

**§ 42-35-2.7. Notice of proposed rulemaking.**

(a) At least thirty (30) days before the filing of a final rule with the secretary of state, an agency shall publish the notice of the proposed rulemaking on the agency's website. The agency shall file notice of the proposed rulemaking with the secretary of state, in accordance with procedures established by the secretary of state, for publication in the state register and for electronic notification to interested parties pursuant to subsection (c). The notice shall be mailed by the agency to all persons who have made timely request of the agency for notice of its rulemaking proceedings, and published in a newspaper or newspapers having aggregate general circulation throughout the state; provided, however, that if the action is limited in its applicability to a particular area, then the publication may be in a newspaper having general circulation in the area. In lieu of newspaper publication, advance notice of proposed rulemaking by all agencies may be posted via electronic media on a website maintained by the office of secretary of state. Copies of proposed rules shall be available at the agency at the time of the notice required by this subsection, and by mail to any member of the public upon request. [The notice shall be provided via electronic mail by the agency to all members of the general assembly.](#)

(b) The notice shall include:

- (1) A short explanation of the purpose of the proposed rule;
- (2) A citation or reference to the specific, legal authority authorizing the proposed rule;
- (3) The text of the proposed rule;
- (4) How a copy of the full text of any regulatory analysis of the proposed rule may be obtained;
- (5) Where, when, and how a person may comment on the proposed rule and request a hearing, including the beginning and end dates of the public-comment period;
- (6) The date of the filing of the notice of the proposed rulemaking with the secretary of state;
- (7) A citation to each scientific or statistical study, report, or analysis that served as a basis for the proposed rule, together with an indication of how the full text of the study, report, or analysis may be obtained;
- (8) Any proposed additions, deletions, or other amendments to the rules and regulations. New proposed language must be clearly marked using underline formatting for proposed insertions, and strikethrough formatting for proposed deletions. If an agency proposes a new rule which will supersede an existing rule, the agency shall make available a summary of all non-technical differences between the existing and proposed rules. An agency's lawful promulgation of amendments to an existing rule shall be deemed to supersede and repeal the previous enactments of that rule, provided that the public notice required under subdivision (a)(1) indicated such an intent; and
- (9) Any regulatory analysis prepared under § 42-35-2.9.

(c) The secretary of state shall establish a process to provide timely notification via electronic mail to any person that requests information concerning agency notices of proposed rulemaking. Requests under this section may be submitted to the secretary of state's office through its website.