being taken to obtain necessary permits for any discharge; and ()
- vii. The disposition of the recovered free product. ()

05. Investigations for Soil and Water Cleanup. If any of the conditions in Subsections 061.05.a. through 061.05.c. exist, and unless directed to do otherwise by the Department, owners and operators must notify the Department and conduct investigations in accordance with Subsection 061.05.d. of the release, the release site, and the surrounding area possibly affected by the release in order to determine the full extent and location of soils contaminated by the petroleum release and the presence and concentrations of dissolved product contamination in the

groundwater or surface water: ()

a. There is evidence that groundwater or surface water has been affected by the release such as found during release confirmation or previous corrective action measures: ()

b. Free product is found to need recovery in compliance with Subsection 061.04; ()

c. There is evidence that contaminated soils may affect nearby groundwater, surface water or the public health and have not been treated or disposed of in accordance with Subsection 061.03.d.ii. ()

d. Unless determined otherwise by the Department, investigations conducted under Subsection 061.05 are subject to these rules and include, but are not limited to: ()

i. The physical and chemical characteristics of the petroleum product including its toxicity, persistence, and potential for migration; ()

ii. The type and age of the PST system, inventory loss, and type of containment failure; ()

iii. The hydrogeologic characteristics of the release site and the surrounding area; ()

iv. The background concentrations of contaminants in soil, surface water and groundwater; ()

v. A site drawing, showing boring and monitoring well locations, nearby structures, underground utilities, drainage ditches, streams, suspected locations of leakage, direction of groundwater flow, and any domestic or irrigation wells within a one half (1/2) mile radius of the site; ()

vi. Information on ownership and use of any well identified pursuant to Subsection 061.05.d.v.; ()

vii. Site borings and well logs and rationale for choosing drilling locations, and a description of methods and equipment used for all water and soil sampling; ()

viii. A description of contaminant stratigraphy with accompanying geologic cross-section drawings; ()

ix. A demonstration and description of the horizontal and vertical extent of contamination, free product thickness, modes and rate of contaminant transport, and concentrations of dissolved constituents in surface water and groundwater; ()

x. The potential effects of residual contamination on nearby surface water and groundwater; and ()

xi. A discussion of laboratory analytical methods and information pertaining to laboratory certification. ()

c. Owners and operators must submit the information collected in investigating the release site in compliance with Subsection 061.05 for the Department's review and approval in accordance with a schedule established by the Department as provided in Subsection 061.07. ()

06. CAP. At any point after reviewing the information submitted in compliance with Subsections 061.01 through 061.05, the Department may require owners and operators to submit additional information or to develop and submit a CAP for responding to contaminated soils, surface water and groundwater. If a CAP is required, owners and operators must submit the CAP according to a consent order or a schedule and criteria established by the Department as provided in Subsection 061.07. ()

a. The Department will approve the CAP only after ensuring that implementation of the plan will adequately protect human health and the environment. In making this determination, the Department will consider the

following factors as appropriate: ()

i. The maximum contaminant levels for drinking water or other health-based levels for water and soil that consider the potential exposure pathway of the petroleum product; ()

ii. The physical and chemical characteristics of the petroleum product including its toxicity, persistence, and potential for migration; ()

iii. The hydrogeologic characteristics of the release site and the surrounding area; ()

iv. The proximity, quality, and current and future uses of nearby surface water and groundwater; ()

v. The potential effects of residual contamination on nearby surface water and groundwater; and ()

vi. Other information assembled in compliance with Section 060. ()

b. The CAP must include, but not be limited to, the following information as applicable: ()

i. Description of remediation standards, points of exposure, and points of compliance where remediation standards will be achieved; ()

ii. Description of remedial strategy and actions that will be taken to achieve the remediation standards; ()

iii. Current and reasonably anticipated future land use and use of on-site and immediately adjacent off-site groundwater and surface water; ()

iv. Activity and use limitations, if any, that will be required as part of the remedial strategy; ()

v. Proposed environmental covenants, developed to implement activity and use limitations, in accordance with Section 600; ()

vi. Estimated timeline for completion; ()

vii. Monitoring Plan to monitor effectiveness of remedial actions; ()

viii. Description of practical quantitation limits as they apply; and ()

ix. Description of background concentrations as they apply. ()

c. Upon approval of the CAP pursuant to Subsection 200.04 or as directed by the Department, owners and operators must: ()

i. Implement the plan including modification to the plan made by the Department; and ()

ii. Monitor, evaluate, and report the results of implementing the CAP in accordance with a consent order or a schedule and criteria established by the Department as provided in Subsection 061.07. ()

d. Owners and operators may begin cleanup of soil, surface water, and groundwater before the CAP is approved provided that they: ()

i. Notify the Department of their intention to begin cleanup; ()

ii. Comply with any conditions imposed by the Department, including halting cleanup or mitigating adverse consequences from cleanup activities; and ()

iii. Incorporate the self-initiated cleanup measures in the CAP submitted to the Department for approval. ()

07. Compliance. If the Department determines that any of the conditions in 061.05.a. through 061.05.c. exist, owners and operators will be given an opportunity to enter into a consent order with the Department. ()

a. The Department will send owners and operators a consent order that sets forth at least the following schedules: ()

i. For owners and operators to submit the information collected in investigating the release site in compliance with Subsection 061.05; ()

ii. For owners and operators to submit, and criteria for, a CAP in compliance with Subsection 061.06; ()

iii. For the Department to review, modify, and approve the site release investigation and CAP; and ()

iv. For owners and operators to implement a CAP, and monitor, evaluate, and report the results of implementing the CAP. ()

b. Owners and operators will be given thirty (30) days from receipt of the consent order in which to reach an agreement with the Department regarding the terms of the consent order. ()

c. If owners and operators cannot reach an agreement with the Department within thirty (30) days, the Department will establish a schedule and criteria which owners and operators must comply in order to meet the provisions of Subsections 061.05 and 061.06. ()

062. -- 099. (RESERVED)

100. CHEMICALS EVALUATED AT PETROLEUM RELEASE SITES.

01. General Applicability. ~~For petroleum sites governed by Sections 851 and 852 of IDAPA 58.01.02, "Water Quality Standards,"~~ The chemicals listed in Section 800, table of chemicals of interest for various petroleum products, will be evaluated based on the specific petroleum product or products known or suspected to have been released. (3-31-22)()

02. Additional Chemicals. Evaluation of non-petroleum chemicals in addition to those in Section 800, table of chemicals of interest for various petroleum products, may be required by the Department when there is a reasonable basis based on site-specific information. A reasonable basis ~~shall~~ will be demonstrated by the Department when it can show documentation of releases or suspected releases of other non-petroleum chemicals. (3-31-22)()

101. -- 199. (RESERVED)

200. RISK EVALUATION PROCESS.

The following risk evaluation process ~~shall~~ must be used for petroleum releases ~~in accordance with the Petroleum Release Response and Corrective Action Rules described in IDAPA 58.01.02, "Water Quality Standards," Section 852 EPA's RSL Calculator (<https://epa-prgs.ornl.gov/cgi-bin/chemicals/cssearch>) and VISL Calculator (<https://epa-visl.ornl.gov/cgi-bin/vislsearch>), or other approved methods, may be used for screening and risk evaluations.~~ (3-31-22)()

01. Screening Evaluation. The screening evaluation may be performed at any time during the release response and corrective action process ~~described in IDAPA 58.01.02, "Water Quality Standards," Section 852. The screening evaluation shall~~ and must include, at a minimum: (3-31-22)()

- a. Collection of media-specific (soil, surface water, ground-water, soil vapor) data; ~~and~~ (3-31-22)()
- b. Identification of maximum soil, ground-water, and soil vapor petroleum chemical concentrations for the chemicals identified in Section 800, ~~table of chemicals of interest for various petroleum products~~, as appropriate for the petroleum product or products released; ~~and~~ (3-31-22)()
- c. Comparison of the maximum media-specific petroleum contaminant concentrations to the EPA regional screening levels ~~identified in the table of screening level concentrations for soil, ground water, and soil vapor in the Idaho Risk Evaluation Manual for Petroleum Releases~~ (<https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables>). If the maximum media-specific petroleum contaminant concentrations at a site do not exceed the screening levels, the owner and/or operator may petition for site closure, subject to other Department regulatory obligations. If the maximum media-specific concentrations at a site exceed the screening levels, the owner and/or operator ~~shall~~ must proceed to: (3-31-22)()
 - i. Adopt the screening levels as cleanup levels remediation standards and develop a ~~corrective action plan~~ CAP to achieve those levels pursuant to Subsection ~~200.03~~ 061.06.b; or (3-31-22)()
 - ii. Perform a ~~site~~-specific risk evaluation pursuant to Section 300. The Department may require the collection of additional site-specific data prior to the approval of the risk evaluation. (3-31-22)()

02. Results of Risk Evaluation. If the results of the approved risk evaluation do not exceed the acceptable target risk level, acceptable target hazard quotient, or acceptable target hazard index specified in Section 300, the owner and/or operator may petition for site closure, subject to other Department regulatory obligations. If the results of the approved risk evaluation indicates exceedance of the acceptable target risk level, acceptable target hazard quotient, or acceptable target hazard index specified in Section 300, the risk evaluation ~~shall~~ must: (3-31-22)()

- a. Be modified by collection of additional site-specific data, or review of chemical toxicological information, and resubmitted to the Department for review and approval; or (3-31-22)
- b. Provide the basis for the development of risk-based concentrations, establishment of remediation standards as described in Section 400, and development of a ~~corrective action plan~~ CAP. (3-31-22)()

~~03. Development and Implementation of Corrective Action Plan.~~ ~~A Corrective Action plan required as a result of the risk evaluation process described in Section 200 shall include, but not be limited to, the following information, as applicable:~~ (3-31-22)

- ~~a. Description of remediation standards, points of exposure, and points of compliance where remediation standards shall be achieved;~~ (3-31-22)
- ~~b. Description of remedial strategy and actions that will be taken to achieve the remediation standards;~~ (3-31-22)
- ~~c. Current and reasonably anticipated future land use and use of on-site and immediately adjacent off-site ground water, and surface water;~~ (3-31-22)
- ~~d. Activity and use limitations, if any, that will be required as part of the remedial strategy;~~ (3-31-22)
- ~~e. Proposed environmental covenants, developed to implement activity and use limitations, in accordance with Section 600;~~ (3-31-22)
- ~~f. Estimated timeline for completion; and~~ (3-31-22)
- ~~g. Monitoring Plan to monitor effectiveness of remedial actions.~~ (3-31-22)

- ~~h.~~ Description of practical quantitation limits as they apply. (3-31-22)
- ~~i.~~ Description of background concentrations as they apply. (3-31-22)

043. Department Review and Approval of Risk Evaluation or ~~Corrective Action Plan CAP~~. Within thirty (30) days of receipt of the risk evaluation or ~~corrective action plan CAP~~, the Department ~~shall~~ will provide in writing either approval, approval with modifications, or rejection of the risk evaluation or ~~corrective action plan CAP~~. If the Department rejects the risk evaluation or ~~corrective action plan CAP~~, it ~~shall~~ will notify the owner and/or operator in writing specifying the reasons for the rejection. If the Department needs additional time to review the documents, it will provide written notice to the owner and/or operator that additional time to review is necessary and will include an estimated time for review. Extension for review time ~~shall~~ will not exceed one hundred eighty (180) days without a reasonable basis and written notice to the owner and/or operator. (3-31-22)()

201. -- 299. (RESERVED)

300. SITE-SPECIFIC RISK EVALUATION REQUIREMENTS.

01. General Requirements. The general requirements for human health risk evaluations ~~shall~~ must include, at a minimum: (3-31-22)()

a. A conceptual site model ~~which~~ that describes contaminant sources; release mechanisms; the magnitude, spatial extent, and temporal trends of petroleum contamination in all affected media; transport routes; current and reasonably likely future land use and human receptors; and relevant exposure scenarios. (3-31-22)()

b. Toxicity ~~i~~ information derived from appropriate sources including, but not limited to, those listed in Subsection 300.01.e. (3-31-22)()

c. Data quality objectives and sampling approaches based on the conceptual site model that support the risk evaluation and risk management process. (3-31-22)

d. Estimated exposure point concentrations for a reasonable maximum exposure based on a conservative estimate of the mean of concentrations of chemicals that would be contacted by an exposed receptor. (3-31-22)

e. Exposure analysis including identification of contaminants of concern, potentially exposed populations, pathways and routes of exposure, exposure point concentrations and their derivation, and a quantitative estimate of reasonable maximum exposure for both current and reasonably likely future land and water use scenarios. Appropriate reference sources of reasonable maximum exposure factor information may include, but are not limited to: The EPA RSL and VISL calculators are appropriate sources of reasonable maximum exposure factor information. Alternative sources must be reasonably justified. (3-31-22)()

~~i.~~ U.S. EPA RAGS, Volume 1; (3-31-22)

~~ii.~~ U.S. EPA Exposure Factors Handbook; (3-31-22)

~~iii.~~ Idaho Risk Evaluation Manual for Petroleum Releases; and (3-31-22)

~~iv.~~ Other referenced technical publications. (3-31-22)

f. Risk characterization presenting the quantitative human health risks and a qualitative and quantitative assessment of uncertainty for each portion of the risk evaluation. (3-31-22)

g. Risk evaluations may include the use of transport and fate models, subject to Department approval of the model and the data to be used for the parameters specified in the model. (3-31-22)

02. Specific Requirements. Human health risk evaluations ~~shall~~ must, at a minimum: (3-31-22)()

- a. Utilize an acceptable target risk level as defined in Section 010; (3-31-22)
- b. Utilize an acceptable target hazard index as defined in Section 010; (3-31-22)
- c. Utilize an acceptable target hazard quotient as defined in Section 010; (3-31-22)
- d. Evaluate the potential for exposure from: (3-31-22)
 - i. Ground-water ingestion; (~~3-31-22~~)()
 - ii. Direct contact with contaminated soils resulting from soil ingestion, dermal contact, and inhalation of particulates and vapors; (3-31-22)
 - iii. Indoor inhalation of volatile chemicals via ~~volatilization~~ volatilization of chemicals from soil, ground-water, or free phase product; (~~3-31-22~~)()
 - iv. Ingestion, inhalation, or dermal exposure to ground-water and/or surface water ~~which that~~ has been impacted by contaminants that have leached from the soils; and (~~3-31-22~~)()
 - v. Other complete or potentially complete routes of exposure; (3-31-22)
- e. Evaluate the potential for exposure to: (3-31-22)
 - i. Adult and child residential receptors; (3-31-22)
 - ii. Adult construction and utility workers; (3-31-22)
 - iii. Aquatic life; (3-31-22)
 - iv. Recreational receptors; and (3-31-22)
 - v. Other relevant potentially exposed receptors; (3-31-22)
- f. Evaluate the potential for use of impacted ground-water for ingestion based on: (~~3-31-22~~)()
 - i. The current and historical use of the ground-water for drinking water or irrigation; (~~3-31-22~~)()
 - ii. The location and approved use of existing ground-water wells in a one half (½) mile radius from the contaminated site at the release point; (~~3-31-22~~)()
 - iii. The degree of hydraulic connectivity between the impacted ground-water and other ground-water bearing zones or surface water; and (~~3-31-22~~)()
 - iv. The location of delineated source water protection areas for public drinking water systems. (3-31-22)

301. -- 399. (RESERVED)

400. ESTABLISHMENT OF REMEDIATION STANDARDS.

If, as a result of the assessment and risk evaluation completed as described in Section 300, it is determined that corrective action is required, remediation standards ~~shall~~ must be established. The remediation standards established in these rules ~~shall~~ must be no more stringent than applicable or relevant and appropriate federal and state standards and are consistent with Section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. Section 9621) and Section 39-107D(2), Idaho Code, taking into consideration site-specific conditions. These standards, and any activity use limitations proposed for the site, ~~shall~~ must be established as part of a ~~corrective action plan~~ CAP approved in writing by the Department. The standards may consist of the following ~~or combinations of the following~~. (~~3-31-22~~)()

01. **Screening Levels.** The petroleum contaminant concentrations in soil, ground-water, and soil vapor in the ~~table of screening level concentrations for soil, ground water, and soil vapor in the Idaho Risk Evaluation Manual for Petroleum Releases~~ EPA RSLs Tables. (3-31-22)()

02. **Risk-Based Levels.** Site-specific, media-specific petroleum contaminant concentrations established in accordance with the risk evaluation procedures ~~and requirements~~ described in Section 300. (3-31-22)()

03. **Generic Health Standards.** An established state or federal generic numerical health standard ~~which that~~ achieves an appropriate health-based level so that any substantial present or probable future risk to human health or the environment is eliminated or reduced to protective levels based upon present and reasonably anticipated future uses of the site. (3-31-22)()

~~04. Other. Remediation standards may be a combination of standards found in Subsections 400.01 through 400.03.~~ (3-31-22)

401. -- 499. (RESERVED)

500. FACTORS WHEN PRACTICAL QUANTITATION LIMITS ARE GREATER THAN SCREENING LEVELS ~~AND CLEANUP LEVELS~~.

Practical quantitation limits may be greater than screening levels or risk-based concentrations for certain chemicals. In such cases the following factors, or others, may be used in allowing practical quantitation limits as remediation standards. (3-31-22)()

01. **Analytical Method.** The published or expected practical quantitation limit for a specific chemical and method, and the availability of other methods ~~which that~~ may enable lower practical quantitation limits to be achieved. (3-31-22)()

02. **Method Detection Limit.** The magnitude of the difference between the stated practical quantitation limit and the method detection limit. (3-31-22)

03. **Sampling Procedures.** The availability of alternative sampling procedures ~~which that~~ may enable lower practical quantitation limits to be achieved. (3-31-22)()

04. **Estimated Risk Levels.** The estimated risk levels when site concentrations are assumed to be at the practical quantitation limit. (3-31-22)

~~05. Other. Site specific factors other than those listed above.~~ (3-31-22)

501. -- 599. (RESERVED)

600. ACTIVITY AND USE LIMITATIONS.

01. **Purpose.** The provisions of the Uniform Environmental Covenants Act (UECA), Chapter 30, Title 55, Idaho Code, may be utilized to create restrictions and ~~or~~ obligations regarding activity and use to protect the integrity of a cleanup action and assure the continued protection of human health and the environment. Activity and use limitations ~~shall~~ may be proposed as elements of a ~~corrective action plan~~ CAP in at least the following circumstances: (3-31-22)()

a. Where onsite current or proposed land use is not residential and maximum residual site concentrations are greater than screening levels for residential use; (3-31-22)

b. Where onsite current or proposed land use is not residential and the risk or hazard calculated for residential receptors through an approved risk evaluation is unacceptable; (3-31-22)

c. Where off-site ground-water concentrations exceed residential use screening levels or risk-based

concentrations; or

(3-31-22)()

d. When the Department determines, based upon the proposed ~~corrective action plan~~ CAP, that such activity and use limitations are required to assure the continued protection of human health and the environment or the integrity of the cleanup action.

(3-31-22)()

02. **Documentation of Controls.** Activity and use limitations, approved by the Department, ~~shall~~ must be described in an environmental covenant executed pursuant to the UECA and ~~shall~~ must be incorporated into a ~~corrective action plan~~ CAP.

(3-31-22)()

03. **Removal of Activity and Use Limitations.** Activity and use limitations may be removed from a site in accordance with Sections 55-3009 and 55-3010, Idaho Code, of UECA.

(3-31-22)

601. -- 699. (RESERVED)

700. **DEVELOPMENT OF GUIDANCE MANUAL.**

The Department will prepare a risk evaluation manual for petroleum releases which will be used as guidance for implementation of these rules. The Department will, through public notice, invite the Board of Trustees established in Section 41-4904, Idaho Code, and members of the public, including the regulated community, to participate in the process to provide input to the Department in developing this manual. If the Department identifies the need for future substantive revisions of the risk evaluation manual for petroleum releases, the Department will follow the same public notice process as described above. If any material revisions to the risk evaluation manual for petroleum releases are required, the Department will, through public notice, invite the Board of Trustees established in Section 41-4904, Idaho Code, and members of the public, including the regulated community, to participate in making such revisions. Material revisions are those changes that result in, or could result in, a different interpretation or use of any provision of the guidance manual.

(3-31-22)()

701. -- 799. (RESERVED)

800. **TABLE.**

Chemicals of Interest for Various Petroleum Products:

CHEMICALS OF INTEREST FOR VARIOUS PETROLEUM PRODUCTS				
Chemical	Gasoline/ JP-4/ AVG v gas	Diesel/ Fuel Oil No. 2/ Kerosene	Fuel Oil No.4	Jet Fuels (Jet A, JP-5, JP-8)
Benzene	X	X		X
Toluene	X	X		X
Ethyl benzene	X	X		X
Xylenes (mixed)	X	X		X
Ethylene Dibromide 1,2 Dibro- moethane (EDB) ¹	X ⁺			
1,2 Dichloroethane (EDC) ¹	X ⁺			
Methyl Tert-Butyl Ether (MTBE)	X			
Acenaphthene ²		X	X	X
Anthracene ²		X	X	X
Benzo(a)pyrene ²		X	X	X
Benzo(b)fluoranthene ²		X	X	X

CHEMICALS OF INTEREST FOR VARIOUS PETROLEUM PRODUCTS				
Chemical	Gasoline/ JP-4/ AVG gas	Diesel/ Fuel Oil No. 2/ Kerosene	Fuel Oil No.4	Jet Fuels (Jet A, JP-5, JP-8)
Benzo(k)fluoranthene ²		X	X	X
Benz(a)anthracene		X	X	X
Chrysene ²		X	X	X
Fluorene ²		X	X	X
Fluoranthene ²		X	X	X
Naphthalene	X	X	X	X
Pyrene ²		X	X	X
¹ X ¹ Leaded Regular 0 only ² Vapor intrusion is not applicable because there is no inhalation toxicity information and/or the chemical is not sufficiently volatile and toxic to pose an inhalation risk from a soil or groundwater source.				

(3-31-22)()

801. -- 999. (RESERVED)

Sections Affected Index

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.09 – Rules Governing Invasive Species and Noxious Weeds

Docket No. 02-0609-2403

135. Snake River Quarantine.....	35
----------------------------------	----

IDAPA 11 – IDAHO STATE POLICE

11.13.01 – The Motor Carrier Rules

Docket No. 11-1301-2401

019. Carrier Safety Requirement Exemptions.....	43
---	----

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.07.02 – Rules Governing Conservation of Oil and Natural Gas in the State of Idaho

Docket No. 20-0702-2401 (ZBR Chapter Rewrite)

000. Legal Authority.....	48
001. Title And Scope.....	48
002. Administrative Appeals.....	49
002. (Reserved).....	49
003. Incorporation By Reference.....	49
004. -- 009. (Reserved).....	50
010. Definitions.....	50
011. Abbreviations.....	53
01211. -- 01429. (Reserved).....	54
015. Protection Of Correlative Rights.....	54
016. -- 019. (Reserved).....	54
020. Applicability.....	54
021. Class II Injection wells.....	54
022. -- 029. (Reserved).....	54
030. Notices - General.....	54
031. Forms.....	55
032. Organization Reports.....	55
033. Designation Of Agent.....	55
034. -- 039. (Reserved).....	55
040. Public Comment.....	55
041. -- 0499. (Reserved).....	55
050. Enforcement.....	55
051. -- 099. (Reserved).....	55
100. Geophysical Operations.....	56
101. -- 199. (Reserved).....	60
200. Permit To Drill, Deepen, Or Plug Back.....	60
201. Multiple Zone Completions.....	61
202. -- 209. (Reserved).....	62
210. Well Treatments.....	62
211. Hydraulic Fracturing.....	65
212. -- 219. (Reserved).....	66
220. Bonding.....	66
221. Transfer Of Drilling Permits.....	67
222. -- 229. (Reserved).....	67
230. Pit Requirements.....	67
231. -- 299. (Reserved).....	71
300. Identification Of Wells.....	71
301. Well Site Operations.....	71

302. Accidents And Fires	72
303. -- 309. (Reserved)	72
310. General Drilling Rules	72
311. Loss Of Tool With Radioactive Material.	75
312. Chokes.	76
313. Use Of Earthen Reservoirs.	76
314. Vacuum Pumps Prohibited	76
315. Pulling Outside Strings Of Casing.	76
316. -- 319. (Reserved)	76
320. Mechanical Integrity Testing.	76
321. -- 329. (Reserved)	77
330. Well Directional Control	77
331. -- 339. (Reserved)	78
340. Well Completion/Recompletion Report And Well Report.	78
341. Drilling Logs.	78
342. -- 399. (Reserved)	79
400. Production Reports.	79
401. Measurement Of Oil	79
402. Measurement Of Gas	79
403. Gas-Oil Ratio For Well Classifications.	79
404. Gas-Oil Ratio Limitation.	79
405. Gas-Oil Ratio Surveys And Reports	80
406. -- 409. (Reserved)	80
410. Meters.	80
411. Separators	80
412. Producing From Different Pools Through The Same Casing String	80
413. Gas Utilization.	80
414. -- 419. (Reserved)	81
420. Tank Batteries.	81
421. -- 429. (Reserved)	81
430. Gas Processing Facilities.	81
431. -- 499. (Reserved)	82
500. Active Wells.	82
501. Inactive Wells.	82
502. Well Plugging.	83
503. -- 509. (Reserved)	85
510. Surface Reclamation.	85
511. -- 999. (Reserved)	87

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.02.01 – Rules of the State Athletic Commission

Docket No. 24-0201-2402 (ZBR New Chapter)

000. Legal Authority.	89
001. Scope.	89
002. Incorporation By Reference.	89
003. -- 009. (Reserved)	90
010. Definitions.	90
011. -- 099. (Reserved)	90
100. Licensing.	90
101. Combatant	90
102. Ability Of Combatant.	91
103. Honoring Actions Of Regulatory Agencies In Other Jurisdictions.	91

104.	Female Combatants	92
105.	Health Insurance	92
106.	Surety Bond Or Other Security.	92
107.	Approval Of Sanctioned Event Permits.	92
108.	Arrangement Of Contest For Promoter.	93
109.	Licenses Retained.....	93
110.	Manager Acting As Second.....	93
111.	Requirements For License As A Ring Official.	93
112.	Officials Of Events.....	93
113.	Referees.....	93
114.	Judges.....	94
115.	discipline.	94
116.	Amateur Athletic Sanctioning Organizations.....	95
117.	Fees	95
118. – 199.	(Reserved)	96
200.	Physician Qualifications.	96
201.	Physician's Determination Of Fitness Of Combatants And Referee – Certification – Report.	96
202.	Combatant's Report Of Own Illness Or Injury – Examination – Fee.	96
203.	Preparations To Stop Hemorrhaging.	96
204.	Prohibited Substances.	96
205.	Percentage Of Gate Receipts To Combatant.	97
206.	Financial conflicts of interest.	97
207.	Payments.	97
208. – 298.	(Reserved)	97
299.	Changes To Main And Semi-Main Events.	97
300.	Program For Charity.....	98
301.	Beverage Containers.	98
302. – 399.	(Reserved)	98
400.	Tickets.....	98
401.	Tickets – Removal And Retention After Match – Destruction.	99
402. – 499.	(Reserved)	99
500.	Postponement Of Program.	99
501.	Medical Preparedness.	99
502.	Sanitation.	99
503.	Authorized Persons in Dressing Rooms.	99
504.	Equipment Of The Chief Second.	100
505. – 599.	(Reserved)	100
600.	Weighing In Of Combatants	100
601.	Combatants Must Report.	100
602.	Costume And Equipment.	100
603.	Combatant's Physical Appearance.	101
604.	Physician – Suitable Place To Examine Combatant – Fee – Emergency Treatment.	101
605.	Continuous Presence Of Physician At Ringside.	101
606.	Procedure For Use Of Scorecards.....	101
607.	Referee's Instructions To Combatants.	101
608.	Limitations On Seconds.	101
609.	Persons Allowed In Ring.	102
610.	Unfair Practices – Duties Of Referees.	102
611.	Stopping Of Contest – One-Sided Contest – Risk Of Injury – Examination By Physician.	102
612.	Stopping Of Contest – Combatant Not Honestly Competing.	102
613.	Failure Of Combatant To Resume.	102
614.	Procedure When Combatant Is Knocked Out.	102

615. Change Of Decision In Contest.....	102
616. Physician's Report To Commission After Contest.....	103
617. – 699. (Reserved).....	103
700. General Rules not Incorporated by Reference.....	103
701. Suspension Of MMA Contest For Unforeseen Reasons.....	103
702. – 799. (Reserved).....	103
800. Boxing – Rules.....	103
801. Boxing Ring.....	105
802. Knockdown Of Boxing Combatant – Procedure For Counting.....	105
803. Resuming Count On Boxing Combatant.....	106
804. Boxing Combatant Deemed Down.....	106
805. – 899. (Reserved).....	106
900. Wrestling – Special License For A Contest.....	106
901. Wrestling – Disqualification For Dangerous Tactics.....	106
902. Licensee's Duties At Wrestling Exhibition.....	106
903. Wrestlers – Physical Examination.....	107
904. – 999. (Reserved).....	107
24.29.01 – Rules of Procedure of the Idaho Certified Shorthand Reporters Board	
Docket No. 24-2901-2401 (ZBR Chapter Rewrite)	
000. Legal Authority.....	109
001. Scope.....	109
002. -- 124099. (Reserved).....	109
100. Licensure.....	109
125. Fees.....	109
126. -- 200. (Reserved).....	110
201. Written Statement Of Suitability For Licensure Or Permit.....	110
202. -- 299. (Reserved).....	110
300. Examinations.....	110
301. -- 399. (Reserved).....	111
400. Temporary Permit.....	111
401101. -- 499299. (Reserved).....	112
500300.Disciplinary Penaltie.....	112
301. -- 399. (Reserved).....	112
400. Fees.....	112
501401. -- 999. (Reserved).....	112
24.35.01 – Rules of the Outfitters and Guides Licensing Board	
Docket No. 24-3501-2401	
002. Definitions.....	114
003. – 099. (Reserved).....	116
100. Outfitter Or Designated Agent License Or Amendment Application.....	116
103. Guide License Application Requirements.....	117
205. Availability Of Outfitting Opportunities.....	118
257. Designation Of Allocated Deer And Elk Tags.....	119
259. River, Lake, And Reservoir Power And Float Outfitter Limits.....	122
24.36.01 – Rules of the Idaho State Board of Pharmacy	
Docket No. 24-3601-2402 (ZBR Chapter Rewrite)	
000. Legal Authority.....	135
001. Scope.....	135
002. – 009. (Reserved).....	135
01002.Definitions And Abbreviations (A – N).....	135
011. Definitions And Abbreviations (O – Z).....	136

01203. – 099. (Reserved)	137
100. Practice Of Pharmacy: General Approach	137
101. Prescriber Performance Of Pharmacy Functions	138
102. Waivers Or Variances	138
103. Board Inspections And Investigations	138
104. Unprofessional Conduct	138
105. – 199. (Reserved)	140
200. Board Of Pharmacy Licensure And Registration	140
201. Licensure And Registration: General Requirements	140
202. Board Fees	140
203. Fee Schedule	141
204. – 209. (Reserved)	142
210. Determination Of Need For Nonresident Licensure Or Registration	142
211. Pharmacist Licensure By Examination	142
212. Pharmacist Licensure By Reciprocity	142
213. Pharmacist License: CPE Requirements	143
214. Pharmacist License: Reinstatement	143
215. Nonresident PIC Registration To Practice Pharmacy Into Idaho	143
216. Pharmacist Intern Registration	143
217. – 219. (Reserved)	144
220. Technician Registration	144
221. – 223. (Reserved)	144
224. Practitioner Controlled Substance Registration	144
225. – 229. (Reserved)	144
230. Drug Outlet Licensure And Registration: General Requirements	144
231. – 239. (Reserved)	145
240. Wholesaler Licensure And Registration	145
241. – 249. (Reserved)	145
250. Manufacturer Registration	145
251. – 299. (Reserved)	146
300. Drug Outlets: Minimum Facility Standards	146
301. Drug Outlets That Dispense Prescription Drugs: Minimum Prescription Filling Requirements	146
302. Drug Outlets That Dispense Drugs To Patients Without An Onsite Pharmacist Or Prescriber	147
303. Drugs Stored Outside Of A Drug Outlet For Retrieval By A Licensed Health Professional.	147
304. – 349. (Reserved)	147
350. Pharmacist Prescribing: General Requirements	147
351. Collaborative Pharmacy Practice	148
352. – 399. (Reserved)	148
400. Prescription Drug Order: Validity	148
401. Prescription Drug Order: Minimum Requirements	148
402. Filling Prescription Drug Orders: Practice Limitations	149
403. Filling Prescription Drug Orders: Adaptation	149
404. Filling Prescription Drug Orders: Drug Product Substitution	149
405. Filling Prescription Drug Orders: Transfers	150
406. Labeling Standards	150
407. Prescription Delivery: Restrictions	150
408. Destruction Or Return Of Drugs Or Devices: Restrictions	150
409. – 499. (Reserved)	151
500. Recordkeeping: Maintenance And Inventory Requirements	151
501. Reporting Requirements	152
502. – 599. (Reserved)	152
600. Controlled Substances: PDMP	152

601. – 699. (Reserved)	152
700. Compounding Drug Preparations.....	152
701. Sterile Preparation.	154
702. Hazardous Drugs Preparation.....	156
703. Outsourcing Facility.....	157
704. – 999. (Reserved)	157
100. Licensure.....	157
101. -- 199. (Reserved).....	160
200. Practice Standards.....	160
201. -- 299. (Reserved).....	166
300. Discipline.....	166
301. -- 399. (Reserved).....	168
400. Fees.....	168
401. -- 699. (Reserved).....	169
700. Safe Compounding.....	169
701. -- 799. (Reserved).....	172
800. Prescription Drug Monitoring Program.....	172
801. -- 999. (Reserved).....	172
24.39.70 – Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems	
Docket No. 24-3970-2401	
100. Certificates of Competency and Registration.....	174
24.39.90 – Rules Governing the Damage Prevention Board	
Docket No. 24-3990-2401 (ZBR Chapter Rewrite)	
000. Legal Authority.....	176
001. Scope.....	176
002. -- 099. (Reserved).....	176
100. Educational And Training Materials.....	176
101. -- 299. (Reserved).....	177
300. Discipline.....	177
301. -- 349. (Reserved).....	179
002350. Administrative Appeals.....	179
002351. -- 006399. (Reserved).....	179
007400. Funding Of Board Activities Fees.....	179
008. Audit Of One-Number Service Records.....	179
009. -- 014. (Reserved).....	179
015. Educational And Training Materials.....	179
016. Adequacy Of Facility Owners Locating Underground Facilities.....	180
017. Improvement Of Technology And Communications By Stakeholders.....	180
018. Damage Prevention Complaints.....	180
019. Claims And Reports Of Damage Or Excavator Downtime.....	181
020. Civil Penalties.....	181
021401. -- 999. (Reserved).....	182
IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION	
31.21.01 – Customer Relations Rules for Gas, Electric, and Water Public Utilities (The Utility Customer Relations Rules)	
Docket No. 31-2101-2401	
304. Requirements For Notice To Customers Before Termination Of Service (Rule 304).....	186

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY*58.01.02 – Water Quality Standards***Docket No. 58-0102-2401**

851. Petroleum Release Reporting, Investigation, And Confirmation.	195
852. Petroleum Release Response And Corrective Action.	196
8531. -- 999. (Reserved)	200

*58.01.05 – Rules and Standards for Hazardous Waste***Docket No. 58-0105-2401**

000. Legal Authority.	202
001. Title.	202
001. (Reserved)	202
002. Incorporation By Reference Of Federal Regulations.	202

*58.01.10 – Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, as Amended***Docket No. 58-0110-2301 (ZBR Chapter Rewrite)**

000. Legal Authority.	206
001. Title And Scope.	206
002. Written Interpretations.	206
002. (Reserved)	206
003. Administrative Appeals.	206
004. Incorporation By Reference.	206
005. Office – Office Hours – Mailing Address And Street Address.	207
0065. -- 009. (Reserved)	207
010. Definitions.	207
011. -- 018. (Reserved)	209
019. Notification Of Radioactive Materials.	209
020. Radiation Protection Standards.	209
021. -- 029. (Reserved)	210
030. Records.	210
031. -- 039. (Reserved)	210
040. Violations.	210
041. -- 999. (Reserved)	210

*58.01.24 – Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites***Docket No. 58-0124-2401 (ZBR Chapter Rewrite)**

000. Legal Authority.	212
001. Title, Scope And Applicability.	212
002. Written Interpretations.	213
0032. Administrative Provisions.	213
004. Incorporation By Reference.	213
005. Availability Of Referenced Material.	213
006. Office Hours – Mailing Address And Street Address.	213
007. Confidentiality Of Records.	213
008. Tables.	213
009. Acronyms.	214
003. -- 009. (Reserved)	214
010. Definitions.	214
011. -- 09959. (Reserved)	216
060. Petroleum Release Reporting, Investigation, And Confirmation.	216
061. Petroleum Release Response And Corrective Action.	218
062. -- 099. (Reserved)	222

100. Chemicals Evaluated At Petroleum Release Sites.	222
101. -- 199. (Reserved).....	222
200. Risk Evaluation Process.	222
201. -- 299. (Reserved).....	224
300. Site-Specific Risk Evaluation Requirements.	224
301. -- 399. (Reserved).....	225
400. Establishment Of Remediation Standards.	225
401. -- 499. (Reserved).....	226
500. Factors When Practical Quantitation Limits Are Greater Than Screening Levels And Cleanup Levels.	226
501. -- 599. (Reserved).....	226
600. Activity And Use Limitations.	226
601. -- 699. (Reserved).....	227
700. Development Of Guidance Manual.	227
701. -- 799. (Reserved).....	227
800. Table.	227
801. -- 999. (Reserved).....	228

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all required information concerning their intent to change or make new the following rules in the latest publication of the state Administrative Bulletin.

*The proposed rule public hearing request deadline is August 21, 2024, unless otherwise posted.
The proposed rule written comment submission deadline is August 28, 2024, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 11 – IDAHO STATE POLICE 700 S Stratford Dr, Meridian, ID 83642

11-1301-2401, The Motor Carrier Rules. (Temp & Prop) Proposed language reestablishes text inadvertently omitted in prior rulemaking regarding relief from federal regulations for intrastate motor carriers.

IDAPA 20 – IDAHO DEPARTMENT OF LANDS PO Box 83720, Boise, ID 83720-0050

***20-0702-2401, Rules Governing Conservation of Oil and Natural Gas in the State of Idaho.** (*PH) Zero-Based Regulation (ZBR) Rewrite applies to the exploration and extraction of all crude oil and natural gas resources in Idaho, not including biogas, manufactured gas, or landfill gas.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES PO Box 83720, Boise, ID 83720-0063

***24-0201-2402, Rules of the State Athletic Commission.** (*PH) ZBR Rewrite provides clarification on the methods and restrictions of unarmed combat in Idaho.

***24-2901-2401, Rules of Procedure of the Idaho Certified Shorthand Reporters Board.** (*PH) ZBR Rewrite governs the practice of shorthand reporting in Idaho to include licensure, discipline, and fees.

***24-3501-2401, Rules of the Outfitters and Guides Licensing Board.** (*PH) Proposed edits remove duplicative language already in statute, update CF2 operation dates, increase the maximum number of operators on certain lakes, and add river section to licensable waters.

***24-3601-2402, Rules of the Idaho State Board of Pharmacy.** (*PH) ZBR Rewrite regulates and controls the manufacture, distribution, and dispensing of controlled substances within or into the state per Idaho Code and regulates the practice of pharmacy per the Idaho Pharmacy Act.

***24-3990-2401, Rules Governing the Damage Prevention Board.** (*PH) ZBR Rewrite applies to underground facilities and facility owners for safe excavation, locating and marking, determining damage, emergency procedures, excavator downtime, pre-marking of intended excavation areas, and appropriate procedures when encountering unmarked facilities.

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION P.O. Box 83720 Boise, ID 83720-0074

31-2101-2401, Customer Relations Rules for Gas, Electric, and Water Public Utilities (The Utility Customer Relations Rules). Per legislative request, rule change requires a utility to mail customers a final notice prior to proposed date of service termination.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY 1410 N Hilton St, Boise, Idaho 83706

58-0102-2401, Water Quality Standards. Changes remove language that are not water quality standard regulations under the Clean Water Act addressing petroleum releases and storage tanks, and move necessary provisions to companion docket 58-0124-2401. Comment by 9-6-24

58-0105-2401, Rules and Standards for Hazardous Waste. Rulemaking ensures that state rules remain consistent with federal regulations incorporated by reference that implement the Resource Conservation and Recovery Act, directed by the Idaho Hazardous Waste Management Act.

58-0110-2301, Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, as Amended. ZBR Rewrite regulates and places restrictions on the disposal of radioactive materials not regulated under the Atomic Energy Act of 1954, As Amended, at permitted facilities subject to the Idaho Hazardous Waste Management Act and certain radioactive materials at municipal solid waste landfills.

58-0124-2401, Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites. ZBR Rewrite establishes standards and procedures to determine application measures for property subject to petroleum release response, assessment, and corrective action.

EXECUTIVE ORDERS OF THE GOVERNOR

2024-07, Only Citizens Will Vote Act

NOTICE OF ADOPTED / AMENDED PROCLAMATION(S)

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13-0000-2400P5, Establishing Seasons and Limits for Hunting, Fishing, and Trapping in Idaho

NOTICES OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02-0609-2403, Rules Governing Invasive Species and Noxious Weeds

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24-3970-2401, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

NOTICES OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

(Please see the Administrative Bulletin for dates and times of meetings and other participant information)

IDAPA 09 – IDAHO DEPARTMENT OF LABOR

09-0108-2401, Rules on Disclosure of Employment Security Information

09-0503-2401, Rules for Determining Bargaining Representatives

IDAPA 11 – IDAHO STATE POLICE

11-0301-2401, Rules Governing Alcohol Testing

IDAPA 15 – OFFICE OF THE GOVERNOR / IDAHO MILITARY DIVISION

15-0605-2401, Hazardous Substance Response Rules

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26-0137-2401, Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31-4101-2401, Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission (The Telephone Customer Relations Rules)

IDAPA 42 – IDAHO WHEAT COMMISSION

42-0101-2401, Rules of the Idaho Wheat Commission

IDAPA 43 – IDAHO OILSEED COMMISSION

43-0101-2401, Rules Governing the Idaho Oilseed Commission

Please refer to the Idaho Administrative Bulletin [August 7, 2024, Volume 24-8](#), for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Electronic issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management
P.O. Box 83720, Boise, ID 83720-0032
Phone: 208-334-3900; Email: adminrules@dfm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Division of Financial Management
Office of the Governor*

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

*Office of the Administrative Rules Coordinator
Division of Financial Management*

April 6, 2023 – August 7, 2024

(PLR 2024) – Final Effective Date Is Pending Legislative Review in 2024

(eff. date)L – Denotes Adoption by Legislative Action

(eff. date)T – Temporary Rule Effective Date

SCR # – denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # – denotes the number of a House Concurrent Resolution (Legislative Action)

(This Abridged Index includes all active rulemakings.)

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapters 13, 15; Title 03, Chapter 03; Title 04, Chapters 14, 23, 30, 32; and Title 06, Chapters 04, 09, 10, 16 – Bulletin Vol. 23-5

02.02.12, Bonded Warehouse Rules

02-0212-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

02.02.13, Commodity Dealers’ Rules

02-0213-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

02-0213-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

02-0213-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 13 – Bulletin Vol. 23-5

02.02.14, Rules for Weights and Measures

02-0214-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

02-0214-2301 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)

02-0214-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-10

02.02.15, Rules Governing the Seed Indemnity Fund

02-0215-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

02-0215-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

02-0215-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 15 – Bulletin Vol. 23-5

02.03.01, Rules Governing Pesticide Management Plans for Ground Water Protection

02-0301-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

02.03.03, Rules Governing Pesticide and Chemigation Use and Application

02-0303-2402 Notice of Temporary and Proposed Rule, Bulletin Vol. 24-7 (eff. 7-1-24)T

02-0303-2401 *Adoption of Temporary Rule, Bulletin Vol. 24-5 (eff. 4-22-24)T [expires 7-1-24]*

02-0303-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

02-0303-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

02-0303-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 3 – Bulletin Vol. 23-5

02.04.03, Rules Governing Animal Industry

02-0403-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

02.04.14, Rules Governing Dairy Byproduct

02-0414-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

02-0414-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

02-0414-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 14 – Bulletin Vol. 23-5

02.04.15, Rules Governing Beef Cattle Animal Feeding Operations

02-0415-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7

02.04.19, Rules Governing Domestic Cervidae

02-0419-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7

02.04.23, Rules Governing Commercial Livestock Truck Washing Facilities

02-0423-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

- 02-0423-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
02-0423-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 23 – Bulletin Vol. 23-5

02.04.30, Rules Governing Environmental and Nutrient Management

- 02-0430-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
02-0430-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
02-0430-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 30 – Bulletin Vol. 23-5

02.04.32, Rules Governing Poultry Operations

- 02-0432-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
02-0432-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
02-0432-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10
02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 32 – Bulletin Vol. 23-5

02.05.01, Rules Governing Produce Safety

- 02-0501-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

02.06.01, Rules Governing the Production and Distribution of Seed

- 02-0601-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
02-0601-2301 Adoption of Pending Rule (Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
02-0601-2301 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 23-10
02-0601-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-7

02.06.02, Rules Governing Registrations and Licenses

- 02-0602-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
02-0602-2301 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)
02-0602-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-10

02.06.04, Rules Governing Plant Exports

- 02-0604-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
02-0604-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
02-0604-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10
02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 04 – Bulletin Vol. 23-5

02.06.09, Rules Governing Invasive Species and Noxious Weeds

- 02-0609-2403** Adoption of Temporary Rule, Bulletin Vol. 24-8 (eff. 6-28-24)T
02-0609-2402 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7
02-0609-2401 Adoption of Temporary Rule, Bulletin Vol. 24-4 (eff. *sine die* 2024)T
02-0609-2304 *Adoption of Temporary Rule, Bulletin Vol. 24-1 (eff. 12-18-23)T [expires sine die 2024]*
02-0609-2303 *Adoption of Temporary Rule, Bulletin Vol. 23-11 (eff. 10-19-23)T [superseded]*
02-0609-2302 *Adoption of Temporary Rule, Bulletin Vol. 23-10 (eff. 9-21-23)T [superseded]*
02-0609-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
02-0609-2301 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)
02-0609-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-10
02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 09 – Bulletin Vol. 23-5

02.06.10, Rules Governing the Growing of Potatoes

- 02-0610-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
02-0610-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
02-0610-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 10 – Bulletin Vol. 23-5

02.06.16, Rules Governing Honey Standards

- 02-0616-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
02-0616-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
02-0616-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
02-ZBRR-2301 *Rules of the Idaho Department of Agriculture* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 16 – Bulletin Vol. 23-5

02.06.33, Organic Food Products Rules

- 02-0633-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
02-0633-2301 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)
02-0633-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-10

02.08.01, Sheep and Goat Rules of the Idaho Sheep and Goat Health Board

- 02-0801-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-6

IDAPA 04 – OFFICE OF THE ATTORNEY GENERAL**04.11.01, Idaho Rules of Administrative Procedure of the Attorney General**

- 44-0000-2400** *Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA chapter 04.11.01 – Bulletin Vol. 24-7*
04-1101-2300 *Notice of Revocation of Final Rule, Bulletin Vol. 23-7*

IDAPA 05 – DEPARTMENT OF JUVENILE CORRECTIONS**05.01.02, Rules and Standards for Secure Juvenile Detention Centers**

- 05-0102-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
05-0102-2301 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 24-1 (PLR 2024)
05-0102-2301 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10
05-0102-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6

05.01.04, Rules Governing County Juvenile Probation and Detention Services

- 05-0104-2301*** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
**Changes chapter name from: “Uniform Standards for Juvenile Probation Services”*
05-0104-2301* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
05-0104-2301* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
05-0104-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

05.02.01, Rules for Residential Treatment Providers

- 05-0201-2301** *OARC Omnibus Notice of Legislative Action – Pending Rule Not Approved, Bulletin Vol. 24-8 (Null and Void)*
05-0201-2301 *Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 24-1 (PLR 2024)*
05-0201-2301 *Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10*
05-0201-2301 *Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6*

**IDAPA 08 – IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION****08.01.02, [Repealed] Rules Governing the Postsecondary Credit Scholarship Program**

- 08-0102-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
08-0102-2301 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
08-0102-2301 Notice of Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 23-10
08-0102-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-6

08.01.11, Registration of Postsecondary Educational Institutions and Proprietary Schools

08-0111-2401 Notice of Temporary and Proposed Rule, Bulletin Vol. 24-7 (eff. 7-1-24)T

08.01.13, Rules Governing the Opportunity Scholarship Program

08-0113-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-6

08-0113-2303 *Adoption of Temporary Rule, Bulletin Vol. 23-11 (eff. 11-1-23)T [expires sine die 2024]*

08-0113-2302 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

08-0113-2302 Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)

08-0113-2302 Notice of Proposed Rulemaking, Bulletin Vol. 23-10

08-0113-2302 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-7

08-0113-2301 *Adoption of Temporary Rule, Bulletin Vol. 23-7 (eff. 7-1-23)T [expires sine die 2024]*

08.01.15, Rules Governing the Firearms Safety Grant Program

08-0115-2401 Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 24-6

08.02.01, Rules Governing Administration

08-0201-2401 Notice of Temporary and Proposed Rule, Bulletin Vol. 24-7 (eff. 7-1-24)T

08-0201-2301 *Adoption of Temporary Rule, Bulletin Vol. 23-6 (eff. 4-6-23)T [expires sine die 2024]*

08.02.02, Rules Governing Uniformity

08-0202-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-6

08.02.03, Rules Governing Thoroughness

08-0203-2402 Adoption of Temporary Rule, Bulletin Vol. 24-7 (eff. 7-1-24)T

08-0203-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-6

08-0203-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

08-0203-2301 Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)

08-0203-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-10

08-0203-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-6

08.02.04, Rules Governing Public Charter Schools

08-0204-2400 Notice of Revocation of Final Rule, Bulletin Vol. 24-3

08.04.01, Rules of the Idaho Digital Learning Academy

08-0401-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-6

08-0401-2301 *OARC Omnibus Notice of Legislative Action – Pending Rule Not Approved, Bulletin Vol. 24-8 (Null and Void)*

08-0401-2301 *Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)*

08-0401-2301 *Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10*

08-0401-2301 *Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6*

IDAPA 09 – IDAHO DEPARTMENT OF LABOR**09.01.01, Rules of Administrative Procedure of the Department of Labor**

09-0101-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

09.01.08, Rules on Disclosure of Employment Security Information

09-0108-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8

09.01.30, Unemployment Insurance Benefits Administration Rules

09-0130-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

09.01.35, Unemployment Insurance Tax Administration Rules

09-0135-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

09.05.03, Rules for Determining Bargaining Representatives

09-0503-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8

IDAPA 11 – IDAHO STATE POLICE**Idaho State Brand Board****11.02.01, Rules of the Idaho State Brand Board**

11-0201-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7

11-0201-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

11-0201-2301 Adoption of Pending Rule (Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

11-0201-2301 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 23-10

11-0201-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-7

Idaho State Police Forensic Services**11.03.01, Rules Governing Alcohol Testing**

11-0301-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8

Idaho State Racing Commission**11.04.01, Rules Governing the Idaho State Racing Commission**

44-0000-2400 Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA 11.04.01 – Bulletin Vol. 24-7

11-0401-2401 *Adoption of Temporary Rule (New Chapter, Fee Rule), Bulletin Vol. 24-5 (eff. 4-24-24)T [expires 7-1-24]*

11-0401-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

11-0401-2301 Adoption of Pending Rule (New Chapter, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

11-0401-2301 Notice of Temporary and Proposed Rule (New Chapter, Fee Rule), Bulletin Vol. 23-5 (eff. 4-6-23)T [*temporary rule expires sine die 2024*]

Alcohol Beverage Control Bureau**11.05.01, Rules Governing Alcohol Beverage Control**

11-0501-2403 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

11-0501-2402 Adoption of Temporary Rule, Bulletin Vol. 24-7 (eff. 7-1-24)T

11-0501-2401 *Adoption of Temporary Rule, Bulletin Vol. 24-4 (eff. sine die 2024)T [expires 7-1-24]*

11-0501-2301 *Adoption of Temporary Rule, Bulletin Vol. 23-7 (eff. 7-1-23)T [expires sine die 2024]*

Commercial Vehicle Safety Division**11.07.01, Rules Governing Motor Vehicles – General Rules**

11-0701-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

11-0701-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

11-0701-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9

11-0701-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-7

11.07.03, Rules Governing Emergency Vehicles/Authorized Emergency Vehicles

11-0703-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

11-0703-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

11-0703-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9

11-0703-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-7

11.10.01, Rules Governing Idaho Public Safety and Security Information System

11-1001-2401 Adoption of Temporary (Fee) Rule, Bulletin Vol. 24-6 (eff. 4-24-24)T [expires 7-1-24]

11-1001-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

11-1001-2301 Adoption of Pending Rule (Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

11-1001-2301 Temporary and Proposed (Fee) Rule, Bulletin Vol. 23-9 (eff. 10-1-23)T [temporary rule expires sine die 2024]

11.11.01, Rules of the Idaho Peace Officer Standards and Training Council

11-1101-2401 Notice of Temporary and Proposed Rule, Bulletin Vol. 24-7 (eff. 6-7-24)T

11.13.01, The Motor Carrier Rules

11-1301-2401 Notice of Temporary and Proposed Rule, Bulletin Vol. 24-8 (eff. 7-1-24)T

11-1301-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

11-1301-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

11-1301-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9

11-1301-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-7

IDAPA 12 – DEPARTMENT OF FINANCE

12-ZBRR-2301 Rules of the Department of Finance – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapters 04, 08, and 10 – Bulletin Vol. 23-8

12.01.04, Rules Pursuant to the Idaho Credit Union Act

12-0104-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

12-0104-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

12-0104-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

12-ZBRR-2301 Rules of the Department of Finance – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 04 – Bulletin Vol. 23-8

12.01.08, Rules Pursuant to the Uniform Securities Act (2004)

12-0108-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

12-0108-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

12-0108-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10

12-ZBRR-2301 Rules of the Department of Finance – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 08 – Bulletin Vol. 23-8

12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act

12-0110-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

12-0110-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

12-0110-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

12-ZBRR-2301 Rules of the Department of Finance – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 10 – Bulletin Vol. 23-8

IDAPA 13 – IDAHO FISH AND GAME COMMISSION**Establishing Seasons and Limits for Hunting, Fishing, and Trapping in Idaho**

13-0000-2400P5 Notice of Adopted / Amended Proclamations for Calendar Year 2024, Bulletin Vol. 24-8

13-0000-2400P4 Notice of Adopted / Amended Proclamations for Calendar Year 2024, Bulletin Vol. 24-7

13-0000-2400P3 Notice of Adopted / Amended Proclamations for Calendar Year 2024, Bulletin Vol. 24-6

13-0000-2400P2 Notice of Adopted / Amended Proclamations for Calendar Year 2024, Bulletin Vol. 24-5

13-0000-2400P1 Notice of Adoption of Proclamation for Calendar Year 2024, Bulletin Vol. 24-2

13-0000-2300P9 Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 24-1

13-0000-2300P8 Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 23-11

13-0000-2300P7 Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 23-9

13-0000-2300P6 Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 23-7

13-0000-2300P5 Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 23-6

13-0000-2300P4 Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 23-5

[13-0000-2300P3](#) Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 23-4

[13-0000-2300P2](#) Notice of Adopted / Amended Proclamations for Calendar Year 2023, Bulletin Vol. 23-3

[13-0000-2300P1](#) Notice of Adoption of Proclamation for Calendar Year 2023, Bulletin Vol. 23-1

13.01.04, Rules Governing Licensing

[13-0104-2401](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

[13-0104-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

[13-0104-2301](#) Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)

[13-0104-2301](#) Temporary and Proposed Rule, Bulletin Vol. 23-9 (eff. 7-27-23)T [*temporary rule expires sine die 2024*]

13.01.06, Rules Governing Classification and Protection of Wildlife

[13-0106-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

[13-0106-2301](#) Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

[13-0106-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

[13-0106-2301](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

13.01.08, Rules Governing Taking of Big Game Animals

[13-0108-2401](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

[13-0108-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

[13-0108-2301](#) Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)

[13-0108-2301](#) Notice of Proposed Rulemaking, Bulletin Vol. 23-10

[13-0108-2301](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-4

13.01.11, Rules Governing Fish

[13-0111-2401](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7

[13-0111-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

[13-0111-2301](#) Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

[13-0111-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

[13-0111-2301](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

13.01.12, [Repealed] Rules Governing Commercial Fishing

[13-0112-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

[13-0112-2301](#) Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 24-1 (PLR 2024)

[13-0112-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10

[13-0112-2301](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

13.01.15, Rules Governing the Use of Dogs

[13-0115-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

[13-0115-2301](#) Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

[13-0115-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

[13-0115-2301](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

13.01.16, Trapping of Wildlife and Taking of Furbearing Animals

[13-0116-2401](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

13.01.17, Rules Governing Use of Bait for Hunting Big Game Animals

[13-0117-2401](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

IDAPA 15 – OFFICE OF THE GOVERNOR

Executive Orders of the Governor

Executive Order No. [2024-07](#) Only Citizens Will Vote Act, Bulletin Vol. 24-8

Executive Order No. [2024-06](#) Protecting Idaho Water Sovereignty Act, Bulletin Vol. 24-7

Executive Order No. [2024-05](#) Promoting Families and Protecting Children, Bulletin Vol. 24-7

Executive Order No. [2024-04](#) Operation Esto Perpetua, Bulletin Vol. 24-5

Executive Order No. [2024-03](#) Continuing the Juvenile Justice Commission, Bulletin Vol. 24-5

Executive Order No. [2024-02](#) Continuing the Workforce Development Council, Bulletin Vol. 24-5

Executive Order No. **2024-01** Continuing the Idaho Behavioral Health Council, Bulletin Vol. 24-5

Executive Order Retrospective Spanning Years **1938-1995**, Bulletin Vol. 24-3SE

Executive Order No. **2023-03** Idaho Outdoor Recreation Fund Advisory Council, Bulletin Vol. 23-9

Executive Order No. **2023-02** Provisions for State Cooperation With the National Flood Insurance Program Under the National Flood Insurance Act of 1968, as Amended, Bulletin Vol. 23-3

Executive Order No. **2023-01** Pacific Northwest Economic Region Idaho Council, Bulletin Vol. 23-3

State of the State and Budget Addresses of the Governor

State of the State and Budget Addresses Retrospective Spanning Years **1890-2024**, Bulletin Vol. 24-4SE

Division of Human Resources and Personnel Commission

15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission

44-0000-2401 Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA 15.04.01 – Bulletin Vol. 24-8

15-0401-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

15-0401-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

15-0401-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

15-0401-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-8

Idaho Military Division

15.06.05, Hazardous Substance Response Rules

15-0605-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8

Idaho State Liquor Division

15.10.01, Rules of the Idaho State Liquor Division

15-1001-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

15-1001-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

15-1001-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.02, Emergency Medical Services (EMS) – Rule Definitions

16-0102-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

16-0102-2301 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)

16-0102-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-8

16.01.03, Emergency Medical Services (EMS) -- Agency Licensing Requirements

16-0103-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

16-0103-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

16-0103-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

16-0103-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

16.01.07, Emergency Medical Services (EMS) – Personnel Licensing Requirements

16-0107-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

16.02.02, Idaho Emergency Medical Services (EMS) Physician Commission

16-0202-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

16-0202-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

16-0202-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9

16-0202-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

16.02.06, Quality Assurance for Clinical Laboratories

16-0206-2301* OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

**Changes chapter name from: "Quality Assurance for Idaho Clinical Laboratories"*

- [16-0206-2301*](#) Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
- [16-0206-2301*](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8
- [16-0206-2301](#) (Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4
- [16-0206-2301](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-3

16.02.13, State of Idaho Drinking Water Laboratory Certification Program

- [16-0213-2401](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

16.02.24, Clandestine Drug Laboratory Cleanup

- [16-0224-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- [16-0224-2301](#) Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- [16-0224-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8
- [16-0224-2301](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

16.02.25, State Laboratory Fees

- [16-0225-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- [16-0225-2301](#) Adoption of Pending Rule (Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
- [16-0225-2301](#) Notice of Proposed (Fee) Rule, Bulletin Vol. 23-7

16.03.01, Eligibility for Health Care Assistance for Families and Children

- [16-0301-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- [16-0301-2301](#) Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- [16-0301-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
- [16-0301-2301](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

16.03.02, Skilled Nursing Facilities

- [16-0302-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- [16-0302-2301](#) Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
- [16-0302-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
- [16-0302-2301](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

16.03.04, Idaho Food Stamp Program

- [16-0304-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- [16-0304-2301](#) Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
- [16-0304-2301](#) Notice of Public Hearing and Extension of Written Comment Period, Bulletin Vol. 23-10
- [16-0304-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9

16.03.05, Eligibility for Aid to the Aged, Blind, and Disabled (AABD)

- [16-0305-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- [16-0305-2301](#) Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
- [16-0305-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
- [16-0305-2301](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

16.03.06, Refugee Medical Assistance

- [16-0306-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- [16-0306-2301](#) Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)
- [16-0306-2301](#) Notice of Proposed Rulemaking, Bulletin Vol. 23-9

16.03.09, Medicaid Basic Plan Benefits

- [16-0309-2401](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5
- [16-0309-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- [16-0309-2301](#) Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)
- [16-0309-2301](#) Notice of Temporary and Proposed Rule, Bulletin Vol. 23-7 (eff. 7-1-23)T [*temporary rule expires sine die 2024*]

16.03.10, Medicaid Enhanced Plan Benefits

- [16-0310-2101](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- [16-0310-2101](#) Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)
- [16-0310-2101](#) Notice of Temporary and Proposed Rule, Bulletin Vol. 23-10 (eff. 9-1-23)T [*temporary rule expires sine die 2024*]

[16-0310-2101](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 21-11

16.03.11, Intermediate Care Facilities for People with Intellectual Disabilities (ICFs/IID)

[16-0311-2401](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

16.03.13, Consumer-Directed Services

[16-0313-2401](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

[16-0313-2101](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

[16-0313-2101](#) Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)

[16-0313-2101](#) Notice of Temporary and Proposed Rule, Bulletin Vol. 23-10 (eff. 9-1-23)T [*temporary rule expires sine die 2024*]

[16-0313-2101](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 21-11

16.03.14, Hospitals

[16-0314-2401](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5

[16-0314-2301](#) OARC Omnibus Notice of Legislative Action – Extension of Temporary Rule, Bulletin Vol. 24-8 (eff. 11-14-23)T

[16-0314-2301](#) Adoption of Temporary Rule, Bulletin Vol. 23-12 (eff. 11-14-23)T

16.03.18, Medicaid Cost-Sharing

[16-0318-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

[16-0318-2301](#) Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)

[16-0318-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10

[16-0318-2301](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

16.03.22, Residential Assisted Living Facilities

[16-0322-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

[16-0322-2301](#) Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)

[16-0322-2301](#) Notice of Proposed Rule, Bulletin Vol. 23-7

[16-0322-2301](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-3

16.04.18, Children’s Agencies and Residential Licensing

[16-0418-2401](#) Notice of Temporary and Proposed Rule, Bulletin Vol. 24-7 (eff. 7-1-24)T

[16-0418-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

[16-0418-2301](#) Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)

[16-0418-2301](#) Notice of Temporary and Proposed Rule, Bulletin Vol. 23-5 (eff. 4-6-23)T [*temporary rule expires sine die 2024*]

16.05.03, Contested Cases Proceedings and Declaratory Rulings

[44-0000-2400](#) Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA 16.05.03 – Bulletin Vol. 24-7

[16-0503-2301](#) Vacation of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-3

[16-0503-2301](#) Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

[16-0503-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9

[16-0503-2301](#) (2nd) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-3

[16-0503-2301](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-2

(MOVED AND REDESIGNATED) 16.05.04, Domestic Violence Council Grants

[16-0504-2400](#) IDAPA 16.05 – IDAHO COUNCIL ON DOMESTIC VIOLENCE AND VICTIM ASSISTANCE – Notice of Assignment of New IDAPA Designation Number – Redesignated from IDAPA 16, Title 05, Chapter 04 to IDAPA 63, Title 05, Chapter 04 – Bulletin Vol. 24-6 (eff. 7-1-24)

16.06.01, Child and Family Services

[16-0601-2403](#) Adoption of Temporary Rule, Bulletin Vol. 24-7 (eff. 6-5-24)T

[16-0601-2402](#) Notice of Temporary and Proposed Rule, Bulletin Vol. 24-6 (eff. 4-17-24)T

[16-0601-2401](#) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

- 16-0601-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
16-0601-2301 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)
16-0601-2301 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-7 (eff. 8-1-23)T [*temporary rule expires sine die 2024*]

16.06.02, Foster Care Licensing

- 16-0602-2402 Notice of Temporary and Proposed Rule (Chapter Rewrite), Bulletin Vol. 24-7 (eff. 7-1-24)T

16-0602-2401 Notice of Temporary and Proposed Rule (Chapter Repeal), Bulletin Vol. 24-7 (eff. 7-1-24)T

16-0602-2301* OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
*Changes chapter name from: “Child Care and Foster Care Licensing”
16-0602-2301* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
16-0602-2301* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8

16.06.03, Daycare Licensing

- 16-0603-2401 Adoption of Temporary Rule, Bulletin Vol. 24-7 (eff. 7-1-24)T

16-0603-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
16-0603-2301 Adoption of Pending Rule (New Chapter, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
16-0603-2301 Notice of Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 23-8

16.07.19, Peer Support Specialist and Family Support Partner Certification

- 16-0719-2301* OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
*Changes chapter name from: “Certification of Peer Support Specialists and Family Support Partners”
16-0719-2301* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
16-0719-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8
16-0719-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-2

16.07.25, Prevention of Minors’ Access to Tobacco or Electronic Smoking Device Products

- 16-0725-2301* OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
*Changes chapter name from: “Prevention of Minors’ Access to Tobacco Products”
16-0725-2301* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
16-0725-2301* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8
16-0725-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-3

16.07.37, Children’s Mental Health Services

- 16-0737-2401 (Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-3
16-0737-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-2

16.07.39, Designated Examiners and Dispositioners

- 16-0739-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
16-0739-2301 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)
16-0739-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-10

IDAPA 17 – INDUSTRIAL COMMISSION**17.01.01, Administrative Rules Under the Worker's Compensation Law**

- 17-0101-2301 (Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-5
17-0101-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-11

17.10.01, Administrative Rules Under the Crime Victims Compensation Act

- 17-1001-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
17-1001-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-11 (PLR 2024)
17-1001-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
17-1001-2301 (Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6
17-1001-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

IDAPA 18 – DEPARTMENT OF INSURANCE

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01; Title 03, Chapters 02-04; Title 04, Chapter 03; Title 05, Chapter 01; Title 06, Chapter 06; and Title 07, Chapters 04, 05 – Bulletin Vol. 24-7

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 02; Title 04, Chapters 04, 08; Title 06, Chapters 01-03; Title 07, Chapters 06, 10; and Title 08, Chapter 01 – Bulletin Vol. 23-6

18.01.01, Rule to Implement the Privacy of Consumer Financial Information

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01 – Bulletin Vol. 24-7

18.01.02, Schedule of Fees, Licenses, and Miscellaneous Charges

18-0102-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

18-0102-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

18-0102-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 02 – Bulletin Vol. 23-6

18.03.02, Life Settlements

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 02 – Bulletin Vol. 24-7

18.03.03, Variable Contracts

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 03 – Bulletin Vol. 24-7

18.03.04, Replacement of Life Insurance and Annuities

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 04 – Bulletin Vol. 24-7

18.04.03, Advertisement of Disability (Accident and Sickness) Insurance

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 03 – Bulletin Vol. 24-7

18.04.04, The Managed Care Reform Act Rule

18-0404-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

18-0404-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

18-0404-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 04 – Bulletin Vol. 23-6

18.04.08, Individual and Group Supplemental Disability Insurance Minimum Standards Rule

18-0408-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

18-0408-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

18-0408-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 08 – Bulletin Vol. 23-6

18.04.15, Rules Governing Short-Term Health Insurance Coverage

18-0415-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7

18.05.01, Rules for Title Insurance Regulation

18-ZBRR-2401 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 05, Chapter 01 – Bulletin Vol. 24-7

18.06.01, Rules Pertaining to Bail Agents

18-0601-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

18-0601-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

18-0601-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9

18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-6

18.06.02, Producers Handling of Fiduciary Funds

- 18-0602-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
18-0602-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
18-0602-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 02 – Bulletin Vol. 23-6

18.06.03, [Repealed] Rules Governing Disclosure Requirements for Insurance Producers When Charging Fees

- 18-0603-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
18-0603-2301 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
18-0603-2301 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-9
18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 03 – Bulletin Vol. 23-6

18.06.06, Surplus Lines Rules

- 18-ZBRR-2401** *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 06 – Bulletin Vol. 24-7

18.07.04, Annual Financial Reporting

- 18-ZBRR-2401** *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 04 – Bulletin Vol. 24-7

18.07.05, Director's Authority for Companies Deemed to be in Hazardous Financial Condition

- 18-ZBRR-2401** *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 05 – Bulletin Vol. 24-7

18.07.06, Life and Health Reinsurance Agreements

- 18-0706-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
**Changes chapter name from: "Rules Governing Life and Health Reinsurance Agreements"*
18-0706-2301* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
18-0706-2301* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 06 – Bulletin Vol. 23-6

18.07.10, Corporate Governance Annual Disclosure

- 18-0710-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
18-0710-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
18-0710-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 10 – Bulletin Vol. 23-6

18.08.01, Adoption of the International Fire Code

- 18-0801-2401** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7

18-0801-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
18-0801-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
18-0801-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
18-ZBRR-2301 *Rules of the Idaho Department of Insurance* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 08, Chapter 01 – Bulletin Vol. 23-6

IDAPA 20 – DEPARTMENT OF LANDS**20.01.01, Rules of Practice and Procedure Before the State Board of Land Commissioners**

- 44-0000-2400** Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA 20.01.01 – Bulletin Vol. 24-7

20-0101-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
20-0101-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
20-0101-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8
20-0101-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5

20.03.01, Rules Governing Dredge and Placer Mining Operations in Idaho

- 20-0301-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 20-0301-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
- 20-0301-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
- 20-0301-2301** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

20.03.02, Rules Governing Mined Land Reclamation

- 20-0302-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

20.03.03, Rules Governing Administration of the Reclamation Fund

- 20-0303-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 20-0303-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
- 20-0303-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
- 20-0303-2301** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

20.03.04, Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho

- 20-0304-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

20.03.05, Navigable Waterways Mineral Leasing in Idaho

- 20-0305-2301*** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
**Changes chapter name from: “Riverbed Mineral Leasing in Idaho”*
- 20-0305-2301*** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
- 20-0305-2301*** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
- 20-0305-2301** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

20.03.13, Administration of Cottage Site Leases on State Lands

- 20-0313-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7
- 20-0313-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-3

20.03.14, Rules Governing Grazing, Farming, and Conservation Leases

- 20-0314-2401*** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7
**Changes chapter name from: “Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation, and Communication Site Leases”*
- 20-0314-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-3

20.03.15, Rules Governing Geothermal Leasing on Idaho State Lands

- 20-0315-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-7
- 20-0315-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-3

20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands

- 20-0316-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-7
- 20-0316-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-3

20.04.01, Rules Pertaining to Forest Fire Protection

- 20-0401-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7
- 20-0401-2301** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-10

20.04.02, Rules Pertaining to the Idaho Forestry Act and Fire Hazard Reduction Laws

- 20-0402-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7
- 20-0402-2301** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-10

20.05.01, Rules Pertaining to the Recreational Use of Endowment Land

- 20-0501-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 20-0501-2301** Adoption of Pending Rule (New Chapter), Bulletin Vol. 24-1 (PLR 2024)
- 20-0501-2301** Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 23-10
- 20-0501-2301** Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 23-6

20.07.02, Rules Governing Conservation of Oil and Natural Gas in the State of Idaho

- 20-0702-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-8
- 20-0702-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

IDAPA 21 – DIVISION OF VETERANS SERVICES

21.01.01, Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure

44-0000-2400 Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA 21.01.01 – Bulletin Vol. 24-7

21.01.04, Rules Governing Idaho State Veterans Cemeteries

21-0104-2402 Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 24-6

21-0104-2401 Adoption of Temporary Rule (Fee Rule), Bulletin Vol. 24-5 (eff. 4-10-24)T

21-0104-2301 OARC Omnibus Notice of Legislative Action – Pending Rule Not Approved, Bulletin Vol. 24-8 (Null and Void)

21-0104-2301 Adoption of Pending Rule, Bulletin Vol. 23-11 (PLR 2024)

21-0104-2301 Notice of Temporary and Proposed Rule, Bulletin Vol. 23-3 (eff. 3-1-23)T [temporary rule expires sine die 2024]

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 01; Title 03, Chapter 01; Title 08, Chapter 01; Title 09, Chapter 01; Title 19, Chapter 01; Title 24, Chapter 01; Title 29, Chapter 01; Title 33, Chapters 01-07; and Title 36, Chapter 01 – Bulletin Vol. 24-4

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01; Title 05, Chapter 01; Title 06, Chapter 01; Title 07, Chapter 01; Title 11, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 18, Chapter 01; Title 27, Chapter 01; Title 28, Chapter 01; Title 31, Chapter 01; Title 38, Chapter 01; and Title 39, Chapters 30, 31, 50 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01; Title 05, Chapter 01; Title 06, Chapter 01; Title 07, Chapter 01; Title 11, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 18, Chapter 01; Title 27, Chapter 01; Title 28, Chapter 01; Title 31, Chapter 01; Title 38, Chapter 01; and Title 39, Chapters 30, 31, 50 – Bulletin Vol. 23-4

24.01.01, Rules of the Board of Architects and Landscape Architects

24-0101-2301* OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

**Changes chapter name from: “Rules of the Board of Architectural Examiners”*

24-0101-2301* Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-11 (PLR 2024)

24-0101-2301* Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 01 – Bulletin Vol. 23-4

24.02.01, Rules of the State Athletic Commission

24-0201-2402 Notice of Proposed Rulemaking (ZBR New Chapter), Bulletin Vol. 24-8

24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 01 – Bulletin Vol. 24-4

24-0201-2401 Adoption of Temporary Rule (New Chapter, Fee Rule), Bulletin Vol. 24-6 (eff. 6-1-24)T

24.03.01, Rules of the State Board of Chiropractic Physicians

24-0301-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7

24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 01 – Bulletin Vol. 24-4

24.04.01, Rules of Procedure of the Board of Registration for Professionals Geologists

24-0401-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-6

24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals

24-0501-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

- 24-0501-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
24-0501-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 05, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 05, Chapter 01 – Bulletin Vol. 23-4

24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

- 24-0601-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-0601-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-11 (PLR 2024)
24-0601-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 06, Chapter 01 – Bulletin Vol. 23-4

24.07.01, [Repealed] Rules of the Idaho State Board of Landscape Architects

- 24-0701-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-0701-2301 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
24-0701-2301 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-9
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 07, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 01, Chapter 07 – Bulletin Vol. 23-4

24.08.01, Rules of the State Board of Morticians

- 24-ZBRR-2401** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 08, Chapter 01 – Bulletin Vol. 24-4

24.09.01, Rules of the Board of Examiners of Nursing Home Administrators

- 24-0901-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7
24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 09, Chapter 01 – Bulletin Vol. 24-4

24.11.01, Rules of the State Board of Podiatry

- 24-1101-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-1101-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-11 (PLR 2024)
24-1101-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 11, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 11, Chapter 01 – Bulletin Vol. 23-4

24.13.01, Rules Governing the Physical Therapy Licensure Board

- 24-1301-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-1301-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-11 (PLR 2024)
24-1301-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 13, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 13, Chapter 01 – Bulletin Vol. 23-4

24.14.01, Rules of the State Board of Social Work Examiners

- 24-1401-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-1401-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
24-1401-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 14, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 14, Chapter 01 – Bulletin Vol. 23-4

24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists

- 24-1501-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-1501-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-11 (PLR 2024)
24-1501-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 15, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 15, Chapter 01 – Bulletin Vol. 23-4

24.16.01, Rules of the State Board of Dentistry

- 24-1601-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-1601-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-11 (PLR 2024)
24-1601-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 16, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 16, Chapter 01 – Bulletin Vol. 23-4

24.18.01, Rules of the Real Estate Appraiser Board

- 24-1101-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-1801-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
24-1801-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 18, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 18, Chapter 01 – Bulletin Vol. 23-4

24.19.01, Rules of the Board of Examiners of Residential Care Facility Administrators

- 24-1901-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-7
24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 19, Chapter 01 – Bulletin Vol. 24-4

24.21.01, Rules of the Idaho State Contractors Board

- 24-2101-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-6

24.22.01, Rules of the Idaho State Liquefied Petroleum Gas Safety Board

- 24-2201-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

24.24.01, Rules of the Genetic Counselors Licensing Board

- 24-2401-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7
24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 24, Chapter 01 – Bulletin Vol. 24-4

24.27.01, Rules of the Idaho State Board of Massage Therapy

- 24-2701-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-2701-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-11 (PLR 2024)
24-2701-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 27, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 27, Chapter 01 – Bulletin Vol. 23-4

24.28.01, Rules of the Barber and Cosmetology Services Licensing Board

- 24-2801-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-2801-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-11 (PLR 2024)
24-2801-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 28, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 28, Chapter 01 – Bulletin Vol. 23-4

24.29.01, Rules of Procedure of the Idaho Certified Shorthand Reporters Board

24-2901-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-8

24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 29, Chapter 01 – Bulletin Vol. 24-4

24.30.01, Idaho Accountancy Rules

24-3001-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-6

24.31.01, Rules of the Idaho State Board of Dentistry

24-3101-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

24-3101-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

24-3101-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 31, Chapter 01 – Bulletin Vol. 23-6

24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 31, Chapter 01 – Bulletin Vol. 23-4

24.32.01, Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors

24-3201-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-6

24.33.01, Rules of the Board of Medicine for the Practice of Medicine and Osteopathic Medicine in Idaho

24-3301-2401* Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-7

**Changes chapter name from: “Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho”*

24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 33, Chapter 01 – Bulletin Vol. 24-4

24-3301-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

24-3301-2301 Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)

24-3301-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-10

24-3301-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-7

24.33.02, Rules for the Licensure of Physician Assistants

24-3302-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7

24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 33, Chapter 02 – Bulletin Vol. 24-4

24.33.03, General Provisions of the Board of Medicine

24-3303-2401 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 24-7

24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 33, Chapter 03 – Bulletin Vol. 24-4

24.33.04, Rules for the Licensure of Naturopathic Medical Doctors

24-3304-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7

24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 33, Chapter 04 – Bulletin Vol. 24-4

24.33.05, Rules for the Licensure of Athletic Trainers to Practice in Idaho

24-3305-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7

24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 33, Chapter 05 – Bulletin Vol. 24-4

24.33.06, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho

24-3306-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7

24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 33, Chapter 06 – Bulletin Vol. 24-4

24.33.07, Rules for the Licensure of Dietitians

24-3307-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-7

24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 33, Chapter 07 – Bulletin Vol. 24-4

24.35.01, Rules of the Outfitters and Guides Licensing Board

- 24-3501-2401** Notice of Proposed Rulemaking, Bulletin Vol. 24-8
24-3501-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-6
- 24-3501-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-3501-2301 Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)
24-3501-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-9
24-3501-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-7

24.36.01, Rules of the Idaho State Board of Pharmacy

- 24-3601-2402** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-8
24-ZBRR-2401 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 36, Chapter 01 – Bulletin Vol. 24-4
- 24-3601-2401** Adoption of Temporary Rule, Bulletin Vol. 24-4 (eff. 7-1-24)T
- 24-3601-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-3601-2301 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)
24-3601-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-12

24.37.01, Rules of the Idaho Real Estate Commission

- 24-3701-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-6

24.38.01, Rules of the State of Idaho Board of Veterinary Medicine

- 24-3801-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-3801-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
24-3801-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 38, Chapter 01 – Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 38, Chapter 01 – Bulletin Vol. 23-4

24.39.10, Rules of the Idaho Electrical Board

- 24-3910-2402** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7
- 24-3910-2401** Adoption of Temporary Rule, Bulletin Vol. 24-5 (eff. 4-19-24)T
- 24-3910-2302** *OARC Omnibus Notice of Legislative Action – Pending Rule Not Approved, Bulletin Vol. 24-8 (Null and Void)*
24-3910-2302 *Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)*
24-3910-2302 *Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 23-10*
24-3910-2302 *Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-6*
- 24-3910-2301** Adoption of Temporary Rule, Bulletin Vol. 23-5 (eff. 3-28-23)T [*expires sine die 2024*]

24.39.30, Rules of Building Safety (Building Code Rules)

- 24-3930-2401** Adoption of Temporary Rule (New Chapter, Fee Rule), Bulletin Vol. 24-5 (eff. 4-23-24)T [*expires 7-1-24*]
- 24-3930-2302** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-3930-2302 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
24-3930-2302 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
24-3930-2302 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6
24-ZBRR-2301 *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 30 – Bulletin Vol. 23-4
- 24-3930-2301** *Notice of Rulemaking – Adoption of Temporary (Fee) Rule, Bulletin Vol. 23-4 (eff. sine die 2023)T [expires sine die 2024]*

24.39.31, Rules for Factory Built Structures

- 24-3931-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
24-3931-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

- 24-3931-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 31 – Bulletin Vol. 23-6
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 31 – Bulletin Vol. 23-4

24.39.40, Safety Rules for Elevators, Escalators, and Moving Walks

- 24-3940-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

24.39.50, Rules of the Public Works Contractors License Board

- 24-3950-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 24-3950-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
- 24-3950-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – (Second) Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 50 – Bulletin Vol. 23-6
- 24-ZBRR-2301** *Rules of the Division of Occupational and Professional Licenses* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 39, Chapter 50 – Bulletin Vol. 23-4

24.39.70, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

- 24-3970-2401** Adoption of Temporary Rule, Bulletin Vol. 24-8 (eff. 7-10-24)T

24.39.60, Rules Governing Uniform School Building Safety

- 24-3960-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

24.39.80, Idaho Minimum Safety Standards and Practices for Logging

- 24-3980-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

24.39.90, Rules Governing the Damage Prevention Board

- 24-3990-2401** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-8
- 24-3990-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-6

24.40.01, Rules for the Board of Naturopathic Health Care

- 24-4001-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 24-4001-2301** Adoption of Pending Rule (New Chapter, Fee Rule), Bulletin Vol. 23-11 (PLR 2024)
- 24-4001-2301** Notice of Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 23-9
- 24-4001-2301** Notice of Intent to Promulgate Rules – Negotiated Rulemaking (New Chapter), Bulletin Vol. 23-7

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION**26.01.10, Rules Governing the Administration of Temporary Permits on Lands Owned by the Idaho Department of Parks and Recreation**

- 26-0110-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 26-0110-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
- 26-0110-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10
- 26-0110-2301** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-8

26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities

- 26-0120-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 26-0120-2301** Adoption of Pending Rule (Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
- 26-0120-2301** Notice of Proposed Rulemaking (Fee Rule), Bulletin Vol. 23-10
- 26-0120-2301** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-8

26.01.34, [Repealed] Idaho Protection Against Invasive Species Sticker Rules

- 26-0134-2201** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 26-0134-2201** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
- 26-0134-2201** Temporary and Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-8 (eff. 8-30-23)T [temporary rule expires sine die 2024]
- 26-0134-2201** Notice of Intent to Promulgate Rules – Zero-Based Regulation Negotiated Rulemaking, Bulletin Vol. 22-4

26.01.37, Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles

- 26-0137-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8

IDAPA 29 – IDAHO POTATO COMMISSION

29.01.01, Rules of the Idaho Potato Commission

- 29-0101-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 29-0101-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 29-0101-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
- 29-0101-2301** (Second) Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-5
- 29-0101-2301** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-3

IDAPA 31 – PUBLIC UTILITIES COMMISSION

- 31-ZBRR-2301** *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 12, Chapter 01; Title 21, Chapter 01; Title 26, Chapter 01; and Title 31, Chapter 01 – Bulletin Vol. 23-6

31.12.01, System of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission

- 31-1201-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 31-1201-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 31-1201-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
- 31-ZBRR-2301** *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 12, Chapter 01 – Bulletin Vol. 23-6

31.21.01, Customer Relations Rules for Gas, Electric & Water Public Utilities (The Utility Customer Relations Rules)

- 31-2101-2401** Notice of Proposed Rulemaking, Bulletin Vol. 24-8

- 31-2101-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 31-2101-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 31-2101-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
- 31-ZBRR-2301** *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 21, Chapter 01 – Bulletin Vol. 23-6

31.26.01, Master-Metering Rules for Electric Utilities

- 31-2601-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 31-2601-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 31-2601-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
- 31-ZBRR-2301** *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 26, Chapter 01 – Bulletin Vol. 23-6

31.31.01, Gas Service Rules

- 31-3101-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 31-3101-2301** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
- 31-3101-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
- 31-ZBRR-2301** *Rules of the Idaho Public Utilities Commission* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 31, Chapter 01 – Bulletin Vol. 23-6

31.41.01, Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission

- 31-4101-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8

IDAPA 32 – ENDOWMENT FUND INVESTMENT BOARD

32.01.01, Rules Governing the Credit Enhancement Program for School Districts

- 32-0101-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 32-0101-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
- 32-0101-2301** Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-11
- 32-0101-2301** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-8

IDAPA 35 – STATE TAX COMMISSION

35.01.01, Income Tax Administrative Rules

- 35-0101-2302** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
35-0101-2302 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)
35-0101-2302 Notice of Proposed Rulemaking, Bulletin Vol. 23-11

- 35-0101-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
35-0101-2301 Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)
35-0101-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-8
35-0101-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-6

35.01.02, Idaho Sales and Use Tax Administrative Rules

- 35-0102-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
35-0102-2301 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)
35-0102-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-11

35.01.03, Property Tax Administrative Rules

- 35-0103-2401** Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7

35-0103-2302 *Adoption of Temporary Rule, Bulletin Vol. 23-6 (eff. 5-8-23)T [expires sine die 2024]*

35-0103-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
35-0103-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
35-0103-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-9
35-0103-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

35.01.05, Idaho Motor Fuels Tax Administrative Rules

- 35-0105-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

35.01.08, Mine License Tax Administrative Rules

- 35-0108-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
35-0108-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
35-0108-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-8
35-0108-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules

- 35-0110-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

35.02.01, Tax Commission Administration and Enforcement Rules

- 35-0201-2401** *Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7 (rulemaking terminated by agency)*

IDAPA 36 – IDAHO BOARD OF TAX APPEALS**36.01.01, Idaho Board of Tax Appeals Rules**

- 36-0101-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
36-0101-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)
36-0101-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-11
36-0101-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-8

IDAPA 37 – DEPARTMENT OF WATER RESOURCES**37.03.01, Adjudication Rules**

- 37-0301-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

37.03.02, Beneficial Use Examination Rules

- 37-0302-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

37.03.03, Rules and Minimum Standards for the Construction and Use of Injection Wells

- 37-0303-2301** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

37.03.08, Water Appropriation Rules

- 37-0308-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

- 37-0308-2301** Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 24-1 (PLR 2024)
37-0308-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10
37-0308-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

37.03.09, Well Construction Standards Rules

- 37-0309-2401** Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION**38.05.01, Rules of the Division of Purchasing**

- 44-0000-2400** Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA chapter 38.05.01 – Bulletin Vol. 24-7

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

- 39-ZBRR-2402 Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapters 41, 60, 65 – Bulletin Vol. 24-7

- 39-ZBRR-2401 Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapters 03, 72, 75 – Bulletin Vol. 24-5

- 39-ZBRR-2303 Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 22; and Title 03, Chapters 01-07 – Bulletin Vol. 23-7

- 39-ZBRR-2302 Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapters 40, 42, 48, 50; & Title 04, Chapter 01 – Bulletin Vol. 23-6

- 39-ZBRR-2301 Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapters 04, 42, 46, 60; & Title 03, Chapter 08 – Bulletin Vol. 23-5

39.02.03, Rules Governing Vehicle Dealer's Principle Place of Business and Claims to the Idaho Consumer Asset Recovery Fund

- 39-ZBRR-2401 Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 03 – Bulletin Vol. 24-5

39.02.04, Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees

- 44-0000-2400** Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA chapter 39.02.04 – Bulletin Vol. 24-7

- 39-0204-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

- 39-0204-2301** Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)

- 39-0204-2301** Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10

- 39-ZBRR-2301 Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 04 – Bulletin Vol. 23-5

39.02.22, Rules Governing Registration and Permit Fee Administration and Temporary Vehicle Clearance for Carriers

- 39-0222-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

- 39-0222-2301** Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)

- 39-0222-2301** Notice of Proposed Rulemaking, Bulletin Vol. 23-10

- 39-ZBRR-2303 Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 22 – Bulletin Vol. 23-7

39.02.42, Rules Governing Conditional Vehicle Registration and Temporary Registration

- 39-0242-2301*** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

**Changes chapter name from: "Rules Governing Conditional Vehicle Registration When Proof of Ownership is Insufficient"*

- 39-0242-2301*** Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

- 39-0242-2301*** Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

- 39-ZBRR-2301 Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 42 – Bulletin Vol. 23-5

39.02.46, [Repealed] Rules Governing Temporary Motor Vehicle Registration Permit

- [39-0246-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
[39-0246-2301](#) Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
[39-0246-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10
[39-ZBRR-2301](#) **Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 46 – Bulletin Vol. 23-5

39.02.60, Rules Governing License Plate Provisions

- [39-0260-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
[39-0260-2301](#) Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
[39-0260-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10
[39-ZBRR-2301](#) **Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 60 – Bulletin Vol. 23-5

39.02.72, Rules Governing Administrative License Suspensions

- [44-0000-2400](#) *Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA chapter 39.02.72 – Bulletin Vol. 24-7*

- [39-ZBRR-2401](#) **Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 72 – Bulletin Vol. 24-5

39.02.75, Rules Governing Names on Driver's Licenses and Identification Cards

- [39-ZBRR-2401](#) **Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 02, Chapter 75 – Bulletin Vol. 24-5

39.02.76, Rules Governing Driver's License and Identification Card Renewal-by-Mail and Electronic Renewal and Replacement Processes

- [39-0276-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
[39-0276-2301](#) Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)
[39-0276-2301](#) Notice of Temporary and Proposed Rule, Bulletin Vol. 23-7 (eff. 7-1-23)T [*temporary rule expires sine die 2024*]
[39-0276-2301](#) Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-5

39.03.01, Rules Governing Special Permits

- [39-0301-2301*](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
**Changes chapter name from: "Rules Governing Definitions Regarding Special Permits"*
[39-0301-2301*](#) Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)
[39-0301-2301*](#) Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-10
[39-ZBRR-2303](#) **Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 01 – Bulletin Vol. 23-7

39.03.02, [Repealed] Rules Governing Movement of Disabled Vehicles

- [39-0302-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
[39-0302-2301](#) Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
[39-0302-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10
[39-ZBRR-2303](#) **Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 02 – Bulletin Vol. 23-7

39.03.03, [Repealed] Rules Governing Special Permits - General Conditions and Requirements

- [39-0303-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
[39-0303-2301](#) Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
[39-0303-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10
[39-ZBRR-2303](#) **Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 03 – Bulletin Vol. 23-7

39.03.04, [Repealed] Rules Governing Special Permits - Overweight Non-Reducible

- [39-0304-2301](#) OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
[39-0304-2301](#) Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
[39-0304-2301](#) Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10
[39-ZBRR-2303](#) **Rules of the Idaho Transportation Department** – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 04 – Bulletin Vol. 23-7

39.03.05, [Repealed] Rules Governing Special Permits - Oversize Non-Reducible

- 39-0305-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
39-0305-2301 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
39-0305-2301 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10
39-ZBRR-2303 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 05 – Bulletin Vol. 23-7
- 39.03.06, [Repealed] Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations**
39-0306-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
39-0306-2301 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
39-0306-2301 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10
39-ZBRR-2303 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 06 – Bulletin Vol. 23-7
- 39.03.07, [Repealed] Rules Governing Special Permits for Reducible Loads**
39-0307-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
39-0307-2301 Adoption of Pending Rule (ZBR Chapter Repeal), Bulletin Vol. 23-12 (PLR 2024)
39-0307-2301 Notice of Proposed Rulemaking (ZBR Chapter Repeal), Bulletin Vol. 23-10
39-ZBRR-2303 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 07 – Bulletin Vol. 23-7
- 39.03.08, Rules Governing Self-Propelled Snowplows**
39-0308-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
39-0308-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
39-0308-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
39-ZBRR-2301 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 08 – Bulletin Vol. 23-5
- 39.03.40, Rules Governing Junkyards and Dumps**
39-0340-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
39-0340-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
39-0340-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
39-ZBRR-2302 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 40 – Bulletin Vol. 23-6
- 39.03.41, Rules Governing Traffic Control Devices**
39-ZBRR-2402 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 41 – Bulletin Vol. 24-7
- 39.03.42, Rules Governing Highway Right-of-Way Encroachments on State Rights-of Way**
39-0342-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
39-0342-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
39-0342-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
39-ZBRR-2302 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 42 – Bulletin Vol. 23-6
- 39.03.48, Rules Governing Routes Exempt from Local Plans and Ordinances**
39-0348-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
39-0348-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
39-0348-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
39-ZBRR-2302 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 48 – Bulletin Vol. 23-6
- 39.03.50, Rules Governing Safety Rest Areas**
39-0350-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
39-0350-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)
39-0350-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10
39-ZBRR-2302 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 50 – Bulletin Vol. 23-6
- 39.03.60, Rules Governing Outdoor Advertising, Accident Memorials, and Other Official Signs**

39-ZBRR-2402 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 60 – Bulletin Vol. 24-7

39.03.65, Rules Governing Traffic Minute Entries

39-ZBRR-2402 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 03, Chapter 65 – Bulletin Vol. 24-7

39.04.01, Rules Governing Aeronautics and Aviation

39-0401-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

39-0401-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

39-0401-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

39-ZBRR-2302 *Rules of the Idaho Transportation Department* – Omnibus Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking – Negotiates Title 04, Chapter 01 – Bulletin Vol. 23-6

IDAPA 42 – IDAHO WHEAT COMMISSION

42.01.01, Rules of the Idaho Wheat Commission

42-0101-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8

IDAPA 43 – IDAHO OILSEED COMMISSION

43.01.01, Rules Governing the Idaho Oilseed Commission

43-0101-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-8

IDAPA 44 – OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR

44-0000-2401 Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA 15.04.01 – Bulletin Vol. 24-8

44-0000-2400 Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA chapters 04.11.01, 11.04.01, 16.05.03, 20.01.01, 21.01.01, 38.05.01, 39.02.04, 39.02.72, 52.01.03, and 59.01.01 – Bulletin Vol. 24-7

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE

50.01.01, Rules of the Commission of Pardons and Parole

50-0101-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

50-0101-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

50-0101-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-11

50-0101-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-9

IDAPA 52 – IDAHO STATE LOTTERY COMMISSION

52.01.03, Rules Governing Operations of the Idaho State Lottery

44-0000-2400 Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA chapter 52.01.03 – Bulletin Vol. 24-7

52-0103-2401 Notice of Temporary and Proposed Rule, Bulletin Vol. 24-6 (eff. 7-1-24)T

52-0103-2301 OARC Omnibus Notice of Legislative Action – Pending Rule Not Approved, Bulletin Vol. 24-8 (Null and Void)

52-0103-2301 Adoption of Pending Rule, Bulletin Vol. 24-1 (PLR 2024)

52-0103-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-12

52-0103-2301 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 23-10

IDAPA 55 – DIVISION OF CAREER TECHNICAL EDUCATION

55.01.03, Rules of Career Technical Centers

55-0103-2301* OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

**Changes chapter name from: "Rules of Career Technical Schools"*

55-0103-2301* Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

55-0103-2301* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

55-0103-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6

**55.01.04, Rules Governing Idaho Quality Program Standards Incentive Grants
and Agricultural Education Program Start-Up Grants**

55-0104-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

55-0104-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 23-12 (PLR 2024)

55-0104-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-10

55-0104-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-6

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

TMDLs:

58.01.01, Rules for the Control of Air Pollution in Idaho

58-0101-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

58-0101-2301 Adoption of Pending Rule, Bulletin Vol. 23-12 (PLR 2024)

58-0101-2301 Notice of Proposed Rulemaking, Bulletin Vol. 23-9

58.01.02, Water Quality Standards

58-0102-2401 Notice of Proposed Rulemaking, Bulletin Vol. 24-8

58.01.03, Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks

58-0103-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-6

58-0103-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-9

58.01.05, Rules and Standards for Hazardous Waste

58-0105-2401 Notice of Proposed Rulemaking, Bulletin Vol. 24-8

58.01.07, Rules Regulating Underground Storage Tank Systems

58-0107-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

58-0107-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

58-0107-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-8

58-0107-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-3

58.01.08, Idaho Rules for Public Drinking Water Systems

58-0108-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

58-0108-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

58-0108-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

58-0108-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-3

**58.01.10, Rules Regulating the Disposal of Radioactive Materials Not Regulated Under
the Atomic Energy Act of 1954, As Amended**

58-0110-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-8

58-0110-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-9

58.01.14, Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services

58-0114-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

58.01.22, Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities

58-0122-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-4

58.01.23, Contested Case Rules and Rules for Protection and Disclosure of Records

58-0123-2401 Notice of Temporary and Proposed Rule, Bulletin Vol. 24-7 (eff. 7-1-24)T

58.01.24, Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites

58-0124-2401* Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-8

**Changes chapter name from: "Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites"*

58-0124-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-3

58.01.25, Idaho Pollutant Discharge Elimination System Rules

58-0125-2301* OARC Omnibus Notice of Legislative Action – Approval of Pending Fee Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

**Changes chapter name from: "Rules Regulating the Idaho Pollutant Discharge Elimination System Program"*

58-0125-2301 Adoption of Pending Rule (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-12 (PLR 2024)

58-0125-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite, Fee Rule), Bulletin Vol. 23-9

58-0125-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-4

IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

59.01.01, Rules for the Public Employee Retirement System of Idaho (PERSI)

44-0000-2400 Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA chapter 59.01.01 – Bulletin Vol. 24-7

59-0101-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

59-0101-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

59-0101-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-11

59-0101-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-9

59.02.01, Rules for the Judges' Retirement Fund

59-0201-2301 OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)

59-0201-2301 Adoption of Pending Rule (ZBR Chapter Rewrite), Bulletin Vol. 24-1 (PLR 2024)

59-0201-2301 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 23-11

59-0201-2301 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 23-9

IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION

61-0000-2400 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapters 01-04 – Bulletin Vol. 24-4 (eff. *sine die* 2024)T [*temporary rule expires 10-1-24*]

61-0000-2300 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapters 01-04 – Bulletin Vol. 23-5 (eff. 4-6-23)T [*temporary rule expires sine die 2024*]

61.01.01, General Provisions and Definitions

61-0000-2400 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 24-4 (eff. *sine die* 2024)T [*temporary rule expires 10-1-24*]

61-0000-2300 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 01 – Bulletin Vol. 23-5 (eff. 4-6-23)T [*temporary rule expires sine die 2024*]

61.01.02, Requirements and Procedures for Representing Indigent Persons

61-0000-2400 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 02 – Bulletin Vol. 24-4 (eff. *sine die* 2024)T [*temporary rule expires 10-1-24*]

61-0000-2300 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 02 – Bulletin Vol. 23-5 (eff. 4-6-23)T [*temporary rule expires sine die 2024*]

61.01.03, Records, Reporting, and Review

61-0000-2400 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 03 – Bulletin Vol. 24-4 (eff. *sine die* 2024)T [*temporary rule expires 10-1-24*]

61-0000-2300 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 03 – Bulletin Vol. 23-5 (eff. 4-6-23)T [*temporary rule expires sine die 2024*]

61.01.04, Financial Assistance and Training Resources

61-0000-2400 *Rules of the Idaho State Public Defense Commission* – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 04 – Bulletin Vol. 24-4 (eff. *sine die* 2024)T [*temporary rule expires 10-1-24*]

61-0000-2300 *Rules of the Idaho State Public Defense Commission – Notice of Omnibus Rulemaking – Adoption of Temporary Rule – Reauthorizes Title 01, Chapter 04 – Bulletin Vol. 23-5 (eff. 4-6-23)T [temporary rule expires sine die 2024]*

IDAPA 62 – OFFICE OF ADMINISTRATIVE HEARINGS

62.01.01, Idaho Rules of Administrative Procedure

- 62-0101-2301** OARC Omnibus Notice of Legislative Action – Approval of Pending Rule, Bulletin Vol. 24-8 (eff. 7-1-24)
- 62-0101-2301** Adoption of Pending Rule (New Chapter), Bulletin Vol. 23-12 (PLR 2024)
- 62-0101-2301** Notice of Proposed Rulemaking (New Chapter), Bulletin Vol. 23-10
- 62-0101-2301** Notice of Intent to Promulgate Rules (New Chapter) – Negotiated Rulemaking, Bulletin Vol. 23-6

IDAPA 63 – IDAHO COUNCIL ON DOMESTIC VIOLENCE AND VICTIM ASSISTANCE

63.05.04, Domestic Violence Council Grants

**(Re-designated from IDAPA 16.05.04 to 63.05.04)*

- 63-0504-2400** IDAPA 63 – IDAHO COUNCIL ON DOMESTIC VIOLENCE AND VICTIM ASSISTANCE – Notice of Assignment of New IDAPA Designation Number – Redesignated to *IDAPA 63, Title 05, Chapter 04* from *IDAPA 16, Title 05, Chapter 04* – Bulletin Vol. 24-6 (eff. 7-1-24)

Subject Index

A

Abbreviations 53
 API 53
 BBL 53
 MCF 54
 PVC 54
 Ability Of Combatant 91
 Ability to Compete 91
 Questioned Ability 91
 Accidents & Fires 72
 Initiate Spill Response &
 Corrective Actions 72
 Notify the Department 72
 Provide Information to Emergency
 Response 72
 Acronyms 214
 EPA 214
 PST 214
 RAGS 214
 UECA 214
 Active Wells 82
 Annual Reports for Active
 Wells 82
 Extension of Active Status 82
 Gas Storage Wells 82
 Activity & Use Limitations 226
 Documentation of Controls 227
 Purpose 226
 Removal of Activity & Use
 Limitations 227
 Adequacy Of Facility Owners Locating
 Underground Facilities 180
 Administrative Appeals 49, 179, 206
 Administrative Provisions 213
 Allowable Deviation 77
 Amateur Athletic Sanctioning
 Organizations 95
 Applicability 54
 Exclusions 54
 Oil & Gas Development 54
 Approval Of Sanctioned Event
 Permits 92
 Cancellation 93
 Deadline 92
 Prior Approval 92
 Arrangement Of Contest For
 Promoter 93
 Audit Of One-Number Service
 Records 179
 Authorized Persons in Dressing
 Rooms 99
 Authorized Persons to Enter 99
 Other Persons 100
 Availability Of Outfitting
 Opportunities 118
 Application Period &
 Consideration 119
 Notification 119
 Placement on Waiting List 119
 Waiting List 119
 Availability Of Referenced
 Material 213

B

Beverage Containers 98
 Board Fees 140
 Fee Determination &
 Collection 140
 Fee Exemption for Controlled
 Substance Registrations 141
 Fee For Dishonored Payment 140
 Time & Method of Payment 140
 Board Inspections &
 Investigations 138
 Inspection Deficiencies 138
 Inspection Reports 138
 Inspections 138
 Investigations 138
 Records Subject to Board
 Inspection 138
 Board Of Pharmacy Licensure &
 Registration 140
 Bonding 66
 Additional Bonding 67
 Authorized Bonds 67
 Blanket Bond 66
 Inactive Well Bond 67
 Individual Bond 66
 Boxing Combatant Deemed Down 106
 Boxing Ring 105
 Ring Dimensions 105
 Ring Platform 105
 Ropes 105
 Boxing Rules 103
 Bandaging of Combatants
 Hands 105
 Boxing Gloves 105
 Exceeding Weight
 Allowances 104
 Licensing Exemption 105
 The Association of Boxing
 Commissions and Combative
 Sports 103
 Weights & Classes of Boxing
 Combatants 103

C

Carrier Safety Requirement
 Exemptions 43
 Intrastate Carriers 43
 Cause for Hearing 61
 Cementing & Testing
 Requirements 74
 Certificates Of Competency -- Issuance,
 Renewal, Expiration -- Revival 174
 Apprentice and Specialty
 Apprentice Registration and
 Renewal 174
 Contractor and Specialty
 Contractor Certificate of
 Competency 174
 Journeyman Certificate of
 Competency 174
 Specialty Journeyman Certificate
 of Competency 174
 Change Of Decision In Contest 102

Collusion 102
 Error in Interpretation of
 Rules 103
 Error in Scoring 102
 Failure of Drug Test 103
 Changes To Main & Semi-Main
 Events 97
 Notice 98
 Refunds 98
 Chemicals Evaluated At Petroleum
 Release Sites 222
 Additional Chemicals 222
 General Applicability 222
 Chokes 76
 Civil Penalties 181
 Multiple Violations 182
 Second Offense 182
 Violations of Title 55, Chapter 22,
 Idaho Code 181
 Claims & Reports Of Damage Or
 Excavator Downtime 181
 Claims 181
 Reports 181
 Class II Injection wells 54
 Collaborative Pharmacy Practice 148
 Combatant 90
 Additional Examination 91
 Age of Combatant 90
 Blood Testing 91
 Blood Testing & Five Panel Drug
 Test Results 91
 Drug Abuse 91
 Combatant's Physical Appearance 101
 Combatants Must Report 100
 Combatants Physical Appearance
 Grease of Foreign Substances 101
 Hair 101
 Combatants Report Of Own Illness Or
 Injury Examination Fee 96
 Combatants Report of Non-
 Participation to
 Commission 96
 Payment of Fees to Physician 96
 Compounding Drug Preparations 152
 Application 152
 Drug Compounding Controls 153
 General Compounding
 Standards 153
 Limited Compounding 153
 Prohibited Compounding 153
 Conditions for Emergency Order 79
 Confidentiality Of Records 213
 Continuous Presence Of Physician At
 Ringside 101
 Injury to Combatant During
 Round 101
 Presence of Physician at
 Ringside 101
 Controlled Substances
 PDMP 152
 Online Access to PDMP 152
 Profile Requests 152
 Use Outside Scope of
 Practice 152

- Costume & Equipment 100
Costume 101
Fit 101
Other Equipment 101
- D**
- Damage Prevention Complaints 180
Complaint Forms 180
Complaint Procedures &
Timelines 180
Contents 180
- Definitions & Abbreviation
ADS – Automated Dispensing &
Storage 136
- Definitions & Abbreviations 135
DEA 136
DME Durable Medical Equipment
Outlet 136
Drug Outlet 136
FDA 136
Hazardous Drug 136
HIPAA 136
NDC 136
PDMP 137
Pharmaceutical Care
Services 137
Readily Retrievable 137
Reconstitution 137
USP-NF 137
- Definitions & Abbreviations (A – N)
ACCME 135
ACPE 136
Change of Ownership 136
CME 136
CPE 136
CPE Monitor 136
Flavoring Agent 136
Floor Stock 136
FPGEC Certification 136
NABP 136
NAPLEX 136
- Definitions & Abbreviations (O –
Z) 136
Parenteral Admixture 136
Prescriber 137
Purple Book 137
Restricted Drug Storage Area 137
Therapeutic Equivalent
Drugs 137
- Definitions, IDAPA 20.07.02 50
Act 50
Active Well 50
Barrel 50
Blowout 50
Blowout Preventer 50
Bonus Payment 50
Casing Pressure 50
Casinghead 50
Casinghead Gas 50
Common Source of Supply 50
Completion 51
Conductor Pipe 51
Cubic Foot of Gas 51
Day 51
- Development 51
Director 51
Drilling Logs 51
Fresh Water, Fresh-water, or
Freshwater 51
Gas Processing Facility 51
Gas Well 51
Gas-Oil Ratio 51
Geophysical or Seismic
Operations 51
Hydraulic Frac'ing or
Fracking 51
Inactive Well 52
Intermediate Casing 52
Junk 52
Lease 52
Mechanical Integrity Test
(MIT) 52
Oil Well 52
Pit 52
Pollution 52
Pressure Maintenance 52
Produced Water 52
Production Casing 52
Proppant 52
Release 52
Spud 52
Surface Casing 52
Surface Water 52
Systems Approach 52
Tank 53
Tank Battery 53
Tank Dike 53
Tubing 53
Volatile Organic Compound
(VOC) 53
Waterflooding 53
Well Report 53
Well Site 53
Well Treatment 53
Wildcat Well 53
- Definitions, IDAPA 24.02.01 90
Event 90
Main Event 90
- Definitions, IDAPA 24.35.01 114
Act 114
Authorized Person 114
Classified River 114
Compensation 115
Facilities and Services 115
Fishing 115
Float Boats 115
Hazards 115
Hunting 115
IFGC 115
Major Activity 115
Major Amendment 115
Minor Amendment 115
Operating Area 115
Operating Plan 115
Out-of-Pocket Expenses 115
Power Boats 116
Watercraft 116
- Definitions, IDAPA 58.01.10 207
- Accelerator-Produced Radioactive
Material 207
Board 207
Byproduct Material 207
Department 207
Exempt Quantities &
Concentrations of Byproduct
Materials 207
Licensee 207
Naturally Occurring Radioactive
Material (NORM) 208
Operator 208
Owner 208
Person 208
Radioactive Material 208
Reasonably Maximally Exposed
Individual 208
Source Material 208
Special Nuclear Material 208
Technologically Enhanced
Naturally Occurring Radioactive
Material (TENORM) 209
Total Effective Dose Equivalent
(TEDE) 209
Unimportant Quantities of Source
Material 209
- Definitions, IDAPA 58.01.24 214
Acceptable Target Hazard
Index 214
Acceptable Target Hazard
Quotient 214
Acceptable Target Risk
Level 214
Activity & Use Limitations 214
Background 214
Board 214
Corrective Action Plan
(CAP) 214
Delineated Source Water
Protection Area 215
Department 215
Dissolved Product 215
Environmental Covenant 215
Exposure Point
Concentration 215
Hazard Quotient 215
Method Detection Limit 215
Operator 215
Owner 215
Person 215
Petroleum 215
Petroleum Storage Tank (PST)
System 215
Practical Quantitation Limit 216
Reasonable Maximum
Exposure 216
Reference Dose 216
Release 216
Remediation Standard 216
Residential Use 216
Risk Evaluation 216
Risk-Based Concentration 216
Screening Level 216
Slope Factor 216

- Uniform Environmental Covenant Act (UECA) 216
- Designation Of Agent 55
- Designation Of Allocated Deer & Elk Tags 119
 - Change in Operating Area or Owner of Business 121
 - Hardship Request 121
 - New Hunt Allocated Tag Designation 119
 - Notification 119
 - Objection to Calculation 121
 - Outfitted Hunter Tag Use History 119
 - Remaining or Additional Allocated Tags 120
 - Rounding 120
 - Stipulation by Outfitters 120
 - Tie-breaker 120
 - Undesignated Tag Pool 121
 - Use of Previously Designated Allocated Tags 119
- Destruction Or Return Of Drugs Or Devices
 - Restrictions 150
 - Did Not Reach Patient 151
 - Donation 151
 - Potential Harm 151
- Determination Of Need For Nonresident Licensure Or Registration 142
 - Exemption from Separate Controlled Substance Registration 142
 - Independent Practice 142
 - Multistate Pharmacists 142
 - Practice for an Idaho Registered Drug Outlet 142
- Discipline 94, 112, 166, 177
 - Board Inspections & Investigations 167
 - Civil Penalties 177
 - Claims 177
 - Complaint Forms 177
 - Complaint Procedures and Timelines 177
 - Continuation 95
 - Costs and Fees 112
 - Disciplinary Action for Use of Dishonest Methods 95
 - Grounds for Discipline 94
 - Multiple Violations 179
 - Removal from Premises 95
 - Second Offense 178
 - Suspension of Revocation 94
 - Temporary Suspension 95
 - Unprofessional Conduct 166
 - Unsanctioned Events 95
 - Violations of Title 55, Chapter 22, Idaho Code 177
- Drilling Logs 78
 - Bottom Hole Survey 78
 - Cement Bond Log 78
 - Log Submittal 78
 - Minimum Required Logs 78
 - Other Logs 78
- Drilling, Well Treatment, & Pit Permits 60
- Drug Outlet Licensure & Registration
 - General Requirements 144
 - Change of Location 145
 - Change of Ownership 145
 - Exemption from Separate Controlled Substance Registration 145
 - License & Registration Transferability 145
 - New Drug Outlet Inspections 144
 - Nonresident Drug Outlet 145
 - Permanent Closing 145
 - Sterile Preparation Endorsement 145
- Drug Outlets
 - Minimum Facility Standards 146
 - Authorized Access to the Restricted Drug Storage Area 146
 - Controlled Substance Storage 146
 - Electronic Recordkeeping System 146
 - Security and Privacy 146
 - Staffing 146
- Drug Outlets That Dispense Drugs To Patients Without An Onsite Pharmacist Or Prescriber 147
 - Exemption for Self-Service Systems 147
 - Exemption for Veterinarians 147
 - Security and Access 147
 - Technology 147
- Drug Outlets That Dispense Prescription Drugs
 - Minimum Prescription Filling Requirements 146
 - Labeling 146
 - Patient Counseling 146
 - Prospective Drug Review 146
 - Valid Prescription Drug Order 146
 - Verification of Dispensing Accuracy 146
- Drugs Stored Outside Of A Drug Outlet For Retrieval By A Licensed Health Professional 147
 - Controlled Substances 147
 - Secure Storage 147
 - Stocking and Replenishing 147
 - Supervising Drug Outlet 147
- E**
- Educational & Training Materials 176, 179
 - Accessibility of Training & Educational Programs 177, 180
 - Approval of Training & Educational Programs 176, 179
 - Purposes of Training & Educational Programs 177, 180
 - Scope of Training & Educational Programs 176, 180
- Enforcement 55
- Equipment Of The Chief Second 100
 - Ammonia 100
 - Equipment 100
 - Inspection 100
- Establishment Of Remediation Standards 225
 - Generic Health Standards 226
 - Other 226
 - Risk Based Levels 226
 - Screening Levels 226
- Examinations 110
 - Examination Process 110
 - Grading 111
 - Inspection of Examination 111
 - Inspection Review 111
 - Retention of Examinations 111
 - Scope of Examination 110
- Exploration & Development 56
- F**
- Factors When Practical Quantitation Limits Are Greater Than Screening Levels 226
 - Analytical Method 226
 - Estimated Risk Levels 226
 - Method Detection Limit 226
 - Sampling Procedures 226
- Factors When Practical Quantitation Limits Are Greater Than Screening Levels & Cleanup Levels Other 226
- Failure Of Combatant To Resume 102
- Fee Schedule 141
 - Administrative Services 142
 - Certificates of Registration & Licensure -- Facilities 141
 - Late Fees & Reinstatements 141
 - Licenses & Registrations -- Professionals 141
- Fees 95, 109, 112, 168, 179
 - Administrative Services 169
 - Audit of One Number Service Records 179
 - Certificates of Registration & Licensure -- Facilities 168
 - Fee Assessed 179
 - Fee Exemption for Controlled Substance Registrations 169
 - Licenses & Registrations -- Professionals 168
 - Notices Issued 179
 - Payment Submission 179
- Female Combatants 92
 - Addendum Requirement 92
 - General Requirements 92
 - Limitation 92
- Filling Prescription Drug Orders
 - Adaptation 149
 - Change Dosage Form 149
 - Change Quantity 149
 - Complete Missing Information 149
 - Documentation 149

Drug Product Substitution 149
Biosimilars 150
Hospital 149
Institutional Facility 150
Therapeutic Interchange 150
Practice Limitations 149
Drug Product Selection 149
Partial Filling 149
Refill Authorization 149
Transfers 150
Financial Conflicts of Interest 97
Advances 97
Sureties 97
Fluid Containment 75
Forms 55

G

Gas Processing Facilities 81
Flaring 82
Inspections 82
Meters & Facility Plans 81
Operations 81
Gas Utilization 80
Gas-Oil Ratio For Well
Classifications 79
Gas-Oil Ratio Limitation 79
Determination of Inefficient
Ratios 80
Notice & Cause for Hearing 80
Waste Prevention 79
Gas-Oil Ratio Surveys & Reports 80
General Drilling Rules 72
Conductor Pipe or Casing
Requirements 72
Drilling Mud Disposal 75
General Design Requirements for
Casing & Cementing 72
High Temperature Conditions 72
Interim Drill Site Clean Up 75
Intermediate Casing 74
Mud Pits 75
Production Casing 74
Report of Water Encountered 75
Requirements for BOP
Equipment 73
SPCC Plan 75
Step-off 74
Surface Casing Requirements 72
Well Control (Cable Tools) 75
Well Control (Rotary Tools) 74
Wildcat & High-Pressure
Conditions 72
General Provisions 48
General Rules not Incorporated by
Reference 103
Gloves 103
Use of Official Rules for Art 103
Geophysical Operations 56
Bond Required 57
Client-Contractor
Responsibility 59
Department Notifications 58
Forfeiture of Geophysical
Exploration Bond 60

Newspaper Notice 58
Operating Requirements 56
Owner & Occupant
Notification 58
Permit Required 56
Plugging 59
Reports & Notices Required 58
Guidance Manual 227
Guide License Application
Requirements 117
Activity-Specific
Qualifications 117
Amendment 118
General Qualifications 117
Renewal 118
Validity 118

H

Hazardous Drugs Preparation 156
Clear Identification 157
Compliance With Laws 157
Contamination Prevention 157
Labeling 157
Policy and Procedures
Manual 157
Protective Equipment &
Supplies 157
Training 157
Ventilated Cabinet 157
Ventilation 156
Health Insurance 92
Honoring Actions Of Regulatory
Agencies In Other Jurisdictions 91
Suspension 91
Hydraulic Fracturing 65
Application Requirements 65
Post-Treatment Report 66
Pressure Monitoring 66
VOCs & Petroleum Distillates 65
Well Integrity 66

I

Identification of Wells 71
Signs 71
Improvement Of Technology &
Communications By
Stakeholders 180
Adoption of Technology and
Communications
Materials 180
Availability of Technology &
Communications
Materials 180
Inactive Wells 82
Converting Inactive Wells to
Active Wells 83
Determination of Inactive
Status 82
Inactive Review & Decision 83
Owner's or Operator's
Responsibility for Inactive
Wells 83
Testing of Inactive Wells 83
Incorporation By Reference 49, 89,

202, 206, 213
Association of Boxing
Commissions and Combative
Sports Unified Rules of Boxing
Amended 2016 89
Association of Boxing
Commissions and Combative
Sports Unified Rules of Mixed
Martial Arts 89
Athlete Guide to the 2020
Prohibited List 89
Exceptions 202
Federal Regulations Incorporated
by Reference 202
Standards for Protection Against
Radiation 206
Unimportant Quantities of Source
Material 206
Incorporation By Reference Of Federal
Regulations
Availability of Referenced
Material 203

J

Judges 94
Physical Examination 94
Protests 94
Selection 94
Station of Judges 94

K

Knockdown Of Boxing Combatant
Procedure For Counting 105
Both Combatants Down 106
Knockdown 106
Knock-Out 106

L

Labeling Standards 150
Distributed Compounded Drug
Product 150
Parenteral Admixture 150
Prepackaged Product 150
Repackaged Drug 150
Standard Prescription Drug 150
Lease Access Roads 71
Legal Authority 48, 89, 109, 135, 176,
202, 206, 212
Licensees Duties At Wrestling
Exhibition 106
Conduct 106
Decision & Appeal 107
No Abusive Behavior 107
Licenses Retained 93
Licensing 90
Application for License 90
Licensure 109, 157
Determination of Need for
Nonresident Licensure or
Registration 158
Drug Outlet Licensure and
Registration
General Requirements 159
Licensure & Registration 157

- Manufacturer Registration 160
- Nonresident PIC Registration to Practice Pharmacy into Idaho 158
- Pharmacist Continuing Education Requirement 158
- Pharmacist Intern Registration 158
- Practitioner Controlled Substance Registration 159
- Registered Professional Reporter 109
- Technician Exemption from Criminal Background Check 159
- Wholesaler Licensure and Registration 160
- Written Statement of Suitability for Licensure or Permit 109
- Licensure & Registration
 - General Requirements 140
 - Board Forms 140
 - Cancellation & Registration 140
 - Exemption 140
 - Incomplete Applications 140
 - Late Renewal Application 140
 - On-Time Annual Renewal Application 140
 - Parent or Legal Guardian Consent 140
 - Reinstatement of License or Registration 140
- Limitations On Seconds 101
- Excessive Use of Water 102
- Number of Seconds 102
- Loss Of Tool With Radioactive Material 75
 - Recovery or Cementing of Tool 75
 - Reporting 76
 - Sidetracking 76
- M**
- Manager Acting As Second 93
- Manufacturer Registration 145
 - Mail Service Pharmacy 146
 - Manufacturer 146
- Measurement Of Gas 79
- Measurement Of Oil 79
 - Correction for Impurities 79
 - Gravity Determination 79
 - Temperature Correction 79
- Mechanical Integrity Testing 76
 - Inactive Wells 77
 - Mechanical Integrity Required 77
 - Prior Notification 77
 - Reporting Requirements 77
- Medical Preparedness 99
- Meters 80
 - General Requirements 80
 - Visibility 80
- Multiple Zone Completions 61
 - Commingling Production 62
 - Conditions for Approval 61
- Requirements of the Owner or Operator 61
- Zone Effectiveness 61
- N**
- Nonresident PIC Registration To Practice Pharmacy Into Idaho 143
- Facility License Information 143
- Individual License Information 143
- Notices - General 54
 - Emergency Authorization 54
 - Publication of Legal Notices 54
 - Written Authorization Required 54
- Notification Of Radioactive Materials 209
- O**
- Office – Office Hours – Mailing Address & Street Address 207
- Office Hours – Mailing Address & Street Address 213
- Officials Of Events 93
 - Commission Involvement 93
 - Officials Described 93
- Organization Reports 55
 - Required Content 55
 - Updates 55
- Outfitter Or Designated Agent License Or Amendment Application 116
- Designated Agent 116
- Examinations 116
- Existing Operating Area 116
- Hearing 116
- Insurance 116
- Name 116
- Operating Area Limitations 116
- Operating Plan 116
- Other Signatures 116
- Outsourcing Facility 157
 - Adverse Event Reports 157
 - Federal Act Compliance 157
- Owner's or Operators Duties 75
- P**
- Payments 97
 - Alternative Payment 97
 - Combatants 97
 - Generally 97
 - Managers Share 97
 - Promoters 97
 - Timing 97
- Percentage Of Gate Receipts To Combatant 97
- Permit To Drill, Deepen, Or Plug Back 60
 - Application 60
 - Fees 60
 - Permit Denial 61
 - Permits Required 60
 - Time Required to Commence Operations 60
- Persons Allowed In Ring 102
- Petroleum Release Reporting, Investigation, & Confirmation 195, 216
 - Investigation Due to Off-Site Impacts 195, 217
 - Release Investigation & Confirmation Steps 195, 217
 - Reporting & Cleanup of Above Ground Spills & Overfills, Petroleum Release Reporting 196, 217
 - Reporting of Suspected Releases for All Petroleum Storage Tank Systems 195, 216
- Petroleum Release Response & Corrective Action 196
 - Compliance 200, 222
 - Corrective Action Plan 199, 220
 - Free Product Removal 197, 219
 - Initial Abatement Measures 196, 218
 - Initial Site Characterization 197, 218
 - Investigations for Soil & Water Cleanup 198, 219
 - Release Response 196, 218
- Petroleum Release Response And Corrective Action 218
- Pharmacist Intern Registration 143
- Registration Requirements 143
- Renewal 144
- Pharmacist License
 - CPE Requirements 143
 - ACPE 143
 - Alternative to CPE 143
 - CME 143
 - Reinstatement 143
 - Additional Requirements 143
 - Satisfactory Evidence 143
- Pharmacist Licensure By Examination 142
 - Graduates of foreign Pharmacy Schools 142
 - Graduates of U.S. Pharmacy Schools 142
 - Licensure Examinations 142
 - Score Transfer 142
- Pharmacist Licensure By Reciprocity 142
- Pharmacist Prescribing
 - General Requirements 147
 - Collaboration with Other Health Care Professionals 148
 - Documentation 148
 - Education 147
 - Patient Assessment 148
 - Patient-Prescriber Relationship 147
 - Prescribing Exemption 148
- Physician Qualifications 96
- Physician Suitable Place To Examine Combatant Fee Emergency Treatment 101
- Emergency Treatment 101

- Fees 101
 - Suitable Examination Place 101
 - Physicians Determination Of Fitness Of Combatants & Referee Certification Report 96
 - Determination of Physician 96
 - Physicians Written Report 96
 - Written Certification 96
 - Physicians Report To Commission After Contest 103
 - Pit Requirements 67
 - Closure of Pits 70
 - Emergency Pits 70
 - Improper Impoundment 71
 - Location 68
 - Minimum Plans & Specifications for Long Term Pits 69
 - Minimum Plans & Specifications for Reserve, Well Treatment, & Other Short Term Pits 68
 - Operating Requirements 70
 - Pit Sizing Criteria 68
 - Plans Required 67
 - Site Preparation 68
 - Time Limits for Short-Term Pits 70
 - Postponement Of Program 99
 - Limitations on Postponement 99
 - No Fault Postponement 99
 - Prior Approval 99
 - Power to Limit Production 80
 - Practice Of Pharmacy
 - General Approach 137
 - Education, Training, & Experience 138
 - Express Prohibition 137
 - Standard of Care 138
 - Practice Standards 160
 - Destruction Or Return Of Drugs Or Devices
 - Restrictions 165
 - Drug Outlets
 - Minimum Facility Standards 160
 - Drug Outlets That Dispense Drugs To Patients Without An Onsite Pharmacist Or Prescriber 161
 - Drug Outlets That Dispense Prescription Drugs
 - Minimum Prescription Filling Requirements 161
 - Drugs Stored Outside Of A Drug Outlet For Retrieval By A Licensed Health Professional 161
 - Filling Prescription Drug Orders
 - Adaptation 163
 - Drug Product Substitution 164
 - Practice Limitations 163
 - Transfers 164
 - Labeling Standards 164
 - Pharmacist Prescribing
 - General Requirements 162
 - Prescription Delivery
 - Restrictions 165
 - Prescription Drug Order
 - Minimum Requirements 163
 - Validity 162
 - Recordkeeping
 - Maintenance & Inventory
 - Requirements 165
 - Reporting Requirements 166
 - Scope of Practice 160
 - Waivers or Variances 160
 - Practitioner Controlled Substance Registration 144
 - DEA Registration 144
 - State License 144
 - Preparations To Stop Hemorrhaging 96
 - Prescriber Performance Of Pharmacy Functions 138
 - Prescription Delivery
 - Restrictions 150
 - Acceptable Delivery 150
 - Pick-up or Return by Authorized Personnel 150
 - Prescription Drug Monitoring Program 172
 - Online Access to PDMP 172
 - Profile Requests 172
 - Required Reporting 172
 - Prescription Drug Order
 - Minimum Requirements 148
 - Date 148
 - Directions 148
 - Drug Information 148
 - Exemptions for Non-Controlled Substances 149
 - Institutional Drug Order
 - Exemptions 149
 - Patient's Name 148
 - Prescriber Information 149
 - Signature 149
 - Validity 148
 - Antedating or Postdating 148
 - Digital Image Prescriptions 148
 - Invalid Prescription Drug Orders 148
 - Prescriber Self-Use 148
 - Tampering 148
 - Procedure For Use Of Scorecards 101
 - Scorecards 101
 - Scoring by Judges 101
 - Procedure When Combatant Is Knocked Out 102
 - Producing From Different Pools Through The Same Casing String 80
 - Production 79
 - Production Reports 79
 - Annual Production Report 79
 - Required Content 79
 - Program For Charity 98
 - Application 98
 - Certified, Itemized Statement 98
 - Prohibited Substances 96
 - Procedure for Testing for Prohibited Substance(s) 96
 - Suspension 96
 - Urinalysis 96
 - Public Comment 55
 - Pulling Outside Strings Of Casing 76
- R**
- Radiation Protection Standards 209
 - Disposal of Radioactive Material 209
 - General Protection Standards 209
 - Prohibit Disposal at a Municipal Solid Waste Landfill 210
 - Protection of Workers During Operations 209
 - Recordkeeping
 - Maintenance & Inventory
 - Requirements 151
 - Central Records Storage 151
 - Drug Distributor Records 151
 - Electronic Records Storage 152
 - Inventory Records 151
 - Prescription Retention 151
 - Rebuttal Presumption of Violation 151
 - Records Maintenance & Retention Requirement 151
 - Records 210
 - Referees 93
 - Physical Examination 94
 - Protests 93
 - Selection 93
 - Referees Instructions To Combatants 101
 - Reporting Requirements 152
 - Drug Distributor Monthly Reports 152
 - Individual & Outlet Information Changes 152
 - Theft or Loss of Controlled Substances 152
 - Request for Approval 61
 - Requirement for Production Testing 61
 - Requirements For License As A Ring Official 93
 - Requirements For License As Ring Official
 - Qualifications 93
 - Requirements For Notice To Customers Before Termination Of Service 186
 - Additional Notice 186
 - Failure to Pay 186
 - Final Notice 186
 - Initial Notice 186
 - Reserve Mud Tanks 74
 - Resuming Count On Boxing
 - Combatant 106
 - Combatant to Neutral Corner 106
 - Penalty 106
 - Stalling Outside Ropes 106
 - Risk Evaluation Process 222
 - Department Review & Approval of Risk Evaluation or CAP 224
 - Development & Implementation of Corrective Action Plan 223

Results of Risk Evaluation 223
Screening Evaluation 222
River, Lake, & Reservoir Power & Float
Outfitter Limits 122

S

Safe Compounding 169
Compounding Drug Preparations
General Provisions 169
Hazardous Drugs Preparation 171
Sterile Preparation 170
Sanitation 99
Scope 48, 89, 109, 135, 176, 206, 212
Other Laws 49
Scope 49
Separators 80
Site-Specific Risk Evaluation 224
General Requirements 224
Specific Requirements 224
Snake River Quarantine 35
State and County Watercraft 35
Sterile Preparation 154
Application 154
Compounder
Responsibilities 155
Documentation
Requirements 156
Dosage Forms Requiring
Sterility 154
Environmental Controls 155
Sterile Preparation
Equipment 155
Stopping Of Contest Combatant Not
Honestly Competing 102
Stopping Of Contest One-Sided Contest
Risk Of Injury Examination By
Physician 102
One-Sided Contested 102
Risk of Injury and Examination by
Physician 102
Surety Bond Or Other Security 92
Requirement 92
Sum Due 92
Total Sum 92
Various Locations 92
Surface Reclamation 85
Compacted Areas 85
General Clean Up 85
Reclamation Under a Surface Use
Agreement 87
Regrading 85
Revegetation 86
Road Removal 85
Timing of Reclamation 85
Topsoiling 86
Suspension Of MMA Contest For
Unforeseen Reasons 103
Suspicious Circumstances 103
Unforeseen Reasons 103

T

Table 227
Tables 213
Chemicals of Interest for Various

Petroleum Products 213
Default Toxicity Values for Risk
Evaluation 214
Tank Batteries 81
Requirements 81
Technical Registration
Certified Technician
Registration 144
Technician Registration 144
Registration Requirements 144
Temporary Permit 111
Eligibility 112
Permit 112
Term of Permit 60
Tickets 98
Complimentary Tickets 98
Inventory of Tickets 99
Records 99
Revenue 99
Selling Tickets 98
Tickets Removal & Retention After
Match Destruction 99
Title 202
Transfer Of Drilling Permits 67
During Drilling or After
Completion 67
Prior to Drilling Well 67
Terms of Acceptance of
Transfer 67

U

Unfair Practices Duties Of
Referees 102
Deducting Points 102
Enforcing the Rules 102
Warnings 102
Unprofessional Conduct 138
Diversion of Drug Products &
Devices 139
Excessive Provision of Controlled
Substances 139
Exclusive Arrangements 139
Failure to Confer 139
Failure to Counsel or Offer
Counseling 139
Failure to Follow Board
Order 139
Failure to Report 139
Lack of Fitness 138
On-Duty Intoxication or
Impairment 139
Prescriber Incentives 139
Prescription Drug Order
Noncompliance 139
Standard of Care 139
Substandard, Misbranded, or
Adulterated Products 139
Unethical Conduct 138
Unlawful Possession or Use of
Drugs 139
Unnecessary Services or
Products 139
Use of False Information 139
Use Of Earthen Reservoirs 76

V

Vacuum Pumps Prohibited 76
Violations 210
Failure to Comply 210
Falsification of Statements &
Records 210
Penalties 210

W

Waivers Or Variances 138
Emergency Waiver 138
Weighing In Of Combatants 100
Attendees & Scales Used at
Weigh-In 100
Attire 100
Press Attendance 100
Security 100
Well Activity & Reclamation 82
Well Completion/Recompletion Report
& Well Report 78
Well Directional Control 77
Angular Deviation & Directional
Survey 78
Application for Exceptions 78
Controlled Directional
Drilling 77
Copy of Application to Offset
Operators 78
Department Action 78
General Restrictions 77
Well Plugging 83
Notice of Intention to Abandon
Well 83
Plugged Intervals 84
Plugging Dry Holes 83
Plugging of Wells 83
Plugging Required 83
Report of Abandonment 84
Wells Used for Fresh Water (Cold
Water 212 Degrees
Fahrenheit) 85
Well Site Operations 71
Fencing 71
Storage 71
Trash 71
Vegetation 71
Well Sites 71
Well Sites & Drilling 71
Well Treatments 62
Application Denial 63
Application Required 62
Freshwater Protections for Well
Treatments 64
Inspections 63
Master Drilling/Treatment
Plans 63
Reporting Requirements 63
Time Limit 63
Wholesaler Licensure &
Registration 145
NABP Accreditation 145
Wholesaler Licensure 145
Wholesaler Registration 145

Wrestlers Physical Examination 107
Wrestling Disqualification For
 Dangerous Tactics 106
 Professionalism 106
 Restrictions 106
Wrestling Special License For A
 Contest 106
Written Interpretations 206, 213
Written Statement Of Suitability For
 Licensure Or Permit 110
 Applicant Bears the Burden 110
 Consideration of Factors &
 Evidence 110