UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Managing Editor

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The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at https://rules.utah.gov/. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3003. Additional rulemaking information and electronic versions of all administrative rule publications are available at https://rules.utah.gov/.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit https://rules.utah.gov/ for additional information.

Office of Administrative Rules, Salt Lake City 84114

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SPECIAL NOTICES

Health
Health Care Financing, Coverage and Reimbursement Policy

Notice for December 2018 Medicaid Rate Changes

Effective December 1, 2018, Utah Medicaid will adjust its rates consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies as well as potential adjustments to existing codes. All rate changes are posted to the web and can be viewed at:

http://health.utah.gov/medicaid/stplan/lookup/CoverageLookup.php.

End of the Special Notices Section

EXECUTIVE DOCUMENTS

Under authority granted by the Utah Constitution and various federal and state statutes, the Governor periodically issues **Executive Documents**, which can be categorized as either Executive Orders, Proclamations, and Declarations. Executive Orders set policy for the executive branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. Proclamations call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. Declarations designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **Executive Documents** that have legal effect with the Office of Administrative Rules for publication and distribution.

Governor's Proclamation Calling the Sixty-Second Legislature Into the Eleventh Extraordinary Session

P R O C L A M A T I O N

WHEREAS, since the close of the 2018 General Session of the 62nd Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Senate into Extraordinary Session; and

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 62nd Legislature of the State of Utah into the Eleventh Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 17th day of October 2018, at 4:00 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2018 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 15th day of October 2018.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2018/11/E

Declaring a State of Emergency Due to Drought, Utah Exec, Order No. 2018-9

EXECUTIVE ORDER

Declaring a State of Emergency Due to Drought

WHEREAS, the State of Utah has experienced an exceptionally dry growing season in 2018;

WHEREAS, the State's previous winter snowpack--which was only 50-60% of normal across most of the state--melted several months early, leading to a deficit in water storage supply;

WHEREAS, several counties in Utah--including Box Elder, Carbon, Emery, Grand, San Juan, and Wayne--have declared local states of emergency as a result of extreme drought conditions;

WHEREAS, of the State's 29 counties, the United States Department of Agriculture currently has listed 26 Primary and 3 Contiguous counties under the Secretarial Disaster Designation for drought;

WHEREAS, these extreme drought conditions have adversely and significantly impacted agribusiness and livestock production, as well as wildlife and natural habitats;

WHEREAS, record low water levels and prolonged dry conditions have contributed to a formidable wildfire season, and continue to increase the threat of wildfires across the state;

WHEREAS, conditions due to drought remain that require mitigation;

NOW, THEREFORE, I, Gary R. Herbert, Governor of Utah, pursuant to the power vested in me by the Constitution and the Laws of the State of Utah, do hereby order that:

It is found, determined, and declared that a "State of Emergency" exists statewide due to drought conditions requiring the aid, assistance, and relief available pursuant to the provisions of state statutes and the State Emergency Operations Plan, which is hereby activated. This State of Emergency is declared and effective immediately and shall remain in effect until I find that the threat or danger has passed or the disaster reduced to the extent that emergency conditions no longer exist.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 15th day of October 2018.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2018/009/EO

End of the Executive Documents Section

NOTICES OF

PROPOSED RULES

A state agency may file a **Proposed Rule** when it determines the need for a substantive change to an existing rule. With a **Notice of Proposed Rule**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between October 16, 2018, 12:00 a.m., and November 01, 2018, 11:59 p.m. are included in this, the November 15, 2018, issue of the *Utah State Bulletin*.

In this publication, each **Proposed Rule** is preceded by a **Rule Analysis**. This analysis provides summary information about the **Proposed Rule** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the **Rule Analysis**, the text of the **Proposed Rule** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them ([~~example~~]). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (**. . . . . . .**) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **Proposed Rule** is too long to print, the Office of Administrative Rules may include only the **Rule Analysis**. A copy of each rule that is too long to print is available from the filing agency or from the Office of Administrative Rules.

The law requires that an agency accept public comment on **Proposed Rules** published in this issue of the *Utah State Bulletin* until at least December 17, 2018. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **Rule Analysis**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **Proposed Rule**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through March 15, 2019, the agency may notify the Office of Administrative Rules that it wants to make the **Proposed Rule** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **Change in Proposed Rule** in response to comments received. If the Office of Administrative Rules does not receive a **Notice of Effective Date** or a **Change in Proposed Rule**, the **Proposed Rule** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **Proposed Rules**. *Comment may be directed to the contact person identified on the* **Rule Analysis** *for each rule.*

Proposed Rules are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

Alcoholic Beverage Control, Administration

R81-1-11

Multiple-Licensed Facility Storage and Service

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43336
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rule changes are necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: These rule changes clarify the definition of multiple licensed facilities for purposes of allowing shared dispensing and shared storage areas so that the provisions are consistent with provisions that were either codified or clarified by H.B. 442 (2017) and H.B. 456 (2018).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-2-202 and Subsection 32B-1-102(101) and Subsection 32B-1-102(82) and Subsection 32B-5-207(3)(d)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None, any anticipated costs or savings to the state budget are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which codified provisions for multiple licensed facilities. Costs and savings for administering these changes were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.
♦ LOCAL GOVERNMENTS: None, any anticipated costs or savings to local governments are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which codified provisions for multiple licensed facilities. Costs and savings to local governments were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.
♦ SMALL BUSINESSES: None, any anticipated costs or savings to small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which codified provisions for multiple licensed facilities. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None, any anticipated costs or savings to persons other than small business, businesses, or local government entities are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which codified provisions for multiple licensed facilities. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None, any costs to comply with these changes are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which codified provisions for multiple licensed facilities. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None, any anticipated costs or savings to businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which codified provisions for multiple licensed facilities. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Sal Petilos, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0

Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
None, any anticipated costs or savings to non-small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018). Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-1. Scope, Definitions, and General Provisions.
R81-1-11. Multiple-Licensed Facility Storage and Service.

(1) For the purposes of this rule:

(a) ["premises" as defined in Section 32B-1-102(75) shall include the location of any licensed restaurant, limited restaurant, beer-only restaurant, club, or recreational amenity on-premise beer retailer facility or facilities operated or managed by the same person or entity that are located within the same building or complex, and any similar sublicense located within the same building of a resort license under 32B-8. Multiple licensed facilities shall be termed "qualified premises" as used in this rule.]A "multiple-licensed facility" includes any retail license that shares a licensed premises as allowed by 32B-5-207(2), retail licensed premises that are located in the same room as allowed by 32B-5-207(6), and retail licensees that are authorized for dispensing from an adjacent retail licensed premises as allowed by 32B-6-205.2(11)(a)(iii), 305.2(11)(a)(iii) and 905.1(12)(a)(iii) and any sublicense located within the boundary of a resort building of a resort license under 32B-8 or the boundary of a hotel of a hotel license under 32B-8b.

(b)[the terms "sell", "sale", "to sell" as defined in Section 32B-1-102(92) shall not apply to a cost allocation of alcoholic beverages as used in this rule.

(c)] "cost allocation" means an apportionment of the as purchased cost of the alcoholic beverage product based on the amount sold in [each outlet]connection with each retail license.

([d]c) "remote storage alcoholic beverage dispensing system" means a dispensing system where the alcoholic product is stored in a single centralized location, and may have separate dispensing heads at different locations, and is capable of accounting for the amount of alcoholic product dispensed to each location.

(2) [Where qualified premises have consumption areas in reasonable proximity to each other, t]The dispensing of alcoholic beverages may be made from the alcoholic beverage inventory of [an outlet in one licensed location]one retail license to patrons in [either consumption area of the qualified] premises of another retail license in a multiple-licensed facility subject to the following requirements:

(a) point of sale control systems must be implemented that will record the amounts of each alcoholic beverage product sold in connection with each [location]retail license;

(b) cost allocation of the alcoholic beverage product cost must be made for each [location]retail license on at least a monthly or quarterly basis pursuant to the record keeping requirements of Section 32B-5-302;

(c) dispensing of alcoholic beverages to a [licensed location]in connection with a retail license may not be made on prohibited days or at prohibited hours pertinent to that license type;

(d) if separate inventories of liquor are maintained in one dispensing location, the storage area of each retail licensee's liquor must remain locked during the prohibited hours and days of sale for each license type;

(e) dispensing of alcoholic beverages to a retail licensed location may not be made in any manner prohibited by the statutory or regulatory operational restrictions of that license type;

(f) alcoholic beverages dispensed under this section may be delivered by servers from one [outlet]retail licensed premises to the various approved [consumption areas]retail licenses, or dispensed to each [outlet]retail license through the use of a remote storage alcoholic beverage dispensing system.

(3) [On qualified premises]At a multiple-licensed facility where each licensee maintains an inventory of alcoholic beverage products, the alcoholic beverages owned by each retail license[e] may be stored in a common location in the building subject to the following guidelines:

(a) each licensee shall identify the common storage location when applying for or renewing their license, and shall receive department approval of the location;

(b) each retail license[e] must be able to account for its ownership of the alcoholic beverages stored in the common storage location by keeping records, balanced monthly, of expenditures for alcoholic beverages supported by items such as delivery tickets, invoices, receipted bills, canceled checks, petty cash vouchers; and

(c) the common storage area may be located on the premises of one of the [~~licensed liquor establishments~~]retail licensee premises within the facility.

(4) In accordance with 32B-5-207(5)(d) which requires that the commission establish by rule a procedure by which a licensee surrenders a retail license if they have a bar or tavern in the same room as a restaurant in violation of 32B-5-207.

(a) On May 1 2018 a notice will be sent to all bar establishment licensees informing them that renewal of the bar license will be considered notice of intent to surrender any restaurant license in violation of 32B-5-207 unless they apply for a change in floor plan with the department.

(b) On May 1, 2018 a notice will be sent to any tavern that has both a restaurant and a tavern asking them to return a form electing whether to surrender the tavern or restaurant if they are in violation of 32B-5-207 or to apply for a change in floor plan. Failure to respond will result in surrender of restaurant license as of July 1, 2018.

(c) Those that are seeking to keep both licenses shall apply for a change in floor plan with the department outlying what will be done to comply with the requirements of 32B-5-207. If modifications are not completed by July 1, 2018 one or more of the licenses will need to cease operations in accordance with 32B-5-309 until modifications have been completed and staff has inspected the multiple premises to verify compliance with 32B-5-207.

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [~~December 28, 2017~~]2018
Notice of Continuation: May 2, 2016
Authorizing, and Implemented or Interpreted Law: 32B-2-201(10); 32B-2-202; 32B-2-204; 32B-2-206; 32B-3-203(3)(c); 32B-3-205(2)(b); 32B-5-304; 32B-1-305; 32B-1-306; 32B-1-307; 32B-1-607; 32B-1-304(1)(a); 32B-6-702; 32B-6-805(3); 32B-9-204(4); 32B-4-414(1)(b) and (c)

Alcoholic Beverage Control, Administration
R81-1-24
Responsible Alcohol Service Plan

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 43337
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This repeal is necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: This rule defines Responsible Alcohol Service Plans and authorizes the commission to require this plan as part of the penalties levied for certain violations. This repeal is necessary as statute now defines Responsible Alcohol Service Plans and requires that they be resubmitted as part of a renewal if there are any violations. This rule is therefore no longer necessary.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-2-202

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None. Any anticipated cost or savings to the state budget are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018) GS, which defined these plans and required submission as part of the renewal for any violation. Costs and savings for administering this change were calculated as part of the fiscal notes. Repealing this rule does not create additional costs or savings beyond what was anticipated during the legislative process.
♦ LOCAL GOVERNMENTS: None. Any anticipated cost or savings to local governments are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018) GS, which defined these plans and required submission as part of the renewal for any violation. Costs and savings for administering this change were calculated as part of the fiscal notes. Repealing this rule does not create additional costs or savings beyond what was anticipated during the legislative process.
♦ SMALL BUSINESSES: None. Any anticipated cost or savings to small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018) GS, which defined these plans and required submission as part of the renewal for any violation. Repealing this rule does not create additional costs or savings beyond what was anticipated during the legislative process.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None. Any anticipated cost or savings to persons other than small businesses, businesses, or local governmental entities are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018) GS, which defined these plans and required submission as part of the renewal for any violation. Costs and savings for administering this change were calculated as part of the fiscal notes. Repealing this rule does not create additional costs or savings beyond what was anticipated during the legislative process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None. Any costs to comply with these changes are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018) GS, which defined these plans and required submission as part of the renewal for any violation. Costs and savings for administering this change were calculated as part of the fiscal notes. Repealing this rule does not create additional costs or savings beyond what was anticipated during the legislative process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None. Any anticipated cost or savings to businesses are a

result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018) GS, which defined these plans and required submission as part of the renewal for any violation. Costs and savings for administering this change were calculated as part of the fiscal notes. Repealing this rule does not create additional costs or savings beyond what was anticipated during the legislative process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Sal Petilos, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
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Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
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***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
None, any anticipated costs or savings to non-small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018). Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-1. Scope, Definitions, and General Provisions.
[~~R81-1-24. Responsible Alcohol Service Plan.~~

~~(1) Authority. This rule is pursuant to the commission's powers and duties under 32B-2-202 to act as a general policymaking body on the subject of alcoholic beverage control; set policy by written rules that establish criteria and procedures for suspending or revoking licenses; and prescribe the conduct and management of any premises upon which alcoholic beverages may be sold, consumed, served, or stored.~~

~~(2) Purpose. This rule allows the commission to require a business licensed by the commission to sell, serve or store alcoholic beverages for consumption on the licensed premises that has been found by the commission to have violated any provision of the Alcoholic Beverage Control Act relating to the sale, service, or furnishing of alcoholic beverages to an intoxicated person, or to a person under the age of 21, to have a written Responsible Alcohol Service Plan.~~

~~(3) Definitions.~~

~~(a) "Commission" means the Alcoholic Beverage Control Commission.~~

~~(b) "Department" means the Department of Alcoholic Beverage Control.~~

~~(c) "Intoxication" and "intoxicated" are as defined in 32B-1-102(48).~~

~~(d) "Licensed Business" is a person or business entity licensed by the commission to sell, serve, and store alcoholic beverages for consumption on the premises of the business.~~

~~(e) "Manager" means a person chosen or appointed to manage, direct, or administer the operations at a licensed business. A manager may also be a supervisor.~~

~~(f) "Responsible Alcohol Service Plan" or "Plan" means a written set of policies and procedures of a licensed business that~~

~~outline measures that will be taken by the business to prevent employees of the licensed business from:~~

~~(i) over-serving alcoholic beverages to customers;~~

~~(ii) serving alcoholic beverages to customers who are actually, apparently, or obviously intoxicated; and~~

~~(iii) serving alcoholic beverages to persons under the age of 21.~~

~~(h) "Server" means an employee who actually makes available, serves to, or provides an alcoholic beverage to a customer for consumption on the business premises.~~

~~(i) "Supervisor" means an employee who, under the direction of a manager or owner, directs or has the responsibility to direct, transfer, or assign duties to employees who actually provide alcoholic beverages to customers on the premises of the business.~~

~~(4) Application of Rule.~~

~~(a)(i) The commission may direct that a licensed business that has been found by the commission to have violated any provision of the Alcoholic Beverage Control Act relating to the sale, service, or furnishing of alcoholic beverages to an intoxicated person, or to a person under the age of 21, submit to the department a Responsible Alcohol Service Plan.~~

~~(ii) The licensee thereafter shall maintain a Plan as a condition of continued licensing and relicensing by the commission.~~

~~(b) Any Plan at a minimum shall:~~

~~(i) outline the policies and procedures of the licensed business to:~~

~~(A) prevent over-service of alcohol;~~

~~(B) prevent service of alcohol to persons who are intoxicated;~~

~~(C) prevent service of alcohol to persons under the age of 21;~~

~~(D) provide alternate transportation options for problem customers; and~~

~~(E) deal with hostile customers;~~

~~(ii) require that all managers, supervisors, servers, security personnel, and others who are involved in the sale, service or furnishing of alcohol, agree to follow the policies and procedures of the Plan;~~

~~(iii) require adherence to the Plan as a condition of employment;~~

~~(iv) require a commitment by management to monitor employee compliance with the Plan;~~

~~(v) require periodic training sessions on the house policies and procedures in the Plan, and on the techniques of responsible service of alcohol taught in the Alcohol Training and Education Seminar required by 62A-15-401, such as:~~

~~(A) identifying legal forms of ID, checking ID, and recognizing fake ID;~~

~~(B) identifying persons under the age of 21;~~

~~(C) discussing the legal definition of intoxication;~~

~~(D) identifying behavioral signs of intoxication;~~

~~(E) discussing techniques for monitoring and controlling consumption such as:~~

~~(1) drink counting;~~

~~(2) slowing down alcohol service;~~

~~(3) offering food or nonalcoholic beverages; and~~

~~(4) cutting off alcohol service;~~

~~(F) discussing third party or "dram shop" liability for the unlawful service of alcohol to intoxicated persons and persons under the age of 21 as outlined in 32B-15; and~~

~~(G) discussing the potential criminal, civil and administrative penalties for over-serving alcohol, selling, serving, or otherwise furnishing alcohol to persons who are intoxicated, or to persons who are under the age of 21.~~

~~(c) The licensed business may choose to include in the Plan incentives for those employees who deserve special recognition for their responsible service of alcohol.~~

~~(d) The Plan shall be available on the premises of the licensed business so as to be accessible to all employees of the licensed business who are involved in the sale, service or furnishing of alcohol.~~

~~(e) The Plan shall be available on the premises of the licensed business for inspection by representatives of the commission, department and by law enforcement officers.~~

~~(f) Any licensed business that fails to submit to the department a Plan as directed by the commission pursuant to Subsection (4)(a), or to have a Plan available for inspection as required by Subsection (4)(e), shall be subject to the immediate suspension or revocation of its current license, and shall not be granted a renewal of its license by the commission.~~

~~(g) The department, at the request of a licensed business, may provide assistance in the preparation of a Plan.~~]

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [~~December 28, 2017~~]2018
Notice of Continuation: May 2, 2016
Authorizing, and Implemented or Interpreted Law: 32B-2-201(10); 32B-2-202; 32B-2-204; 32B-2-206; 32B-3-203(3)(c); 32B-3-205(2)(b); 32B-5-304; 32B-1-305; 32B-1-306; 32B-1-307; 32B-1-607; 32B-1-304(1)(a); 32B-6-702; 32B-6-805(3); 32B-9-204(4); 32B-4-414(1)(b) and (c)

Alcoholic Beverage Control, Administration
R81-1-25
Sexually–Oriented Entertainers and Stage Approvals

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43338
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rule changes are necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: These rule changes clarify rulemaking authority and make modifications to language to conform to the change from a social club to a

bar license as part of H.B. 442, passed in the 2017 General Session, but effective this last year.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-505 and Section 32B-2-202

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ LOCAL GOVERNMENTS: None. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ SMALL BUSINESSES: None. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Sal Petilos, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
None, any anticipated costs or savings to non-small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018). Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-1. Scope, Definitions, and General Provisions.
R81-1-25. Sexually-Oriented Entertainers and Stage Approvals.

(1) Authority. This rule is pursuant to:

(a) [~~the police powers of the state under 32B-1-104 to regulate the sale, service and consumption of alcoholic beverages in a manner that protects the public health, peace, safety, welfare, and morals;~~

~~(b) the commission's powers and duties under 32B-2-202 to prescribe the conduct and management of any premises upon which alcoholic beverages may be sold, consumed, served, or stored; and~~

~~(c)~~]32B-1-501 to -506 that prescribe the attire and conduct of sexually-oriented entertainers in premises regulated by the commission and require them to appear or perform only in a tavern or [~~social club~~]bar and only upon a stage or in a designated area approved by the commission in accordance with commission rule in accordance with 32B-1-505(4).

(2) Purpose. This rule establishes guidelines used by the commission to approve stages and designated performance areas in a tavern or [~~social club~~]bar where sexually-oriented entertainers may appear or perform in a state of seminudity.

(3) Definitions.

(a) "Seminude", "seminudity, or "state of seminudity" means a state of dress as defined in 32B-1-102(102).

(b) "Sexually-oriented entertainer" means a person defined in 32B-1-102[~~(93)~~].

(4) Application of Rule.

(a) A sexually-oriented entertainer may appear or perform seminude only on the premises of a tavern or [~~social club~~]bar.

(b) A tavern or [~~social club~~]bar licensee, or an employee, independent contractor, or agent of the licensee shall not allow:

(i) a sexually-oriented entertainer to appear or perform seminude except in compliance with the conditions and attire and conduct restrictions of 32B-1-502 to -506;

(ii) a patron to be on the stage or in the performance area while a sexually-oriented entertainer is appearing or performing on the stage or in the performance area; and

(iii) a sexually-oriented entertainer to appear or perform seminude except on a stage or in a designated performance area that has been approved by the commission.

(c) Stage and designated performance area requirements.

(i) The following shall submit for commission approval a floor-plan containing the location of any stage or designated performance area where sexually-oriented entertainers appear or perform:

(A) an applicant for a tavern or [~~social club~~]bar license from the commission who intends to have sexually-oriented entertainment on the premises;

(B) a current tavern or [~~social club~~]bar licensee of the commission that did not have sexually-oriented entertainment on the premises when application was made for the license or permit, but now intends to have such entertainment on the premises; or

(C) a current tavern or [~~social club~~]bar licensee of the commission that has sexually-oriented entertainment on the premises, but has not previously had the stage or performance area approved by the commission.

(ii) The commission may approve a stage or performance area where sexually-oriented entertainers may perform in a state of seminudity only if the stage or performance area:

(A) is horizontally separated from the portion of the premises on which patrons are allowed by a minimum of three (3) feet, which separation shall be delineated by a physical barrier or railing that is at least three (3) feet high from the floor;

(B) is configured so as to preclude a patron from:

(I) touching the sexually-oriented entertainer;

(II) placing any money or object on or within the costume or the person of any sexually-oriented entertainer;

(III) is configured so as to preclude a sexually-oriented entertainer from touching a patron; and

(IV) conforms to the requirements of any local ordinance of the jurisdiction where the premise is located relating to distance separation requirements between sexually-oriented entertainers and patrons that may be more restrictive than the requirements of Sections (4)(c)(i) and (ii) of this rule.

(iii) The person applying for approval of a stage or performance area shall submit with their application:

(A) a diagram, drawn to scale, of the premises of the business including the location of any stage or performance area where sexually-oriented entertainers will appear or perform;

(B) a copy of any applicable local ordinance relating to distance separation requirements between sexually-oriented entertainers and patrons; and

(C) evidence of compliance with any such applicable local ordinance.

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [~~December 28, 2017~~]2018
Notice of Continuation: May 2, 2016
Authorizing, and Implemented or Interpreted Law: 32B-2-201(10); 32B-2-202; 32B-2-204; 32B-2-206; 32B-3-203(3)(c); 32B-3-205(2)(b); 32B-5-304; 32B-1-305; 32B-1-306; 32B-1-307; 32B-1-607; 32B-1-304(1)(a); 32B-6-702; 32B-6-805(3); 32B-9-204(4); 32B-4-414(1)(b) and (c)

Alcoholic Beverage Control, Administration
R81-1-27
Label Approvals

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43339
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rule changes are necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: These rule changes provide the correct citation for rule making authority, apply provisions to certain malted beverages as required by statutory changes in H.B. 442 (2017) and H.B. 456 (2018), remove provisions that restate state statute, clarify the definition of revision, remove provisions that are outdated, and modify format requirements for labeling of certain malted beverages to conform with changes in H.B. 442 (2017) and H.B. 456 (2018).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-606 and Section 32B-2-202

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None. Any anticipated cost or savings to the state budget are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which expanded the label requirements beyond flavored malt beverages and clarified label requirements for these certain malt beverages. Costs and savings for administering these change were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ LOCAL GOVERNMENTS: None. Any anticipated cost or savings to local governments are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which expanded the label requirements beyond flavored malt beverages and clarified label requirements for these certain malt beverages. Costs and savings for administering these change were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ SMALL BUSINESSES: None. Any anticipated cost or savings to small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which expanded the label requirements beyond flavored malt beverages and clarified label requirements for these certain malt beverages. Costs and savings for administering these change were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None. Any anticipated cost or savings to persons other than small businesses, businesses or local government entities are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which expanded the label requirements beyond flavored malt beverages and clarified label requirements for these certain malt beverages. Costs and savings for administering these change were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None. Any costs to comply with these changes are a result of statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which expanded the label requirements beyond flavored malt beverages and clarified label requirements for these certain malt beverages. Costs and savings were calculated as part of the fiscal note. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None. Any anticipated cost or savings to businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which expanded the label requirements beyond flavored malt beverages and clarified label requirements for these certain malt beverages. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
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ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Sal Petilos, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0

Total Fiscal Benefits:	$0	$0	$0
Net Fiscal Benefits:	$0	$0	$0

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
None, any anticipated costs or savings to non-small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018). Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-1. Scope, Definitions, and General Provisions.
R81-1-27. Label Approvals.

(1) Authority. This rule is pursuant to 32B-1-606(2)(c) and (d) and 32B-1-607 which give the commission the authority to adopt rules necessary to fully implement certain aspects of the Malted Beverages Act, [~~32A-1-801 to -809~~]32B-1-601-608.

(2) Purpose.

(a) Pursuant to 32B-1-604, a manufacturer may not distribute or sell in this state any malted beverage including beer, heavy beer, and flavored malt beverage unless the label and packaging of the beverage has been first approved by the department.

(b) The requirements and procedures for applying for label and packaging approval are set forth in 32B-1-604 to -606.

(c) This rule:

(i) establishes administrative fees that may be assessed by the department to process applications for the approval of malt beverage labels and packaging;

(ii) provides supplemental procedures for applying for and processing label and package approvals;

(iii) defines the meaning of certain terms in the Malted Beverages Act; and

(iv) establishes the format of certain words and phrases required on the containers and packaging of certain [~~flavored~~]malt beverages as required by 32B-1-606(2)(c) and (d).

(3) Application of Rule.

(a) The department shall assess a fee of $30.00 made payable to the "Department of Alcoholic Beverage Control" for each application submitted for label and packaging approval.

(b) A complete set of original labels for each size of container must accompany each application for label and packaging approval.

(i) This includes all band, strip, front and back labels appearing on any individual container.

(ii) Original containers will not be accepted.

(iii) If original labels cannot be obtained, the following will be accepted:

(A) color reproductions that are exact size; or

(B) a copy of the federal certificate of label approval (COLA) from the Department of Treasury, Tax and Trade Bureau (Form TTB F5100.31) with the exact size label if printed in color.

[~~(c) Because a heavy beer and flavored malt beverage product may be sold only by the department to consumers and on-premise retailers in this state, label approval for a heavy beer or flavored malt beverage need not be applied for until the department has decided to list the product for sale in this state. Any listing will be contingent on label and packaging approval.~~
] ([~~d~~]c) An application for approval is required for any revision of a previously approved label.

([~~e~~]d) A "revision" includes any [~~An application for approval is required for any revision~~]changes to packaging that significantly modifies the notice that the product is an alcoholic beverage.

([~~f~~]e) An application for approval is not required for any [~~revision~~]changes to packaging that relates to subject matter other than the required notice that the product is an alcoholic beverage such as temporary seasonal or promotional themes.

[~~(g) Pursuant to 32B-1-605(6):~~

~~(i) the department may revoke any label and packaging that does not comply with the label and packaging requirements of the Malted Beverage Act;~~

~~(ii) the department may delist any heavy beer or flavored malt beverage product listed by the department prior to October 1, 2008, that does not meet the label and packaging requirements of the Malted Beverage Act;~~

~~(iii) any heavy beer or flavored malt beverage product listed by the department prior to October 1, 2008, that did not receive prior label and packaging approval need not submit an application for label and packaging approval if the label and packaging meet the requirements of the Malted Beverage Act.~~
] ([~~h~~]f) Pursuant to 32B-1-606, a [~~flavored~~]malt beverage that is packaged in a manner that is similar to a label or package used for a nonalcoholic beverage must bear a prominently displayed label or a firmly affixed sticker on the container that includes the statement "alcoholic beverage" or "contains alcohol". Any packaging of a flavored malt beverage must also prominently include, either imprinted on the packaging or imprinted on a sticker firmly affixed to the packaging the statement "alcoholic beverage" or "contains alcohol". The words in the statement must appear:

(i) in capital letters and bold type;

(ii) in a solid contrasting background;

(iii) on the front of the container and packaging;

(iv) in a format that is readily legible; and

(v) separate and apart from any descriptive or explanatory information.[~~; and~~]

[~~(vi) in a type size no smaller than 3 millimeters wide and 3 millimeters high.~~
] ([~~i~~]g) Pursuant to 32B-1-606, the label on a flavored malt beverage container shall state the alcohol content as a percentage of alcohol by volume or by weight. [~~The alcohol content statement may not be abbreviated, but shall use the complete words "alcohol," "volume," or "weight".~~]The [~~words in the~~]alcohol content statement must appear:

(i) in capital letters and bold type;

(ii) in a solid contrasting background;
(iii) in a format that is readily legible; and
(iv) separate and apart from any descriptive or explanatory information.

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [~~December 28, 2017~~]2018
Notice of Continuation: May 2, 2016
Authorizing, and Implemented or Interpreted Law: 32B-2-201(10); 32B-2-202; 32B-2-204; 32B-2-206; 32B-3-203(31-606(2)(c); 32B-3-205(2)(b); 32B-5-304; 32B-1-305;), 32B-1-306; 32B-1-307; 606(2)(d), and 32B-1-607; 32B-1-304(1)(a); 32B-6-702; 32B-6-805(3); 32B-9-204(4); 32B-4-414(1)(b) and (c)

Alcoholic Beverage Control, Administration
R81-4-4
Verification of Proof of Age by Applicable Licensees

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43340
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new section is necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: This new section moves provisions from R81-10D-6 that implement Section 32B-1-407 so that those provisions apply to all applicable licensees rather than only bars and taverns. These changes are necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session, which expanded these requirements to additional licensees and circumstances.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-407 and Section 32B-2-202

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None. Any anticipated cost or savings to the state budget are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which required additional licensees to use age verification (scanners). Costs and savings for administering this change were calculated as part of the fiscal notes. This new section does not create additional cost or savings beyond what was anticipated during the legislative process.
♦ LOCAL GOVERNMENTS: None. Any anticipated cost or savings to local governments are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which required additional licensees to use age verification (scanners). Costs and savings to local governments were calculated as part of the fiscal notes. This new section does not create additional cost or savings beyond what was anticipated during the legislative process.
♦ SMALL BUSINESSES: None. Any anticipated cost or savings to the small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which required additional licensees to use age verification (scanners). This new section does not create additional cost or savings beyond what was anticipated during the legislative process.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None. Any anticipated cost or savings to persons other than small businesses, businesses or local government entities are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which required additional licensees to use age verification (scanners). Costs and savings were calculated as part of the fiscal notes. This new section does not create additional cost or savings beyond what was anticipated during the legislative process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None. Any costs to comply with this change is a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which required additional licensees to use age verification (scanners). Costs and savings were calculated as part of the fiscal notes. This new section does not create additional cost or savings beyond what was anticipated during the legislative process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None. Any anticipated cost or savings to businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which required additional licensees to use age verification (scanners). Costs and savings were calculated as part of the fiscal notes. This new section does not create additional cost or savings beyond what was anticipated during the legislative process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
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♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Sal Petilos, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
None, any anticipated costs or savings to non-small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018). Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-4. Retail Licenses.
R81-4-4. Verification of Proof of Age by Applicable Licensees.

(1) Authority. 32B-1-407(4)(b) and (5) and 32B-2-202(1)(b).

(2) Purpose.

(a) 32B-1-407 requires applicable licensees to verify proof of age of persons who appear to be 35 years of age or younger either by an electronic age verification device, or an acceptable alternate process established by commission rule.

(b) This rule:

(i) establishes the minimum technology specifications of electronic age verification devices; and

(ii) establishes the procedures for recording identification that cannot be electronically verified; and

(iii) establishes the security measures that must be used by the bar licensee to ensure that information obtained is used only to verify proof of age and is not disclosed to others except to the extent authorized by Title 32B.

(3) Application of Rule.

(a) An electronic age verification device:

(i) shall contain:

(A) the technology of a magnetic stripe card reader;

(B) the technology of a two dimensional ("2d") stack symbology card reader; or

(C) an alternate technology capable of electronically verifying the proof of age;

(ii) shall be capable of reading:

(A) a valid state issued driver's license;

(B) a valid state issued identification card;

(C) a valid military identification card; or

(D) a valid passport;

(iii) shall have a screen that displays no more than:

(A) the individual's name;

(B) the individual's age;

(C) the number assigned to the individual's proof of age by the issuing authority;

(D) the individual's the birth date;

(E) the individual's gender; and

(F) the status and expiration date of the individual's proof of age; and

(iv) shall have the capability of electronically storing the following information for seven days (168 hours):

(A) the individual's name;

(B) the individual's date of birth;

(C) the individual's age;

(D) the expiration date of the proof of age identification card;

(E) the individual's gender; and

(F) the time and date the proof of age was scanned.

(b) An alternative method of verifying an individual's proof of age when proof of age cannot be scanned electronically:

(i) shall include a record or log of the information obtained from the individual's proof of age including the following information:

(A) the type of proof of age identification document presented;

(B) the number assigned to the individual's proof of age document by the issuing authority;

(C) the expiration date of the proof of age identification document;

(D) the date the proof of age identification document was presented;

(E) the individual's name; and

(F) the individual's date of birth.

(c) Any data collected either electronically or otherwise:

(i) shall be used by the licensee, and employees or agents of the licensee, solely for the purpose of verifying an individual's proof of age;

(ii) for purposes of investigating Title 32B Alcoholic Beverage Control Act, shall be provided upon request to a law enforcement officer or any other person authorized to investigate violations of Title 32B Alcoholic Beverage Control Act;

(iii) may not be retained by the licensee in a data base for mailing, advertising, or promotional activity;

(iv) may not be retained to acquire personal information to make inappropriate personal contact with the individual; and

(v) shall be retained for a period of seven days from the date on which it was acquired, after which it must be deleted or destroyed.

(d) Any person who still questions the age of the individual after being presented with proof of age, shall require the individual to sign a statement of age form as provided under 32B-1-405.

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [~~January 3, 2017~~]2018
Authorizing, and Implemented or Interpreted Law: 32B-8b-102(2); 32B-2-202; 32B-1-102(46)

Alcoholic Beverage Control, Administration

R81-4A

Restaurant Liquor Licenses

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 43341
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rules changes are necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: These rules changes remove language related to shared premises, clarification of the intent to dine provision, and allowance to consume a product at or in close proximity to a table as the provisions were either codified or clarified by H.B. 442 (2017) and H.B. 456 (2018).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-1-102 and Section 32B-2-202
ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None. Any anticipated cost or savings to the state budget are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings for administering these changes were calculated as part of the fiscal note. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ LOCAL GOVERNMENTS: None. Any anticipated cost or savings to local governments are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings to local governments were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ SMALL BUSINESSES: None. Any anticipated cost or savings to small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None. Any anticipated cost or savings to persons other than small businesses, businesses, or local government entities are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None. Any costs to comply with these changes are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018) GS, which streamlined provisions for restaurant licenses. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None. Any anticipated cost or savings to businesses are a result of the statutory requirements of H.B. 442 (2017) GS and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Sal Petilos, Executive Director

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The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-4A. Restaurant Liquor Licenses.
R81-4A-1. Licensing.

(1) Restaurant liquor licenses are issued to persons as defined in Section 32B-1-102(74). Any contemplated action or transaction that may alter the organizational structure or ownership interest of the person to whom the license is issued must be submitted to the department for approval prior to consummation of any such action to ensure there is no violation of Sections 32B-5-310.

[~~(2) A restaurant liquor licensee that wishes to operate the same licensed premises under the operational restrictions of a recreational amenity on-premise beer retailer during certain designated periods of the day or night, must apply for and be issued a separate recreational amenity on-premise beer retailer license subject to the following:~~

~~(a) The same restaurant licensee must separately apply for a state recreational amenity on-premise beer retailer license pursuant to the requirements of Sections 32B-5-201, -202 and 32B-6-702 through -705.~~

~~(b) Licensees applying for dually licensed premises must notify the department of the time periods under which each license will be operational at the time application is made. Changes must be requested in writing and approved in advance by the department. Licensees may operate sequentially under either license, but not concurrently.~~

~~(c) Restaurant liquor licensees holding a separate recreational amenity on-premise beer retailer license must operate in accordance with 32B-6-706 and R81-10A during the hours the on-premise beer retailer license is active.~~

~~(d) Liquor storage areas on the restaurant premises shall be deemed to remain on the floor plan of the restaurant premises and shall be kept locked during the hours the recreational amenity on-premise beer retailer license is active.~~]

R81-4A-2. Application.

(1) No license or sublicense application will be included on the agenda of a monthly commission meeting for consideration for issuance of a restaurant license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204, and 32B-6-204 (submission of a completed application, payment of application and licensing fees, written consent of local authority, copy of current local business license(s) necessary for operation of a full

service restaurant, evidence of proximity to certain community locations, a bond, a floor plan, and public liability and liquor liability insurance); 32B-6-206 (requirements for a master full service restaurant license); and

(b) the department has inspected the restaurant premise(s).

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

(3) Subsection (1)(a) does not preclude the commission from considering an application for a conditional restaurant license under the terms and conditions of 32B-5-205.

(4) Applicants may apply for a Master Full Service Restaurant License as defined by 32B-6-206 so long as five or more locations are indicated as sublicenses on the application.

(a) The five locations must be owned by the same person or entity.

(b) Locations that do not already have a full service restaurant license must meet all requirements for licensing as a full service restaurant under subsection (1).

(c) Once the master license is granted, the licensee may add additional locations by filing an application approved by the department demonstrating that the location meets all application requirements under section (1).

R81-4A-3. Bonds.

No part of any corporate or cash bond required by Section 32B-5-204 and 32B-6-204(4), may be withdrawn during the time the license is in effect. If the licensee fails to maintain a valid corporate or cash bond, the license shall be immediately suspended until a valid bond is obtained. Failure to obtain a bond within 30 days of notification by the department of the delinquency shall result in the automatic revocation of the license.

R81-4A-4. Insurance.

Public liability and dram shop insurance coverage required in Section 32B-5-201(2)(j) must remain in force during the time the license is in effect. Failure of the licensee to maintain the required insurance coverage may result in a suspension or revocation of the license by the commission.

R81-4A-5. Restaurant Liquor Licensee Liquor Order and Return Procedures.

The following procedures shall be followed when a restaurant liquor licensee orders liquor from or returns liquor to any state liquor store, package agency, or department satellite warehouse:

(1) The licensee must place the order in advance to allow department personnel sufficient time to assemble the order. The licensee or employees of the licensee may not pick merchandise directly off the shelves of a state store or package agency to fill the licensee's order. The order shall include the business name of the licensee, department licensee number, and list the products ordered specifying each product by code number and quantity.

(2) The licensee shall allow at least four hours for department personnel to assemble the order for pick-up. When the order is complete, the licensee will be notified by phone and given the total cost of the order. The licensee may pay for the product in cash, company check or cashier's check.

(3) The licensee or the licensee's designee shall examine and sign for the order before it leaves the store, agency or satellite warehouse to verify that the product has been received.

(4) Merchandise shall be supplied to the licensee on request when it is available on a first come first serve basis. Discounted items and limited items may, at the discretion of the department, be provided to a licensee on an allocated basis.

(5)(a) Spirituous liquor may be returned by the licensee for the original purchase price only under the following conditions:

(i) the bottle has not been opened;

(ii) the seal remains intact;

(iii) the label remains intact; and

(iv) upon a showing of the original cash register receipt.

(b) A restocking fee of 10% shall be assessed on the entire amount on any returned spirituous liquor order that exceeds $1,000. All spirituous liquor returned that is based on a single purchase on a single cash register receipt must be returned at the same time at a single store, package agency, or satellite warehouse location.

(b) Wine and beer may not be returned by the licensee for the original purchase price except upon a showing that the product was spoiled or non-consumable.

R81-4A-6. Restaurant Liquor Licensee Operating Hours.

Allowable hours of liquor sales shall be in accordance with Section 32B-6-205(6). However, the licensee may open the liquor storage area during hours otherwise prohibited for the limited purpose of inventory, restocking, repair, and cleaning.

R81-4A-7. Sale and Purchase of Alcoholic Beverages.

(1) [~~Alcoholic beverages (including light beer) may be furnished after the licensee or their employee confirms that the patron has the intent to order food that is prepared and sold for consumption on site. An order for food may not include food items normally provided to patrons without charge. A patron may pay for an alcoholic beverage at the time of purchase, or, at the discretion of both the licensee and the patron, the price charged may be added to the patron's tab, provided that a written beverage tab, as provided in Section 32B-6-205(4), shall be commenced upon the patron's first purchase and shall be maintained by the restaurant during the course of the patron's stay at the restaurant regardless of where the patron orders and consumes an alcoholic beverage.~~

~~(2)~~]The restaurant shall maintain at least 70% of its total business from the sale of food pursuant to Section 32B-6-205(7).

(a) The restaurant shall maintain records separately showing quarterly expenditures and sales for beer, heavy beer, liquor, wine, set-ups, and food. These shall be available for inspection and audit by representatives of the department, and maintained for a period of three years.

(b) If any inspection or audit discloses that the sales of food are less than 70% for any quarterly period, the department shall immediately put the licensee on a probationary status and closely

monitor the licensee's food sales during the next quarterly period to determine that the licensee is able to prove to the satisfaction of the department that the sales of food meet or exceed 70%. Failure of the licensee to provide satisfactory proof of the required food percentage within the probationary period shall result in issuance of an order to show cause by the department to determine why the license should not be revoked by the commission.

[~~(3) Liquor dispensing shall be in accordance with Section 32B-5-304; Section R81-1-9 (Liquor Dispensing Systems), and Section R81-1-11 (Multiple Licensed Facility Storage and Service) of these rules.~~]

R81-4A-8. Liquor Storage.

Liquor bottles kept for sale in use with a dispensing system, liquor flavorings in properly labeled unsealed containers, and unsealed containers of wines poured by the glass may be stored in the same storage area of the restaurant as approved by the department.

R81-4A-9. Alcoholic Product Flavoring.

Restaurant liquor licensees may use alcoholic products as flavoring subject to the following guidelines:

(1) Alcoholic product flavoring may be utilized in beverages only during the authorized selling hours under the restaurant liquor license. Alcoholic product flavoring may be used in the preparation of food items and desserts at any time if plainly and conspicuously labeled "cooking flavoring".

(2) No restaurant employee under the age of 21 years may handle alcoholic product flavorings.

R81-4A-10. Table, Counter, and "Grandfathered Bar Structure" Service.

(1) A wine service may be performed by the server at the patron's table, counter, or "grandfathered bar structure" for wine either purchased at the restaurant or carried in by a patron. The wine may be opened and poured by the server.

(2) Beer and heavy beer, if in sealed containers, may be opened and poured by the server at the patron's table, counter, or "grandfathered bar structure".

[~~R81-4A-11. Consumption at Patron's Table, Counter, and "Grandfathered Bar Structure".~~

~~(1) A patron's table, counter, or "grandfathered bar structure" may be located in waiting, patio, garden and dining areas previously approved by the department.~~

~~(2) Consumption of any alcoholic beverage must be within a reasonable proximity of a patron's table, counter, or "grandfathered bar structure so as to ensure that the server can maintain a written beverage tab on the amount of alcoholic beverages consumed.~~]

R81-4A-12. Menus; Price Lists.

(1) Contents of Alcoholic Beverage Menu.

(a) Each licensee shall have readily available for its patrons a printed alcoholic beverage price list, or menu containing current prices of all mixed drinks, wine, beer, and heavy beer. This list shall include any charges for the service of packaged wines or heavy beer.

(b) Any printed menu, master beverage price list or other printed list is sufficient as long as the prices are current and it meets the requirements of this rule.

(c) Customers shall be notified of the price charged for any packaged wine or heavy beer and any service charges for the supply of glasses, chilling, or wine service.

(d) A licensee or his employee may not misrepresent the price of any alcoholic beverage that is sold or offered for sale on the licensed premises.

R81-4A-13. Identification Badge.

Each employee of the licensee who sells, dispenses or provides alcoholic beverages shall wear a unique identification badge visible above the waist, bearing the employee's first name, initials, or a unique number in letters or numbers not less than 3/8 inch high. The identification badge must be worn on the front portion of the employee's body. The licensee shall maintain a record of all employee badges assigned, which shall be available for inspection by any peace officer, or representative of the department. The record shall include the employee's full name and address and a driver's license or similar identification number.

R81-4A-14. Brownbagging.

When private events, as defined in 32B-1-102(77), are held on the premises of a licensed restaurant, the proprietor may, in his or her discretion, allow members of the private group to bring onto the restaurant premises, their own alcoholic beverages under the following circumstances:

(1) When the entire restaurant is closed to the general public for the private event, or

(2) When an entire room or area within the restaurant such as a private banquet room is closed to the general public for the private event, and members of the private group are restricted to that area, and are not allowed to co-mingle with public patrons of the restaurant.

R81-4A-15. Grandfathered Bar Structures.

(1) Authority 32B-1-102; 32B-6-202; and 32B-6-205.3.

(2) The purpose of this rule is to define terms for full service restaurant licenses as required by 32B-6 Part 2.

(3) Definitions.

(a) "Actively engaged in the construction of the restaurant" for purposes of 32B-6-202(1)(a)(ii)(A)(I) means that:

(i) a building permit has been obtained to build the restaurant; and

(ii) a construction contract has been executed and the contract includes an estimated date that the restaurant will be completed; or

(iii) work has commenced by the applicant on the construction of the restaurant and a good faith effort is made to complete the construction in a timely manner.

(b) "remodels the grandfathered bar structure" for purposes of 32B-6-202(1)(b) means that:

(i) the grandfathered bar structure has been altered or reconfigured to:

(A) extend the length of the existing structure to increase its seating capacity; or

(B) increase the visibility of the storage or dispensing area to restaurant patrons.

(c) "remodels the grandfathered bar structure" does not:

(i) preclude making cosmetic changes or enhancements to the existing structure such as painting, staining, tiling, or otherwise refinishing the bar structure;

(ii) preclude locating coolers, sinks, plumbing, cooling or electrical equipment to an existing structure; or

(iii) preclude utilizing existing space at the existing bar structure to add additional seating.

(d) Pursuant to 32B-5-303(3), the licensee must first apply for and receive approval from the department for a change of location where alcohol is stored, served, and sold other than what was originally designated in the licensee's application for the license. Thus, any modification of the alcoholic beverage storage and dispensing area at a "grandfathered bar structure" must first be reviewed and approved by the department to determine whether it is:

(i) an acceptable use of an existing bar structure; or

(ii) a remodel of a "grandfathered bar structure".

(e) "remodels the grandfathered bar structure or dining area" for purposes of 32B-6-205.3(4)(a)(ii) means that:

(i) the grandfathered bar structure or dining area has been altered or reconfigured to:

(A) extend the length of the existing bar structure to increase its seating capacity; or

(B) increase the visibility of the storage or dispensing area to restaurant patrons from the dining area.

(f) "remodels the grandfathered bar structure or dining area" does not:

(i) preclude making cosmetic changes or enhancements to the existing bar structure such as painting, staining, tiling, or otherwise refinishing the bar structure;

(ii) preclude locating coolers, sinks, plumbing, cooling or electrical equipment to an existing structure; or

(iii) preclude utilizing existing space at the existing bar structure to add additional seating.

(g) Pursuant to 32B-5-303(3), the licensee must first apply for and receive approval from the department for a change of location where alcohol is stored, served, and sold other than what was originally designated in the licensee's application for the license. Thus, any modification of the alcoholic beverage storage, dispensing, or consumption area must first be reviewed and approved by the department to determine whether it is:

(i) an acceptable use of an existing bar structure or dining area; or

(ii) a remodel of a "grandfathered bar structure or dining area".

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [~~December 28, 2017~~]2018
Notice of Continuation: May 2, 2016
Authorizing, and Implemented or Interpreted Law: 32B-1-607; 32B-2-202; 32B-5-303(3); 32B-6-202; 32B-6-206; 32B-6-205.3

Alcoholic Beverage Control, Administration
R81-4C
Limited Restaurant Licenses

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43342
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rule changes are necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: These rule changes remove language related to shared premises, clarification of intent to dine provision, and allowance to consume a product at or in close proximity to a table as the provisions were either codified or clarified by H.B. 442 (2017) and H.B. (456).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-2-202 and Section 32B-5-202 and Section 32B-6-302

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None. Any anticipated cost or savings to the state budget are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings for administering these changes were calculated as part of the fiscal notes. These rule changes do not create additional cost of savings beyond what was anticipated during the legislative process.
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AUTHORIZED BY: Sal Petilos, Executive Director

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Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
None, any anticipated costs or savings to non-small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018). Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-4C. Limited Restaurant Licenses.
R81-4C-1. Licensing.

(1) Limited restaurant licenses are issued to persons as defined in Section 32B-1-102(74). Any contemplated action or transaction that may alter the organizational structure or ownership interest of the person to whom the license is issued must be submitted to the department for approval prior to consummation of any such action to ensure there is no violation of Sections 32B-5-310.

[~~(2) A limited restaurant license that wishes to operate the same licensed premises under the operational restrictions of a recreational amenity on-premise beer retailer during certain designated periods of the day or night, must apply for and be issued a separate recreational amenity on-premise beer retailer license subject to the following:~~

~~(a) The same limited restaurant licensee must separately apply for a state on-premise beer retailer license pursuant to the requirements of Sections 32B-5-201, -202 and 32B-6-702 to -705.~~

~~(b) Licensees applying for dually licensed premises must notify the department of the time periods under which each license will be operational at the time application is made. Changes must be requested in writing and approved in advance by the department. Licensees may operate sequentially under either license, but not concurrently.~~

~~(c) Limited restaurant licensees holding a separate recreational amenity on-premise beer retailer license must operate in~~

~~accordance with 32B-6-706 and R81-10A during the hours the on-premise beer retailer license is active.~~

~~(d) Liquor storage areas on the limited restaurant premises shall be deemed to remain on the floor plan of the limited restaurant premises and shall be kept locked during the hours the recreational amenity on-premise beer retailer license is active.~~]

R81-4C-2. Application.

(1) No license or sublicense application will be included on the agenda of a monthly commission meeting for consideration for issuance of a limited restaurant license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204 and 32B-6-304 (submission of a completed application, payment of application and licensing fees, written consent of local authority, copy of current local business license(s) necessary for operation of a limited restaurant license, evidence of proximity to certain community locations, a bond, a floor plan, and public liability and liquor liability insurance); 32B-6-306 (requirements for a master limited service license); and

(b) the department has inspected the limited restaurant premise.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

(3) Subsection (1)(a) does not preclude the commission from considering an application for a conditional limited restaurant license under the terms and conditions of 32B-5-205.

(4) Applicants may apply for a Master Limited Service Restaurant License as defined by 32B-6-306 so long as five or more locations are indicated as sublicenses on the application.

(a) The five locations must be owned by the same person or entity.

(b) Locations that do not already have a limited service restaurant license must meet all requirements for licensing as a limited service restaurant under subsection (1).

(c) Once the master license is granted, the licensee may add additional locations by filing an application approved by the department demonstrating that the location meets all application requirements under section (1).

R81-4C-3. Bonds.

No part of any corporate or cash bond required by Section 32B-5-204 and 32B-6-304(4), may be withdrawn during the time the license is in effect. If the licensee fails to maintain a valid corporate or cash bond, the license shall be immediately suspended until a valid bond is obtained. Failure to obtain a bond within 30 days of notification by the department of the delinquency shall result in the automatic revocation of the license.

R81-4C-4. Insurance.

Public liability and dram shop insurance coverage required in Section 32B-5-201(2)(j) must remain in force during the time the license is in effect. Failure of the licensee to maintain the required insurance coverage may result in a suspension or revocation of the license by the commission.

R81-4C-5. Limited Restaurant Licensee Wine and Heavy Beer Order and Return Procedures.

The following procedures shall be followed when a limited restaurant licensee orders wine or heavy beer from or returns wine or heavy beer to any state liquor store, package agency, or department satellite warehouse:

(1) The licensee must place the order in advance to allow department personnel sufficient time to assemble the order. The licensee or employees of the licensee may not pick merchandise directly off the shelves of a state store or package agency to fill the licensee's order. The order shall include the business name of the licensee, department licensee number, and list the products ordered specifying each product by code number and quantity.

(2) The licensee shall allow at least four hours for department personnel to assemble the order for pick-up. When the order is complete, the licensee will be notified by phone and given the total cost of the order. The licensee may pay for the product in cash, company check or cashier's check.

(3) The licensee or the licensee's designee shall examine and sign for the order before it leaves the store, agency or satellite warehouse to verify that the product has been received.

(4) Merchandise shall be supplied to the licensee on request when it is available on a first come first serve basis. Discounted items and limited items may, at the discretion of the department, be provided to a licensee on an allocated basis.

(5) Wine and beer may not be returned by the licensee for the original purchase price except upon a showing that the product was spoiled or non-consumable.

R81-4C-6. Limited Restaurant Licensee Operating Hours.

Allowable hours of wine and heavy beer sales shall be in accordance with Section 32B-6-305(6). However, the licensee may open the wine and heavy beer storage area during hours otherwise prohibited for the limited purpose of inventory, restocking, repair, and cleaning.

R81-4C-7. Sale and Purchase of Alcoholic Beverages.

(1) [~~Alcoholic beverages (including light beer) may be furnished after the licensee or their employee confirms that the patron has the intent to order food that is prepared and sold for consumption on site. An order for food may not include food items normally provided to patrons without charge. A patron may pay for an alcoholic beverage at the time of purchase, or, at the discretion of both the licensee and the patron, the price charged may be added to the patron's tab, provided that a written beverage tab, as provided in Section 32B-6-305(4), shall be commenced upon the patron's first purchase and shall be maintained by the limited restaurant during the course of the patron's stay at the limited restaurant regardless of where the patron orders and consumes an alcoholic beverage.~~

~~(2)~~] The limited restaurant shall maintain at least 70% of its total business from the sale of food pursuant to Section 32B-6-305(7).

(a) The limited restaurant shall maintain records separately showing quarterly expenditures and sales for beer, heavy beer, wine, and food. These shall be available for inspection and audit by representatives of the department, and maintained for a period of three years.

(b) If any inspection or audit discloses that the sales of food are less than 70% for any quarterly period, the department shall immediately put the licensee on a probationary status and closely monitor the licensee's food sales during the next quarterly period to determine that the licensee is able to prove to the satisfaction of the department that the sales of food meet or exceed 70%. Failure of the licensee to provide satisfactory proof of the required food percentage within the probationary period shall result in issuance of an order to show cause by the department to determine why the license should not be revoked by the commission.

[~~(3) Wine dispensing shall be in accordance with Section 32B-5-304(2); and R81-1-11 (Multiple-Licensed Facility Storage and Service) of these rules.~~]

R81-4C-8. Alcoholic Product Flavoring.

(1) Limited restaurant licensees may use alcoholic product flavorings including spirituous liquor products in the preparation of food items and desserts at any time if plainly and conspicuously labeled "cooking flavoring".

(2) No limited restaurant employee under the age of 21 years may handle alcoholic product flavorings.

R81-4C-9. Table, Counter, and "Grandfathered Bar Structure" Service.

(1) A wine service may be performed by the server at the patron's table, counter, or "grandfathered bar structure" for wine either purchased at the limited restaurant or carried in by a patron. The wine may be opened and poured by the server.

(2) Beer and heavy beer, if in sealed containers, may be opened and poured by the server at the patron's table, counter, or "grandfathered bar structure".

[~~R81-4C-10. Consumption at Patron's Table, Counter, and Grandfathered Bar Structure".~~

~~(1) A patron's table, counter, or "grandfathered bar structure" may be located in waiting, patio, garden and dining areas previously approved by the department.~~

~~(2) Consumption of any alcoholic beverage must be within a reasonable proximity of a patron's table, counter, or "grandfathered bar structure" so as to ensure that the server can maintain a written beverage tab on the amount of alcoholic beverages consumed.~~]

R81-4C-11. Menus; Price Lists.

(1) Contents of Alcoholic Beverage Menu.

(a) Each limited restaurant licensee shall have readily available for its patrons a printed alcoholic beverage price list, or menu containing current prices of all wine, heavy beer, and beer. This list shall include any charges for the service of packaged wines or heavy beer.

(b) Any printed menu, master beverage price list or other printed list is sufficient as long as the prices are current and it meets the requirements of this rule.

(c) Customers shall be notified of the price charged for any packaged wine or heavy beer and any service charges for the supply of glasses, chilling, or wine service.

(d) A licensee or his employee may not misrepresent the price of any alcoholic beverage that is sold or offered for sale on the licensed premises.

R81-4C-12. Identification Badge.

Each employee of the licensee who sells, dispenses or provides alcoholic beverages shall wear a unique identification badge visible above the waist, bearing the employee's first name, initials, or a unique number in letters or numbers not less than 3/8 inch high. The identification badge must be worn on the front portion of the employee's body. The licensee shall maintain a record of all employee badges assigned, which shall be available for inspection by any peace officer, or representative of the department. The record shall include the employee's full name and address and a driver's license or similar identification number.

R81-4C-13. Brownbagging.

When private events, as defined in 32B-1-102(77), are held on the premises of a licensed limited restaurant, the proprietor may, in his or her discretion, allow members of the private group to bring onto the restaurant premises, their own wine, heavy beer or beer under the following circumstances:

(1) When the entire limited restaurant is closed to the general public for the private event, or

(2) When an entire room or area within the limited restaurant such as a private banquet room is closed to the general public for the private event, and members of the private group are restricted to that area, and are not allowed to co-mingle with public patrons of the restaurant.

R81-4C-14. Grandfathered Bar Structures.

(1) Authority 32B-1-102; 32B-6-302; and 32B-6-305.3.

(2) The purpose of this rule is to define terms for full service restaurant licenses as required by 32B-6 Part 3.

(3) Definitions.

(a) "Actively engaged in the construction of the restaurant" for purposes of 32B-6-302(1)(a)(ii)(A)(I) means that:

(i) a building permit has been obtained to build the restaurant; and

(ii) a construction contract has been executed and the contract includes an estimated date that the restaurant will be completed; or

(iii) work has commenced by the applicant on the construction of the restaurant and a good faith effort is made to complete the construction in a timely manner.

(b) "remodels the grandfathered bar structure" for purposes of 32B-6-302(1)(b)means that:

(i) the grandfathered bar structure has been altered or reconfigured to:

(A) extend the length of the existing structure to increase its seating capacity; or

(B) increase the visibility of the storage or dispensing area to restaurant patrons.

(c) "remodels the grandfathered bar structure" does not:

(i) preclude making cosmetic changes or enhancements to the existing structure such as painting, staining, tiling, or otherwise refinishing the bar structure;

(ii) preclude locating coolers, sinks, plumbing, cooling or electrical equipment to an existing structure; or

(iii) preclude utilizing existing space at the existing bar structure to add additional seating.

(d) Pursuant to 32B-5-303(3), the licensee must first apply for and receive approval from the department for a change of location where alcohol is stored, served, and sold other than what was originally designated in the licensee's application for the license. Thus, any modification of the alcoholic beverage storage and dispensing area at a "grandfathered bar structure" must first be reviewed and approved by the department to determine whether it is:

(i) an acceptable use of an existing bar structure; or

(ii) a remodel of a "grandfathered bar structure".

(e) "remodels the grandfathered bar structure or dining area" for purposes of 32B-6-305.3(4)(a)(ii) means that:

(i) the grandfathered bar structure or dining area has been altered or reconfigured to:

(A) extend the length of the existing bar structure to increase its seating capacity; or

(B) increase the visibility of the storage or dispensing area to restaurant patrons from the dining area.

(f) "remodels the grandfathered bar structure or dining area" does not:

(i) preclude making cosmetic changes or enhancements to the existing bar structure such as painting, staining, tiling, or otherwise refinishing the bar structure;

(ii) preclude locating coolers, sinks, plumbing, cooling or electrical equipment to an existing structure; or

(iii) preclude utilizing existing space at the existing bar structure to add additional seating.

(g) Pursuant to 32B-5-303(3), the licensee must first apply for and receive approval from the department for a change of location where alcohol is stored, served, and sold other than what was originally designated in the licensee's application for the license. Thus, any modification of the alcoholic beverage storage, dispensing, or consumption area must first be reviewed and approved by the department to determine whether it is:

(i) an acceptable use of an existing bar structure or dining area; or

(ii) a remodel of a "grandfathered bar structure or dining area".

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [~~December 28, 2017~~]2018
Notice of Continuation: July 3, 2018
Authorizing, and Implemented or Interpreted Law: 32B-2-202; 32B-5-303(3); 32B-6-207; 32B-6-301 through 305.1

Alcoholic Beverage Control, Administration
R81-4E
Resort Licenses

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43344
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rules changes are necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: These rule changes remove clarification of intent to dine provision, and allowance to consume a product at or in close proximity to a table as the provisions were either codified or clarified by H.B. 442 (2017) and H.B. 456 (2018).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-2-202

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None. Any anticipated cost or savings to the state budget are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings for administering these changes were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ LOCAL GOVERNMENTS: None. Any anticipated cost or savings to local governments are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings to local governments were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ SMALL BUSINESSES: None. Any anticipated cost or savings to small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None. Any anticipated cost or savings to persons other than small businesses, businesses, or local government entities are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings for administering these changes were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None. Any costs to comply with these changes are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings were calculated as part of the fiscal notes.

These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None. Any anticipated cost or savings to businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings for administering these changes were calculated as part of the fiscal notes. These rule changes do not create additional cost or savings beyond what was anticipated during the legislative process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Sal Petilos, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
None, any anticipated costs or savings to non-small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018). Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-4E. Resort Licenses.
R81-4E-1. Licensing.

Resort licenses are issued to persons as defined in Section 32B-1-102(74). Any contemplated action or transaction that may alter the organizational structure or ownership interest of the person to whom the license is issued must be submitted to the department for approval prior to consummation of any such action to ensure there is no violation of Sections 32B-5-310.

R81-4E-2. Application.

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a resort license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204 and 32B-6-204 (submission of a completed application, payment of application and licensing fees, written consent of local authority, copy of current local business license(s) necessary for operation of a resort license, evidence of proximity to certain community locations, a bond, a floor plan, and public liability and liquor liability insurance); and

(b) the department has inspected the resort premise.

(2) Pursuant to 32B-5-203 and 32B-8-204, each sublicense of a resort license is not required to:

(a) submit an application or renewal application that is separate from the resort license application;

(b) carry public liability or dramshop insurance coverage that is separate from that carried by the resort licensee; or

(c) post a bond that is separate from the bond posted by the resort licensee if the aggregate of any bonds posted by the resort licensee covers each sublicense under the resort license.

(3) Pursuant to 32B-8-302, a resort spa sublicense is not required to file a separate application from the application for the resort license unless the resort spa sublicense is being sought after the resort license has already been granted. If a resort licensee seeks to add a resort spa sublicense after its resort license is granted, the application shall comply with 32B-8-204(3)(b), and this rule.

(4)(a) All application requirements of Subsections (1)(a) and (3) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

R81-4E-3. Bonds.

No part of any corporate surety or cash bond required by Section 32B-5-204 and 32B-8-202(4), may be withdrawn during the time the license is in effect. If the licensee fails to maintain a valid corporate surety or cash bond, the license shall be immediately suspended until a valid bond is obtained. Failure to obtain a bond within 30 days of notification by the department of the delinquency shall result in the automatic revocation of the license.

R81-4E-4. Insurance.

Public liability and dram shop insurance coverage required in Section 32B-5-201(2)(j) must remain in force during the time the license is in effect. Failure of the licensee to maintain the required insurance coverage may result in a suspension or revocation of the license by the commission.

R81-4E-5. Resort License Liquor Order and Return Procedures.

The following procedures shall be followed when a resort licensee orders liquor from or returns liquor to any state liquor store, package agency, or department satellite warehouse:

(1) The licensee must place the order in advance to allow department personnel sufficient time to assemble the order. The licensee or employees of the licensee may not pick merchandise directly off the shelves of a state store or package agency to fill the licensee's order. The order shall include the business name of the licensee, department licensee number, and list the products ordered specifying each product by code number and quantity.

(2) The licensee shall allow at least four hours for department personnel to assemble the order for pick-up. When the order is complete, the licensee will be notified by phone and given the total cost of the order. The licensee may pay for the product in cash, company check or cashier's check.

(3) The licensee or the licensee's designee shall examine and sign for the order before it leaves the store, agency or satellite warehouse to verify that the product has been received.

(4) Merchandise shall be supplied to the licensee on request when it is available on a first come first served basis. Discounted items and limited items may, at the discretion of the department, be provided to a licensee on an allocated basis.

(5)(a) Spirituous liquor may be returned by the licensee for the original purchase price only under the following conditions:

(i) the bottle has not been opened;

(ii) the seal remains intact;

(iii) the label remains intact; and

(iv) upon a showing of the original cash register receipt.

(b) A restocking fee of 10% shall be assessed on the entire amount on any returned spirituous liquor order that exceeds $1,000. All spirituous liquor returned that is based on a single purchase on a single cash register receipt must be returned at the same time at a single store, package agency, or satellite warehouse location.

(b) Wine and beer may not be returned by the licensee for the original purchase price except upon a showing that the product was spoiled or non-consumable.

R81-4E-6. Resort Licensee Operating Hours.

Allowable hours of liquor sales shall be in accordance with Section 32B-8-304(4) and -401(2)(b). However, the licensee may open the liquor storage area during hours otherwise prohibited for the limited purpose of inventory, restocking, repair, and cleaning.

R81-4E-7. Sale and Purchase of Alcoholic Beverages in Locations Operated Under a Restaurant or Limited Restaurant Sublicense.

(1) [~~With respect to a restaurant sublicense or limited restaurant sublicense, alcoholic beverages (including light beer) must be sold in connection with an order for food placed and paid for by a patron. An order for food may not include food items gratuitously provided by the restaurant to patrons. A patron may pay for an alcoholic beverage at the time of purchase, or, at the discretion of both the licensee and the patron, the price charged may be added to the patron's tab, provided that a written beverage tab shall be commenced upon the patron's first purchase and shall be maintained by the restaurant during the course of the patron's stay at the restaurant regardless of where the patron orders and consumes an alcoholic beverage.~~

~~(2)~~]The restaurant sublicense shall maintain records separately showing quarterly expenditures and sales for beer, heavy beer, liquor, wine, set-ups, and food. These shall be available for inspection and audit by representatives of the department, and maintained for a period of three years.

(3) Liquor dispensing shall be in accordance with Section 32B-5-304; and Section R81-1-9 (Liquor Dispensing Systems), and Section R81-1-11 (Multiple Licensed Facility Storage and Service) of these rules.

R81-4E-8. Liquor Storage.

With respect to restaurant, on-premise banquet, resort spa, and club sublicenses, liquor bottles kept for sale in use with a dispensing system, liquor flavorings in properly labeled unsealed containers, and unsealed containers of wines poured by the glass may be stored in the same storage area as approved by the department.

R81-4E-9. Alcoholic Product Flavoring.

Resort licensees may use alcoholic products as flavoring subject to the following guidelines:

(1) Alcoholic product flavoring may be utilized in beverages only during the authorized selling hours allowed by law.

Alcoholic product flavoring may be used in the preparation of food items and desserts at any time if plainly and conspicuously labeled "cooking flavoring".

(2) No resort employee under the age of 21 years may handle alcoholic product flavorings.

R81-4E-10. Table and Counter Service.

A wine service may be performed by the server at the patron's table or counter for wine either purchased at a restaurant, limited restaurant, club, or resort spa sublicensed premises or carried in by a patron. The wine may be opened and poured by the server.

[~~R81-4E-11. Consumption at Patron's Table or Counter in Locations Operated Under a Restaurant or Limited Restaurant Sublicense.~~

~~(1) With respect to restaurant sublicenses and limited restaurant sublicenses, a patron's table or counter may be located in waiting, patio, garden and dining areas previously approved by the department.~~

~~(2) Consumption of any alcoholic beverage must be within a reasonable proximity of a patron's table or counter so as to ensure that the server can maintain a written beverage tab on the amount of alcoholic beverages consumed.~~]

R81-4E-12. Menus; Price Lists.

(1) Contents of Alcoholic Beverage Menu.

(a) Each restaurant, limited restaurant, on-premise banquet, resort spa, and club sublicensee shall have readily available for its patrons a printed alcoholic beverage price list, or menu containing current prices of all mixed drinks, wine, beer, and heavy beer. This list shall include any charges for the service of packaged wines or heavy beer. With respect to on-premise banquet sublicenses, this list or menu need only be available to the host of a contracted banquet. With respect to limited restaurant sublicenses, the list or menu may only include wine, heavy beer, and beer.

(b) Any printed menu, master beverage price list or other printed list is sufficient as long as the prices are current and it meets the requirements of this rule.

(c) Customers shall be notified of the price charged for any packaged wine or heavy beer and any service charges for the supply of glasses, chilling, or wine service.

(d) A sublicensee or employee of a sublicensee may not misrepresent the price of any alcoholic beverage that is sold or offered for sale on the licensed premises.

R81-4E-13. Identification Badge.

Each employee of a sublicensee who sells, dispenses or provides alcoholic beverages shall wear a unique identification badge visible above the waist, bearing the employee's first name, initials, or a unique number in letters or numbers not less than 3/8 inch high. The identification badge must be worn on the front portion of the employee's body. The sublicensee shall maintain a record of all employee badges assigned, which shall be available for inspection by any peace officer, or representative of the department. The record shall include the employee's full name and address and a driver's license or similar identification number.

R81-4E-14. Brownbagging.

When private events, as defined in 32B-1-102(77), are held on the premises of a resort license, the proprietor may, at the proprietor's discretion, allow members of the private group to bring onto the resort premises, their own alcoholic beverages under the following circumstances:

(1) When the entire area is closed to the general public for the private event, or

(2) When an entire room or area within the premises such as a private banquet room is closed to the general public for the private event, and members of the private group are restricted to that area, and are not allowed to co-mingle with public patrons of the facility.

(3) This section does not apply to private banquet events conducted under the on-premise banquet sublicense.

R81-4E-15. Resort Spa Sublicense.

(1) Definitions.

(a) "Resort spa" means a facility within the boundary of a resort building that provides professionally administered personal care treatments such as, but not limited to, massages, facials, hair care, and nail care. Treatment providers must be licensed under Title 58, Division of Professional Licensing Act. The resort spa also must hold a license to conduct business as a spa or similar operation under local licensing laws.

(2) Application. Pursuant to 32B-5-203 and 32B-8-204 and -302, a resort spa sublicense is not required to file a separate application from the application for the resort license unless the resort spa sublicense is being sought after the resort license has already been granted. If a resort licensee seeks to add a resort spa sublicense after its resort license is granted, the application shall comply with 32B-8-302(2), and this rule.

(3) Minors in Lounge or Bar Areas.

(a) Pursuant to 32B-8-304(5), a minor may be on the premises of a resort spa if accompanied by a person 21 years of age or older, but may not be admitted into, use, or be on the premises of any lounge or bar area of a resort spa.

(b) "Lounge or bar area" includes:

(i) the bar structure as defined in 32B-1-102(7);

(ii) any area in the immediate vicinity of the bar structure where the sale, service, display, and advertising of alcoholic beverages is emphasized; or

(iii) any area that is in the nature of or has the ambience or atmosphere of a bar, parlor, lounge, cabaret or night club.

(c) A minor who is otherwise permitted to be on the premises of a resort spa may momentarily pass through the resort spa's lounge or bar area en route to those areas of the resort spa where the minor is permitted to be. However, no minor shall remain or be seated in the resort spa's bar or lounge area.

R81-4E-16. Applicability of Rules.

(1) 32B-8-402 requires that a person operating under a resort sublicense comply with the operational restrictions of Title 32B for the type of license applicable to the sublicense, except where otherwise provided. For example, a club sublicensee must comply with the operational restrictions found in 32B-5-301 to -310 and 32B-6-406 that are applicable to a club licensee.

(2) This rule requires that a person operating under a resort sublicense comply with the operational restrictions found in any commission rule for the type of license applicable to the sublicense, except where otherwise provided.

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [~~April 30, 2012~~]2018
Notice of Continuation: January 8, 2015
Authorizing, and Implemented or Interpreted Law: 32-1-607; 32B-2-202; 32B-5; 32B-8

Alcoholic Beverage Control, Administration
R81-5
Club Licenses

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 43345
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rule changes are necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: These rule changes remove references to club licenses; incorporates tiered food sales percentages for converted full service restaurants (previously dining clubs); and repeals the age verification rule so that it can be incorporated in the general licensee section of rule. These changes are necessary due to provisions in H.B. 442 (2017) and H.B. (456). These rule changes also remove provisions related to conversion that expired in 2013 and provide correct statutory references for rulemaking for R81-5-14.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-2-202 and Title 32B, Chapter 5 and Title 32B, Chapter 6

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None. Any anticipated cost or savings to the state budget are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which removed dining clubs and retitled the class of licenses as bar establishments. Costs and savings for administering these changes were calculated as part of the fiscal notes. These changes do not create additional costs or savings beyond what was anticipated during the legislative process.
♦ LOCAL GOVERNMENTS: None. Any anticipated cost or savings to local governments are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which removed dining clubs and retitled the class of licenses as bar establishments. Costs and savings to local government were calculated as part of the fiscal notes. These changes do not create additional costs or savings beyond what was anticipated during the legislative process.
♦ SMALL BUSINESSES: None. Any anticipated cost or savings to small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which removed dining clubs and retitled the class of licenses as bar establishments. These changes do not create additional costs or savings beyond what was anticipated during the legislative process.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None. Any anticipated cost or savings to persons other than small businesses, businesses, or local government entities are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which removed dining clubs and retitled the class of licenses as bar establishments. These changes do not create additional costs or savings beyond what was anticipated during the legislative process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None. Any costs to comply with these changes are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which removed dining clubs and retitled the class of licenses as bar establishments. Costs and savings were calculated as part of the fiscal notes. These changes do not create additional costs or savings beyond what was anticipated during the legislative process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None. Any anticipated cost or savings to businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which removed dining clubs and retitled the class of licenses as bar establishments. Costs and savings were calculated as part of the fiscal notes. These changes do not create additional costs or savings beyond what was anticipated during the legislative process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Sal Petilos, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
None, any anticipated costs or savings to non-small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018). Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-5. [~~Club Licenses~~]Bar Establishment Licenses.
R81-5-1. Licensing.

(1) [~~Club liquor~~]Bar establishment licenses are issued to persons as defined in Section 32B-1-102(74). Any contemplated action or transaction that may alter the organizational structure or ownership interest of the person to whom the license is issued must be submitted to the department for approval prior to consummation of any such action to ensure there is no violation of Sections 32B-5-310.

(2) (a) At the time the commission grants a [~~club~~]bar establishment license the commission must designate whether the [~~club~~]bar establishment qualifies to operate as an equity, fraternal, [~~dining, or social club~~]bar based on criteria in 32B-6-404.

(b) After any [~~club~~]bar establishment license is granted, a [~~club~~]bar establishment may request that the commission approve a change in the [~~club's~~]bar establishment's classification in writing supported by evidence to establish that the [~~club~~]bar establishment qualifies to operate under the new class designation based on the criteria in 32B-6-404.

(c) The department shall conduct an investigation for the purpose of gathering information and making a recommendation to the commission as to whether or not the request should be granted. The information shall be forwarded to the commission to aid in its determination.

(d) If the commission determines that the [~~club~~]bar establishment has provided credible evidence to establish that it meets the statutory criteria to operate under the new class designation, the commission shall approve the request.

[~~(e)(i) Pursuant to 32B-6-409, a dining club licensee may convert its dining club license to a different type of retail license for which the dining club licensee qualifies. However, the conversion must occur between July 1, 2011 and June 30, 2013.~~

~~(ii) The dining club licensee shall request the conversion in writing supported by evidence to establish that the club qualifies to operate under the new retail license based on the statutory criteria for that type of license.~~

~~(iii) The department shall conduct an investigation for the purpose of gathering information and making a recommendation to the commission as to whether or not the request should be granted. The information shall be forwarded to the commission to aid in its determination.~~

~~(iv) If the commission determines that the club has provided credible evidence to establish that it meets the statutory criteria to operate under the new retail license, the commission shall approve the request.~~

~~(v) After the conversion, the licensee must then operate under the provisions relevant to the type of retail license to which the club converted. If the dining club is converted to a full-service restaurant, limited-service restaurant, or beer-only restaurant, the bar structure of the dining club is considered a seating grandfathered bar structure for purposes of a full-service restaurant or limited-service restaurant license, or a grandfathered bar structure for purposes of a beer-only restaurant license.~~

~~(vi) Such conversions will not be counted against any quota for the type of retail licensee to which the club converted.~~]

(3)(a) A [~~dining club~~]converted full service restaurant licensee must operate as described in 32B-6-404[~~(3)~~].1, and must maintain at least [~~60%~~]the tiered percentages outlined in32B-6-

404.1(4) of its total [club]business from the sale of food, not including mix for alcoholic beverages, and service charges.

(b) A [dining club]converted full service restaurant licensee shall maintain records separately showing quarterly expenditures and sales for beer, heavy beer, liquor, wine, set-ups and food. These shall be available for inspection and audit by representatives of the department, and maintained for a period of three years.

(c) If any inspection or audit discloses that the sales of food are less than the required percentage for any quarterly period, the department shall immediately put the licensee on a probationary status and closely monitor the licensee's food sales during the next quarterly period to determine that the licensee is able to prove to the satisfaction of the department that the sales of food meet or exceed the required percentage. Failure of the licensee to provide satisfactory proof of the required food percentage within the probationary period shall result in issuance of an order to show cause by the department to determine why the license should not be revoked by the commission[, or alternatively, to determine why the license should not be immediately reclassified by the commission as a social club. If the commission grants a reclassification to a social club, the reclassification shall remain in effect until the licensee files a request for and receives approval from the commission to be reclassified a dining club. The request shall provide credible evidence to prove to the satisfaction of the commission that in the future, the sales of food will meet or exceed the required percentage].

[(1)](4) [Club] bar establishment licensees with a Fraternal [Club]classification as of July 1, 2013 may allow guests that are over 21 without a host as long as long as the practice is allowed in the bylaws of the Fraternal [Club]and the Fraternal [Club]maintains at least 60% of its total business from the sale of food pursuant to Section 32B-6-407(10)(c)(i-iii).

(a) The Fraternal [Club]shall notify the department of the intent to allow guests without a host by providing a copy of the bylaws.

(b) The Fraternal [Club]shall maintain records separately showing quarterly expenditures and sales for beer, heavy beer, liquor, wine, set-ups, and food. These shall be available for inspection and audit by representatives of the department, and maintained for a period of three years.

(c) If any inspection or audit discloses that the sales of food are less than 60% for any quarterly period, the department shall immediately put the licensee on a probationary status and closely monitor the licensee's food sales during the next quarterly period to determine that the licensee is able to prove to the satisfaction of the department that the sales of food meet or exceed 60%. Failure of the licensee to provide satisfactory proof of the required food percentage within the probationary period shall result in issuance of an order to show cause by the department to determine if the Fraternal [Club]may continue to allow guests without a host.

R81-5-2. Application.

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a [club]bar establishment license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204, and 32B-6-405 (submission of a completed application, payment of application and licensing fees, written consent of local authority, copy of current local business license(s) necessary for operation as the type of [club]bar establishment license requested on the application, evidence of proximity to certain community locations, evidence that the applicant meets the requirements for the type of [club]bar establishment license for which the person is applying, evidence that a variety of food is prepared and served in connection with dining accommodations, a bond, a floor plan, public liability and liquor liability insurance, and if an equity or fraternal [club]a copy [of the club's]bylaws or house rules and any amendment to those records); and

(b) the department has inspected the [club]bar establishment premises.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

R81-5-3. Bonds.

No part of any corporate or cash bond required by Section 32B-5-204 and 32B-6-405(5) may be withdrawn during the time the license is in effect. If the licensee fails to maintain a valid corporate or cash bond, the license shall be immediately suspended until a valid bond is obtained. Failure to obtain a bond within 30 days of notification by the department of the delinquency shall result in the automatic revocation of the license.

R81-5-4. Insurance.

Public liability and dram shop insurance coverage required in Subsections 32B-5-201(2)(j) must remain in force during the time the license is in effect. Failure of the licensee to maintain the required insurance coverage may result in a suspension or revocation of the license by the commission.

R81-5-6. [Club]Bar Establishment Licensee Liquor Order and Return Procedures.

The following procedures shall be followed when a [club liquor]bar establishment licensee orders liquor from or returns liquor to any state liquor store, package agency, or department satellite warehouse:

(1) The licensee must place the order in advance to allow department personnel sufficient time to assemble the order. The licensee or employees of the licensee may not pick merchandise directly off the shelves of a state store or package agency to fill the licensee's order. The order shall include the business name of the licensee, department licensee number, and list the products ordered specifying each product by code number and quantity.

(2) The licensee shall allow at least four hours for department personnel to assemble the order for pick-up. When the order is complete, the licensee will be notified by phone and given the total cost of the order. The licensee may pay for the product in cash, company check or cashier's check.

(3) The licensee or the licensee's designee shall examine and sign for the order before it leaves the store, agency or satellite warehouse to verify that the product has been received.

(4) Merchandise shall be supplied to the licensee on request when it is available on a first come first serve basis. Discounted items and limited items may, at the discretion of the department, be provided to a licensee on an allocated basis.

(5)(a) Spirituous liquor may be returned by the licensee for the original purchase price only under the following conditions:

(i) the bottle has not been opened;

(ii) the seal remains intact;

(iii) the label remains intact; and

(iv) upon a showing of the original cash register receipt.

(b) A restocking fee of 10% shall be assessed on the entire amount on any returned spirituous liquor order that exceeds $1,000. All spirituous liquor returned that is based on a single purchase on a single cash register receipt must be returned at the same time at a single store, package agency, or satellite warehouse location.

(b) Wine and beer may not be returned by the licensee for the original purchase price except upon a showing that the product was spoiled or non-consumable.

R81-5-7. [~~Club~~]Bar Establishment Licensee Operating Hours.

Allowable hours of liquor sales shall be in accordance with Section 32B-6-406(4). However, the licensee may open the liquor storage area during hours otherwise prohibited for the limited purpose of inventory, restocking, repair, and cleaning.

R81-5-8. Sale and Purchase of Alcoholic Beverages.

(1) A patron may pay for an alcoholic beverage at the time of purchase, or, at the discretion of both the licensee and the patron, the price charged may be added to the patron's tab.

(2) Liquor dispensing shall be in accordance with Section 32B-5-304; and Sections R81-1-9 (Liquor Dispensing Systems) and R81-1-11 (Multiple Licensed Facility Storage and Service) of these rules.

R81-5-9. Liquor Storage.

Liquor bottles kept for sale in use with a dispensing system, liquor flavorings in properly labeled unsealed containers, and unsealed containers of wines poured by the glass may be stored in the same storage area of the club as approved by the department.

R81-5-10. Alcoholic Product Flavoring.

(1) Alcoholic product flavoring may be utilized in beverages only during the authorized selling hours under the [~~club liquor~~]bar establishment license. Alcoholic product flavoring may be used in the preparation of food items and desserts at any time if plainly and conspicuously labeled "cooking flavoring".

(2) No [~~club~~]bar establishment employee under the age of 21 years may handle alcoholic product flavorings.

R81-5-11. Price Lists.

(1) Each licensee shall have available for its patrons a printed price list containing current prices of all mixed drinks, wine, beer, and heavy beer. This list shall include any amounts charged by the licensee for the service of packaged liquor, wine or heavy beer. A copy shall be kept on the [~~club~~]bar establishment premises and available at all times for examination by patrons of the [~~club~~]bar establishment.

(2) Any printed menu, master beverage price list or other printed list is sufficient as long as the prices are current and the list is readily available to the patron.

(3) Customers shall be notified of the price charged for any packaged liquor, wine or heavy beer and any service charges for the supply of glasses, chilling, or wine service.

(4) A licensee or his employee may not misrepresent the price of any alcoholic beverage that is sold or offered for sale on the licensed premises.

R81-5-12. Identification Badge.

Each employee of the licensee who sells, dispenses or provides alcoholic beverages shall wear a unique identification badge visible above the waist, bearing the employee's first name, initials, or a unique number in letters or numbers not less than 3/8 inch high. The identification badge must be worn on the front portion of the employee's body. The licensee shall maintain a record of all employee badges assigned, which shall be available for inspection by any peace officer, or representative of the department. The record shall include the employee's full name and address and a driver's license or similar identification number.

R81-5-13. Brownbagging.

When private events, as defined in 32B-1-102(77), are held on the premises of a licensed [~~club~~]bar establishment, the proprietor may, in his or her discretion, allow members of the private group to bring onto the club premises, their own alcoholic beverages under the following circumstances:

(1) When the entire [~~club~~]bar establishment is closed to regular patrons for the private event, or

(2) When an entire room or area within the [~~club~~]bar establishment such as a private banquet room is closed to regular patrons for the private event, and members of the private group are restricted to that area, and are not allowed to co-mingle with regular patrons of the [~~club~~]bar establishment.

R81-5-14. Membership Fees and Monthly Dues.

(1) Authority. This rule is pursuant to the commission's powers and duties under 32B-2-202(1)(C)(i)general licensing procedures and 32B-6-405(2) for issuing an equity or fraternal bar establishment licenses.[~~ to act as a general policymaking body on the subject of alcoholic beverage control and to set policy by written rules that prescribe the conduct and management of any premises upon which alcoholic beverages may be sold, consumed, served, or stored.~~]

(2) Purpose. This rule furthers the intent of 32B-6-407 that equity and fraternal clubs operate in a manner that preserves the concept that they are private and not open to the general public.

(3) Application of Rule.

(a) Each equity and fraternal club shall establish in its by-laws membership application fees and monthly membership dues in amounts determined by the club.

(b) An equity or fraternal club, its employees, agents, or members, or any person under a contract or agreement with the club, may not, as part of an advertising or promotional scheme, offer to pay or pay for membership application fees or membership dues in full or in part for a member of the general public.

R81-5-15. Minors in Lounge or Bar Areas.

(1) Pursuant to 32B-6-406(5), a minor may not be admitted into, use, or be on the premises of any lounge or bar area of an equity, or fraternal[~~, or dining club~~] bar establishment. A minor may not be on the premises of a [~~social club~~]bar license except to the extent allowed under 32B-6-406.1, and may not be admitted into, use, or be on the premises of any lounge or bar area of a [~~social club~~]bar license.

(2) "Lounge or bar area" includes:

(a) the bar structure as defined in 32B-1-102(7);

(b) any area in the immediate vicinity of the bar structure where the sale, service, display, and advertising of alcoholic beverages is emphasized; or

(c) any area that is in the nature of or has the ambience or atmosphere of a bar, parlor, lounge, cabaret or night club.

(3) A minor who is otherwise permitted to be on the premises of an equity, or fraternal[~~, or dining club~~] may momentarily pass through the [~~club's~~]lounge or bar area en route to those areas [~~of the club~~]where the minor is permitted to be. However, no minor shall remain or be seated in the [~~club's~~]bar or lounge area.

[~~**R81-5-18. Age Verification - Dining and Social Clubs.**~~

~~(1) Authority. 32B-1-402, -405, and -407.~~

~~(2) Purpose.~~

~~(a) 32B-1-407 requires dining and social club licensees to verify proof of age of persons who appear to be 35 years of age or younger either by an electronic age verification device, or an acceptable alternate process established by commission rule.~~

~~(b) This rule:~~

~~(i) establishes the minimum technology specifications of electronic age verification devices; and~~

~~(ii) establishes the procedures for recording identification that cannot be electronically verified; and~~

~~(iii) establishes the security measures that must be used by the club licensee to ensure that information obtained is used only to verify proof of age and is not disclosed to others except to the extent authorized by Title 32B.~~

~~(3) Application of Rule.~~

~~(a) An electronic age verification device:~~

~~(i) shall contain:~~

~~(A) the technology of a magnetic stripe card reader;~~

~~(B) the technology of a two dimensional ("2d") stack symbology card reader; or~~

~~(C) an alternate technology capable of electronically verifying the proof of age;~~

~~(ii) shall be capable of reading:~~

~~(A) a valid state issued driver's license;~~

~~(B) a valid state issued identification card;~~

~~(C) a valid military identification card; or~~

~~(D) a valid passport;~~

~~(iii) shall have a screen that displays no more than:~~

~~(A) the individual's name;~~

~~(B) the individual's age;~~

~~(C) the number assigned to the individual's proof of age by the issuing authority;~~

~~(D) the individual's the birth date;~~

~~(E) the individual's gender; and~~

~~(F) the status and expiration date of the individual's proof of age; and~~

~~(iv) shall have the capability of electronically storing the following information for seven days (168 hours):~~

~~(A) the individual's name;~~

~~(B) the individual's date of birth;~~

~~(C) the individual's age;~~

~~(D) the expiration date of the proof of age identification card;~~

~~(E) the individual's gender; and~~

~~(F) the time and date the proof of age was scanned.~~

~~(b) An alternative method of verifying an individual's proof of age when proof of age cannot be scanned electronically:~~

~~(i) shall include a record or log of the information obtained from the individual's proof of age including the following information:~~

~~(A) the type of proof of age identification document presented;~~

~~(B) the number assigned to the individual's proof of age document by the issuing authority;~~

~~(C) the expiration date of the proof of age identification document;~~

~~(D) the date the proof of age identification document was presented;~~

~~(E) the individual's name; and~~

~~(F) the individual's date of birth.~~

~~(c) Any data collected either electronically or otherwise:~~

~~(i) may be used by the licensee, and employees or agents of the licensee, solely for the purpose of verifying an individual's proof of age;~~

~~(ii) may be acquired by law enforcement, or other investigative agencies for any purpose under Sections 32B-6-406 - 407;~~

~~(iii) may not be retained by the licensee in a data base for mailing, advertising, or promotional activity;~~

~~(iv) may not be retained to acquire personal information to make inappropriate personal contact with the individual; and~~

~~(v) shall be retained for a period of seven days from the date on which it was acquired, after which it must be deleted.~~

~~(d) Any person who still questions the age of the individual after being presented with proof of age, shall require the individual to sign a statement of age form as provided under 32B-1-405.~~]

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [~~September 24, 2013~~]2018

Notice of Continuation: May 2, 2016

Authorizing, and Implemented or Interpreted Law: 32B-1-607; 32B-2-202; 32B-5; 32B-6-401 through 409

Alcoholic Beverage Control, Administration

R81-10

Off-Premise Beer Retailers

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43348
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rule changes are necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: These rule changes are necessary to capture a slight language change regarding where beer is stored and to capture the current code references that were amended by H.B. 442 (2017) and H.B. 456 (2018). These rule changes also put into rule the process and procedure for submitting an application for an off-premise beer retailer state license.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-2-202 and Section 32B-7-202

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None. Any anticipated costs or savings to the state budget are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which modified the display requirements for off-premise retailers and created an off-premises beer retailer state license. Costs and savings to the state budget were calculated as part of the fiscal note. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.
♦ LOCAL GOVERNMENTS: None. Any anticipated costs or savings to local governments are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which modified the display requirements for off-premise retailers and created an off-premises beer retailer state license. Costs and savings to local government were calculated as part of the fiscal note. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.
♦ SMALL BUSINESSES: None. Any anticipated costs or savings to small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which modified the display requirements for off-premise retailers and created an off-premises beer retailer state license. Costs and savings to small businesses were calculated as part of the fiscal note. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None. Any anticipated costs or savings to other persons are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which modified the display requirements for off-premise retailers and created an off-premises beer retailer state license. Costs and savings to other persons were calculated as part of the fiscal note. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None. Any costs to comply are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which modified the display requirements for off-premise retailers and created an off-premises beer retailer state license. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None. Any anticipated costs or savings to businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which modified the display requirements for off-premise retailers and created an off-premises beer retailer state license. Costs and savings were calculated as part of the fiscal note. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Sal Petilos, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**

Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
None, any anticipated costs or savings to non-small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018). Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-10. Off-Premise Beer Retailers.
R81-10-1. Separation of Alcoholic Beverages from Non-Alcoholic Beverages and Required Signage.

(1) Authority and General Purpose. This rule is pursuant to 32B-7-202[(5)]6(a)(ii) that requires:

(a) an off-premise beer retailer to prominently [post]display a sign in each [in the separate and distinct]area where beer is sold, an easily readable sign that reads in print that is no smaller than .5 inches, bold type, "These beverages contain alcohol. Please read the label carefully," and requires the commission to define by rule the format of the sign.

(2) Application of the Rule.

(a) Sign requirements.

(i) The sign required by 32B-7-202[(5)](6)(a)(ii) must be:

(A) prominently posted in [the]all areas where beer is sold;

(B) easily readable by the consumer;

(C) in print that is no smaller than .5 inches, bold type.

(ii) The print on the sign must be clearly readable and on a solid, contrasting background.

(iii) The size of the sign, and the size of the print must be sufficiently large so as to be readable, and clearly and unambiguously convey to a consumer that the beverage products displayed in that area contain alcohol. In no instance may the sign be smaller than 8.5 inches x 3.5 inches.

(iv) Additional signs may be necessary depending on the size and type of display area. For example, an entire aisle devoted to beer products may require more than one sign to adequately inform the consumer.

R81-10-2. Off-Premise Beer Retailer State License.

(1) Authority and General Purpose. This rule is pursuant to [32B-7-401 that requires:]32B-2-202(1)(c) which requires the commission to set policy by written rules that establishes criteria and for issuing and denying licenses.

[(a) the commission establish a deadline for each off-premise beer retailer in operation on July 1, 2018 to submit an application for an off-premise beer retailer state license.

(2) Application of the Rule.

(a) An off-premise beer retailer in operation on July 1, 2018 must submit a complete application for an off-premise beer state license by October 10, 2018.

(i) An off-premise beer retailer is considered "in operation as of July 1, 2018" if they have all local licensing in place and are open to the public.

(ii) A "complete application" includes the department's application form and all supplemental materials listed on the department's application checklist.

](2) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a license until in accordance with 32B-7-404(2):

(a) The applicant has submitted a complete application to the department in accordance with 32B-7-402; and

(b) the department has completed an investigation pursuit to 32B-7-404(1) and inspected the proposed licensed premises.

(c) A "complete application" includes the department's application form and all supplemental materials listed on the department's application checklist.

(3)(a) All application requirements of Subsection (2)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (2)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (3)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

(3) Subsection (2)(a) does not preclude the commission from considering an application for a conditional license under the terms and conditions of 32B-7-406.

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [December 28, 2017]2018
Notice of Continuation: May 23, 2018
Authorizing, and Implemented or Interpreted Law: 32B-1-202; 32B-7-202; 32B-7-401

Alcoholic Beverage Control, Administration
R81-10A-2
Licensing

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43346
FILED: 10/31/2018

RULE ANALYSIS
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rule changes are necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session.
SUMMARY OF THE RULE OR CHANGE: These rule changes remove language related to shared premises as this provision was codified by H.B. 442 (2017) and H.B. 456 (2018).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-2-202 and Title 32B, Chapter 5

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None. Any anticipated costs or savings to the state budget are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which codified when premises could be shared. Costs and savings for administering these changes were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.
♦ LOCAL GOVERNMENTS: None. Any anticipated costs or savings to the local governments are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which codified when premises could be shared. Costs and savings to local governments were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.
♦ SMALL BUSINESSES: None. Any anticipated costs or savings to small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which codified when premises could be shared. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None. Any anticipated costs or savings to persons other than small businesses, businesses, or local government entities are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which codified when premises could be shared. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None. Any costs to comply with these changes are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which codified when premises could be shared. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None. Any anticipated costs or savings to persons to businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which codified when premises could be shared. Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

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THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Sal Petilos, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**

Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
None, any anticipated costs or savings to non-small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018). Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-10A. Recreational Amenity On-Premise Beer Retailer Licenses.
R81-10A-2. Licensing.

(1) Recreational amenity on-premise beer retailer licenses are issued to persons as defined in Section 32B-1-102(74). The department must be immediately notified of any action or transaction that may alter the organizational structure or ownership interest of the person to whom the license is issued to ensure there is no violation of Sections 32B-5-310.

[~~(2) A recreational amenity on-premise beer retailer licensee that wishes to operate the same licensed premises under the operational restrictions of a restaurant liquor license or a limited restaurant license during certain designated periods of the day or night, must apply for and be issued a separate restaurant liquor license or a limited restaurant license subject to the following:~~

~~(a) The same recreational amenity on-premise beer retailer licensee must separately apply for a state restaurant liquor license pursuant to the requirements of Sections 32B-5-202, -204 and 32B-6-204, or a limited restaurant license pursuant to the requirements of Sections 32B-5-201, -204 and 32B-6-304.~~

~~(b) Licensees applying for dually licensed premises must notify the department of the time periods under which each license will be operational at the time application is made. Changes must be requested in writing and approved in advance by the department. Licensees may operate sequentially under either license, but not concurrently.~~

~~(c) Recreational amenity on-premise beer retailer licensees holding a separate restaurant liquor license must operate in accordance with 32B-5-301 and 32B-6-205 and R81-4A during the hours the restaurant liquor license is active.~~

~~(d) Recreational amenity on-premise beer retailer licensees holding a separate limited restaurant license must operate in accordance with 32B-5-301 and 32B-6-305 and R81-4C during the hours the limited restaurant license is active.~~

~~(e) Liquor storage areas on the restaurant or limited restaurant premises shall be deemed to remain on the floor plan of the restaurant or limited restaurant premises and shall be kept locked during the hours the recreational amenity on-premise beer retailer license is active.~~]

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [~~April 30, 2013~~]2018
Notice of Continuation: October 2, 2015
Authorizing, and Implemented or Interpreted Law: 32-1-607; 32B-2-202; 32B-5; 32B-6-701 through 708

Alcoholic Beverage Control, Administration
R81-10C
Beer-Only Restaurant Licenses

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43343
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rule changes are necessary due to H.B. 442 passed in the 2017 General Session and H.B. 456 passed in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: These rule changes remove clarification of intent to dine provision, and allowance to consume a product at or in close proximity to a table as the provisions were either codified or clarified by H.B. 442 (2017) and H.B. 456 (2018).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-2-202 and Title 32B, Chapter 5

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None. Any anticipated cost or savings to the state budget are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings for administering these change were calculated as

part of the fiscal notes. These changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ LOCAL GOVERNMENTS: None. Any anticipated cost or savings to local governments are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings to local governments for administering these change were calculated as part of the fiscal notes. These changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ SMALL BUSINESSES: None. Any anticipated cost or savings to small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. These changes do not create additional cost or savings beyond what was anticipated during the legislative process.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None. Any anticipated cost or savings to persons other than small businesses, businesses, or local government entities are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings for administering these change were calculated as part of the fiscal notes. These changes do not create additional cost or savings beyond what was anticipated during the legislative process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None. Any anticipated costs to comply with these changes are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings were calculated as part of the fiscal notes. These changes do not create additional cost or savings beyond what was anticipated during the legislative process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None. Any anticipated cost or savings to businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018), which streamlined provisions for restaurant licenses. Costs and savings were calculated as part of the fiscal notes. These changes do not create additional cost or savings beyond what was anticipated during the legislative process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
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THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Sal Petilos, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
None, any anticipated costs or savings to non-small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018). Costs and savings

were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-10C. Beer-Only Restaurant Licenses.
R81-10C-1. Licensing.

(1) Beer-only restaurant licenses are issued to persons as defined in Section 32B-1-102(74). The department must be immediately notified of any action or transaction that may alter the organizational structure or ownership interest of the person to whom the license is issued to ensure there is no violation of Sections 32B-5-310.

R81-10C-2. Application.

(1) No license application will be included on the agenda of a monthly commission meeting for consideration for issuance of a beer only restaurant license until:

(a) The applicant has first met all requirements of Sections 32B-1-304 (qualifications to hold the license), and 32B-5-201, -204, and 32B-6-904 (submission of a completed application, payment of application and licensing fees, written consent of local authority, copy of current local business license(s) necessary for operation of a beer-only restaurant license, evidence of proximity to certain community locations, a bond, a floor plan, and public liability and liquor liability insurance); and

(b) the department has inspected the beer-only restaurant premise.

(2)(a) All application requirements of Subsection (1)(a) must be filed with the department no later than the 10th day of the month in order for the application to be included on that month's commission meeting agenda unless the 10th day of the month is a Saturday, Sunday, or state or federal holiday, in which case all application requirements of Subsection (1)(a) must be filed on the next business day after the 10th day of the month.

(b) An incomplete application will be returned to the applicant.

(c) A completed application filed after the deadline in Subsection (2)(a) will not be considered by the commission that month, but will be included on the agenda of the commission meeting the following month.

R81-10C-3. Bonds.

No part of any corporate or cash bond required by Section 32B-5-204 and 32B-6-904(4) may be withdrawn during the time the license is in effect. If the beer-only restaurant licensee fails to maintain a valid corporate or cash bond, the license shall be immediately suspended until a valid bond is obtained. Failure to obtain a bond within 30 days of notification by the department of the delinquency shall result in the automatic revocation of the license.

R81-10C-4. Insurance.

Public liability and dram shop insurance coverage required in Section 32B-5-201(2)(j)must remain in force during the time the license is in effect. Failure of the licensee to maintain the required insurance coverage may result in a suspension or revocation of the license by the commission.

R81-10C-5. Identification Badge.

Each employee of the licensee who sells, dispenses or provides alcoholic beverages shall wear a unique identification badge visible above the waist, bearing the employee's first name, initials, or a unique number in letters or numbers not less than 3/8 inch high. The identification badge must be worn on the front portion of the employee's body. The licensee shall maintain a record of all employee badges assigned, which shall be available for inspection by any peace officer, or representative of the department. The record shall include the employee's full name and address and a driver's license or similar identification number.

R81-10C-6. Sale and Purchase of Beer.

(1) [~~Beer may be furnished after the licensee or their employee confirms that the patron has the intent to order food that is prepared and sold for consumption on site. An order for food may not include food items normally provided to patrons without charge. A patron may pay for an alcoholic beverage at the time of purchase, or, at the discretion of both the licensee and the patron, the price charged may be added to the patron's tab, provided that a written beverage tab, as provided in Section 32B-6-905(4), shall be commenced upon the patron's first purchase and shall be maintained by the restaurant during the course of the patron's stay at the restaurant regardless of where the patron orders and consumes an alcoholic beverage.~~

~~(2)~~]The restaurant shall maintain at least 70% of its total business from the sale of food pursuant to Section 32B-6-905(7).

(a) The restaurant shall maintain records separately showing quarterly expenditures and sales for beer and food. These shall be available for inspection and audit by representatives of the department, and maintained for a period of three years.

(b) If any inspection or audit discloses that the sales of food are less than 70% for any quarterly period, the department shall immediately put the licensee on a probationary status and closely monitor the licensee's food sales during the next quarterly period to determine that the licensee is able to prove to the satisfaction of the department that the sales of food meet or exceed 70%. Failure of the licensee to provide satisfactory proof of the required food percentage within the probationary period shall result in issuance of an order to show cause by the department to determine why the license should not be revoked by the commission.

(3) Beer dispensing shall be in accordance with Section 32B-5-304(5) and Section R81-1-11 (Multiple Licensed Facility Storage and Service) of these rules.

R81-10C-7. Alcoholic Product Flavoring.

Beer Only Restaurant licensees may use alcoholic products as flavoring subject to the following guidelines:

(1) Alcoholic product flavoring may be used in the preparation of food items and desserts at any time if plainly and conspicuously labeled "cooking flavoring".

(2) No restaurant employee under the age of 21 years may handle alcoholic product flavorings.

R81-10C-8. Table, Counter, and "Grandfathered Bar Structure" Service.

(1) Beer, if in sealed containers, may be opened and poured by the server at the patron's table, counter, or "grandfathered bar structure".

[~~**R81-10C-9. Consumption at Patron's Table, Counter, and "Grandfathered Bar Structure".**~~

~~(1) A patron's table, counter, or "grandfathered bar structure" may be located in waiting, patio, garden and dining areas previously approved by the department.~~

~~(2) Consumption of any alcoholic beverage must be within a reasonable proximity of a patron's table, counter, or "grandfathered bar structure so as to ensure that the server can maintain a written beverage tab on the amount of alcoholic beverages consumed.~~]

R81-10C-10. Grandfathered Bar Structures.

(1) Authority 32B-1-102; 32B-6-902; and 32B-6-905.2.

(2) The purpose of this rule is to define terms for full service restaurant licenses as required by 32B-6 Part 9.

(3) Definitions.

(a) "remodels the grandfathered bar structure" for purposes of 32B-6-902(1)(b) means that:

(i) the grandfathered bar structure has been altered or reconfigured to:

(A) extend the length of the existing structure to increase its seating capacity; or

(B) increase the visibility of the storage or dispensing area to restaurant patrons.

(b) "remodels the grandfathered bar structure" does not:

(i) preclude making cosmetic changes or enhancements to the existing structure such as painting, staining, tiling, or otherwise refinishing the bar structure;

(ii) preclude locating coolers, sinks, plumbing, cooling or electrical equipment to an existing structure; or

(iii) preclude utilizing existing space at the existing bar structure to add additional seating.

(c) Pursuant to 32B-5-303(3), the licensee must first apply for and receive approval from the department for a change of location where alcohol is stored, served, and sold other than what was originally designated in the licensee's application for the license. Thus, any modification of the alcoholic beverage storage and dispensing area at a "grandfathered bar structure" must first be reviewed and approved by the department to determine whether it is:

(i) an acceptable use of an existing bar structure; or

(ii) a remodel of a "grandfathered bar structure".

(d) "remodels the grandfathered bar structure or dining area" for purposes of 32B-6-905.2 means that:

(i) the grandfathered bar structure or dining area has been altered or reconfigured to:

(A) extend the length of the existing bar structure to increase its seating capacity; or

(B) increase the visibility of the storage or dispensing area to restaurant patrons from the dining area.

(e) "remodels the grandfathered bar structure or dining area " does not:

(i) preclude making cosmetic changes or enhancements to the existing bar structure such as painting, staining, tiling, or otherwise refinishing the bar structure;

(ii) preclude locating coolers, sinks, plumbing, cooling or electrical equipment to an existing structure; or

(iii) preclude utilizing existing space at the existing bar structure to add additional seating.

(f) Pursuant to 32B-5-303(3), the licensee must first apply for and receive approval from the department for a change of location where alcohol is stored, served, and sold other than what was originally designated in the licensee's application for the license. Thus, any modification of the alcoholic beverage storage, dispensing, or consumption area must first be reviewed and approved by the department to determine whether it is:

(i) an acceptable use of an existing bar structure or dining area; or

(ii) a remodel of a "grandfathered bar structure or dining area".

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [~~December 28, 2017~~]2018
Notice of Continuation: September 28, 2016
Authorizing, and Implemented or Interpreted Law: 32B-2-202; 32B-5; 32B-6-901 through 905

Alcoholic Beverage Control, Administration
R81-10D-6
Age Verification - Taverns

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43347
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The removal of this section is necessary due to H.B. 442, passed in the 2017 General Session, and H.B. 456, passed in the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: The removal of this section moves provisions to Section R81-4-1 that implement Section 32B-1-407 so that those provisions apply to all applicable licensees rather than only Bars and Taverns. These changes are necessary due to provisions in H.B. 442 (2017 General Session) and H.B. 456 (2018 General Session) which expanded these requirements to additional licensees and circumstances.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32B-2-202

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: None. Any anticipated costs or savings to the state budget are a result of the statutory requirements of H.B. 442 (2017) and HB 456 (2018), which

required additional licensees to use age verification (scanners). Costs and savings for administering these changes were calculated as part of the fiscal note. This proposed rulemaking action does not create additional costs or savings beyond what was anticipated during the legislative process.
♦ LOCAL GOVERNMENTS: None. Any anticipated costs or savings to local governments are a result of the statutory requirements of H.B. 442 (2017) and HB 456 (2018), which required additional licensees to use age verification (scanners). Costs and savings for administering these changes were calculated as part of the fiscal note. This proposed rulemaking action does not create additional costs or savings beyond what was anticipated during the legislative process.
♦ SMALL BUSINESSES: None. Any anticipated costs or savings to small businesses are a result of the statutory requirements of H.B. 442 (2017) and HB 456 (2018), which required additional licensees to use age verification (scanners). Costs and savings for administering these changes were calculated as part of the fiscal note. This proposed rulemaking action does not create additional costs or savings beyond what was anticipated during the legislative process.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None. Any anticipated costs or savings to other persons are a result of the statutory requirements of H.B. 442 (2017) and HB 456 (2018), which required additional licensees to use age verification (scanners). Costs and savings for administering these changes were calculated as part of the fiscal note. This proposed rulemaking action does not create additional costs or savings beyond what was anticipated during the legislative process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None. Any costs are a result of the statutory requirements of H.B. 442 (2017) and HB 456 (2018), which required additional licensees to use age verification (scanners). Costs for administering these changes were calculated as part of the fiscal note. This proposed rulemaking action does not create additional costs or savings beyond what was anticipated during the legislative process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None. Any anticipated costs or savings to businesses are a result of the statutory requirements of H.B. 442 (2017) and HB 456 (2018), which required additional licensees to use age verification (scanners). Costs and savings for administering these changes were calculated as part of the fiscal note. This proposed rulemaking action does not create additional costs or savings beyond what was anticipated during the legislative process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Sal Petilos, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts**

for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
None, any anticipated costs or savings to non-small businesses are a result of the statutory requirements of H.B. 442 (2017) and H.B. 456 (2018). Costs and savings were calculated as part of the fiscal notes. These rule changes do not create additional costs or savings beyond what was anticipated during the legislative process.

The head of the department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis.

R81. Alcoholic Beverage Control, Administration.
R81-10D. Tavern Beer Licenses.
[R81-10D-6. Age Verification - Taverns.

(1) Authority. 32B-1-402, -405, and -407.

(2) Purpose.

(a) 32B-1-407 requires tavern licensees to verify proof of age of persons who appear to be 35 years of age or younger either by an electronic age verification device, or an acceptable alternate process established by commission rule.

(b) This rule:

(i) establishes the minimum technology specifications of electronic age verification devices; and

(ii) establishes the procedures for recording identification that cannot be electronically verified; and

(iii) establishes the security measures that must be used by the tavern licensee to ensure that information obtained is used only to verify proof of age and is not disclosed to others except to the extent authorized by Title 32B.

(3) Application of Rule.

(a) An electronic age verification device:

(i) shall contain:

(A) the technology of a magnetic stripe card reader;

(B) the technology of a two dimensional ("2d") stack symbology card reader; or

(C) an alternate technology capable of electronically verifying the proof of age;

(ii) shall be capable of reading:

(A) a valid state issued driver's license;

(B) a valid state issued identification card;

(C) a valid military identification card; or

(D) a valid passport;

(iii) shall have a screen that displays no more than:

(A) the individual's name;

(B) the individual's age;

(C) the number assigned to the individual's proof of age by the issuing authority;

(D) the individual's the birth date;

(E) the individual's gender; and

(F) the status and expiration date of the individual's proof of age; and

(iv) shall have the capability of electronically storing the following information for seven days (168 hours):

(A) the individual's name;

(B) the individual's date of birth;

(C) the individual's age;

(D) the expiration date of the proof of age identification card;

(E) the individual's gender; and

(F) the time and date the proof of age was scanned.

(b) An alternative method of verifying an individual's proof of age when proof of age cannot be scanned electronically:

(i) shall include a record or log of the information obtained from the individual's proof of age including the following information:

(A) the type of proof of age identification document presented;

(B) the number assigned to the individual's proof of age document by the issuing authority;

(C) the expiration date of the proof of age identification document;

(D) the date the proof of age identification document was presented;

(E) the individual's name; and

(F) the individual's date of birth.

(c) Any data collected either electronically or otherwise:

(i) may be used by the licensee, and employees or agents of the licensee, solely for the purpose of verifying an individual's proof of age;

(ii) may be acquired by law enforcement, or other investigative agencies for any purpose under Section 32B-5-301;

(iii) may not be retained by the licensee in a data base for mailing, advertising, or promotional activity;

(iv) may not be retained to acquire personal information to make inappropriate personal contact with the individual; and

(v) shall be retained for a period of seven days from the date on which it was acquired, after which it must be deleted.

(d) Any person who still questions the age of the individual after being presented with proof of age, shall require the individual to sign a statement of age form as provided under 32B-1-405.]

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [April 30, 2013]2018
Notice of Continuation: September 28, 2016
Authorizing, and Implemented or Interpreted Law: 32-1-607; 32B-2-202; 32B-5; 32B-6-701 through 708

Commerce, Occupational and Professional Licensing
R156-17b
Pharmacy Practice Act Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43334
FILED: 10/30/2018

RULE ANALYSIS
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 184, passed during the 2018 Legislative General Session, amended the Pharmacy Practice Act to

permit a pharmacist to dispense a self-administered hormonal contraceptive under a standing prescription order. As required by S.B. 184 (2018), this rule filing provides necessary definitions, and establishes and clarifies the requirements for such dispensing. The Board of Pharmacy (Board) proposes the remaining amendments to establish and clarify certain internship requirements and continuing education requirements, and to provide easier practice re-entry into the pharmacy professions by adding a license reinstatement option for certain previously licensed pharmacists and pharmacy technicians.
SUMMARY OF THE RULE OR CHANGE: Section R156-17b-102: Definitions are added as follows: 1) define the term "self-administered hormonal contraceptive" by reference to Section 26-62-102(9); 2) define the new "Utah Hormonal Contraceptive Self-Screening Risk Assessment Questionnaire" as the self-screening risk assessment questionnaire that is approved by the Division pursuant to Section 26-62-106; 3) define the "professional entry degree" required for licensure under Subsection 58-17b-303(1)(f) as the professional entry degree that was offered by the applicant's Accreditation Council on Pharmacy Education (ACPE) accredited school or college of pharmacy in the applicant's year of graduation, either a baccalaureate in Pharmacy (BSPharm) or a doctorate in pharmacy (PharmD); and 4)update the United States Pharmacopeia-National Formulary to USP 41-NF 36 and incorporate it into rule by reference. Section R156-17b-303b: These proposed amendments delete duplicative provisions, and update and clarify pharmacy internship standards required for licensure as a pharmacist, in accordance with the ACPE's current 2016 Standards. Section R156-17b-303c: This proposed amendment increases from two to three the number of North American Pharmacy Licensing Exam (NAPLEX) or Multistate Jurisprudence Exam (MPJE) failures allowed to an applicant, before the applicant must meet with the Board to request an additional authorization to test. Section R156-17b-304: These proposed amendments make non-substantive formatting changes for clarity and provide consistency for temporary licenses with licensure examination requirements. Section R156-17b-308: These proposed amendments clarify and update renewal and reinstatement procedures. In particular, as allowed by Subsection 58-1-308(5)(a)(ii)(B) and Section 58-17b-506, these proposed amendments will allow former Utah licensees whose licenses expired while active and in good standing, easier re-entry into practice by extending their permissible reinstatement period from two years to eight years. This means that if these former licensees meet continuing education and certain other requirements, they may apply for reinstatement instead of being required to submit a new application for licensure complete with all supporting documents as is required of an individual making an initial application for license and demonstrating they meet all current qualifications for licensure. Section R156-17b-309: These proposed amendments clarify and update continuing education requirements as follows: 1) make non-substantive formatting changes throughout for clarity; 2) for pharmacists, update continuing education standards and topics by deleting the old topics of "drug therapy or patient management", and substituting the current topics of "disease state management/drug therapy, AIDS/HIV therapy, or patient safety"; 3) for pharmacy technicians, reduce the eight-hour "live or technology-enabled participation" requirement to six hours; 4) for pharmacists, clarify existing continuing education requirements regarding individual licensee practices (such as requiring two continuing education hours in topics related to long-acting injectables if the licensee will be providing administration of long-acting injectable drug therapy, and requiring two hours in topics related to hormonal contraceptive therapy if the licensee will be prescribing and dispensing a self-administered hormonal contraceptive); 5) add additional options for fulfilling continuing education requirements, including allowing one "live" continuing education (CE) hour for attending one Utah State Board of Pharmacy meeting, up to a maximum of two CE hours during each two-year period, and allowing two CE hours for each hour of lecturing or instructing a CE course or teaching in the licensee's profession, up to a maximum of ten CE hours during each two-year period; 6) require licensees to prove compliance with their continuing education requirements through registration with the free National Association of Boards of Pharmacy (NABP) e-profile CPE Monitor plan, or the NABP CPE Monitor Plus plan, and by maintaining a certificate of completion or other adequate documentation for CE that cannot be tracked by the NABP plan. Section R156-17b-402: These proposed amendments add to the fine and citation schedule "failing to act in accordance with Title 26, Chapter 62, Family Planning Access Act, when dispensing a self-administered hormonal contraceptive under a standing order, in violation of 58-17b-502(14)". Section R156-17b-610: These proposed amendments provide guidelines for patient counseling by a pharmacist or pharmacy intern who dispenses a self-administered hormonal contraceptive. The guidelines require the pharmacist or pharmacy intern to obtain a completed Utah Hormonal Contraceptive Self-Screening Risk Assessment Questionnaire, and provide the written information and counseling described in Section 26-62-106. Section R156-17b-621b: This proposed amendment establishes the operating standards for pharmacist and pharmacy intern dispensing of a self-administered hormonal contraceptive. These standards require special initial training and continuing education, and use of the new Utah Hormonal Contraceptive Self-Screening Risk Assessment Questionnaire adopted by the Division in collaboration with the Board.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-17b-101 and Section 58-37-1 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a) and Subsection 58-17b-601(1)

MATERIALS INCORPORATED BY REFERENCE:

- ♦ Updates ACPE Accreditation Standards and Key Elements for the Professional Program in Pharmacy Leading to the Doctor of Pharmacy Degree (Standards 2016), published by Accreditation Council for Pharmacy Education (ACPE), July 1, 2016
- ♦ Updates United States Pharmacopeia-National Formulary (USP 41-NF 36) and First Supplement, dated August 1, 2018, and Second Supplement, dated December 1, 2018, published by United States Pharmacopeia, 2018

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: Sections R156-17b-102, R156-17b-303b, and R156-17b-304: Definition R156-17b-102(64) updates the United States Pharmacopeia-National Formulary (USP-NF) to USP 41-NF 36 and incorporates it into rule by reference. The Division budgets for and incurs a yearly cost of $950 to maintain the USP Formulary reference material. The other rule amendments and proposed changes are not expected to impact state government revenues or expenditures because the changes merely update the rules to establish definitions, clarify standards and encompass current requirements and practices in the profession, and make formatting changes for clarity. Section R156-17b-303c: These proposed amendments are not expected to have any impact on the state budget beyond a potential time savings for Division staff and Board members due to a reduction in requests from applicants for Board authorization to retake failed exams. The exact savings cannot be estimated as it will depend on cases of unforeseeable exam failures by applicants and the individuality of the requests that are made, and the relevant data is unavailable. Sections R156-17b-402, R156-17b-610, and R156-17b-621b: These proposed amendments will impact businesses in the pharmacy industry who employ pharmacists or pharmacy interns who dispense self-administered hormonal contraceptives, and this may include certain state government entities acting as businesses. However, because the amendments only carry out the mandates of the Utah Pharmacy Practice Act as amended by S.B. 184 (2018), Pharmacist Dispensing Authority Amendments, the Division estimates that these proposed amendments will have no impact on the state budget, as follows: Section R156-17b-402: This new administrative fine corresponds to new Section 58-17b-502(14) added by S.B. 184 (2018). It is similar to the other unprofessional conduct fines found in Section R156-17b-502. The goal of this rule is to provide a deterrent, such that there is a $0 net impact on all parties involved. Therefore, for the typical member of the affected party, this proposed rule amendment is expected to have no direct or indirect fiscal impacts. However, inestimable fiscal impacts of the underlying rule includes any money a person who is adjudicated as having violated the rule might have to pay to the state budget in the form of an administrative penalty. This amount is inestimable, both because it applies only in cases of unforeseeable violations, and because the penalty assessed may vary depending on the circumstances of the violation. Section R156-17b-610: These proposed amendments provide guidelines for patient counseling by a pharmacist or pharmacy intern who dispenses a self-administered hormonal contraceptive are not expected to have any fiscal impact beyond that imposed by S.B. 184 (2018) because they simply require the pharmacist or pharmacy intern to obtain the completed questionnaire and provide the written information and counseling described in Section 26-62-106. Section R156-17b-621b: These proposed amendments provide operating standards for pharmacist and pharmacy intern dispensing of a self-administered hormonal contraceptive are not expected to have any fiscal impact to the state budget beyond that imposed by S.B. 184 (2018), because in accordance with the guidance of S.B. 184 (2018), the required questionnaire has been adopted by the Division based on extensive collaboration with the Board and multiple medical industry participants so as to incorporate generally accepted professional standards, and the amendments only impose accredited initial training and continuing education requirements common in the industry. Section R156-17b-308: These proposed amendments may indirectly benefit state agencies acting as businesses who employ pharmacists, if these state agencies are able to more easily hire one or more experienced pharmacists who have been able to reinstate their license and enter into practice. The full fiscal and non-fiscal impacts on these state agencies cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits the state agencies may experience from any resulting employment will vary widely depending on the requirements of the agencies and the individual characteristics of each pharmacist. Also, any increase in staff workload that may be caused by additional applications and individuals becoming licensed will be balanced by additional revenue and absorbed within the Division's existing budget. Section R156-17b-309: Most of these proposed amendments will not have any impact on the state budget because they will not change existing state practices or procedures. The amendment that will require licensees to prove compliance with their continuing education requirements through registration with the free NABP e-profile CPE Monitor plan or the NABP CPE Monitor Plus plan is expected to create a time savings for Division staff, due to improvement in the quantity and quality of licensee CE records provided to the Division and streamlining of the procedures for auditing licensees' continuing education. This will cause a corresponding financial benefit to the Division. However, the exact savings cannot be estimated as it will vary depending on the circumstances and the nature of each licensee's continuing education records, and the relevant data is unavailable. No other fiscal impact to the state is expected, beyond a minimal cost to the Division of approximately $75 to print and distribute this rule once the proposed amendments are made effective.

♦ LOCAL GOVERNMENTS: Sections R156-17b-102, R156-17b-303b, and R156-17b-304: None of these proposed changes are expected to impact local governments' revenues or expenditures because these changes merely establish

definitions, update this rule to clarify standards and encompass current requirements and practices in the profession, and make formatting changes for clarity. Sections R156-17b-303c and R156-17b-309: These proposed amendments are not expected to have any impact on local government because they do not apply to local government. Sections R156-17b-402, R156-17b-610, and R156-17b-621b: These proposed amendments will impact businesses in the pharmacy industry who employ pharmacists or pharmacy interns who dispense self-administered hormonal contraceptives, and this may potentially include certain local government entities acting as businesses. However, because these amendments only carry out the mandates of the Utah Pharmacy Practice Act as amended by S.B. 184 (2018), Pharmacist Dispensing Authority Amendments, the Division estimates that these proposed amendments will have no impact on local governments, as follows: Section R156-17b-402: This new administrative fine corresponds to new Section 58-17b-502(14) added by S.B. 184 (2018). It is similar to the other unprofessional conduct fines found in Section R156-17b-502. The goal of this rule is to provide a deterrent, such that there is a $0 net impact on all parties involved. Therefore, for the typical member of the affected party, these proposed amendments are expected to have no direct or indirect fiscal impacts. However, inestimable fiscal impacts of the underlying rule includes any money a person who is adjudicated as having violated this rule might have to pay in the form of an administrative penalty. This amount is inestimable, both because it applies only in cases of unforeseeable violations, and because the penalty assessed may vary depending on the circumstances of the violation. Section R156-17b-610: These proposed amendments provide guidelines for patient counseling by a pharmacist or pharmacy intern who dispenses a self-administered hormonal contraceptive are not expected to have any fiscal impact beyond that imposed by S.B. 184 (2018) because they simply require the pharmacist or pharmacy intern to obtain the completed questionnaire and provide the written information and counseling described in Section 26-62-106. Section R156-17b-621b: These proposed amendments provide operating standards for pharmacist and pharmacy intern dispensing of a self-administered hormonal contraceptive are not expected to have any fiscal impact beyond that imposed by S.B. 184 (2018), because in accordance with the guidance of S.B. 184 (2018) the required questionnaire has been adopted by the Division based on extensive collaboration with the Board and multiple medical industry participants, so as to incorporate generally accepted professional standards, and the amendments only impose accredited initial training and continuing education requirements common in the industry. Section R156-17b-308: These proposed amendments may indirectly benefit local government entities acting as businesses who employ pharmacists, if these entities are able to more easily hire one or more experienced pharmacists who have been able to reinstate their license and enter into practice. The full fiscal and non-fiscal impacts on these local government entities cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits the local government entities may experience from any resulting employment will vary widely depending on the requirements of the entities and the individual characteristics of each pharmacist.

♦ SMALL BUSINESSES: Sections R156-17b-102, R156-17b-303b, and R156-17b-304: Definition R156-17b-102(64) updates the United States Pharmacopeia-National Formulary to USP 41-NF 36 and incorporates it into rule by reference; the renewal price for the formulary is $950, however the formulary is available online at no cost. It is unknown whether any of the small businesses would purchase the formulary or simply utilize the free resource. None of the other proposed changes are expected to impact small businesses revenues or expenditures because the changes will not alter the price or quantity of any exchanges between any parties. These changes merely establish definitions, update the rules to clarify standards and encompass current requirements and practices in the profession, and make formatting changes for clarity. Section R156-17b-303c: These proposed amendments are not expected to have any impact on small businesses beyond a potential small indirect benefit from being able to more quickly hire a licensee who became licensed earlier because the licensee did not need to seek Board approval to retake the exam. The exact savings cannot be estimated as it will vary substantially based on the characteristics of the employer and of each individual applicant. Section R156-17b-402, R156-17b-610, and R156-17b-621b: There are approximately 511 small-business Class A retail pharmacies in Utah that may be impacted by these amendments (NAICS 446110). These proposed amendments may impact these small businesses in the pharmacy industry if they choose to employ pharmacists or pharmacy interns who dispense self-administered hormonal contraceptives. However, these proposed amendments are not expected to have an estimable fiscal impact on these small businesses beyond that imposed by the mandates of the Utah Pharmacy Practice Act as amended by S.B. 184 (2018), as follows: Section R156-17b-402: This new administrative fine corresponds to new Section 58-17b-502(14) added by S.B. 184 (2018). It is similar to the other unprofessional conduct fines found in Section R156-17b-502. The goal of this rule is to provide a deterrent, such that there is a $0 net impact on all parties involved. Therefore, for the licensee that will be the typical member of the affected party, these proposed amendments are expected to have no direct or indirect fiscal impacts. However, inestimable fiscal impacts of the underlying rule includes any money a licensee who is adjudicated as having violated the rule might have to pay in the form of an administrative penalty. This amount is inestimable both because it applies only in cases of unforeseeable violations, and because the penalty assessed may vary depending on the circumstances of the violation. Section R156-17b-610: These proposed amendments providing guidelines for patient counseling by a pharmacist or pharmacy intern who dispenses a self-administered hormonal contraceptive are not expected to have any fiscal impact beyond that imposed by S.B. 184 (2018) because they simply require the pharmacist or pharmacy intern to obtain the completed questionnaire and provide the written information

and counseling as described in Section 26-62-106. Section R156-17b-621b: These proposed amendments provide operating standards for pharmacist and pharmacy intern dispensing of a self-administered hormonal contraceptive are not expected to have any fiscal impact beyond that imposed by S.B. 184 (2018), because in accordance with the mandates and guidance of S.B. 184 (2018) the required questionnaire has been adopted by the Division based on extensive collaboration with the Board and multiple medical industry participants, so as to incorporate generally accepted professional standards, and these amendments only impose accredited initial training and continuing education requirements common in the industry. Section R156-17b-308: These proposed amendments may directly benefit small businesses in this pharmacy industry that are owned by experienced pharmacists re-entering into practice, who may operate as private or group practices in their own offices (e.g., centers, clinics) or in the facilities of others. These proposed amendments may also indirectly benefit small businesses offering pharmacy services if they are able to more easily hire one or more experienced pharmacists or pharmacy technicians. The Division estimates that there are approximately 511 small-business Class A retail pharmacies, 270 small-business Class B pharmacies, 1,065 small-business Class C pharmacies, 714 small-business Class D pharmacies, and 564 small-business Class E pharmacies licensed in Utah. There are also currently 3,935 licensed pharmacists, many of which are (or may become) owners of small businesses. (For a complete listing of the NAICS Codes used in this analysis, please contact the Division.) The full fiscal and non-fiscal benefits to these small businesses cannot be estimated because the data necessary to determine how many of the licensees returning to practice might operate small businesses of their own or might be hired by small businesses is unavailable; further, the resulting employment will vary widely depending on the characteristics and scope of practice of each small business, as well as the individual characteristics of each licensee. Sections R156-17b-309: These proposed amendments are not expected to have any impact on small businesses because they do not apply to small businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Sections R156-17b-102, R156-17b-303b, and R156-17b-304: Definition R156-17b-102(64) updates the United States Pharmacopeia-National Formulary to USP 41-NF 36 and incorporates it into rule by reference; the renewal price for the formulary is $950, however the formulary is available online at no cost. It is unknown whether any of the other persons would purchase the formulary or simply utilize the free resource. None of the other proposed changes are expected to impact other persons because the changes will not alter the price or quantity of any exchanges between any parties. These changes merely establish definitions, update the rule to clarify standards and encompass current requirements and practices in the profession, and make formatting changes for clarity. Section R156-17b-303c: This proposed amendment will benefit some applicants for licensure who have failed an exam twice, and will now not need to seek Board authorization to retake the exam (unless and until they fail the exam a third time). These applicants will avoid the need to take time to appear before the Board, and they may be able to become licensed earlier and employed earlier (or retain their current employment). The exact savings to these persons cannot be estimated as it will vary substantially based on the characteristics of each individual applicant. Sections R156-17b-402, R156-17b-610, and R156-17b-621b: These proposed amendments will impact pharmacists or pharmacy interns who choose to dispense self-administered hormonal contraceptives, and will affect members of the public who choose to purchase self-administered hormonal contraceptives. However, the Division estimates that these proposed amendments will have no impact on these persons beyond the mandates of the Utah Pharmacy Practice Act as amended by S.B. 184 (2018), as follows: Section R156-17b-402: This new administrative fine corresponds to new Section 58-17b-502(14) added by S.B. 184 (2018). It is similar to the other unprofessional conduct fines found in Section R156-17b-502. The goal of this rule is to provide a deterrent, such that there is a $0 net impact on all parties involved. Therefore, for the licensee who will be the typical member of the affected party, the proposed amendment is expected to have no direct or indirect fiscal impacts. However, inestimable fiscal impacts of the underlying rule includes any money a licensee who is adjudicated as having violated the rule might have to pay in the form of an administrative penalty. This amount is inestimable, both because it applies only in cases of unforeseeable violations, and because the penalty assessed may vary depending on the circumstances of the violation. Section R156-17b-610: These proposed amendments provide guidelines for patient counseling by a pharmacist or pharmacy intern who dispenses a self-administered hormonal contraceptive are not expected to have any fiscal impact on either the licensees or pharmacy customers beyond that imposed by S.B. 184 (2018), because they simply require the pharmacist or pharmacy intern to obtain the completed questionnaire and provide the written information and counseling as described in Section 26-62-106. Section R156-17b-621b: These proposed amendments provide operating standards for pharmacist and pharmacy intern dispensing of a self-administered hormonal contraceptive are not expected to have any fiscal impact on the licensees or the pharmacy customers beyond the fiscal impact already imposed by S.B. 184 (2018), because in accordance with the mandates and guidance of S.B. 184 (2018) the required Questionnaire has been adopted by the Division based on extensive collaboration with the Board and multiple medical industry participants, so as to incorporate generally accepted professional standards, and the amendments only impose accredited initial training and continuing education requirements common in the industry. Section R156-17ba-308: These proposed amendments will allow easier re-entry into practice for persons formerly licensed as a pharmacist or pharmacy technician in Utah whose license expired while active and in good standing. These amendments will benefit these and future experienced pharmacists and pharmacy technicians who have left practice and choose to re-enter into practice. However, the full fiscal and non-fiscal benefits for

these persons cannot be estimated because the resulting employment will vary substantially depending on the individual choices and characteristics of each pharmacist and pharmacy technician. Section R156-17b-309: Most of these proposed amendments will have no impact on other persons because they only clarify and update the rule regarding current continuing education requirements. The amendment for pharmacy technicians reducing the eight-hour "live or technology-enabled participation" requirement to six hours is expected to save some licensees the cost of traveling to a central location to obtain these two CE hours. This will be especially beneficial to licensees in remote, rural locations. However, the amount of savings is inestimable as it will depend entirely on the CE courses chosen and the location of each licensee. The amendment for all licensees that will add additional options for fulfilling continuing education requirements, including allowing one "live" CE hour for attending one Utah State Board of Pharmacy meeting, up to a maximum of two CE hours during each two-year period, and allowing two CE hours for each hour of lecturing or instructing a CE course or teaching in the licensee's profession, up to a maximum of ten CE hours during each two-year period, is expected to benefit some licensees who are able and willing to earn this CE credit, but the amount of savings is again inestimable as it will be based on individual licensee characteristics and choices. Finally, the amendment that will require all licensees to prove compliance with their continuing education requirements through registration with the free NABP e-profile CPE Monitor plan or the NABP CPE Monitor Plus plan, and by maintaining a certificate of completion or other adequate documentation for CE that cannot be tracked by the NABP plan, is expected to have little to no net impact on licensees. There will be no cost to licensees for registering for CE monitoring unless they choose the CPE Monitor Plus plan. There may be a potential time savings and corresponding financial savings for licensees due to the streamlining of their CE reporting requirements, but there may also be a potential cost to some of these persons due to the need for obtaining and providing better documentation of their CE. In sum, the amount of the net impact to licensees from the potential savings or cost from these amendments is inestimable, as it will vary substantially depending on individual licensee characteristics and choices, and the relevant data is unavailable.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Sections R156-17b-102, R156-17b-303b, and R156-17b-304: Definition R156-17b-102(64) updates the United States Pharmacopeia-National Formulary to USP 41-NF 36 and incorporates it into rule by reference; the renewal price for the formulary is $950, however, the formulary is available online at no cost. It is unknown whether any of the affected persons would purchase the formulary or simply utilize the free resource. None of the other proposed changes are expected to impose compliance costs for any affected persons because these changes will not alter the price or quantity of any exchanges between any parties. These changes merely establish definitions, update the rules to clarify standards and encompass current requirements and practices in the profession, and make formatting changes for clarity. Sections R156-17b-303c, R156-17b-308, and R156-17b-309: None of these proposed amendments are expected to impose any compliance costs for any affected persons because these changes will largely save time for all parties and are expected to result in positive or little to no net fiscal impacts. Sections R156-17b-402, R156-17b-610, and R156-17b-621b: As described above for other persons, these proposed amendments are not expected to impose any compliance costs for any affected persons beyond those imposed by the mandates of the Utah Pharmacy Practice Act as amended by S.B. 184 (2018).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: S.B. 184, passed during the 2018 Legislative General Session, amended the Pharmacy Practice Act to permit a pharmacist to dispense a self-administered hormonal contraceptive under a standing prescription order. As required by S.B. 184 (2018), this rule filing provides necessary definitions and establishes and clarifies the requirements for such dispensing. The Board of Pharmacy (Board) proposes the remaining amendments to establish and clarify certain internship requirements and continuing education requirements, and to provide easier practice re-entry into the pharmacy professions by adding a license reinstatement option for certain previously licensed pharmacists and pharmacy technicians. Sections R156-17b-102, R156-17b-303b, R156-17b-304 and Section R156-37-602: Definition R156-17b-102(64) updates the United States Pharmacopeia-National Formulary to USP 41-NF 36 and incorporates it into rule by reference; the renewal price for the formulary is $950. However, the formulary is available online at no cost. It is unknown whether any of the small businesses would purchase the formulary or simply utilize the free resource. None of the other proposed changes are expected to impact small businesses' revenues or expenditures because the changes will not alter the price or quantity of any exchanges between any parties. These changes merely establish definitions, update the rules to clarify standards and encompass current requirements and practices in the profession, and make formatting changes for clarity. Section R156-17b-303c: These proposed amendments are not expected to have any impact on small businesses beyond a potential small indirect benefit from being able to more quickly hire a licensee who became licensed earlier because the licensee did not need to seek Board approval to retake the exam. The exact savings cannot be estimated as it will vary substantially based on the characteristics of the employer and of each individual applicant. Section R156-17b-402, R156-17b-610 and R156-17b-621b: There are approximately 511 small-business Class A retail pharmacies in Utah that may be impacted by these amendments (NAICS 446110). These proposed amendments may impact these small businesses in the pharmacy industry if they choose to employ pharmacists or pharmacy interns who dispense self-administered hormonal contraceptives. However, these proposed amendments are not expected to have an estimable fiscal impact on these small businesses beyond that imposed by

the mandates of the Utah Pharmacy Practice Act as amended by S.B. 184 (2018), as follows: Section R156-17b-402: This new administrative fine corresponds to new Section 58-17b-502(14) added by S.B. 184 (2018). It is similar to the other unprofessional conduct fines found in Section R156-17b-502. The goal of this rule is to provide a deterrent, such that there is a $0 net impact on all parties involved. Therefore, for the licensee that will be the typical member of the affected group, this proposed amendment is expected to have no direct or indirect fiscal impacts. However, inestimable fiscal impacts of the underlying rule includes any money a licensee who is adjudicated as having violated the rule might have to pay in the form of an administrative penalty. This amount is inestimable both because it applies only in cases of unforeseeable violations, and because the penalty assessed may vary depending on the circumstances of the violation. Section R156-17b-610: These proposed amendments providing guidelines for patient counseling by a pharmacist or pharmacy intern who dispenses a self-administered hormonal contraceptive are not expected to have any fiscal impact beyond that imposed by S.B. 184 (2018) because they simply require the pharmacist or pharmacy intern to obtain the completed questionnaire and provide the written information and counseling as described in Section 26-62-106. Section R156-17b-621b: These proposed amendments providing operating standards for pharmacist and pharmacy intern dispensing of a self-administered hormonal contraceptive are not expected to have any fiscal impact beyond that imposed by S.B. 184 (2018), because (in accordance with the mandates and guidance of S.B. 184 (2018) the required questionnaire has been adopted by the Division based on extensive collaboration with the Board and multiple medical industry participants, so as to incorporate generally accepted professional standards. Further, the amendments only impose accredited initial training and continuing education requirements common in the industry. Section R156-17b-308: These proposed amendments may directly benefit small businesses in the pharmacy industry that are owned by experienced pharmacists re-entering into practice, who may operate as private or group practices in their own offices (e.g., centers, clinics) or in the facilities of others. These proposed amendments may also indirectly benefit small businesses offering pharmacy services, if they are able to more easily hire one or more experienced pharmacists or pharmacy technicians. The Division estimates that there are approximately 511 small-business Class A retail pharmacies, 270 small-business Class B pharmacies, 1,065 small-business Class C pharmacies, 714 small-business Class D pharmacies, and 564 small-business Class E pharmacies licensed in Utah. There are also currently 3,935 licensed pharmacists, many of whom are (or may become) owners of small businesses. The full fiscal and non-fiscal benefits to these small businesses cannot be estimated because the data necessary to determine how many of the licensees returning to practice might operate small businesses of their own or might be hired by small businesses is unavailable; further, the resulting employment will vary widely depending on the characteristics and scope of practice of each small business, as well as the individual characteristics of each licensee. Sections R156-17b-309: These proposed amendments are not expected to have any impact on small businesses. Non-Small Business: The Division estimates that there are approximately 10 non-small Class A retail pharmacies, 5 non-small Class B pharmacies, 22 non-small Class C pharmacies, 15 non-small Class D pharmacies, and 12 non-small Class E pharmacies licensed in Utah. There are also currently 3,935 licensed pharmacists, some of whom may be (or may become) owners of non-small businesses. The fiscal impact of each of these rule amendments addressed in these comments on non-small businesses is the same as described above with regard to small businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jennifer Zaelit by phone at 801-530-7632, or by Internet E-mail at jzaelit@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
♦ 11/27/2018 08:30 AM, 160 East 300 South, North Conference Room (1st floor), Salt Lake City, Utah

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Mark Steinagel, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0

Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses (50 or more employees)
Sections R156-17b-102, R156-17b-303b, and R156-17b-304: Definition R156-17b-102(64) updates the United States Pharmacopeia-National Formulary to USP 41-NF 36 and incorporates it into rule by reference; the renewal price for the formulary is $950, however the formulary is available online at no cost. It is unknown whether any of the businesses would purchase the formulary or simply utilize the free resource. None of the other proposed changes are expected to impact non-small business revenues or expenditures because the changes will not alter the price or quantity of any exchanges between any parties. These changes merely establish definitions, update the rules to clarify standards and encompass current requirements and practices in the profession, and make formatting changes for clarity.

Section R156-17b-303c: These proposed amendments are not expected to have any impact on non-small business beyond a potential small indirect benefit from being able to more quickly hire a licensee who became licensed earlier because the licensee did not need to seek Board approval to retake the exam. The exact savings cannot be estimated as it will vary substantially based on the characteristics of the employer and of each individual applicant.

Section R156-17b-402, R156-17b-610, and R156-17b-621b: There are approximately 10 non-small business Class A retail pharmacies in Utah that may be impacted by these amendments (NAICS 446110). These proposed amendments may impact these non-small businesses in the pharmacy industry if they choose to employ pharmacists or pharmacy interns who dispense self-administered hormonal contraceptives. However, these proposed amendments are not expected to have an estimable fiscal impact on these non-small businesses beyond that imposed by the mandates of the Utah Pharmacy Practice Act as amended by S.B. 184 (2018), as follows:

Section R156-17b-402: This new administrative fine corresponds to new Section 58-17b-502(14) added by S.B. 184 (2018). It is similar to the other unprofessional conduct fines found in Section R156-17b-502. The goal of this rule is to provide a deterrent, such that there is a $0 net impact on all parties involved. Therefore, for the licensee who will be the typical member of the affected party, the proposed rule is expected to have no direct or indirect fiscal impacts. However, inestimable fiscal impacts of the underlying rule includes any money a licensee who is adjudicated as having violated the rule might have to pay in the form of an administrative penalty. This amount is inestimable, both because it applies only in cases of unforeseeable violations, and because the penalty assessed may vary depending on the circumstances of the violation.

Section R156-17b-610: These proposed amendments providing guidelines for patient counseling by a pharmacist or pharmacy intern who dispenses a self-administered hormonal contraceptive are not expected to have any fiscal impact beyond that imposed by S.B. 184 (2018) because they simply require the pharmacist or pharmacy intern to obtain the completed questionnaire and provide the written information and counseling as described in Section 26-62-106.

Section R156-17b-621b: These proposed amendments providing operating standards for pharmacist and pharmacy intern dispensing of a self-administered hormonal contraceptive are not expected to have any fiscal impact beyond that imposed by S.B. 184 (2018), because in accordance with the mandates and guidance of S.B. 184 (2018) the required Questionnaire has been adopted by the Division based on extensive collaboration with the Board and multiple medical industry participants, so as to incorporate generally accepted professional standards, and the amendments only impose accredited initial training and continuing education requirements common in the industry.

Section R156-17b-308: These proposed amendments may directly benefit any non-small businesses in the pharmacy industry that are owned by experienced pharmacists re-entering into practice, and may also indirectly benefit non-small businesses offering pharmacy services if they are able to more easily hire one or more experienced pharmacists or pharmacy technicians. The Division estimates that there are approximately 10 non-small Class A retail pharmacies, 5 non-small Class B pharmacies, 22 non-small class C pharmacies, 15 non-small class D pharmacies and 12 non-small class E pharmacies licensed in Utah. There are also currently 3,935 licensed pharmacists, some of which may be (or become) owners of non-small businesses. (For a complete listing of the NAICS Codes used in this analysis, please contact the Division.) The full fiscal and non-fiscal benefits to these non-small businesses cannot be estimated because the data necessary to determine how many of the licensees returning to practice might operate non-small businesses of their own or might be hired by non-small businesses is unavailable; further, the resulting employment will vary widely depending on the characteristics and scope of practice of each non-small business as well as the individual characteristics of each licensee.

Sections R156-17b-309: These proposed amendments are not expected to have any impact on non-small business because they do not apply to non-small business.

Agency sign off: The head of the Department of Commerce, Francine A. Giani, has reviewed and approved this fiscal analysis.

R156. Commerce, Occupational and Professional Licensing.
R156-17b. Pharmacy Practice Act Rule.
R156-17b-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 17b, as used in Title 58, Chapters 1 and 17b or this rule:

(1) "Accredited by ASHP" means a program that:

(a) was accredited by the ASHP on the day the applicant for licensure completed the program; or

(b) was in ASHP candidate status on the day the applicant for licensure completed the program.

(2) "ACPE" means the American Council on Pharmaceutical Education or Accreditation Council for Pharmacy Education.

(3) "Analytical laboratory":

(a) means a facility in possession of prescription drugs for the purpose of analysis; and

(b) does not include a laboratory possessing prescription drugs used as standards and controls in performing drug monitoring or drug screening analysis if the prescription drugs are pre-diluted in a human or animal body fluid, human or animal body fluid components, organic solvents, or inorganic buffers at a concentration not exceeding one milligram per milliliter when labeled or otherwise designated as being for in-vitro diagnostic use.

(4) "ASHP" means the American Society of Health System Pharmacists.

(5) "Authorized distributor of record" means a pharmaceutical wholesaler with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drugs. An ongoing relationship is deemed to exist between such pharmaceutical wholesaler and a manufacturer, as defined in Section 1504 of the Internal Revenue Code, when the pharmaceutical wholesaler has a written agreement currently in effect with the manufacturer evidencing such ongoing relationship, and the pharmaceutical wholesaler is listed on the manufacturer's current list of authorized distributors of record.

(6) "Authorized personnel" means any person who is a part of the pharmacy staff who participates in the operational processes of the pharmacy and contributes to the natural flow of pharmaceutical care.

(7) "Chain pharmacy warehouse" means a physical location for prescription drugs that acts as a central warehouse and performs intracompany sales or transfers of the prescription drugs to a group of chain pharmacies that have the same common ownership and control.

(8) "Clinic" as used in Subsection 58-17b-625(3)(b) means a class B pharmacy, or a facility which provides out-patient health care services whose primary practice includes the therapeutic use of drugs related to a specific patient for the purpose of:

(a) curing or preventing the patient's disease;

(b) eliminating or reducing the patient's disease;

(c) arresting or slowing a disease process.

(9) "Co-licensed partner" means a person that has the right to engage in the manufacturing or marketing of a co-licensed product.

(10) "Co-licensed product" means a device or prescription drug for which two or more persons have the right to engage in the manufacturing, marketing, or both consistent with FDA's implementation of the Prescription Drug Marketing Act as applicable.

(11) "Community pharmacy" as used in Subsection 58-17b-625(3)(b) means a class A pharmacy as defined in Subsection 58-17b-102(10).

(12) "Cooperative pharmacy warehouse" means a physical location for drugs that acts as a central warehouse and is owned, operated or affiliated with a group purchasing organization (GPO) or pharmacy buying cooperative and distributes those drugs exclusively to its members.

(13) "Counterfeit prescription drug" has the meaning given that term in 21 USC 321(g)(2), including any amendments thereto.

(14) "Counterfeiting" means engaging in activities that create a counterfeit prescription drug.

(15) "Dispense", as defined in Subsection 58-17b-102(22), does not include transferring medications for a patient from a legally dispensed prescription for that particular patient into a daily or weekly drug container to facilitate the patient taking the correct medication.

(16) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, or other similar or related article, including any component part or accessory, which is required under Federal law to bear the label, "Caution: Federal or State law requires dispensing by or on the order of a physician."

(17) "DMP" means a dispensing medical practitioner licensed under Section 58-17b, Part 8.

(18) "DMP designee" means an individual, acting under the direction of a DMP, who:

(a)(i) holds an active health care professional license under one of the following chapters:

(A) Chapter 67, Utah Medical Practice Act;

(B) Chapter 68, Utah Osteopathic Medical Practice Act;

(C) Chapter 70a, Physician Assistant Act;

(D) Chapter 31b, Nurse Practice Act;

(E) Chapter 16a, Utah Optometry Practice Act;

(F) Chapter 44a, Nurse Midwife Practice Act; or

(G) Chapter 17b, Pharmacy Practice Act; or

(ii) is a medical assistant as defined in Subsection 58-67-102 (9);

(b) meets requirements established in Subsection 58-17b-803 (4)(c); and

(c) can document successful completion of a formal or on-the-job dispensing training program that meets standards established in Section R156-17b-622.

(19) "DMPIC" means a dispensing medical practitioner licensed under Section 58-17b, Part 8 who is designated by a dispensing medical practitioner clinic pharmacy to be responsible for activities of the pharmacy.

(20) "Drop shipment" means the sale of a prescription drug to a pharmaceutical wholesaler by the manufacturer of the drug; by the manufacturer's co-licensed product partner, third party logistics provider, or exclusive distributor; or by an authorized distributor of record that purchased the product directly from the manufacturer or from one of these entities; whereby:

(a) the pharmaceutical wholesale distributor takes title to but not physical possession of such prescription drug;

(b) the pharmaceutical wholesale distributor invoices the pharmacy, pharmacy warehouse, or other person authorized by law to dispense to administer such drug; and

(c) the pharmacy, pharmacy warehouse, or other person authorized by law to dispense or administer such drug receives delivery of the prescription drug directly from the manufacturer; from the co-licensed product partner, third party logistics provider, or exclusive distributor; or from an authorized distributor of record that purchases the product directly from the manufacturer or from one of these entities.

(21) "Drug therapy management" means the review of a drug therapy regimen of a patient by one or more pharmacists for the purpose of evaluating and rendering advice to one or more practitioners regarding adjustment of the regimen.

(22) "Drugs", as used in this rule, means drugs or devices.

(23) "Durable medical equipment" or "DME" means equipment that:

(a) can withstand repeated use;

(b) is primarily and customarily used to serve a medical purpose;

(c) generally is not useful to a person in the absence of an illness or injury;

(d) is suitable for use in a health care facility or in the home; and

(e) may include devices and medical supplies.

(24) "Entities under common administrative control" means an entity holds the power, actual as well as legal to influence the management, direction, or functioning of a business or organization.

(25) "Entities under common ownership" means entity assets are held indivisibly rather than in the names of individual members.

(26) "ExCPT", as used in this rule, means the Exam for the Certification of Pharmacy Technicians.

(27) "FDA" means the United States Food and Drug Administration and any successor agency.

(28) "FDA-approved" means the federal Food, Drug, and Cosmetic Act, 21 U.S.C.A. Section 301 et seq. and regulations promulgated thereunder permit the subject drug or device to be lawfully manufactured, marketed, distributed, and sold.

(29) "High-risk, medium-risk, and low-risk drugs" refers to the risk to a patient's health from compounding sterile preparations, as referred to in USP-NF Chapter 797, for details of determining risk level.

(30) "Hospice facility pharmacy" means a pharmacy that supplies drugs to patients in a licensed healthcare facility for terminal patients.

(31) "Hospital clinic pharmacy" means a pharmacy that is located in an outpatient treatment area where a pharmacist or pharmacy intern is compounding, admixing, or dispensing prescription drugs, and where:

(a) prescription drugs or devices are under the control of the pharmacist, or the facility for administration to patients of that facility;

(b) prescription drugs or devices are dispensed by the pharmacist or pharmacy intern; or

(c) prescription drugs are administered in accordance with the order of a practitioner by an employee or agent of the facility.

(32) "Legend drug" or "prescription drug" means any drug or device that has been determined to be unsafe for self-medication or any drug or device that bears or is required to bear the legend:

(a) "Caution: federal law prohibits dispensing without prescription";

(b) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian"; or

(c) "Rx only".

(33) "Long-term care facility" as used in Section 58-17b-610.7 means the same as the term is defined in Section 58-31b-102.

(34) "Maintenance medications" means medications the patient takes on an ongoing basis.

(35) "Manufacturer's exclusive distributor" means an entity that contracts with a manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the drug's sale or disposition. Such manufacturer's exclusive distributor shall be licensed as a pharmaceutical wholesaler under this chapter and be an "authorized distributor of record" to be considered part of the "normal distribution channel".

(36) "Medical supplies" means items for medical use that are suitable for use in a health care facility or in the home and that are disposable or semi-disposable and are non-reusable.

(37) "MPJE" means the Multistate Jurisprudence Examination.

(38) "NABP" means the National Association of Boards of Pharmacy.

(39) "NAPLEX" means North American Pharmacy Licensing Examination.

(40) "Non drug or device handling central prescription processing pharmacy" means a central prescription processing pharmacy that does not engage in compounding, packaging, labeling, dispensing, or administering of drugs or devices.

(41) "Normal distribution channel" means a chain of custody for a prescription drug that goes directly, by drop shipment as defined in Subsection (19), or via intracompany transfer from a manufacturer; or from the manufacturer's co-licensed partner, third-party logistics provider, or the exclusive distributor to:

(a) a pharmacy or other designated persons authorized under this chapter to dispense or administer prescription drugs to a patient;

(b) a chain pharmacy warehouse that performs intracompany sales or transfers of such drugs to a group of pharmacies under common ownership and control;

(c) a cooperative pharmacy warehouse to a pharmacy that is a member of the pharmacy buying cooperative or GPO to a patient;

(d) an authorized distributor of record, and then to either a pharmacy or other designated persons authorized under this chapter to dispense or administer such drug for use by a patient;

(e) an authorized distributor of record, and then to a chain pharmacy warehouse that performs intracompany sales or transfers of such drugs to a group of pharmacies under common ownership and control; or

(f) an authorized distributor of record to another authorized distributor of record to a licensed pharmaceutical facility or a licensed healthcare practitioner authorized under this chapter to dispense or administer such drug for use by a patient.

(42) "Other health care facilities" means any entity as defined in Utah Code Subsection 26-21-2(13)(a) or Utah Administrative Code R432-1-3(55).

(43) "Parenteral" means a method of drug delivery injected into body tissues but not via the gastrointestinal tract.

(44) "Patient's agent" means a:

(a) relative, friend or other authorized designee of the patient involved in the patient's care; or

(b) if requested by the patient or the individual under Subsection (40)(a), one of the following facilities:

(i) an office of a licensed prescribing practitioner in Utah;

(ii) a long-term care facility where the patient resides; or

(iii) a hospital, office, clinic or other medical facility that provides health care services.

(45) "Pedigree" means a document or electronic file containing information that records each distribution of any given prescription drug.

(46) "PIC", as used in this rule, means the pharmacist-in-charge.

(47) "Prepackaged" or "Prepackaging" means the act of transferring a drug, manually or by use of an automated pharmacy system, from a manufacturer's or distributor's original container to another container in advance of receiving a prescription drug order or for a patient's immediate need for dispensing by a pharmacy or practitioner authorized to dispense in the establishment where the prepackaging occurred.

(48) "Prescription files" means all hard-copy and electronic prescriptions that includes pharmacist notes or technician notes, clarifications or information written or attached that is pertinent to the prescription.

(49) "Professional entry degree", as used in Subsection 58-17b-303(1)(f), means the professional entry degree offered by the applicant's ACPE-accredited school or college of pharmacy in the applicant's year of graduation, either a baccalaureate in pharmacy (BSPharm) or a doctorate in pharmacy (PharmD).

([~~49~~]50) "PTCB" means the Pharmacy Technician Certification Board.

([~~50~~]51) "Qualified continuing education", as used in this rule, means continuing education that meets the standards set forth in Section R156-17b-309.

([~~51~~]52) "Refill" means to fill again.

([~~52~~]53) "Repackage" means repackaging or otherwise changing the container, wrapper, or labeling to further the distribution of a prescription drug, excluding that completed by the pharmacist or DMP responsible for dispensing the product to a patient.

([~~53~~]54) "Research facility" means a facility where research takes place that has policies and procedures describing such research.

([~~54~~]55) "Reverse distributor" means a person or company that retrieves unusable or outdated drugs from a pharmacy for the purpose of removing those drugs from stock and destroying them.

(56) "Self-administered hormonal contraceptive" means the same as defined in Subsection 26-62-102(9).

([~~55~~]57) "Sterile products preparation facility" means any facility, or portion of the facility, that compounds sterile products using aseptic technique.

([~~56~~]58) "Supervisor" means a licensed pharmacist or DMP in good standing with the Division.

([~~57~~]59) "Third party logistics provider" means anyone who contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution, or other similar services on behalf of a manufacturer, but does not take title to the prescription drug or have any authoritative control over the prescription drug's sale.

([~~58~~]60) "Unauthorized personnel" means any person who is not participating in the operational processes of the pharmacy who in some way would interrupt the natural flow of pharmaceutical care.

([~~59~~]61) "Unit dose" means the ordered amount of a drug in a dosage form prepared for a one-time administration to an individual and indicates the name, strength, lot number and beyond use date for the drug.

([~~60~~]62) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 17b, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-17b-502.

(63) The "Utah Hormonal Contraceptive Self-screening Risk Assessment Questionnaire", adopted September 18, 2018, by the Division in collaboration with the Utah State Board of Pharmacy and Physicians Licensing Board, as posted on the Division's website, is the self-screening risk assessment questionnaire approved by the Division pursuant to Section 26-62-106.

([~~61~~]64) "USP-NF" means the United States Pharmacopeia-National Formulary (USP [~~40~~]41-NF [~~35~~]36), either First Supplement, dated August 1, [~~2017~~]2018, or Second Supplement, dated December 1, [~~2017~~]2018, which is hereby adopted and incorporated by reference.

([~~62~~]65) "Wholesaler" means a wholesale distributor who supplies or distributes drugs or medical devices that are restricted by federal law to sales based on the order of a physician to a person other than the consumer or patient.

([~~63~~]66) "Wholesale distribution" means the distribution of drugs to persons other than consumers or patients, but does not include:

(a) intracompany sales or transfers;

(b) the sale, purchase, distribution, trade, or other transfer of a prescription drug for emergency medical reasons, as defined under 21 CFR 203.3(m), including any amendments thereto;

(c) the sale, purchase, or trade of a drug pursuant to a prescription;

(d) the distribution of drug samples;

(e) the return or transfer of prescription drugs to the original manufacturer, original wholesale distributor, reverse distributor, or a third party returns processor;

(f) the sale, purchase, distribution, trade, or transfer of a prescription drug from one authorized distributor of record to one additional authorized distributor of record during a time period for which there is documentation from the manufacturer that the manufacturer is able to supply a prescription drug and the supplying authorized distributor of record states in writing that the prescription drug being supplied had until that time been exclusively in the normal distribution channel;

(g) the sale, purchase or exchange of blood or blood components for transfusions;

(h) the sale, transfer, merger or consolidation of all or part of the business of a pharmacy;

(i) delivery of a prescription drug by a common carrier; or

(j) other transactions excluded from the definition of "wholesale distribution" under 21 CFR 203.3 (cc), including any amendments thereto.

R156-17b-303b. Licensure - Pharmacist - Pharmacy Internship Standards.

In accordance with Subsection 58-17b-303(1)(g), the following standards are established for the pharmacy internship required for licensure as a pharmacist:

(1) For graduates of all U.S. pharmacy schools:

(a) At least 1,740 hours of practice supervised by a pharmacy preceptor shall be obtained [~~in Utah or another state or territory of the United States, or a combination of both~~]according to

the Accreditation Council for Pharmacy Education (ACPE), Accreditation Standards and [Guidelines]Key Elements for the Professional Program in Pharmacy Leading to the Doctor of Pharmacy Degree, effective July 1, 2016 ("Standards 2016") [Guidelines Version 2.0 Effective February 14, 2011], which is hereby incorporated by reference.

(b) [Introductory pharmacy practice experiences (IPPE) shall account for not less than 300 hours over the first three professional years.

(c) A minimum of 150 hours shall be balanced between community pharmacy and institutional health system settings.

(d) Advanced pharmacy practice experiences (APPE) shall include at least 1,440 hours (i.e., 36 weeks) during the last academic year and after all IPPE requirements are completed.

(e) Required experiences shall:

(i) include primary, acute, chronic, and preventive care among patients of all ages; and

(ii) develop pharmacist-delivered patient care competencies in the community pharmacy, hospital or health-system pharmacy, ambulatory care, inpatient/acute care, and general medicine settings.

(f) Internship hours completed in another state or territory of the United States shall be accepted based on the approval of the hours by the pharmacy board in the jurisdiction where the hours were obtained.

(g) Evidence of completed internship hours shall be documented to the Division by the pharmacy intern at the time application is made for a Utah pharmacist license.

(h) Pharmacy interns participating in internships may be credited no more than 50 hours per week of internship experience.

(i) No credit will be awarded for didactic experience.

(j)]If a pharmacy intern is suspended or dismissed from an approved College of Pharmacy, the intern shall notify the Division within 15 days of the suspension or dismissal.

([k]c) If a pharmacy intern ceases to meet all requirements for intern licensure, the pharmacy intern shall surrender the pharmacy intern license to the Division within 60 days unless an extension is requested and granted by the Division in collaboration with the Board.

(2) For graduates of all foreign pharmacy schools, at least 1,440 hours of supervised pharmacy practice in the United States.

(3) Up to 500 hours towards the requirements of Subsections (1)(a) or (2) may be granted, at the discretion of the Division in collaboration with the Board, for other experience substantially related to the practice of pharmacy.

R156-17b-303c. Qualifications for Licensure - Examinations.

(1) In accordance with Subsection 58-17b-303(1)(h), the examinations that shall be successfully passed by an applicant for licensure as a pharmacist are:

(a) the NAPLEX with a passing score as established by NABP; and

(b) the Multistate Pharmacy Jurisprudence Examination (MPJE) with a minimum passing score as established by NABP.

(2) An individual who has failed either examination [twice]three times shall meet with the Board to request an additional authorization to test. The Division, in collaboration with the Board, may require additional training as a condition for approval of an authorization to retest.

(3) In accordance with Subsection 58-17b-303(3)(j), an applicant applying by endorsement is required to pass the MPJE.

(4) In accordance with Subsection 58-17b-305(1)(g), an applicant applying for licensure as a pharmacy technician shall pass the PTCB or ExCPT with a passing score as established by the certifying body. The certificate shall exhibit a valid date and that the certification is active.

(5) A graduate of a foreign pharmacy school shall obtain a passing score on the Foreign Pharmacy Graduate Examination Committee (FPGEC) examination.

R156-17b-304. Temporary Licensure.

(1) In accordance with Subsection 58-1-303(1), the Division may issue a temporary pharmacist license to a person who meets all qualifications for licensure as a pharmacist in Utah except for the passing of the required examination, if the applicant:

(a)(i) is a graduate of an ACPE accredited pharmacy school within two months immediately preceding application for licensure[,];

(ii) enrolled in a pharmacy graduate residency or fellowship program[,]; or

(iii) licensed[,] in good standing[,] to practice pharmacy in another state or territory of the United States;

(b) submits a complete application for licensure as a pharmacist except the passing of the NAPLEX and MJPE examinations;

(c) submits evidence of having secured employment conditioned upon issuance of the temporary license, and the employment is under the direct, on-site supervision of a pharmacist with an active, non-temporary license that may or may not include a controlled substance license; and

(d) has registered to take the required licensure examinations.

(2) A temporary pharmacist license issued under Subsection (1) expires the earlier of:

(a) six months from the date of issuance;

(b) the date upon which the Division receives notice from the examination agency that the individual has failed either examination [twice]three times; or

(c) the date upon which the Division issues the individual full licensure.

(3) An individual who has failed either examination [twice]three times shall meet with the Board to request an additional authorization to test. The Division, in collaboration with the Board, may require additional training as a condition for approval of an authorization to retest.

(4) A pharmacist temporary license issued in accordance with this section cannot be renewed, but may be [or]extended up to six months, as approved by the Division in collaboration with the Board.

R156-17b-308. [Renewal Cycle - Procedures]Term, Expiration, Renewal, and Reinstatement of License - Application Procedures.

In accordance with Sections 58-1-308 and 58-17b-506:

(1) [In accordance with Subsection 58-1-308(1), t]The renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 17b is established [by rule]in Section R156-1-308a.

(2) Renewal and reinstatement procedures shall be in accordance with Sections R156-1-308[e]a through R156-1-308l, except as provided in Subsection (3).

(3) An applicant whose license was active and in good standing at the time of expiration may apply for reinstatement between two years and eight years after the date of expiration, in accordance with the following practice re-entry requirements:

(a) Each applicant shall:

(i) submit a reinstatement application demonstrating compliance with all requirements and conditions of license renewal;

(ii) pay all license renewal and reinstatement fees for the current renewal period; and

(iii) comply with any additional licensure requirements or conditions considered necessary by the Division in collaboration with the Board to protect the public and ensure the applicant is currently competent to engage in the profession, such as:

(A) a background check;

(B) conditional licensure;

(C) refresher or practice re-entry programs;

(D) licensure exams;

(E) supervised practice requirements;

(F) fitness for duty/competency evaluations; or

(G) any other licensure requirements or conditions determined necessary by the Division in collaboration with the Board.

(b) An applicant applying between two and five years after expiration shall also:

(i) if requested, meet with the Board for evaluation of the applicant's qualifications for licensure; and

(ii) submit evidence that the applicant has successfully completed:

(A) all continuing education for each preceding renewal period in which the license was expired; or

(B) a refresher or practice re-entry program approved by the Division in collaboration with the Board.

(c) An applicant applying five or more years after expiration shall also:

(i) meet with the Board for evaluation of the applicant's qualifications for licensure;

(ii) submit evidence that the applicant has:

(A) within five years preceding the application, passed the examinations required for licensure under Section R156-17b-303c (NABPLEX and MPJE for a pharmacist, or PTCB or ExCPT for a pharmacy technician); or

(B) successfully completed a refresher or practice re-entry program approved by the Division in collaboration with the Board; and

(iii) successfully practice under conditional licensure during a period of direct supervision by a pharmacist, for a period equal to at least 40 hours of supervision for each expired year.

([3]4) [An]The Division in collaboration with the Board may approve extension of an intern license [may be extended]upon the request of the licensee, if [and approval by the Division under the following conditions:

(a) the intern applied to the Division for a pharmacist license and to sit for the NAPLEX and MJPE examinations within three calendar months after obtaining full certification from the Foreign Pharmacy Graduate Equivalency Commission; or

(b)]the intern lacks the required number of internship hours for licensure.

R156-17b-309. Continuing Education.

[(1)]In accordance with Section 58-17b-310 and Subsections 58-1-203(1)(g) and 58-1-308(3)(b), [there is created a requirement for]the continuing education (CE) requirements [as a condition]for renewal or reinstatement of a pharmacist or pharmacy technician license for each two-year renewal cycle are established as follows:[issued under Title 58, Chapter 17b.

(2) Requirements shall consist of the following number of qualified continuing education hours in each preceding renewal period:

(a) 30 hours for a pharmacist; and

(b) 20 hours for a pharmacy technician.]

(1) A pharmacist shall complete at least 30 CE hours, which shall include at minimum:

(a) 12 hours of live or technology-enabled participation in lectures, seminars, or workshops;

(b) 15 hours of disease state management/drug therapy, AIDS/HIV therapy, or patient safety;

(c) one hour of pharmacy law or ethics;

(d) if providing immunization administration as defined in R156-17b-621, two hours in immunization or vaccine-related topics;

(e) if providing administration of long-acting injectable drug therapy as defined in Section R156-17b-621a, two hours in topics related to long-acting injectables; and

(f) if dispensing a self-administered hormonal contraceptive in accordance with Title 26, Chapter 62, Family Planning Access Act, two hours in topics related to hormonal contraceptive therapy.

(2)(a) A pharmacy technician shall complete at least 20 CE hours, which shall include at minimum:

(i) six hours of live or technology-enabled participation at lectures, seminars, or workshops; and

(ii) one hour of pharmacy law or ethics.

(c) Current PTCB or ExCPT certification shall fulfill all CE requirements for a pharmacy technician.

(3)(a) If a licensee first becomes licensed during the two-year renewal cycle, the licensee's required number of CE hours shall be decreased proportionately according to the date of licensure.

(b) The Division may defer or waive CE requirements as provided in Section R156-1-308d.[The required number of hours of qualified continuing professional education for an individual who first becomes licensed during the two year renewal cycle shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.]

(4) [Qualified continuing professional education hours shall consist of the following]CE credit shall be recognized as follows:

(a) [for pharmacists:]One live CE hour for attending one Utah State Board of Pharmacy meeting, up to a maximum of two CE hours during each two-year period. These hours may count as "pharmacy law or ethics" hours.

(b) Two CE hours for each hour of lecturing or instructing a CE course or teaching in the licensee's profession, up to a maximum of ten CE hours during each two-year period. The

licensee shall document the course's content and intended audience (e.g., pharmacists, pharmacy technicians, pharmacy interns, physicians, nurses). Public service programs, such as presentations to schoolchildren or service clubs, are not eligible for CE credit.

(c) All CE shall be approved by, conducted by, or under the sponsorship of one of the following:

(i) institutes, seminars, lectures, conferences, workshops, various forms of mediated instruction, and programmed learning courses, presented by an ACPE-approved institution, individual, organization, association, corporation, or agency[that has been approved by ACPE];

(ii) programs approved by health-related [continuing education]CE approval organizations, provided the [continuing education]CE is nationally recognized by a healthcare accrediting agency and [the education]is related to the practice of pharmacy;

(iii) Division training or educational presentations;

(iv) educational meetings that meet ACPE criteria and are sponsored by the Utah Pharmacy Association, the Utah Society of Health-System Pharmacists, or other professional organization or association; and

(v) for pharmacists, programs of certification by qualified individuals, such as certified diabetes educator credentials, board certification in advanced therapeutic disease management or other certification as approved by the Division in [consultation]collaboration with the Board[; and

(iv) training or educational presentations offered by the Division.

(b) for pharmacy technicians:

(i) institutes, seminars, lectures, conferences, workshops, various forms of mediated instruction, and programmed learning courses, presented by an institution, individual, organization, association, corporation or agency that has been approved by ACPE;

(ii) programs approved by health-related continuing education approval organizations provided the continuing education is nationally recognized by a healthcare accrediting agency and the education is related to the practice of pharmacy; and

(iii) educational meetings that meet ACPE continuing education criteria sponsored by the Utah Pharmacist Association, the Utah Society of Health-System Pharmacists or other professional organization or association; and

(iv) training or educational presentations offered by the Division.

(5) Credit for qualified continuing professional education shall be recognized in accordance with the following:

(a) Pharmacists:

(i) a minimum of 12 hours shall be obtained through attendance at live or technology enabled participation lectures, seminars or workshops;

(ii) a minimum of 15 hours shall be in drug therapy or patient management; and

(iii) a minimum of one hour shall be in pharmacy law or ethics.

(b) Pharmacy Technicians:

(i) a minimum of eight hours shall be obtained through attendance at live or technology enabled participation at lectures, seminars or workshops; and

(ii) a minimum of one hour shall be in pharmacy law or ethics.

(iii) documentation of current PTCB or ExCPT certification will count as meeting the requirement for continuing education.

(6) A licensee shall be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after the close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section].

(5) A licensee shall maintain documentation sufficient to prove compliance with this section, for a period of four years after the end of the renewal cycle for which the CE is due, by:

(a) maintaining registration with the NABP e-Profile CPE Monitor plan or the NABP CPE Monitor Plus plan; and

(b) maintaining a certificate of completion or other adequate documentation for any CE that cannot be tracked by the licensee's NABP plan.

R156-17b-402. Administrative Penalties.

In accordance with Subsection 58-17b-401(6) and Sections 58-17b-501 and 58-17b-502, unless otherwise ordered by the presiding officer, the following fine and citation schedule shall apply:

(1) preventing or refusing to permit any authorized agent of the Division to conduct an inspection, in violation of Subsection 58-17b-501(1):

initial offense: $500 - $2,000

subsequent offense(s): $5,000

(2) failing to deliver the license or permit or certificate to the Division upon demand, in violation Subsection 58-17b-501(2):

initial offense: $100 - $1,000

subsequent offense(s): $500 - $2,000

(3) using the title pharmacist, druggist, pharmacy intern, pharmacy technician, pharmacy technician trainee or any other term having a similar meaning or any term having similar meaning when not licensed to do so, in violation of Subsection 58-17b-501(3)(a):

initial offense: $500 - $2,000

subsequent offense(s): $2,000 - $10,000

(4) conducting or transacting business under a name that contains as part of that name the words drugstore, pharmacy, drugs, medicine store, medicines, drug shop, apothecary, prescriptions or any other term having a similar meaning or in any manner advertising otherwise describing or referring to the place of the conducted business or profession when not licensed to do so, in violation of Subsection 58-17b-501(3)(b):

initial offense: $500 - $2,000

subsequent offense(s): $2,000 - $10,000

(5) buying, selling, causing to be sold, or offering for sale any drug or device that bears the inscription sample, not for resale, investigational purposes, or experimental use only or other similar words inspection, in violation of Subsection 58-17b-501(4):

initial offense: $1,000 - $5,000

subsequent offense(s): $10,000

(6) using to the licensee's own advantage or revealing to anyone other than the Division, Board or its authorized representatives, any information acquired under the authority of this chapter concerning any method or process that is a trade secret, in violation of Subsection 58-17b-501(5):

initial offense: $100 - $500
subsequent offense(s): $200 - $1,000

(7) illegally procuring or attempting to procure any drug for the licensee or to have someone else procure or attempt to procure a drug, in violation of Subsection 58-17b-501(6):
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

(8) filling, refilling or advertising the filling or refilling of prescription drugs when not licensed do to so, in violation of Subsection 58-17b-501(7):
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

(9) requiring any employed pharmacist, pharmacy intern, pharmacy technician, pharmacy technician trainee or authorized supportive personnel to engage in any conduct in violation of this chapter, in violation of Subsection 58-17b-501(8):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

(10) being in possession of a drug for an unlawful purpose, in violation of Subsection 58-17b-501(9):
initial offense: $500 - $1,000
subsequent offense(s): $1,500 - $5,000

(11) dispensing a prescription drug to anyone who does not have a prescription from a practitioner or to anyone who is known or should be known as attempting to obtain drugs by fraud or misrepresentation, in violation of Subsection 58-17b-501(10):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

(12) selling, dispensing or otherwise trafficking in prescription drugs when not licensed to do so or when not exempted from licensure, in violation of Subsection 58-17b-501(11):
initial offense: $1,000 - $5,000
subsequent offense(s): $10,000

(13) using a prescription drug or controlled substance for the licensee that was not lawfully prescribed for the licensee by a practitioner, in violation of Subsection 58-17b-501(12):
initial offense: $100 - $500
subsequent offense(s): $1,000 - $2,5000

(14) willfully deceiving or attempting to deceive the Division, the Board or its authorized agents as to any relevant matter regarding compliance under this chapter, in violation of Subsection 58-17b-502(1):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

(15) paying rebates to practitioners or any other health care provider, or entering into any agreement with a medical practitioner or any other person for the payment or acceptance of compensation for recommending the professional services of either party, in violation of Subsection 58-17b-502(2):
initial offense:$2,500 - $5,000
subsequent offense(s):$5,500 - $10,000

(16) misbranding or adulteration of any drug or device or the sale, distribution or dispensing of any outdated, misbranded, or adulterated drugs or devices, in violation of Subsection 58-17b-502(3):
initial offense: $1,000 - $5,000
subsequent offense(s): $10,000

(17) engaging in the sale or purchase of drugs that are samples or packages bearing the inscription "sample" or "not for resale" or similar words or phrases, in violation of Subsection 58-17b-502(4):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

(18) accepting back and redistributing any unused drugs, with the exception as provided in Section 58-17b-503, in violation of Subsection 58-17b-502(5):
initial offense: $1,000 - $5,000
subsequent offense(s): $10,000

(19) engaging in an act in violation of this chapter committed by a person for any form of compensation if the act is incidental to the person's professional activities, including the activities of a pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician trainee in violation of Subsection 58-17b-502(6):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

(20) violating Federal Title II, PL 91, Controlled Substances Act or Title 58, Chapter 37, Utah Controlled Substances Act, or rules and regulations adopted under either act, in violation of Subsection 58-17b-502(7):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

(21) requiring or permitting pharmacy interns, pharmacy technicians, or pharmacy technician trainees to engage in activities outside the scope of practice for their respective license classifications, or beyond their scopes of training and ability, in violation of Subsection 58-17b-502(8):
initial offense: $100 - $500
subsequent offense(s): $500 - $1,000

(22) administering without appropriate training, guidelines, lawful order, or in conflict with a practitioner's written guidelines or protocol for administering, in violation of Subsection 58-17b-502(9):
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

(23) disclosing confidential patient information in violation of the provision of the Health Insurance Portability and Accountability Act of 1996 or other applicable law, in violation of Subsection 58-17b-502(10):
initial offense: $100 - $500
subsequent offense(s): $500 - $1,000

(24) engaging in the practice of pharmacy without a licensed pharmacist designated as the PIC, in violation of Subsection 58-17b-502(11):
initial offense: $100 - $500
subsequent offense(s): $2,000 - $10,000

(25) failing to report to the Division any adverse action taken by another licensing jurisdiction, government agency, law enforcement agency or court, in violation of Subsection 58-17b-502(12):
initial offense: $100 - $500
subsequent offense(s): $500 - $1,000

(26) preparing a prescription drug in a dosage form that is regularly and commonly available from a manufacturer in quantities and strengths prescribed by a practitioner, in violation of Subsection 58-17b-502(13):
initial offense: $500 - $1,000
subsequent offense(s): $2,500 - $5,000

(27) failing to act in accordance with Title 26, Chapter 62, Family Planning Access Act, when dispensing a self-administered hormonal contraceptive under a standing order, in violation of Subsection 58-17b-502(14):
initial offense: $100 - $500
subsequent offense(s): $500 - $1,000

([27]28) violating any ethical code provision of the American Pharmaceutical Association Code of Ethics for Pharmacists, October 27, 1994, in violation of Subsection R156-17b-502(1):
initial offense: $250 - $500
subsequent offense(s): $2,000 - $10,000

([28]29) failing to comply with USP-NF Chapter 795 guidelines, in violation of Subsection R156-17b-502(2):
initial offense: $250 - $500
subsequent offense(s): $500 - $750

([29]30) failing to comply with USP-NF Chapter 797 guidelines, in violation of Subsection R156-17b-502(2):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([30]31) failing to comply with the continuing education requirements set forth in this rule, in violation of Subsection R156-17b-502(3):
initial offense: $100 - $500
subsequent offense(s): $500 - $1,000

([31]32) failing to provide the Division with a current mailing address within 10 days following any change of address, in violation of Subsection R156-17b-502(4):
initial offense: $50 - $100
subsequent offense(s): $200 - $300

([32]33) defaulting on a student loan, in violation of Subsection R156-17b-502(5):
initial offense: $100 - $200
subsequent offense(s): $200 - $500

([33]34) failing to abide by all applicable federal and state law regarding the practice of pharmacy, in violation of Subsection R156-17b-502(6):
initial offense: $500 - $1,000
subsequent offense(s): $2,000 - $10,000

([34]35) failing to comply with administrative inspections, in violation of Subsection R156-17b-502(7):
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

([35]36) failing to return a self-inspection report according to the deadline established by the Division, or providing false information on a self-inspection report, in violation of Subsection R156-17b-502(8):
initial offense: $100 - $250
subsequent offense(s): $300 - $500

([36]37) violating the laws and rules regulating operating standards in a pharmacy discovered upon inspection by the Division, in violation of Subsection R156-17b-502(9):
initial violation: $50 - $100
failure to comply within determined time: $250 - $500
subsequent violations: $250 - $500
failure to comply within established time: $750 - $1,000

([37]38) abandoning a pharmacy and/or leaving drugs accessible to the public, in violation of Subsection R156-17b-502(10):
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

([38]39) failing to identify license classification when communicating by any means, in violation of Subsection R156-17b-502(11):
initial offense: $100 - $500
subsequent offense(s): $500 - $1,000

([39]40) failing to maintain an appropriate ratio of personnel, in violation of Subsection R156-17b-502(12):
Pharmacist initial offense: $100 - $250
Pharmacist subsequent offense(s): $500 - $2,500
Pharmacy initial offense: $250 - $1,000
Pharmacy subsequent offense(s): $500 - $5,000

([40]41) allowing any unauthorized persons in the pharmacy, in violation of Subsection R156-17b-502(13):
Pharmacist initial offense: $50 - $100
Pharmacist subsequent offense(s): $250 - $500
Pharmacy initial offense: $250 - $500
Pharmacy subsequent offense(s): $1,000 - $2,000

([41]42) failing to offer to counsel any person receiving a prescription medication, in violation of Subsection R156-17b-502(14):
Pharmacy personnel initial offense: $500 - $2,500
Pharmacy personnel subsequent offense(s): $5,000 - $10,000
Pharmacy: $2,000 per occurrence

([42]43) failing to pay an administrative fine within the time designated by the Division, in violation of Subsection R156-17b-502(15):
Double the original penalty amount up to $10,000

([43]44) failing to comply with the PIC or DMPIC standards as established in Section R156-17b-603, in violation of Subsection R156-17b-502(16):
initial offense: $500 - $2,000
subsequent offense(s) $2,000 - $10,000

([44]45) failing to take appropriate steps to avoid or resolve identified drug therapy management problems as referenced in Subsection R156-17b-611(3), in violation of Subsection R156-17b-502(17):
initial offense: $500 - $2,500
subsequent offense: $5,000 - $10,000

([45]46) dispensing a medication that has been discontinued by the FDA, in violation of Subsection R156-17b-502(18):
initial offense: $100 - $500
subsequent offense: $200 - $1,000

([46]47) failing to keep or report accurate records of training hours, in violation of Subsection R156-17b-502(19):
initial offense: $100 - $500
subsequent offense: $200 - $1,000

([47]48) failing to provide PIC or DMPIC information to the Division within 30 days of a change in PIC or DMPIC, in violation of Subsection R156-17b-502(20):
initial offense: $100 - $500
subsequent offense: $200 - $1,000

([48]49) requiring a pharmacy, PIC, or any other pharmacist to operate a pharmacy with unsafe personnel ratio, in violation of Subsection R156-17b-502(21):
initial offense: $500 - $2,000

subsequent offense: $2,000 - $10,000

([~~49~~]50) failing to update the Division within seven calendar days of any change in the email address designated for use in self-audits or pharmacy alerts, in violation of Subsection R156-17b-502(22):

Pharmacist initial offense: $100 - $300
Pharmacist subsequent offense(s): $500 - $1,000
Pharmacy initial offense: $250 - $500
Pharmacy subsequent offense(s): $500 - $1,250

([~~50~~]51) practicing or attempting to practice as a pharmacist, pharmacist intern, pharmacy technician, or pharmacy technician trainee or operating a pharmacy without a license, in violation of Subsection 58-1-501(1)(a):

initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

([~~51~~]52) impersonating a licensee or practicing under a false name, in violation of Subsection 58-1-501(1)(b):

initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

([~~52~~]53) knowingly employing an unlicensed person, in violation of Subsection 58-1-501(1)(c):

initial offense: $500 - $1,000
subsequent offense(s): $1,000 - $5,000

([~~53~~]54) knowingly permitting the use of a license by another person, in violation of Subsection 58-1-501(1)(d):

initial offense: $500 - $1,000
subsequent offense(s): $1,000 - $5,000

([~~54~~]55) obtaining a passing score, applying for or obtaining a license or otherwise dealing with the Division or Board through the use of fraud, forgery, intentional deception, misrepresentation, misstatement, or omission, in violation of Subsection 58-1-501(1)(e):

initial offense: $100 - $2,000
subsequent offense(s): $2,000 - $10,000

([~~55~~]56) issuing a prescription without prescriptive authority conferred by a license or an exemption to licensure, in violation of Subsection 58-1-501(1)(f)(i)(A)and 58-1-501(2)(m)(i):

initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

([~~56~~]57) issuing a prescription without prescriptive authority conferred by a license or an exemption to licensure without obtaining information sufficient to establish a diagnosis, identify underlying conditions and contraindications to treatment in a situation other than an emergency or an on-call cross coverage situation, in violation of Subsection 58-1-501(1)(f)(i)(B)and 58-1-501(2)(m)(ii):

initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

([~~57~~]58) violating or aiding or abetting any other person to violate any statute, rule or order regulating pharmacy, in violation of Subsection 58-1-501(2)(a):

initial offense: $100 - $2,000
subsequent offense(s): $2,000 - $10,000

([~~58~~]59) violating or aiding or abetting any other person to violate any generally accepted professional or ethical standard, in violation of Subsection 58-1-501(2)(b):

initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

([~~59~~]60) engaging in conduct that results in conviction of, or a plea of nolo contendere, or a plea of guilty or nolo contendere held in abeyance to a crime, in violation of Subsection 58-1-501(2)(c):

initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

([~~60~~]61) engaging in conduct that results in disciplinary action by any other jurisdiction or regulatory authority, that if the conduct had occurred in this state, would constitute grounds for denial of licensure or disciplinary action, in violation of Subsection 58-1-501(2)(d):

initial offense: $100 - $500
subsequent offense(s): $200 - $1,000

([~~61~~]62) engaging in conduct, including the use of intoxicants, drugs, or similar chemicals, to the extent that the conduct does or may impair the ability to safely engage in practice as a pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician trainee, in violation of Subsection 58-1-501(2)(e):

initial offense: $100 - $500
subsequent offense(s): $200 - $1,000

([~~62~~]63) practicing or attempting to practice as a pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician trainee when physically or mentally unfit to do so, in violation of Subsection 58-1-501(2)(f):

initial offense: $100 - $500
subsequent offense(s): $200 - $1,000

([~~63~~]64) practicing or attempting to practice as a pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician trainee through gross incompetence, gross negligence or a pattern of incompetency or negligence, in violation of Subsection 58-1-501(2)(g):

initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

([~~64~~]65) practicing or attempting to practice as a pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician trainee by any form of action or communication that is false, misleading, deceptive or fraudulent, in violation of Subsection 58-1-501(2)(h):

initial offense: $100 - $500
subsequent offense(s): $200 - $1,000

([~~65~~]66) practicing or attempting to practice as a pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician trainee beyond the individual's scope of competency, abilities or education, in violation of Subsection 58-1-501(2)(i):

initial offense: $100 - $500
subsequent offense(s): $200 - $1,000

([~~66~~]67) practicing or attempting to practice as a pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician trainee beyond the scope of licensure, in violation of Subsection 58-1-501(2)(j):

initial offense: $100 - $500
subsequent offense(s): $200 - $1,000

([~~67~~]68) verbally, physically or mentally abusing or exploiting any person through conduct connected with the licensee's practice, in violation of Subsection 58-1-501(2)(k):

initial offense: $100 - $1,000
subsequent offense(s): $500 - $2,000

([~~68~~]69) acting as a supervisor without meeting the qualification requirements for that position as defined by statute or rule, in violation of Subsection 58-1-501(2)(l):
initial offense: $100 - $500
subsequent offense(s): $200 - $1,000

([~~69~~]70) violating a provision of Section 58-1-501.5, in violation of Subsection 58-1-501(2)(n):
initial offense: $500 - $2,000
subsequent offense(s): $2,000 - $10,000

([~~70~~]71) surrendering licensure to any other licensing or regulatory authority having jurisdiction over the licensee or applicant in the same occupation or profession while an investigation or inquiry into allegations of unprofessional or unlawful conduct is in progress or after a charging document has been filed against the applicant or licensee alleging unprofessional or unlawful conduct, in violation of Subsection R156-1-501(1):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~71~~]72) practicing a regulated occupation or profession in, through, or with a limited liability company that has omitted the words, "limited company," "limited liability company," or the abbreviation "L.C." or "L.L.C." in the commercial use of the name of the limited liability company, in violation of Subsection R156-1-501 (2):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~72~~]73) practicing a regulated occupation or profession in, through, or with a limited partnership that has omitted the words, "limited partnership," "limited," or the abbreviation "L.P." or "Ltd." in the commercial use of the name of the limited partnership, in violation of Subsection R156-1-501(3):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~73~~]74) practicing a regulated occupation or profession in, through, or with a professional corporation that has omitted the words "professional corporation" or the abbreviation "P.C." in the commercial use of the name of the professional corporation, in violation of Subsection R156-1-501(4):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~74~~]75) using a capitalized DBA (doing-business-as name) that has not been properly registered with the Division of Corporations and with the Division of Occupational and Professional Licensing, in violation of Subsection R156-1-501(5):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~75~~]76) failing, as a prescribing practitioner, to follow the "Model Policy for the Use of Controlled Substances for the Treatment of Pain," May 2004, established by the Federation of State Medical Boards of the United States, Inc., which is hereby adopted and incorporated by reference, in violation of R156-1-501(6):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~76~~]77) engaging in prohibited acts as defined in Section 58-37-8, in violation of Section 58-37-8:
initial offense: $1,000 - $5,000
subsequent offense(s) $5,000 - $10,000

([~~77~~]78) self-prescribing or self-administering by a licensee of any Schedule II or Schedule III controlled substance that is not prescribed by another practitioner having authority to prescribe the drug, in violation of Subsection R156-37-502(1)(a):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~78~~]79) prescribing or administering a controlled substance for a condition that the licensee is not licensed or competent to treat, in violation of Subsection R156-37-502(1)(b):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~79~~]80) violating any federal or state law relating to controlled substances, in violation of Subsection R156-37-502(2):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~80~~]81) failing to deliver to the Division all controlled substance certificates issued by the Division, to the Division, upon an action that revokes, suspends, or limits the license, in violation of R156-37-502(3):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~81~~]82) failing to maintain controls over controlled substances that would be considered by a prudent licensee to be effective against diversion, theft, or shortage of controlled substances, in violation of Subsection R156-37-502(4):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~82~~]83) being unable to account for shortages of controlled substances in any controlled substances inventory for which the licensee has responsibility, in violation of Subsection R156-37-502(5):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~83~~]84) knowingly prescribing, selling, giving away, or administering, directly or indirectly, or offering to sell, furnish, give away, or administer any controlled substance to a drug dependent person, as defined in Subsection 58-37-2(1)(s), except for legitimate medical purposes as permitted by law, in violation of Subsection R156-37-502(6):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~84~~]85) refusing to make available for inspection controlled substance stock, inventory, and records as required under this rule or other law regulating controlled substances and controlled substance records, in violation of Subsection R156-37-502(7):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~85~~]86) failing to submit controlled substance prescription information to the database manager after being notified in writing to do so, in violation of Subsection R156-37-502(8):
initial offense: $500 - $2,000
subsequent offense(s): $2,500 - $10,000

([~~86~~]87) any other conduct that constitutes unprofessional or unlawful conduct:
initial offense: $100 - $500
subsequent offense(s): $200 - $1,000

([~~87~~]88) if licensed as a DMP or DMP clinic pharmacy, delegating the dispensing of a drug to a DMP designee who has not completed a formal or on-the-job dispensing training program that meets standards established in Section R156-17b-622, in violation of Subsection R156-17b-502 (25):
initial offense: $500 - $2,000
subsequent offense: $2,500 - $10,000

R156-17b-610. Operating Standards - Patient Counseling.

In accordance with Subsection 58-17b-601(1), guidelines for providing patient counseling established in Section 58-17b-613 include the following:

(1) Counseling shall be offered orally in person unless the patient or patient's agent is not at the pharmacy or a specific communication barrier prohibits oral communication.

(2) A pharmacy facility shall orally offer to counsel but shall not be required to counsel a patient or patient's agent when the patient or patient's agent refuses such counseling.

(3) Based upon the professional judgment of the pharmacist, pharmacy intern, or DMP, patient counseling may include the following elements:

(a) the name and description of the prescription drug;

(b) the dosage form, dose, route of administration and duration of drug therapy;

(c) intended use of the drug, when known, and expected action;

(d) special directions and precautions for preparation, administration and use by the patient;

(e) common severe side or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur;

(f) techniques for self-monitoring drug therapy;

(g) proper storage;

(h) prescription refill information;

(i) action to be taken in the event of a missed dose;

(j) pharmacist comments relevant to the individual's drug therapy, including any other information specific to the patient or drug; and

(k) the date after which the prescription should not be taken or used, or the beyond use date.

(4) The offer to counsel shall be documented and said documentation shall be available to the Division. These records shall be maintained for a period of five years and be available for inspection within 7-10 business days.

(5) Only a pharmacist, pharmacy intern, or DMP may orally provide counseling to a patient or patient's agent and answer questions concerning prescription drugs.

(6) If a prescription drug order is delivered to the patient or the patient's agent at the patient's or other designated location, the following is applicable:

(a) the information specified in Subsection (3) of this section shall be delivered with the dispensed prescription in writing;

(b) if prescriptions are routinely delivered outside the area covered by the pharmacy's local telephone service, the pharmacist shall place on the prescription container or on a separate sheet delivered with the prescription container, the telephone number of the pharmacy and the statement "Written information about this prescription has been provided for you. Please read this information before you take this medication. If you have questions concerning this prescription, a pharmacist is available during normal business hours to answer these questions."; and

(c) written information provided in Subsection (6)(b) of this section shall be in the form of patient information leaflets similar to USP-NF patient information monographs or equivalent information.

(7) Patient counseling shall not be required for inpatients of a hospital or institution where other licensed health care professionals are authorized to administer the patient's drugs.

(8) A pharmacist or pharmacy intern who dispenses a self-administered hormonal contraceptive shall obtain a completed Utah Hormonal Contraceptive Self-Screening Risk Assessment Questionnaire and provide written information and counseling as described in Section 26-62-106.

R156-17b-621b. Operating Standards - Pharmacist and Pharmacy Intern Dispensing of a Self-Administered Hormonal Contraceptive - Training.

In accordance with Subsection 58-17b-502(14) and Section 26-62-106:

(1) Prior to dispensing a self-administered hormonal contraceptive, a pharmacist or pharmacy intern shall successfully complete a training program for dispensing self-administered hormonal contraceptives that is provided by an ACPE-accredited provider and approved by the Division in collaboration with the Board.

(2) A pharmacist or pharmacy intern who engages in the dispensing of a self-administered hormonal contraceptive shall:

(a) maintain documentation that the required training was obtained prior to any dispensing; and

(b) for each renewal cycle after the initial training, successfully complete a minimum of two hours of continuing education related to dispensing a self-administered hormonal contraceptive, in accordance with Section R156-17b-309.

(3) The Utah Hormonal Contraceptive Self-screening Risk Assessment Questionnaire, adopted September 18, 2018, posted on the Division's website, is the self-screening risk assessment questionnaire to be used for pharmacist and pharmacy intern dispensing of self-administered hormonal contraceptives.

KEY: pharmacists, licensing, pharmacies
Date of Enactment or Last Substantive Amendment: [~~December 12, 2017~~]2018
Notice of Continuation: January 5, 2015
Authorizing, and Implemented or Interpreted Law: 58-17b-101; 58-17b-601(1); 58-37-1; 58-1-106(1)(a); 58-1-202(1)(a)

Commerce, Occupational and Professional Licensing
R156-37-602
Records

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43333
FILED: 10/30/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division of Occupational and Professional Licensing (Division) and the Utah State Board of Pharmacy recommend this amendment to clarify when a licensee must report the loss of controlled substances to the Drug Enforcement Agency (DEA), the Division, and local law enforcement.

SUMMARY OF THE RULE OR CHANGE: This proposed amendment provides guidance to licensees who experience a loss of controlled substance inventory. The amendment clarifies that a licensee shall report the loss to the DEA, the Division, and local law enforcement if the circumstances involve "any theft, including diversion, or significant loss". The new language clarifies that diversion is reportable as theft, and uses the term "significant loss" because this is the term used by the DEA and the DEA has issued guidance regarding what constitutes a significant loss.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 58-1-106(1)(a) and Subsection 58-37-6(1)(a) and Subsection 58-37f-301(1)

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: This amendment is not expected to impact state government revenues or expenditures because the amendment only updates this rule to provide guidance and encompass current standards in the profession. Accordingly, no fiscal impact to the state is expected beyond a minimal cost to the Division of approximately $75 to print and distribute this rule once the proposed amendment is made effective.

♦ LOCAL GOVERNMENTS: This amendment is not expected to impact local governments' revenues or expenditures because the amendment only updates this rule to provide guidance and encompass current standards in the profession.

♦ SMALL BUSINESSES: There are approximately 521 class A pharmacies, 274 class B pharmacies, 1,085 class C pharmacies, 723 class D pharmacies, and 573 class E pharmacies that are small businesses licensed in Utah, and if these small businesses are involved in the supply or dispensing of controlled substances they will be required to comply with this rule. (For a complete listing of the NAICS codes used in this analysis, please contact the Division). However, this amendment is not expected to impact revenues or expenditures for any of these small businesses because this amendment only updates this rule to provide guidance and encompass current standards in the profession.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This proposed amendment clarifies the requirements for reporting theft/diversion or significant loss of controlled substances in pharmacies to the DEA and local law enforcement. There are 3,941 pharmacists, 791 pharmacy interns, 5,774 pharmacy technicians, and 1,395 pharmacy technician trainees licensed in Utah who will be required to comply with this rule amendment if they are involved in the supply or dispensing of controlled substances and experience a loss. However, this amendment will not create a fiscal impact for these persons beyond the current requirements because this amendment only updates this rule to provide guidance and encompass current standards in the profession.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This proposed amendment will affect a pharmacist, pharmacy intern, pharmacy technician, or pharmacy technician trainee if they are involved in the supply or dispensing of controlled substances and experience a loss. However, this amendment will not create a fiscal impact for these affected persons beyond the current requirements because this amendment only updates this rule to provide guidance and encompass current standards in the profession.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Division and the Utah Board of Pharmacy recommend this amendment to clarify when a licensee must report the loss of controlled substances to the Drug Enforcement Agency (DEA), the Division, and to local law enforcement. Section R156-37-602: This proposed amendment provides guidance to licensees who experience a loss of controlled substance inventory. This amendment clarifies that a licensee shall report the loss to the DEA, the Division, and local law enforcement, if the circumstances involve "any theft, including diversion, or significant loss". The new language clarifies that diversion is reportable as theft, and uses the term "significant loss" because this is the term used by the DEA and the DEA has issued guidance regarding what constitutes a significant loss. There are approximately 521 Class A pharmacies, 274 Class B pharmacies, 1,085 Class C pharmacies, 723 Class D pharmacies, and 573 Class E pharmacies that are small businesses licensed in Utah. If these small businesses are involved in the supply or dispensing of controlled substances, they will be required to comply with this rule. However, this amendment is not expected to have a fiscal impact on any of these small businesses because this amendment only updates this rule to provide guidance and encompass current standards in the profession. There are approximately 10 non-small business Class A retail pharmacies, 5 non-small Class B pharmacies, 22 non-small Class C pharmacies, 15 non-small Class D pharmacies, and 12 non-small Class E pharmacies licensed in Utah. If these non-small businesses are involved in the supply or dispensing of controlled substances, they will be required to comply with this rule. However, this amendment is not expected to have a fiscal impact on any of these non-small businesses because this amendment only updates this rule to provide guidance and encompass current standards in the profession.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Larry Marx by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at lmarx@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
♦ 11/27/2018 08:30 AM, 160 East 300 South, North Conference Room (1st floor), Salt Lake City, Utah

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Mark Steinagel, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses (50 or more employees)
There are approximately 10 non-small business Class A retail pharmacies, 5 non-small Class B pharmacies, 22 non-small Class C pharmacies, 15 non-small Class D pharmacies and 12 non-small Class E pharmacies licensed in Utah, and if these non-small businesses are involved in the supply or dispensing of controlled substances they will be required to comply with this rule. (For a complete listing of the NAICS codes used in this analysis, please contact the Division). However, this amendment is not expected to impact revenues or expenditures for any of these non-small businesses because the amendment only updates the rule to provide guidance and encompass current standards in the profession.

Agency sign off: The head of the Department of Commerce, Francine A. Giani, has reviewed and approved this fiscal analysis.

R156. Commerce, Occupational and Professional Licensing.
R156-37. Utah Controlled Substances Act Rule.
R156-37-602. Records.

(1) Records of purchase, distribution, dispensing, prescribing, and administration of controlled substances shall be kept according to state and federal law. Prescribing practitioners shall keep accurate records reflecting the examination, evaluation and treatment of all patients. Patient medical records shall accurately reflect the prescription or administration of controlled substances in the treatment of the patient, the purpose for which the controlled substance is utilized, and information upon which the diagnosis is based. Practitioners shall keep records apart from patient records of each controlled substance purchased, and with respect to each controlled substance, its disposition, whether by administration or any other means, date of disposition, to whom given, and the quantity given.

(2) Any licensee who experiences any [~~shortage or~~]theft, including diversion, or significant loss of controlled substances shall immediately:

(a) file the appropriate forms with the Drug Enforcement Administration, with a copy to the Division directed to the attention of the Investigation Bureau; and

(b) report the incident to the local law enforcement agency.

(3) All records required by federal and state laws or rules must be maintained by the licensee for a period of five years. If a licensee should sell or transfer ownership of records in any way, those records shall be maintained separately from other records of the new owner.

(4) Prescription records may be maintained electronically so long as:

(a) the original of each prescription, including telephone prescriptions, is maintained in a physical file and contains all of the information required by federal and state law; and

(b) an automated data processing system is used for the storage and immediate retrieval of refill information for prescription orders for controlled substances in Schedule III and IV, in accordance with federal guidelines.

(5) All records relating to Schedule II controlled substances received, purchased, administered, or dispensed by the practitioner shall be maintained separately from all other records of the pharmacy or practice.

(6) All records relating to Schedules III, IV, and V controlled substances received, purchased, administered, or dispensed by the practitioner shall be maintained separately from all other records of the pharmacy or practice.

KEY: controlled substances, licensing
Date of Enactment or Last Substantive Amendment: [~~December 11, 2017~~]2018
Notice of Continuation: February 6, 2017
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-37-6(1)(a); 58-37f-301(1)

Commerce, Occupational and Professional Licensing

R156-37f

Controlled Substance Database Act Rule

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 43353
FILED: 11/01/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These proposed amendments update this rule regarding the data to be reported to the Controlled Substance Database (Database), pursuant to H.B. 158 (2018) which modified requirements for providing information to the Division of Occupational and Professional Licensing (Division) for inclusion in the Database. These proposed amendments also update this rule to encompass current definitions, standards, and practices and procedures with respect to access to Database information, and make non-substantive formatting changes for comprehensibility.

SUMMARY OF THE RULE OR CHANGE: Section R156-37f-102: These proposed amendments add definitions for the following acronyms: "EDS" means "electronic data system" as defined in Subsection 58-37f-303(1)(c), "EHR" means electronic health record, and "HIE" means health information exchange. Section R156-37f-203: These proposed amendments: 1) conform the language of this rule to Section 58-37f-203 by requiring both "the pharmacist-in-charge and the pharmacist" to report the required data; 2) specify certain data fields that must be completed; and 3) update terms and delete references to obsolete or unclear data requirements. Section R156-37f-301: These proposed amendments update citations, make non-substantive formatting changes for comprehensibility throughout, and make the following clarifications to conform this rule to current practices and procedures: 1) clarify that requests for database information may not be made verbally; 2) clarify that certain information may be included in a search warrant to assist the search, such as subject's birth date, the full name of the prescriber, and date range to be searched; 3) clarify that information provided as a result of a search warrant will be as set forth in this rule unless otherwise specified in the search warrant; 4) clarify that requests from an individual for his or her database information shall be in the form of an original signed and notarized request, and include a clearly legible, color copy of government-issued picture identification confirming the individual's identity; 5) require a third party requesting database information on behalf of an individual to provide: a) an original signed and notarized request form furnished by the Division together with a clearly legible, color copy of government-issued picture identification confirming the requester's identity; and b) an original or certified copy of properly executed legal documentation of the third-party requester's authority, in particular, an agent under a power of attorney must be a current agent under a power of attorney that either authorizes the agent to make health care decisions for the individual, allows the agent to have access to the patient's protected health information under HIPAA, or grants the agent specific authority to obtain database information; 6) deletes the requirement that the written designation provided to the Division by a practitioner and hospital operating an emergency department include the names of all emergency room practitioners employed at the hospital; 7) clarifies that requests to provide access to a designated employee should include the designating practitioner's email address account registered with the Database, and identify the employee's professional license number, if any; and 8) with respect to an individual's request for the Division to provide notice to a third party when a controlled substance prescription is dispensed to that individual: a) clarifies that the request to begin or discontinue notice shall be made on an original signed and notarized request form as furnished by the Division and include a clearly legible, color copy, of government-issued picture identification confirming the individual's identity; and b) increases from one to three the number of active third parties that an individual may designate to receive notice. Section R156-37f-303: These proposed amendments: 1) update the reference to the interface with the database as the "Division-approved Prescription Monitoring Program (PMP) Hub system"; and 2) clarify that to access information in the database via an electronic data system (EDS), the user must register to use the database by creating an approved account established by the Division pursuant to a memorandum of understanding with the Division, and must use the unique username and password associated with the account.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 58-1-106(1)(a) and Subsection 58-37f-301(1)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: Section R156-37f-102: These proposed amendments are not expected to impact state revenues or expenditures because these new definitions merely encompass current industry standards. Section R156-37f-203: These proposed amendments will apply to persons who provide pharmacy services and dispense controlled substances. This may include certain state government entities acting as businesses. However, because these amendments only make minor adjustments regarding required submissions to encompass current industry standards, in accordance with the Controlled Substance Database Act as amended by H.B. 158 (2018), the Division

estimates that these proposed amendments will have no impact on the state budget. Sections R156-37f-301 and R156-37f-303: These proposed amendments, which update this rule to clarify standards and encompass current requirements for access to Database information, are not expected to have any impact on the state budget beyond a potential time savings for Division staff due to better explanation of the procedures that must be followed for requests and an improvement in the quality of information that will be provided to the staff. However, the exact savings cannot be estimated as it will vary depending on the circumstances and the nature of the requests that are made, and the relevant data is unavailable. Any savings will be absorbed within the Division's current budget. No other fiscal impact to the state is expected, beyond a minimal cost to the Division of approximately $75 to print and distribute this rule once these proposed amendments are made effective.

♦ LOCAL GOVERNMENTS: These proposed amendments to Section R156-37f-203 may impact persons who provide pharmacy services and dispense controlled substances, which may include certain local government entities acting as businesses. However, because these amendments only make minor adjustments regarding required submissions to encompass current industry standards, in accordance with the Controlled Substance Database Act as amended by H.B. 158 (2018), the Division estimates that these proposed amendments will have no impact on local governments. None of the other amendments are expected to impact local governments' revenues or expenditures because they do not apply to local governments.

♦ SMALL BUSINESSES: The Database collects data on the dispensing of Schedule II-V drugs from retail, institutional, and outpatient hospital pharmacies, and in-state/out-of-state mail order pharmacies. There are approximately 521 small business Class A pharmacies, 274 small business Class B pharmacies, 723 small business Class D pharmacies, and 573 small business Class E pharmacies licensed in Utah, and if any of these are involved in dispensing controlled substances they will be required to comply with these proposed amendments to Section R156-37f-203. For a complete listing of the NAICS codes used in this analysis, please contact the Division. However, the Division does not expect these amendments to impact the revenues or expenditures of these small businesses because these amendments only make minor adjustments to required submissions to encompass current industry standards, in accordance with the Controlled Substance Database Act as amended by H.B. 158 (2018). Additionally, the Division does not expect any of the other proposed amendments to impact small businesses' revenues or expenditures because the other amendments merely ensure that this rule encompasses current definitions, standards, and practices and procedures with respect to access to Database information.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Sections R156-37f-102: These proposed amendments are not expected to impact other persons because these new definitions merely encompass current industry standards. Section R156-37f-203: These proposed amendments will apply to the estimated 3,774 licensed pharmacists that provide pharmacy services and dispense controlled substances. However, because these proposed amendments only make minor adjustments to required submissions to encompass current industry standards, in accordance with the Controlled Substance Database Act as amended by H.B. 158 (2018), the Division estimates that these amendments will have no impact on these licensees. Section R156-37f-301: These proposed amendments are not expected to impact other persons because they merely update this rule to encompass current standards, and practices and procedures for access to Database information. These changes and clarifications will apply to individuals who choose to request information regarding the individual's records contained within the Database, and to individuals who wish to have the Division provide notice to third parties regarding the dispensing of controlled substances to those individuals. In addition, these amendments will apply to any third parties who choose to make such requests on behalf of such individuals. There could be a potential time savings and corresponding financial savings for these persons due to the clarification of the request procedures to be followed, but an amount cannot be estimated as it will vary substantially from person to person depending on each individual's circumstances and the nature of each request, and the relevant data is unavailable. Overall, the Division still expects that these amendments will have no aggregate impact on these other persons because Database staff already follows the practices and procedures provided in these amendments, including requiring requesters to submit an original signed and notarized request form as furnished by the Division, and to provide satisfactory documentation confirming the requester's identity and authority. Section R156-37f-303: These proposed amendments will apply to EDS users who wish to access Database information via the EDS, but these amendments are not expected to impact these persons because they merely update this rule to encompass current EDS access terms and standards.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Sections R156-37f-102: These proposed amendments are not expected to impose any compliance costs for affected persons because these new definitions merely encompass current industry standards. Section R156-37f-203: These proposed amendments will apply to a licensed pharmacist that provides pharmacy services and dispenses controlled substances. However, because these proposed amendments only make minor adjustments to required submissions to encompass current industry standards, in accordance with the Controlled Substance Database Act as amended by H.B. 158 (2018), the Division estimates that these amendments will have no compliance costs for these affected persons. Sections R156-37f-301 and R156-37f-303: The Division does not expect any of these proposed amendments to impose compliance costs on any affected persons because these amendments merely ensure that this rule encompasses current definitions, standards, and practices and procedures with respect to access to Database information.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These proposed amendments update this rule regarding the data to be reported to the Controlled Substance Database, pursuant to H.B. 158 (2018), which modified requirements for providing information to the Division for inclusion in the Database. These proposed amendments also update this rule to encompass current definitions, standards, and practices and procedures with respect to access to Database information and make non-substantive formatting changes for comprehensibility. The Database collects data on the dispensing of Schedule II-V drugs from retail, institutional, and outpatient hospital pharmacies, and in-state/out-of-state mail order pharmacies. There are approximately 521 small business Class A pharmacies, 274 small business Class B pharmacies, 723 small business Class D pharmacies, and 573 small business Class E pharmacies licensed in Utah. If any of these are involved in dispensing controlled substances, they will be required to comply with these proposed amendments to Section R156-37f-203. However, the Division does not expect these amendments to impact the revenues or expenditures of these small businesses because these amendments only make minor adjustments to required submissions to encompass current industry standards, in accordance with the Controlled Substance Database Act as amended by H.B. 158 (2018). Additionally, the Division does not expect any of the other proposed amendments to impact small businesses revenues or expenditures because the other amendments merely ensure that this rule encompasses current definitions, standards, and practices and procedures with respect to access to Database information. Non-Small Businesses. The Database collects data on the dispensing of Schedule II-V drugs from retail, institutional, and outpatient hospital pharmacies, and in-state/out-of-state mail order pharmacies. There are approximately 10 non-small business Class A pharmacies, 5 non-small business Class B pharmacies, 15 non-small business Class D pharmacies, and 12 non-small business Class E pharmacies licensed in Utah. If any of these are involved in dispensing controlled substances, they will be required to comply with these proposed amendments to Section R156-37f-203. However, the Division does not expect these amendments to impact the revenues or expenditures of these non-small businesses because these amendments only make minor adjustments to required submissions to encompass current industry standards, in accordance with the Controlled Substance Database Act as amended by H.B. 158 (2018). The proposed amendment to Section R156-37f-301, that deletes the requirement that the written designation provided to the Division by a practitioner and hospital operating an emergency department include the names of all emergency department practitioners employed at the hospital, will apply to an estimated 91 non-small business facility hospitals or HMO medical centers (NAICS 622110). This amendment is expected to create a slight time savings and corresponding financial savings for these non-small businesses. However, the amount cannot be estimated as it will vary substantially depending on the characteristics of each emergency department. The Division does not expect any of the other proposed amendments to impact non-small businesses revenues or expenditures because the other amendments merely ensure that this rule encompasses current definitions, standards, and practices and procedures with respect to access to Database information.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ David Furlong by phone at 801-530-6608, by FAX at 801-530-6511, or by Internet E-mail at dfurlong@utah.gov
♦ Ronald Larsen by phone at 801-530-6197, by FAX at 801-530-6511, or by Internet E-mail at ronaldlarsen@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
♦ 11/20/2018 09:30 AM, 160 East 300 South, Conference Room 464 (4th floor), Salt Lake City, Utah

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Mark Steinagel, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**

Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses (50 or more employees)

The Database collects data on the dispensing of Schedule II-V drugs from retail, institutional, and outpatient hospital pharmacies, and in-state/out-of-state mail order pharmacies. There are approximately 10 non-small business Class A pharmacies, 5 non-small business Class B pharmacies, 15 non-small business Class D pharmacies, and 12 non-small business Class E pharmacies licensed in Utah, and if any of these are involved in dispensing controlled substances they will be required to comply with the proposed amendments to Section R156-37f-203. (For a complete listing of the NAICS codes used in this analysis, please contact the Division.) However, the Division does not expect these amendments to impact the revenues or expenditures of these non-small businesses because the amendments only make minor adjustments to required submissions to encompass current industry standards, in accordance with the Controlled Substance Database Act as amended by H.B. 158 (2018). The proposed amendment to Section R156-37f-301 that deletes the requirement that the written designation provided to the Division by a practitioner and hospital operating an emergency department include the names of all emergency department practitioners employed at the hospital will apply to an estimated 91 non-small business facility hospitals or HMO medical centers (NAICS 622110), and this amendment is expected to create a slight time savings and corresponding financial savings for these non-small businesses. However, the amount cannot be estimated as it will vary substantially depending on the characteristics of each emergency department. The Division does not expect any of the other proposed amendments to impact non-small business revenues or expenditures because the other amendments merely ensure that the rule encompasses current definitions, standards, and practices and procedures with respect to access to Database information.

Agency sign off: The head of the Department of Commerce, Francine A. Giani, has reviewed and approved this fiscal analysis.

R156. Commerce, Occupational and Professional Licensing.
R156-37f. Controlled Substance Database Act Rule.
R156-37f-102. Definitions.

In addition to the definitions in Sections 58-17b-102, 58-37-2 and 58-37f-102, as used in this chapter:

(1) "ASAP" means the American Society for Automation in Pharmacy system.

(2) "DEA" means Drug Enforcement Administration.

(3) "EDS" means "electronic data system" as defined in Subsection 58-37f-303(1)(c).

(4) "EHR" means electronic health record.

(5) "HIE" means health information exchange.

([~~3~~]6) "NABP" means the National Association of Boards of Pharmacy.

([~~4~~]7) "NCPDP" means National Council for Prescription Drug Programs.

([~~5~~]8) "NDC" means National Drug Code.

([~~6~~]9) "Null report" means the same as zero report.

([~~7~~]10) "ORI" means Originating Agency Identifier Number.

([~~8~~]11) "Point of sale date", "POS date", or "Date Sold" means the date the prescription drug left the pharmacy (not the date the prescription drug was filled, if the dates differ). ASAP Version 4.2 uses the "DSP17" field to identify the point of sale date.

([~~9~~]12) "Positive identification" means:

(a) one of the following photo identifications issued by a foreign or domestic government:

(i) driver's license;

(ii) non-driver identification card;

(iii) passport;

(iv) military identification; or

(v) concealed weapons permit; or

(b) if the individual does not have government-issued identification, alternative evidence of the individual's identity as deemed appropriate by the pharmacist, as long as the pharmacist documents in a prescription record a description of how the individual was positively identified.

([~~10~~]13) "Research facility" means a facility in which research takes place that has policies and procedures describing such research.

([~~11~~]14) "Rx" means a prescription.

([~~12~~]15) "Zero report" means a report containing the data fields required by Subsection R156-37f-203(5), indicating that no controlled substance required to be reported has been dispensed since the previous submission of data.

R156-37f-203. Submission, Collection, and Maintenance of Data.

(1) In accordance with Subsection 58-37f-203(1), each pharmacy or pharmacy group shall submit the data required in this section on a daily basis, either in real time or daily batch file reporting. The submitted data shall be from the point of sale date.

(a) If the data is submitted by a single pharmacy entity, the data shall be submitted in chronological order according to the date each prescription was [~~filled~~]sold.

(b) If the data is submitted by a pharmacy group, the data shall be sorted by individual pharmacy within the group, and the data of each individual pharmacy within the group shall be submitted in chronological order according to the date each prescription was [~~filled~~]sold.

(2) In accordance with Subsections 58-37f-203(2), (3), and (6), the data required by this section shall be submitted to the Database through one of the following methods:

(a) electronic data sent via a secured internet transfer method, including sFTP site transfer;

(b) secure web base service; or

(c) any other electronic method approved by the Database administrator prior to submission.

(3) In accordance with Subsections 58-37f-203(2), (3), and (6), the format used for submission to the Database shall be Version 4.2 of the American Society for Automation in Pharmacy (ASAP) Format for Controlled Substances. The Division may approve alternative formats substantially similar to this standard.

(4) In accordance with Subsection 58-37f-203(6), the pharmacist-in-charge and the pharmacist identified in Subsections 58-37f-203(2) and (3) shall provide the following data fields to the Division:

(a) version of ASAP used to send transaction (ASAP 4.2 code = TH01);
(b) transaction control number (TH02);
(c) date transaction created (TH05);
(d) time transaction created (TH06);
(e) file type (production or test) (TH07);
(f) segment terminator character (TH09);
(g) information source identification number (IS01);
(h) information source entity name (IS02);
(i) reporting pharmacy's:
(i) National Provider Identifier (PHA01); and
(ii) identifier assigned [~~to reporting pharmacy assigned~~] by NCPDP/NABP (PHA02), or if none, then[~~;~~
~~(j)~~] DEA registration number[~~ of dispensing pharmacy~~] (PHA03);
([~~k~~]j) patient last name (PAT07);
([~~l~~]k) patient first name (PAT08);
([~~m~~]l) patient address (PAT12);
([~~n~~]m) patient city of residence (PAT14);
([~~o~~]n) patient zip code (PAT 16);
([~~p~~]o) patient date of birth (PAT18);
([~~q~~]p) dispensing status - new, revised, or void (DSP01);
([~~r~~]q) prescription number (DSP02);
([~~s~~]r) date prescription written by prescriber (DSP03);
([~~t~~]s) number of refills authorized by prescriber (DSP04);
([~~u~~]t) date prescription [~~dispensed~~]filled at dispensing pharmacy (DSP05);
([~~v~~]u) if current dispensed prescription is a refill, the number of the refill being dispensed (DSP06);
([~~w~~]v) product identification qualifier (DSP07);
([~~x~~]w) NDC 11-digit drug identification number (DSP08);
([~~y~~]x) quantity of drug dispensed in metric units (DSP09);
([~~z~~]y) days supply dispensed (DSP10)
([~~aa~~]z) date drug left the pharmacy, i.e. date sold (DSP17);
([~~bb~~]aa) DEA registration number of prescribing practitioner (PRE02);
([~~cc~~]bb) state that issued identification of individual picking up dispensed drug (AIR03);
([~~dd~~]cc) type of identification used by individual picking up dispensed drug (AIR04);
([~~ee~~]dd) identification number of individual picking up dispensed drug (AIR05);
([~~ff~~]ee) last name of individual picking up dispensed drug (AIR07);
([~~gg~~]ff) first name of individual picking up dispensed drug (AIR08);
([~~hh~~]gg) dispensing pharmacist last name or initial (AIR09);
([~~ii~~]hh) dispensing pharmacist first name (AIR10);
([~~jj~~]ii) number of detail segments included for the pharmacy (TP01);
([~~kk~~]jj) transaction control number (TT01); and
([~~ll~~]kk) total number of segments included in the transaction (TT02).

(5) In accordance with Subsection 58-37f-203(6), if no controlled substance required to be reported has been dispensed since the previous submission of data, then the [~~reporting pharmacist in charge~~]pharmacist-in-charge and the pharmacist shall submit a zero report to the Division, which shall include the following data fields:
(a) version of ASAP used to send transaction (TH01);
(b) transaction control number (TH02);
(c) [~~transaction type (value 1: send/request transaction) (TH03);~~
~~(d)~~]date transaction created (TH05);
([~~e~~]d) time transaction created (TH06);
([~~f~~]e) file type (production or test) (TH07);
(f) segment terminator (TH09);
(g) information source identification number (IS01);
(h) information source entity name (IS02);
(i) [~~free form message~~]date range (IS03);
(j) reporting pharmacy's:
(i) National Provider Identifier (PHA01); and
(ii) identifier assigned by NCPDB/NABP (PHA02), or if none, then DEA registration number (PHA03);
(k) patient last name = "Report" (PAT07);
(l) patient first name = "Zero" (PAT08);
(m) date prescription dispensed at dispensing pharmacy (DSP05);
(n) number of detail segments included for the pharmacy (TP01);
(o) transaction control number (TT01); and
(p) total number of segments included in the transaction (TT02).

(6) In accordance with Subsection 58-37f-203(2), a Class A, B, [~~or~~]D, or E pharmacy or pharmacy group that has a controlled substance license but is not dispensing controlled substances and does not anticipate doing so in the immediate future may request a waiver or submit a certification of such, in a form preapproved by the Division, in lieu of daily [~~null reporting~~]zero reports:
(a) The waiver or certification must be [~~resubmitted~~]renewed at the end of each calendar year.
(b) If a pharmacy or pharmacy group that has submitted a waiver or certification under this Subsection dispenses a controlled substance:
(i) the waiver or certification shall immediately and automatically terminate;
(ii) [~~the pharmacy or pharmacy group shall provide written notice of the waiver or certification termination to the Division within seven days of dispensing the controlled substance; and~~
~~(iii)~~]the Database reporting requirements of Subsections 58-37f-203(1) and R156-37f-203(1) shall apply to the pharmacy or pharmacy group immediately upon the dispensing of the controlled substance; and
(iii) the pharmacy or pharmacy group shall notify the Division in writing of the waiver or certification termination within 24 hours or the next business day of the dispensing of the controlled substance, whichever is later.

R156-37f-301. Access to Database Information.

In accordance with Subsections 58-37f-301(1)(a) and (b):

(1) The Division Director may designate those individuals employed by the Division who may have access to the information in the Database (Database staff).

(2)(a) An applicant to become a registered user of the Database shall apply for an online account and user name only under the specific subparagraph in Subsection 58-37f-301(2) under which he or she qualifies.

(b) A registered user shall not permit another person to have knowledge of or use the registered user's assigned password or PIN.

(3)(a) A request for information from the Database may be made:

(i) directly to the Database by electronic submission, if the requester is registered to use the Database; or

(ii) by [oral or]written submission to the Database staff in accordance with the requirements of this section, if the requester is not registered to use the Database.

(b) [An oral request may be submitted by telephone or in person.

(c)]A written request may be submitted by facsimile, email, regular mail, or in person except as otherwise provided herein.

([d]c) The Division [may in its discretion]shall require a [requestor]requester to verify the [requestor's]requester's identity.

(4) The following Database information may be disseminated to a verified [requestor]requester who is permitted to obtain the information:

(a) dispensing/reporting pharmacy ID number/name;

(b) subject's birth date;

(c) date prescription was [filled]sold;

(d) prescription (Rx) number;

(e) metric quantity;

(f) days supply;

(g) NDC code/drug name;

(h) prescriber ID/name;

(i) [date prescription was written;

(j)]subject's last name;

([k]j) subject's first name; and

([l]k) subject's street address;

(5)(a) Federal, state and local law enforcement authorities and state and local prosecutors requesting information from the Database under Subsection 58-37f-301(2)([k]m) [must]shall provide a valid search warrant authorized by the courts, which may be provided using one of the following methods:

(i) in person;

(ii) [by]email to csd@utah.gov;

(iii) facsimile; or

(iv) U.S. Mail.

(b) [Information in the]A search warrant [should be limited to]may include the following information to assist in the search:

(i) for an individual for whom a controlled substance has been prescribed or dispensed, the subject's name and birth date;

(ii) for a prescriber who is the subject of the investigation, the prescriber's full name; and

(iii) the date range to be searched.

(c) Database information[Information] provided as a result of the search warrant shall be in accordance with Subsection ([3]4) unless otherwise specified in the search warrant.

(6) In accordance with Subsection 58-37f-301(2)(n), a probation or parole officer employed by the Department of Corrections or a political subdivision may have access to the database without a search warrant, for supervision of a specific probationer or parolee under the officer's direct supervision, if the following conditions have been met:

(a) a security agreement signed by the officer is submitted to the [d]Division for access, which contains:

(i) the agency's:

(A) name;

([ii]B) [the agency's]complete address, including city and zip code; and

([iii]C) [the agency's]ORI number;

([iv]ii) a copy of the officer's driver's license;

([v]iii) the officer's:

(A) full name;

([vi]B) [the officer's]contact phone number; and

([vii]C) [the officer's]agency email address; and

(b) the online database account includes the officer's:

(i) full name;

(ii) agency email address;

(iii) complete home address, including city and zip code;

(iv) work title;

(v) contact phone number;

(vi) complete work address including city and zip code;

(vii) work phone number; and

(viii) driver's license number.

(7)[(a)] In accordance with Subsections 58-37f-301(2)(q) and (r):[58-37f-302(q),]

(a) [a]An individual may:

(i) obtain the individual's own information and records contained within the Database; and

(ii) unless the individual's record is subject to a pending or current investigation authorized under Subsection 58-37f-301(2)(r), receive an accounting of persons or entities that have requested or received Database information about the individual, to include:

(A) the role of the person that accessed the information;

(B) the date range of the information that was accessed, if available;

(C) the name of the person or entity that requested the information; and

(D) the name of the practitioner on behalf of whom the request was made, if applicable.

(b) [An]The individual may request the information [in person or in writing by the following means:]

[(i) email;

(ii) facsimile; or

(iii) U.S. Mail.

(c) The request for information shall include the following:

(i) individuals' full name, including all aliases;

(ii) birth date;

(iii) home address;

(iv) government issued identification; and

(v) date-range.

(d) The results may be disseminated in accordance with Subsection (18).

(e) The information provided in the report may include the following:

(i) the role of the person that accessed the information;

(ii) the date and a description of the information that was accessed;

(iii) the name of the person or entity that requested the information; and

(iv) the name of the practitioner on behalf of whom the request for information was made, if applicable.

(8) An individual whose records are contained within the Database may obtain his or her own information and records by:

(a) personally appearing before the Database staff with government-issued picture identification confirming the requester's identity; or

(b)]by submitting an original signed and notarized request as furnished by the Division that includes:

(i) the [requester's]individual's:

([i]A) full name, including all aliases;

([ii]B) complete home address;

(C) telephone number; and

([iii]D) date of birth;[and]

([iv]ii) [driver license or state identification card number]a clearly legible, color copy of government-issued picture identification confirming the individual's identity; and

(iii) requested date range for the information.

(c) A third party may request information from the Database on behalf of an individual as provided in Subsection (7)(a), by submitting:

(i) an original signed and notarized request as furnished by the Division;

(ii) a clearly legible, color copy of government-issued picture identification confirming the requester's identity; and

(iii) an original, or certified copy, of properly executed legal documentation acceptable to the Database staff that the requester:

(A) is the individual's current agent under a power of attorney that:

(I) authorizes the agent to make health are decisions for the individual;

(II) allows the agent to have access to the patient's protected health information (PHI) under HIPAA; or

(III) otherwise grants the agent specific authority to obtain Database information on behalf of the individual;

(B) is the parent or court-appointed legal guardian of a minor individual;

(C) is the court-appointed legal guardian of an incapacitated adult individual; or

(D) has an original, signed, and notarized form for release of records from the individual in a format acceptable to the Database staff, that identifies the purpose of the release with respect to the Database.

[(9) A requester holding power of attorney for an individual whose records are contained within the Database may obtain the individual's information and records by:

(a) personally appearing before the Database staff with government-issued picture identification confirming the requester's identity; and

(b) providing:

(i) an original, properly executed power of attorney designation; and

(ii) a signed and notarized request, executed by the individual whose information is contained within the Database, and including the individual's:

(A) full name;

(B) complete home address;

(C) date of birth; and

(D) driver license or state identification card number verifying the individual's identity.

(10) A requestor who is the legal guardian of a minor or incapacitated individual whose records are contained within the Database may obtain the individual information and records by:

(a) personally appearing before the Database staff with government-issued picture identification confirming the requester's identity;

(b) submitting the minor or incapacitated individual's:

(i) full name;

(ii) complete home address;

(iii) date of birth; and

(iv) if applicable, state identification card number verifying the individual's identity; and

(c) submitting legal proof that the requestor is the guardian of the individual who is the subject of the request for information from the Database.

(11) A requestor who has a release-of-records from an individual whose records are contained within the Database may obtain the individual's information and records by:

(a) submitting a request in writing;

(b) submitting an original, signed and notarized release-of-records in a format acceptable to the Database staff, identifying the purpose of the release; and

(c) submitting the individual's:

(i) full name;

(ii) complete home address;

(iii) telephone number;

(iv) date of birth; and

(v) driver license or state identification card number verifying the identity of the person who is the subject of the request.]

([12]8) An employee of a licensed practitioner who is authorized to prescribe controlled substances may obtain Database information to the extent permissible under Subsection 58-37f-301(2)(i), if[,] prior to making the request:

(a) the licensed practitioner has provided to the Division a written designation that includes:

(i) the [designating]practitioner's:

(A) DEA number; and

(B) email address account registered with the Database; and

(ii) the designated employee's:

([i]A) full name;

([ii]B) complete home address;

([iii]C) e-mail address;

([iv]D) date of birth;

([v]E) driver license number or state identification card number; and

(F) professional license number, if any; and

([vi]iii) [the written designation is manually signed by]manual signatures from both the [licensed]practitioner and designated employee.

(b) the designated employee has registered for an account for access to the Database and provided a unique user identification;

(c) the designated employee has passed a Database background check of available criminal court and Database records; and

(d) the Database has issued the designated employee a user personal identification number (PIN) and activated the employee's Database account.

([13]9) An employee of a business that employs a licensed practitioner who is authorized to prescribe controlled substances may obtain Database information to the extent permissible under Subsection 58-37f-301(2)(i), if[,] prior to making the request:

(a) the licensed practitioner and employing business have provided to the Division a written designation that includes:

(i) the [designating]practitioner's:

(A) DEA number; and

(B) email address account registered with the Database;

(ii) the name of the employing business; and

(iii) the designated employee's:

(A) full name;

(B) complete home address;

(C) e-mail address;

(D) date of birth;[and]

(E) driver license number or state identification card number; and

(F) professional license number, if any;

(b) the designated employee has registered for an account for access to the Database and provided a unique user identification and password;

(c) the designated employee has passed a Database background check of available criminal court and Database records; and

(d) the Database has issued the designated employee a user personal identification number (PIN) and activated the employee's Database account.

([14]10) An individual who is employed in the emergency [room]department of a hospital that employs a licensed practitioner who is authorized to prescribe controlled substances may obtain Database information to the extent permissible under Subsection 58-37f-301[(2)(d)](4)(a) if, prior to making the request:

(a) the practitioner and the hospital operating the emergency [room]department have provided to the Division a written designation that includes:

(i) the [designating]practitioner's:

(A) DEA number; and

(B) email address account registered with the Database;

(ii) the name of the hospital; and

(iii) [the names of all emergency room practitioners employed at the hospital; and

(iv)]the designated employee's:

(A) full name;

(B) complete home address;

(C) e-mail address;

([C]D) date of birth;[and]

([D]E) driver license number or state identification card number; and

(F) professional license number, if any;

(b) the designated employee has registered for an account for access to the Database and provided a unique user identification and password;

(c) the designated employee has passed a Database background check of available criminal court and Database records; and

(d) the Database has issued the designated employee a user personal identification number (PIN) and activated the employee's Database account.

([15]11) In accordance with Subsection 58-37f-301(5), an individual's requests to the [d]Division regarding third-party notice when a controlled substance prescription is dispensed to that individual, shall be made as follows:

(a) [A request to provide notice to a third party shall be made in writing dated and signed by the requesting individual, and shall include the following information]To request that the Division begin providing notice to a third party, or to request that the Division discontinue providing notice to a third party, the individual shall submit an original signed and notarized request form as furnished by the Division, that includes:

(i) the [requesting]individual's:

(A) full name, including all aliases;

(B) birth date;

([B]C) complete home address including city and zip code;

([C]D) email address; and

([D]E) contact phone number;[and]

(ii) a clearly legible, color copy of government-issued picture identification confirming the individual's identity; and

(iii) the designated third party's:

(A) full name;

(B) complete home address, including city and zip code;

([B]C) email address; and

([C]D) contact phone number.

(b) [A request to discontinue providing notice to a designated third party shall be made by a writing dated and signed by the requesting individual, after which the division]After receiving a request to discontinue third-party notice, the Division shall:

(i) provide notice to the requesting individual that the discontinuation notice was received; and

(ii) provide notice to the designated third party that the notification has been rescinded.

(c) [A requesting]An individual may [only]have [one]up to three active designated third [party]parties.

([16]12) A licensed pharmacy technician or pharmacy intern employed by a pharmacy may obtain Database information to the extent permissible under Subsection 58-37f-301(2)(l) if, prior to making the request:

(a) the pharmacist-in-charge (PIC) has provided to the Division a written designation authorizing access to the pharmacy technician or pharmacy intern on behalf of a licensed pharmacist employed by the pharmacy;

(b) the written designation includes the pharmacy technician's or pharmacy intern's:

(i) full name;

(ii) professional license number assigned by the Division;

(iii) email address;

(iv) contact phone number;
(v) pharmacy name and location;
(vi) pharmacy DEA number;
(vii) pharmacy phone number;
(c) the written designation includes the pharmacist-in-charge's (PIC's):
(i) full name;
(ii) professional license number assigned by the Division;
(iii) email address;
(iv) contact phone number;
(d) the written designation includes the assigned pharmacist's:
(i) full name;
(ii) professional license number assigned by the Division;
(iii) email address;
(iv) contact phone number; and
(e) the written designation includes the following signatures:
(i) pharmacy technician or pharmacy intern;
(ii) pharmacist-in-charge (PIC); and
(iii) assigned pharmacist if different than the PIC.

([~~17~~]13) The Utah Department of Health may access Database information for purposes of scientific study regarding public health. To access information, the scientific investigator shall:
(a) demonstrate to the satisfaction of the Division that the research is part of an approved project of the Utah Department of Health;
(b) provide a description of the research to be conducted, including:
(i) a research protocol for the project; and
(ii) a description of the data needed from the Database to conduct that research;
(c) provide assurances and a plan that demonstrates all Database information will be maintained securely, with access being strictly restricted to the requesting scientific investigator;
(d) provide for electronic data to be stored on a secure database computer system with access being strictly restricted to the requesting scientific investigator; and
(e) pay all relevant expenses for data transfer and manipulation.

([~~18~~]14) Database information that may be disseminated under Section 58-37f-301 may be disseminated by the Database staff either:
(a) verbally;
(b) by facsimile;
(c) by email;
(d) by U.S. mail; or
(e) by electronic access, where adequate technology is in place to ensure that a record will not be compromised, intercepted, or misdirected.

R156-37f-303. Access to Opioid Prescription Information Via an Electronic Data System.

In accordance with Subsection 58-37f-301(1) and Section 58-37f-303:

(1) Pursuant to Subsection 58-37f-303(4)(a)(i), to access opioid prescription information in the database, an electronic data system must:
(a) interface with the database through the [~~Appriss~~]Division-approved Prescription Monitoring Program (PMP) [~~Gateway~~]Hub system; and
(b) comply with all restrictions on database access and use of database information, as established by the Utah Controlled Substances Database Act and the Controlled Substance Database Act Rule.

(2) Pursuant to Subsection 58-37f-303(4)(a)(ii), to access opioid prescription information in the database via an electronic data system (EDS), an EDS user must:
(a) register to use the database by creating an approved account established by the Division pursuant to a memorandum of understanding with the Division;
(b) use [~~a unique personal identification number (PIN) that is identical to the PIN the EDS user was issued~~]the unique user name and password associated with the account created for the EDS user to access database information through the original internet access system;
(c) comply with all restrictions on database access established by the Utah Controlled Substance Database Act and the Controlled Substance Database Act Rule; and
(d) use opioid prescription information in the database only for the purposes and uses designated in Section 58-37f-201, and as more particularly described in the Utah Controlled Substances Database Act and the Controlled Substances Database Act Rule.

(3) The [~~d~~]Division may immediately suspend, without notice or opportunity to be heard, an electronic data system's or an EDS user's access to the database, if the [~~d~~]Division determines by audit or other means that such access may lead to a violation of Section 58-37f-601 or may otherwise compromise the integrity, privacy, or security of the database's opioid prescription information. This remedy shall be in addition to the criminal and civil penalties imposed by Section 58-37f-601 for unlawful release or use of database information, and the [~~d~~]Division's obligation under Subsections 58-37f-303(5) and (6) to immediately suspend or revoke database access and pursue appropriate corrective or disciplinary action against a non-compliant electronic data system or EDS user.

KEY: controlled substance database, licensing
Date of Enactment or Last Substantive Amendment: [~~December 11, 2017~~]2018
Notice of Continuation: December 21, 2017
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-37f-301(1)

Commerce, Occupational and Professional Licensing
R156-55a
Utah Construction Trades Licensing Act Rule

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 43279
FILED: 10/16/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule filing is to make substantive and other technical changes as approved by the Construction Services Commission.

SUMMARY OF THE RULE OR CHANGE: In Section R156-55a-102, these technical changes simplify the applicable cross-references to certain acronyms. In Section R156-55a-103, these changes clarify the other profession-specific statute from which rule authority is derived. In Section R156-55a-301, technical and grammatical changes to the classification scope of practices are made including elimination of superfluous language, clarifying scope of practice, and correction of cross-references. Substantive changes are as follows: B100 General Building Contractor classification scope of practice has been clarified that it includes the scope of practice of every specialty contractor except for E202 and S354. R101 Residential and Small Commercial Non Structural Remodeling and Repair classification is clarified to reflect that the $50,000 total cost includes labor and materials. E202 Solar Photovoltaic scope of practice is modified eliminating the distinction between E202 Solar Photovoltaic Contractors, who obtained that classification between January 1, 2009 and April 25, 2011, and treats those similar to other E202 classification holders. P200 General Plumbing Contractor classification scope of practice is clarified to reflect that the scope includes from the building to the main water, sewer, or gas line. S220 Carpentry Contractor classification is clarified to include metal and metal products. S230 Siding Contractor, which already includes the S231 Rain Gutter classification, is clarified to include rain gutters, roof flashing, gravel stops, and metal ridges. S240 Glass and Glazing Contractor classification scope of practice is clarified to eliminate mirrors within the scope of practice as that is exempt, and clarify that glass substitutes are included. S260 General Concrete Contractor classification scope of practice is clarified to include injecting, spraying, resurfacing, and sealing of concrete, grouting, coatings, and sealants. S280 General Roofing Contractor classification scope of practice is clarified to include non-electrical skylights and electrical skylights provided that the electrical connection is performed by a licensed electrical contractor. S330 Landscaping Contractor classification scope of practice is clarified to include closed culinary systems or closed-loop systems provided a backflow preventer is installed by licensed plumber; and expands the scope of practice to include decks and incidental concrete work. S380 Swimming Pool and Spa Contractor classification scope of practice is clarified to reflect that it does not include plumbing or electrical work but that the S380 contractor may subcontract for the plumbing and electrical for their projects; and that their scope of practice includes closed culinary systems or closed-loop systems provided a backflow preventer is installed by licensed plumber. S460 Wrecking and Demolition Contractor classification scope of practice is clarified to include matters appurtenant or incidental to any building or structure. S490 Wood Flooring Contractor classification is renamed to Flooring Contractor and is expanded to include laminate, tile, and wood product flooring. S700 Specialty License Contractor is renamed to Limited Scope License classification and is clarified to require an explanation from the applicant why the requested scope of practice is not included in any other current classification or not otherwise exempt. Subsection (3)(a) is clarified that specialty contractors are confined to the field and scope of work as outlined by the Division of Occupational and Professional Licensing (Division). Subsection (b) is clarified to reflect that a specialty contractor may subcontract with a specialty contractor that holds the same classification. Subsection (4)(a) is clarified to reflect that an R101 Residential and Small Commercial Non-Structural Remodeling and Repair contractor may not have any other specialty classifications. Subsection (6) is clarified to reflect that a licensee with a primary classification may subcontract with a licensee with an included subclassification. Subsection (7) is clarified to reflect that low voltage electrical is 49 volts or less; and that a utility shed or gazebo that is not attached to a residential or commercial building or a foundation is exempt from licensure; Subsection (7) is also clarified to expand the exemptions from licensure: to include installation or removal of weather-stripping that does not include moisture vapor barriers; installation and removal of mirrors; installation of awnings and canopies; pallet racking or metal shelving; and seismic strapping. Amendments made in Section R156-55a-302a clarifies that the National Association of State Contractors Licensing Agencies (NASCLA) Contractor Exam, which was already approved by the Construction Services Commission as substantially equivalent to the Utah exam, satisfies the exam requirement for the B100 or R100. The amendments made in Section R156-55a-302b eliminate the 10-year look-back period from which the two years of experience must be obtained. These changes also clarify that qualifying experience does not include exempt or unlicensed activities, is not qualifying if the person is incarcerated, and that qualifying experience includes military experience regardless of licensure. In Section R156-55a-302c, grammatical changes clarify that instructors in electrical and plumbing trades facilities must have master or residential licensure. In Section R156-55a-302d, these changes clarify that the liability insurance must be in effect for the entire duration of active licensure, and eliminate the requirement to list the Division as the certificate holder. Changes in Section R156-55a-303a require all contractors to renew their license online unless permitted otherwise by the Division in writing. In Section R156-55a-303b, grammatical, non-substantive changes are made for correctness, readability, and comprehension. Changes in Section R156-55a-304 clarify that qualifiers are subject to limitations on the number of classifications that they may hold. Grammatical, non-substantive changes are made in Section R156-55a-305 for correctness, readability, and comprehension. In Section R156-55a-305a, these changes

correct a statutory cross-reference. Technical changes in Section R156-55a-306 clarify that the financial responsibility of the qualifier is included along with the owner, licensee, and applicant; and also clarifies that the tri-merged credit report is not solely required from the National Association of Credit Management (NACM). In Section R156-55a-308a, grammatical, non-substantive changes are made for correctness, readability, and comprehension. In Section R156-55a-308b(2), changes clarify and add that the Rocky Mountain Gas Association and the Home Builders Association of Utah are additional approved education providers for the Natural Gas Technician training. The other changes are grammatical, non-substantive changes for correctness, readability, and comprehension and correct cross-references. Section R156-55a-309 is deleted as it is unnecessary. Grammatical, non-substantive changes are made in Section R156-55a-311 for correctness, readability, and comprehension. In Section R156-55a-312, changes remove the six-year time limit on inactive status, and other grammatical, non-substantive changes are made for correctness, readability, and comprehension. Section R156-55a-401 is deleted as this section is unnecessary. Unprofessional Conduct, in Section R156-55a-501, is expanded to include: failing to notify the Division within 10 days of any change of the name, address, phone number or email address of the qualifiers or owners; within 30 days of a request, failing to provide documents to the Division or a person that has reasonable basis to make a claim with proof of the licensee's insurance policy and information; failing to provide license number when requested; failing within 30 days after requested by the Division to provide documents requested to determine compliance with any section under Title 58, Chapter 1 and Chapter 55; failure of electrical or plumbing contractors to timely and accurately certify the hours of work experience for employees; failure of a contractor to timely and accurately verify work experience for a contractor application requested by a current or former employee; failure of qualifier, owner, applicant, or licensee to be knowledgeable of the laws and rules of their profession; licensees failing to carry a copy of their current license or license number while performing work; failure of owner, qualifier, or licensee who advises a person or applicant concerning an exam, unless the person is an instructor at a certain institution and is disclosed and approved by the Commission; using, hiring, or contracting with a professional employer organization that is not licensed with the Utah Insurance Department. Changes in Section R156-55a-504 eliminate superfluous language and are non-substantive. In Section R156-55a-602 technical changes clarify that the financial responsibility of the qualifier is included for bond requirements.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-55-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a) and Subsection 58-55-102(39)(a) and Subsection 58-55-308(1)(a)

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: No state agencies shall be directly or indirectly affected by these rule changes because these proposed changes will not result in any significant increase or decrease in administrative costs or revenue compared to the currently anticipated costs and revenues. Additionally, there are no state government entities acting as businesses that will be significantly impacted by these changes. Accordingly, this rule is not expected to impact the state beyond a minimal cost to the Division of approximately $75 to print and distribute this rule once these proposed amendments are made effective.

♦ LOCAL GOVERNMENTS: Local governments will neither enforce nor be affected by the processes and requirements implemented by this rule, nor will local governments be indirectly impacted because none of these amendments create a situation requiring services from local governments. Therefore, no cost or savings to local governments are anticipated.

♦ SMALL BUSINESSES: Since most of these changes are grammatical or non-substantive, those changes will have no impact on small businesses. The U.S. Census North American Industry Classification System (NAICS) was searched and several relevant NAICS codes were identified including: 236115, 236116, 236117, 236118, 236210, 236220, 237120, 237990, 238111, 238112, 238121, 238122, 238131, 238132, 238141, 238142, 238151, 238152, 238161, 238162, 238171, 238172, 238191, 238211, 238212, 238221, 238222, 238311, 238312, 238321, 238322, 238331, 238332, 238341, 238342, 238351, 238352, 238381, 238392, 238911, 238912, 238991,238992. Department of Workforce Services (DWS) Firm Find was referenced in compiling this information. DWS Firm Find indicates that a total of 216 medium and large businesses and 9,781 small businesses in Utah. Notwithstanding the number of small businesses based on the NAICS codes, the analysis herein does not change. With respect to the substantive changes: First, small businesses may be impacted by the expanded or clarified scope of practice for various classifications. These impacts are impossible to determine because the clarification and expansion of the applicable classifications does not necessarily result in a net increase or decrease of cost or value to the licensee or applicant. Second, small businesses may be impacted by required online renewal. These impacts are impossible to determine because the online renewal requirement may result in some increased cost to the licensee because of technology requirements or other logistic reasons but it will also result in cost savings, licensee efficiencies of time, faster renewal processing, decreased delay in licensure renewal, and increased customer service. Third, small businesses may be impacted by additional provisions of unprofessional conduct. However, since there is no fine authority attached to these additional unprofessional conduct provisions, there is no direct cost attributable except that the provisions may be used in future disciplinary matters for justification for disciplinary action. Additionally, future violations of unprofessional conduct cannot be quantified. Fourth, small businesses may be impacted by the Utah Home Builders Association of Utah providing Natural Gas Technician

training. These impacts may have no net positive or negative effect because additional options for training will now be available but will most likely be at similar costs to the licensees or prospective licensees, resulting in no additional financial cost or benefit.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Since most of these changes are grammatical or non-substantive, those changes will have no impact on other persons. With respect to the other changes, there is no perceivable impact these rule amendments will have on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since most of these changes are grammatical or non-substantive, those changes will have no compliance costs for any affected persons and will have a similar impact on small businesses. With respect to the other changes, there is no perceivable compliance cost from these rule amendments for any affected persons and will have similar impacts on small businesses, other than those noted above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this rule filing is to make extensive technical and substantive changes in this rule as approved by the Construction Services Commission. These changes affect a broad range of sections as follows: Section R156-55a-102: These technical changes simplify the applicable cross-references to certain acronyms. Section R156-55a-103: This change clarifies the other profession-specific statute from which rule authority is derived. Section R156-55a-301: Makes technical and grammatical changes to the classification scope of practices, including elimination of superfluous language, clarifying scope of practice, and correction of cross-references. Section R156-55a-302a: Clarifies that the NASCLA Contractor Exam (which was already approved by the Construction Services Commission as substantially equivalent to the Utah exam), satisfies the exam requirement for the B100 or R100 classifications. Section R156-55a-302b: These changes eliminate the 10-year look-back period in which the two years of experience must be obtained. These changes also clarify that qualifying experience does not include exempt or unlicensed activities, is not qualifying if the person is incarcerated, and that qualifying experience includes military experience, regardless of licensure. Section R156-55a-302c: These grammatical changes clarify that instructors in electrical and plumbing trades facilities must have master or residential licensure. Section R156-55a-302d: These changes clarify that liability insurance must be in effect for the entire duration of active licensure and eliminate the requirement to list the Division as the certificate holder. Section R156-55a-303a: These changes require all contractors to renew their license online unless permitted otherwise by the Division in writing. Section R156-55a-303b, Section R156-55a-305, Section R156-55a-308a, and Section R156-55a-311: These are grammatical, non-substantive changes for correctness, readability, and comprehension. Section R156-55a-304: These changes clarify that qualifiers are subject to limitations on the number of classifications that they may hold. Section R156-55a-305a: This change corrects a statutory cross-reference. Section R156-55a-306: These technical changes clarify that the financial responsibility of the qualifier is included along with the owner, licensee, and applicant; and also clarifies that the tri-merged credit report is not solely required from NACM. Section R156-55a-308b: In subsection (2), these changes clarify and add that the Rocky Mountain Gas Association and the Home Builders Association of Utah are additional approved education providers for the Natural Gas Technician training. The other changes are grammatical, non-substantive changes for correctness, readability, and comprehension, and correct cross-references. Section R156-55a-309 and Section R156-55a-401: These changes delete these two sections as they are unnecessary. Section R156-55a-312: These changes remove the six-year time limit on inactive status and make other grammatical, non-substantive changes for correctness, readability, and comprehension. Section R156-55a-501: The definition of Unprofessional Conduct is expanded to include: failing to notify the Division within 10 days of any change of the name, address, phone number, or email address of the qualifiers or owners; within 30 days of a request, failing to provide documents to the Division or a person that has a reasonable basis to make a claim with proof of the licensee's insurance policy and information; failing to provide license number when requested; failing within 30 days after requested by the Division to provide documents requested to determine compliance with any section under Title 58, Chapter 1 and Chapter 55; failure of an electrical or plumbing contractor to timely and accurately certify the hours of work experience for employees; failure of a contractor to timely and accurately verify work experience for a contractor application requested by a current or former employee; failure of qualifier, owner, applicant, or licensee to be knowledgeable of the laws and rules of their profession; licensee failing to carry a copy of their current license or license number while performing work; failure of owner, qualifier, or licensee who advises a person or applicant concerning an exam, unless the person is an instructor at a certain institution and is disclosed and approved by the Commission; using, hiring, or contracting with a professional employer organization that is not licensed with the Utah Insurance Department. Section R156-55a-504: These changes eliminate superfluous language and are non-substantive. Section R156-55a-602: These technical changes clarify that the financial responsibility of the qualifier is included for bond requirements. Small businesses fiscal impact: The many grammatical and non-substantive changes will have no impact on small businesses. The U.S. Census North American Industry Classification System (NAICS) was searched and several relevant NAICS codes were identified, including: 236115, 236116, 236117, 236118, 236210, 236220, 237120, 237990, 238111, 238112, 238121, 238122, 238131, 238132, 238141, 238142, 238151, 238152, 238161, 238162, 238171, 238172, 238191, 238211, 238212, 238221, 238222, 238311, 238312, 238321, 238322, 238331, 238332, 238341, 238342, 238351, 238352, 238381, 238392, 238911, 238912, 238991 and 238992. Department of Workforce

Services (DWS) Firm Find was referenced in compiling this information. DWS Firm Find indicates that a total of 9,781 small businesses in Utah will be impacted by these changes. Notwithstanding the number of small businesses based on the NAICS codes, the analysis herein does not change with regard to the grammatical and non-substantive changes. With respect to the substantive changes in the rule: First, small businesses may be impacted by the expanded or clarified scope of practice for various classifications. These impacts are impossible to determine because the clarification and expansion of the applicable classifications does not necessarily result in a net increase or decrease of cost or value to the licensee or applicant. Second, small businesses may be impacted by required online renewal. These impacts are impossible to determine because the online renewal requirement may result in some increased cost to the licensee because of technology requirements or other logistical reasons, but it will also result in cost savings, licensee efficiencies of time, faster renewal processing, decreased delay in licensure renewal, and increased customer service. Third, small businesses may be impacted by additional provisions of unprofessional conduct. However, since there is no fine authority attached to these additional unprofessional conduct provisions, there is no direct cost attributable except that the provisions may be used in future disciplinary matters for justification for disciplinary action. Additionally, future violations of unprofessional conduct cannot be quantified. Only businesses that are in violation of this rule will be impacted. Fourth, small businesses may be impacted by the Utah Home Builders Association of Utah providing Natural Gas Technician training. These impacts may have no net positive or negative effect because additional options for training will now be available but will most likely be at similar costs to the licensees or prospective licensees, resulting in no additional financial cost or benefit. Non-small businesses fiscal impact: The DWS Firm Find search indicates that a total of 216 non-small businesses will be affected by these rule changes. The fiscal impact analysis as to non-small businesses is the same as provided above with regard to small businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Chris Rogers by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at crogers@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
♦ 11/28/2018 09:15 AM, 160 East 300 South, Conference Room 474 (4th floor), Salt Lake City, Utah

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Mark Steinagel, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses (50 or more employees)

As the U.S. Census North American Industry Classification System (NAICS) was searched, several relevant NAICS codes were identified including: 236115, 236116, 236117, 236118, 236210, 236220, 237120, 237990, 238111, 238112, 238121, 238122, 238131, 238132, 238141, 238142, 238151, 238152, 238161, 238162, 238171, 238172, 238191, 238211, 238212, 238221, 238222, 238311, 238312, 238321, 238322, 238331, 238332, 238341, 238342, 238351, 238352, 238381, 238392, 238911, 238912, 238991, 238992. DWS Firm Find was referenced in compiling this information. DWS Firm Find indicates that there are a total of 216 medium and large business and 9,781 small business in Utah. This proposed rule change is not expected to have any significant fiscal impacts on large businesses revenues or expenditures, because most of the changes are grammatical or non-

substantive. With respect to the other changes, they are not expected to have any significant fiscal impacts and the approximate fiscal impacts are impossible to determine because the changes do not necessarily result in a net increase or decrease of cost or value to the licensee, applicant, small business, or non-small business.

Agency sign off: The head of the Department of Commerce, Francine A. Giani, has reviewed and approved this fiscal analysis.

R156. Commerce, Occupational and Professional Licensing.
R156-55a. Utah Construction Trades Licensing Act Rule.
R156-55a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 55, as defined or used in this rule:

(1) "AARST-NRPP" means the National Radon Proficiency Program.

([1]2) "Construction trades instructor", as used in Subsection 58-55-301(2)([p]t) is clarified to mean the education facility which is issued the license as a construction trades instructor. It does not mean individuals employed by the facility who may teach classes.

([2]3) "Construction trades instruction facility" means the facility which is granted the license as a construction trades instructor as specified in Subsection 58-55-301(2)([p]t) and as clarified in R156-55a-102([1]2).

([3]4) "Employee", as used in Subsections 58-55-102(13) and 58-55-102(18), means a person providing labor services in the construction trades who works for a licensed contractor, or the substantial equivalent of a licensed contractor as determined by the Division, for compensation who has federal and state taxes withheld and workers' compensation and unemployment insurance provided by the person's employer.

([4]5) "Incidental", as used in Subsection 58-55-102(45), means work which:

(a) can be safely and competently performed by [the]a specialty contractor;[and]

(b) arises from, and is directly related to, work performed in the licensed specialty classification; [and]

(c) does not exceed 10 percent of the overall contract; and

(d) does not include performance of any electrical or plumbing work[unless specifically included in the specialty classification description under Subsection R156-55a-301(2)].

([5]6) "Maintenance" means the repair, replacement and refinishing of any component of an existing structure; but, does not include alteration or modification to the existing weight-bearing structural components.

([6]7) "Mechanical", as used in Subsections 58-55-102(22) and 58-55-102(35), means the work which may be performed by a S350 HVAC Contractor under Section R156-55a-301.

(8) "NABCEP" means the North American Board of Certified Energy Practitioners.

(9) "NASCLA" means the National Association of State Contractors Licensing Agencies.

(10) "NRSB" means the National Radon Safety Board.

([7]11) "Personal property" means, as it relates to Title 58, Chapter 56, factory built housing and modular construction, a structure which is titled by the Motor Vehicles Division, state of Utah, and taxed as personal property.

([8]12) "Qualifier", as used in Title 58, Chapter 55 and this rule, means the individual who demonstrates competence for a contractor or construction trades instruction facility license by satisfying the requirements to obtain the contractor or construction trades instruction facility license.

(13) "RMGA" means the Rocky Mountain Gas Association.

([9]14) "School" means a Utah school district, [applied technology]technical college, or accredited college.[

(10) "Unprofessional conduct" defined in Title 58, Chapters 1 and 55, is further defined in accordance with Section 58-1-203 in Section R156-55a-501.]

R156-55a-103. Authority.

This rule is adopted by the Division under the authority of Subsections 58-1-106(1)(a) and 58-55-103(1)(b)(i) to enable the Division to administer Title 58, Chapter 55.

R156-55a-301. License Classifications - Scope of Practice.

(1) In accordance with Subsection 58-55-301(2), the classifications of licensure are listed and described in this section. The [construction trades or specialty]contractor classifications listed are those determined to significantly impact the public health, safety, and welfare. A person [who is]engaged in work [which is]included [in the items listed]in Subsections R156-55a-301([4]7) and ([5]8) is exempt from licensure in accordance with Subsection 58-55-305(1)(i).

(2) Licenses shall be issued in the following primary classifications and subclassifications:

E100 - General Engineering Contractor. A [General Engineering contractor is a]contractor licensed to perform work as defined in Subsection 58-55-102(24).

B100 - General Building Contractor. A [General Building contractor is a]contractor licensed to perform work as defined in Subsection 58-55-102(22). The scope of practice includes the scope of practice of every specialty contractor in Subsection R156-55a-301(2) except[and pursuant to Subsection 58-55-102(22)(b) is clarified as follows]:

(a) [The General Building Contractor scope of practice does not include]activities described in this Subsection under specialty classification E202 - Solar Photovoltaic Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NABCEP; and[North American Board of Certified Energy Practitioners.]

(b) [The General Building Contractor scope of practice does not include]activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor, unless:

(i) the work is performed under the immediate supervision of an employee who holds a current certificate issued by the [National Radon Safety Board (]NRSB[)] or the [National Radon Proficiency Program (]AARST-NRPP[)]; or

(ii) the work is limited to installation of passive radon gas controls on new construction in accordance with Appendix F of the International Residential Code.

B200 - Modular Unit Installation Contractor. Set up or installation of modular units as defined in Subsection 15A-1-302(8) and constructed in accordance with Section 15A-1-304. The scope of practice:[the work permitted under this classification]

(a) includes construction of the permanent or temporary foundations, placement of the modular unit on a permanent or temporary foundation, securing the units together, if required, and securing the modular units to the foundations; and[~~. Work excluded from this classification includes~~]

(b) excludes installation of factory built housing and connection of required utilities.

R100 - Residential and Small Commercial Contractor. A [~~Residential and Small Commercial contractor is a~~]contractor licensed to perform work as defined in Subsection 58-55-102(35). The scope of practice does not include:[~~ and pursuant to Subsection 58-55-102(35) is clarified as follows:~~

~~(a) The Residential and Small Commercial Contractor scope of practice does not include~~]

(a) activities described in this Subsection under specialty classification E202 - Solar Photovoltaic Contractor, unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NABCEP; and[~~North American Board of Certified Energy Practitioners.~~]

(b) [~~The Residential and Small Commercial Contractor scope of practice does not include~~]activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor, unless:

(i) the work is performed under the immediate supervision of an employee who holds a current certificate issued by the [~~National Radon Safety Board (~~]NRSB[~~)~~] or the [~~National Radon Proficiency Program (~~]AARST-NRPP[~~)~~]; or

(ii) the work is limited to installation of passive radon gas controls on new construction in accordance with Appendix F of the International Residential Code.

R101 - Residential and Small Commercial Non Structural Remodeling and Repair. Remodeling and repair to any existing structure built for support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind with the restriction that:

(a) no change is made to the bearing portions of the existing structure, including footings, foundation, and weight bearing walls; and

(b) the entire project is less than $50,000 in total cost, including materials and labor.

R200 - Factory Built Housing Contractor. Disconnection, setup, installation, or removal of manufactured housing on a temporary or permanent basis. The scope of [~~the~~]work:

(a) [~~permitted under this classification~~]includes [~~placement of~~]placing the manufactured housing on a permanent or temporary foundation, securing the units together if required, securing the manufactured housing to the foundation, and [~~connection of~~]connecting the utilities from the near proximity, such as a meter, to the manufactured housing unit, and construction of foundations of less than four feet six inches in height[~~.~~];

(b) [~~Work excluded from this classification includes site~~] excludes preparation or finishing, excavation of the ground in the area where a foundation is to be constructed, back filling, and grading around the foundation, construction of foundations of more than four feet six inches in height, and construction of utility services from the utility source to and including the meter or meters if required or if not required to the near proximity of the manufactured housing unit from which they are connected to the unit.

I101 - General Engineering Trades Instruction Facility. A [~~General Engineering Trades Instruction Facility is a~~]construction trades instruction facility authorized to teach the construction trades and [~~is~~]subject to the scope of practice defined in Subsection 58-55-102(24).

I102 - General Building Trades Instruction Facility. A [~~General Building Trades Instruction Facility is a~~]construction trades instruction facility authorized to teach the construction trades and [~~is~~]subject to the scope of practice defined in Subsections 58-55-102(22) or 58-55-102(35).

I103 - Electrical Trades Instruction Facility. A[~~n Electrical Trades Instruction Facility is a~~] construction trades instruction facility authorized to teach the electrical trades and subject to the scope of practice defined in Subsection R156-55a-301(E200).

I104 - Plumbing Trades Instruction Facility. A [~~Plumbing Trades Instruction Facility is a~~]construction trades instruction facility authorized to teach the plumbing trades and subject to the scope of practice defined in Subsection R156-55a-301(P200).

I105 - Mechanical Trades Instruction Facility. A [~~Mechanical Trades Instruction Facility is a~~]construction trades instruction facility authorized to teach the mechanical trades and subject to the scope of practice defined in Subsection R156-55a-301(S350).

E200 - General Electrical Contractor. A [~~General Electrical Contractor is a~~]contractor licensed to perform work as defined in Subsection 58-55-102(23). The [~~General Electrical Contractor~~]scope of practice does not include activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the [~~National Radon Safety Board (~~]NRSB[~~)~~] or the [~~National Radon Proficiency Program (~~]AARST-NRPP[~~)~~].

E201 - Residential Electrical Contractor. A [~~Residential Electrical Contractor is a~~]contractor licensed to perform work as defined in Subsection 58-55-102(37). The [~~Residential Electrical Contractor~~]scope of practice does not include activities described in this subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the [~~National Radon Safety Board (~~]NRSB[~~)~~] or the [~~National Radon Proficiency Program (~~]AARST-NRPP[~~)~~].

E202 - Solar Photovoltaic Contractor. Fabrication, construction, installation, and replacement of photovoltaic modules and related components[~~.~~], subject to the following:

(a) An E202 Solar Photovoltaic Contractor shall hold a current certificate issued by NRSB or AARST-NRPP.

(b) Wiring, connections and wire methods as governed in the National Electrical Code and Subsection R156-55b-102(1) shall only be performed by an E200 General Electrical Contractor or E201 Residential Electrical Contractor.

(c) E202 Solar Photovoltaic Contractor licensure[~~ This classification~~] is not required to install stand[-]alone solar systems that do not tie into premises wiring or into the electrical utility, such as signage or street or parking lighting.

(d) An E202 Solar Photovoltaic Contractor may subcontract with an E200 General Electrical Contractor or E201 Residential Electrical Contractor for their projects.

[A contractor who obtained this classification of licensure between January 1, 2009 and April 25, 2011 and who holds an active license may, in addition to the above, perform the following activities as part of the scope of practice under this subsection: fabrication, construction, installation, and repair of photovoltaic cell panels and related components including battery storage systems, distribution panels, switch gear, electrical wires, inverters, and other electrical apparatus for solar photovoltaic systems. Work excluded from this classification includes work on any alternating current system or system component.]

P200 - General Plumbing Contractor. A [General Plumbing Contractor is a]contractor licensed to perform work as defined in Subsection 58-55-102(25). The [General Plumbing Contractor]scope of practice:

(a) includes the furnishing of materials, fixtures, and labor to extend service from a building out to the main water, sewer, or gas pipeline; and

(b) does not include activities described [in this Subsection]under specialty classification S354-Radon Mitigation Contractor, unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the [National Radon Safety Board (]NRSB[)] or the [National Radon Proficiency Program (]AARST-NRPP[)].

P201 - Residential Plumbing Contractor. A [Residential Plumbing Contractor is a]contractor licensed to perform work as defined in Subsection 58-55-102(42). The Residential Plumbing Contractor scope of practice does not include activities described in this subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the [National Radon Safety Board (]NRSB[)] or the [National Radon Proficiency Program (]AARST-NRPP[)].

P202 - Boiler Installation Contractor. Fabrication and/or installation of fire-tube and water-tube power boilers and hot water heating boilers, including all fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and all other devices, apparatus, and equipment related thereto in a closed system not connected to the culinary water system. [Notwithstanding the foregoing, where]If water delivery for the closed system is connected to the culinary water system and separated from the culinary water system by a backflow prevention device, a P202 Boiler Installation Contractor[contractor licensed under this subsection] may connect the closed system to the backflow prevention device, but the device[which] must be installed by an actively licensed plumber.

P203 - Irrigation Sprinkling Contractor. Layout, fabrication, and/or installation of water distribution systems for artificial watering or irrigation.

P204 - Industrial Piping Contractor. Fabrication and/or installation of pipes and piping for the conveyance or transmission of steam, gases, chemicals, and other substances including excavating, trenching, and back-filling related to such work. This classification includes the above work for geo thermal systems.

P205 - Water Conditioning Equipment Contractor. Fabrication and/or installation of water conditioning equipment and only such pipe and fittings as are necessary for connecting the water conditioning equipment to the water supply system within the premises.

P206 - Solar Thermal Systems Contractor. Construction, repair and/or installation of solar thermal systems up to the system shut off valve or where the system interfaces with any other plumbing system.

P207 - Residential Sewer Connection and Septic Tank Contractor. Construction of residential sewer lines including connection to the public sewer line, and excavation and grading related thereto. Excavation, installation and grading of residential septic tanks and their drainage.

S220 - Carpentry Contractor. Fabrication for structural and finish purposes in a structure or building using wood, wood products, metal, metal products, metal studs, vinyl materials, or other wood/plastic/metal composites as is by custom and usage accepted in the building industry as carpentry. Incidental work includes the installation of tub liners and wall systems.

S221 - Cabinet, Millwork and Countertop Installation Contractor. On-site construction and/or installation of milled wood products or countertops.

S222 - Overhead and Garage Door Contractor. [The installation]Installation of overhead and garage doors and door openers.

S230 - Siding & Rain Gutter Contractor. Fabrication, construction, and/or installation of siding or rain gutters, roof flashings, gravel stops, and metal ridges.

S231 - [Raingutter]Rain Gutter Installation Contractor. On-site fabrication and/or installation of [raingutters]rain gutters and drains, roof flashings, gravel stops and metal ridges.

S240 - Glass and Glazing Contractor. Fabrication, construction, installation, and/or removal of all types and sizes of glass, [mirrors, substitutes for]glass substitutes, glass-holding members, frames, and hardware[, and other incidental related work].

S250 - Insulation Contractor. Installation of any insulating media in buildings and structures for the sole purpose of temperature control, sound control, or fireproofing, but shall not include mechanical insulation of pipes, ducts, or conduits.

S260 - General Concrete Contractor. Fabrication, construction, mixing, batching, injecting, spraying, resurfacing, sealing, and/or installation of concrete, grouting, coatings, sealant, and related concrete products along with the placing and setting of screeds for pavement for flatwork, the construction of forms, shoring material, placing and erection of [steel]bars for reinforcing and application of plaster and other cement-related products.

S261 - Concrete Form Setting and Shoring Contractor. Fabrication, construction, and/or installation of forms and shoring material; but[,] does not include the placement of concrete, finishing of concrete, or embedded items such as metal reinforcement bars or mesh.

S262 - Gunnite and Pressure Grouting Contractor. Installation of a concrete product either injected or sprayed under pressure.

S263 - Cementatious Coating Systems Resurfacing and Sealing Contractor. Fabrication, construction, mixing, batching and installation of cementatious coating systems or sealants limited to the resurfacing or sealing of existing surfaces, including the preparation or patching of the surface to be covered or sealed.

S270 - General Drywall and Plastering Contractor. Fabrication, construction, and installation of drywall, gypsum, wallboard panels and assemblies. Preparation of drywall or plaster

surfaces for suitable painting or finishing. Application to surfaces of coatings made of plaster, including the preparation of the surface and the provision of a base. This does not include applying stucco to lathe, plaster, and other surfaces. Exempted is the plastering of foundations.

S272 - Ceiling Grid Systems, Ceiling Tile, and Panel Systems Contractor. Fabrication and/or installation of wood, mineral, fiber, and other types of ceiling tile and panels and the grid systems required for placement.

S273 - Light-weight Metal and Non-bearing Wall Partitions Contractor. Fabrication and/or installation of light-weight metal and other non-bearing wall partitions.

S280 - General Roofing Contractor. Application and/or installation of asphalt, pitch, tar, felt, flax, shakes, shingles, roof tile, slate, and any other material or materials, or any combination of [~~any thereof~~]the above which use and custom has established as usable for, or which are now used as, water-proof, weatherproof, or watertight seal or membranes for roofs and surfaces; and roof conversion; non-electrical skylights; and electrical skylights provided that the electrical connection is performed by a licensed electrical contractor. Incidental work includes the installation of roof clamp ring to the roof drain.

S290 - General Masonry Contractor. Construction by cutting, and/or laying of all of the following brick, block, or forms: architectural, industrial, and refractory brick, all brick substitutes, clay and concrete blocks, terra-cotta, thin set or structural quarry tile, glazed structural tile, gypsum tile, glass block, clay tile, copings, natural stone, plastic refractories, and castables and any incidental works, including the installation of shower pans, as required in construction of the masonry work.

S291 - Stone Masonry Contractor. Construction using natural or artificial stone, either rough or cut and dressed, laid at random, with or without mortar. Incidental work includes the installation of shower pans.

S292 - Terrazzo Contractor. Construction by fabrication, grinding, and polishing of terrazzo by the setting of chips of marble, stone, or other material in an irregular pattern with the use of cement, polyester, epoxy or other common binders. Incidental work includes the installation of shower pans.

S293 - Marble, Tile and Ceramic Contractor. Preparation, fabrication, construction, and installation of artificial marble, burned clay tile, ceramic, encaustic, falence, quarry, semi-vitreous, and other tile, excluding hollow or structural partition tile. Incidental work includes the installation of shower pans.

S294 - Cultured Marble Contractor. Preparation, fabrication and installation of slab and sheet manmade synthetic products including cultured marble, onyx, granite, onice, corian, and corian type products. Incidental work includes the installation of shower pans.

S300 - General Painting Contractor. Preparation of surface and/or the application of all paints, varnishes, shellacs, stains, waxes and other coatings or pigments.

S310 - Excavation and Grading Contractor. Moving of the earth's surface or placing earthen materials on the earth's surface, by use of hand or power machinery and tools, including explosives, in any operation of cut, fill, excavation, grading, trenching, backfilling, or combination thereof as they are generally practiced in the construction trade.

S320 - Steel Erection Contractor. Construction by fabrication, placing, and tying or welding of steel reinforcing bars or erecting structural steel shapes, plates of any profile, perimeter or cross-section that are used to reinforce concrete or as structural members, including riveting, welding, and rigging.

S321 - Steel Reinforcing Contractor. Fabricating, placing, tying, or mechanically welding of reinforcing bars of any profile that are used to reinforce concrete buildings or structures.

S322 - Metal Building Erection Contractor. Erection of pre-fabricated metal structures including concrete foundation and footings, grading, and surface preparation.

S323 - Structural Stud Erection Contractor. Fabrication and installation of metal structural studs and bearing walls.

S330 - Landscaping Contractor[~~.~~]:

(a) grading and preparing land for architectural, horticultural, or decorative treatment;

(b) arrangement, and planting of gardens, lawns, shrubs, vines, bushes, trees, or other decorative vegetation;

(c) construction of small decorative pools, tanks, fountains, [~~hothouses, greenhouses, fences, walks, garden lighting of 50 volts or less, or~~]sprinkler systems, for closed systems not connected to the culinary water system, or, if water delivery for the closed system is connected to the culinary water system and separated from the culinary water system by a backflow prevention device, the contractor may connect the closed system to the backflow prevention device, if the backflow prevention device is installed by an actively licensed plumber;

(d) construction of retaining walls except retaining walls which are intended to hold vehicles, structures, equipment or other [~~non natural~~]non-natural fill materials within the area located within a 45 degree angle from the base of the retaining wall to the level of where the additional weight bearing vehicles, structures, equipment or other [~~non natural~~]non-natural fill materials are located;[~~ or~~]

(e) [~~patio areas except that:~~]construction of patios, patio areas, and decking, including the deck structure and substructure;

(f) construction of hothouses, greenhouses, fences, walks, and garden lighting of 49 volts or less; and

(g) performing incidental concrete work related to any Landscaping Contractor scope of practice.

[~~(i) no decking designed to support humans or structures shall be included; and~~

~~(ii) no concrete work designed to support structures to be placed upon the patio shall be included.~~]

([~~f~~]h) This classification does not include any electrical or plumbing trade work[~~ or installing gas lines to any appliance~~].

S340 - Sheet Metal Contractor. Layout, fabrication, and installation of air handling and ventilating systems. All architectural sheet metal such as cornices, marquees, metal soffits, [~~gutters,~~]flashings, and skylights and skydomes including both plastic and fiberglass.

S350 - HVAC Contractor. Fabrication and installation of complete warm air heating, air conditioning and ventilating systems. The [~~HVAC Contractor~~]scope of practice does not include activities described [~~in this Subsection~~]under [~~specialty classification~~]S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the [~~National Radon Safety Board (~~]NRSB[~~)~~] or the [~~National Radon Proficiency Program (~~]AARST-NRPP[~~)~~]. An HVAC Contractor may hire or subcontract

an RMGA-certified licensed contractor for any gas-related work. The scope of [~~permitted work~~]practice does not include electrical trade work.

S351 - Refrigerated Air Conditioning Contractor. Fabrication and installation of air conditioning ventilating systems to control air temperatures below 50 degrees. The scope of [~~permitted work~~]practice does not include electrical trade work.

S352 - Evaporative Cooling Contractor. Fabrication and installation of devices, machinery, and units to cool the air temperature employing evaporation of liquid. The scope of [~~permitted work~~]practice does not include electrical trade work.

S353 - Warm Air Heating Contractor. Layout, fabrication, and installation of such sheet metal, gas piping, and furnace equipment as necessary for a complete warm air heating and ventilating system. The scope of permitted work does not include electrical trade work.

S354 - Radon Mitigation Contractor. Layout, fabrication, and installation of a radon mitigation system.[~~ This classification does not include work on heat recovery ventilation or makeup air components which must be performed by an HVAC Contractor and does not include electrical trade work which must be performed by an Electrical Contractor.~~] Work performed under this classification shall be performed under the immediate supervision of an employee who holds a current certificate issued by the [~~National Radon Safety Board (~~]NRSB[~~)~~] or the [~~National Radon Proficiency Program (~~]AARST-NRPP[~~)~~]. The scope of practice does not include:

(a) work on heat recovery ventilation or makeup air components that must be performed by an HVAC Contractor; or

(b) electrical trade work that must be performed by an Electrical Contractor.

S360 - Refrigeration Contractor. Construction and/or installation of refrigeration equipment, including[~~, but not limited to,~~] built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and equipment related thereto. The[~~; but, the~~] scope of [~~permitted work~~]practice does not include the installation of gas fuel or electrical trade work.

S370 - Fire Suppression Systems Contractor. Layout, fabrication, and installation of fire protection systems using water, steam, gas, or chemicals. When a potable sanitary water supply system is used as the source of supply, connection to the water system must be accomplished by a licensed plumbing contractor. Excluded from this classification are persons engaged in the installation of fire suppression systems in hoods above cooking appliances.

S380 - Swimming Pool and Spa Contractor. [~~On-site fabrication~~]Fabrication, construction, and installation of swimming pools, prefabricated pools, spas, and tubs. The scope of [~~permitted work does not include plumbing or electrical trade work.~~]practice:

(a) does not include plumbing or electrical trade work, but an S380 Swimming Pool and Spa Contractor may subcontract with a plumbing and electrical contractor for their projects;

(b) includes a closed system not connected to a culinary water system; and

(c) includes, if water delivery for a closed system is connected to a culinary water system and separated from the culinary water system by a backflow prevention device, connection of the closed system to the backflow prevention device (however, the backflow prevention device must be installed by an actively licensed plumber).

S390 - Sewer and Waste Water Pipeline Contractor. Construction of sewer lines, sewage disposal and sewage drain facilities including excavation and grading with respect thereto, and the construction of sewage disposal plants and appurtenances thereto.

S400 - Asphalt Paving Contractor. Construction of asphalt highways, roadways, driveways, parking lots or other asphalt surfaces, [~~which will include but will not be limited to,~~] including asphalt overlay, chip seal, fog seal and rejuvenation, micro surfacing, plant mix sealcoat, slurry seal, and the removal of asphalt surfaces by milling. The scope of practice includes:

(a) [~~Also included is the~~]excavation, grading, compacting, and laying of fill or base-related thereto; and

(b) [~~. Also included in~~] painting on asphalt surfaces, including striping, directional, and other types of symbols or words.

S410 - Pipeline and Conduit Contractor. Fabrication, construction, and installation of pipes, conduit, or cables for the conveyance and transmission from one station to another of such products as water, steam, gases, chemicals, slurries, data or communications. [~~Included are~~]The scope of practice includes the excavation, cabling, horizontal boring, grading, and backfilling necessary for construction of the system.

S420 - General Fencing, Ornamental Iron and Guardrail Contractor. Fabrication, construction, and installation of fences, guardrails, handrails, and barriers.

S421 - Residential Fencing Contractor. Fabrication and installation of residential fencing up to and including a height of six feet.

S430 - Metal Firebox and Fuel Burning Stove Installer. Fabrication, construction, and installation of metal fireboxes, fireplaces, and wood or coal-burning stoves, including the installation of venting and exhaust systems, provided the individual performing the installation is RMGA-[~~-~~]certified.

S440 - Sign Installation Contractor. Installation of signs and graphic displays which require installation permits or permission as issued by state or local governmental jurisdictions, subject to the following:

(a)[~~.~~] "Signs and graphic displays" [~~shall~~] includes signs of all types, both lighted and unlighted, permanent highway marker signs, illuminated awnings, electronic message centers, sculptures or graphic representations including logos and trademarks intended to identify or advertise the user or [~~his~~]product, building trim or lighting with neon or decorative fixtures, [~~or~~]and any other animated, moving or stationary device used for advertising or identification purposes.

(b) Signs and graphic displays must be fabricated, installed and erected in accordance with professionally engineered specifications and wiring in accordance with the National Electrical Code[~~.~~];

(c) The scope of [~~permitted work~~]practice does not include electrical trade work.

S441 - Non-[~~—~~]Electrical Outdoor Advertising Sign Contractor. Installation of non-electric signs and graphic displays which require installation permits or permission as issued by state and local governmental jurisdictions. "Non-electrical signs[~~Signs~~] and graphics displays" [~~shall include~~]means outdoor advertising signs [~~which~~]that do not have electrical lighting or other electrical requirements, and that are fabricated, installed, and erected in accordance with professionally engineered specifications.

S450 - Mechanical Insulation Contractor. Fabrication, application, and installation of insulation materials to pipes, ducts and conduits.

S460 - Wrecking and Demolition Contractor. [The raising]Raising, cribbing, underpinning, moving, and removal of a building, [and]structure[s], or matter appurtenant or incidental to any building or structure.

S470 - Petroleum Systems Contractor. Installation of above and below ground petroleum and petro-chemical storage tanks, piping, dispensing equipment, monitoring equipment, and associated petroleum and petro-chemical equipment including excavation, backfilling, concrete and asphalt.

S480 - Piers and Foundations Contractor. [The e]Excavation, drilling, compacting, pumping, sealing and other work necessary to construct, alter, or repair piers, piles, footings, and foundations placed in the earth's subsurface to prevent structural settling and to provide an adequate capacity to sustain or transmit the structural load to the soil or rock below.

S490 - [Wood]Flooring Contractor. Installation of laminate, tile, wood or wood product flooring, including prefinished and unfinished material, sanding, staining and finishing of new and existing [wood]flooring[-], the underlayment, and[Underlayments,] non-structural subfloors[and other incidental related work].

S491 - Laminate Floor Installation Contractor. Installation of laminate floors including the underlayment[s], non-structural subfloors, and other incidental related work, but does not include the installation of sold wood flooring.

S500 - Sports and Athletic Courts, Running Tracks, and Playground Installation Contractor. Installation of sports and athletic courts including [but not limited to]tennis courts, racquetball courts, handball courts, basketball courts, running tracks, playgrounds, or any combination. Includes non-structural floor subsurface[s], nonstructural wall surface[s], perimeter walls, and perimeter fencing. Includes [the]installation and attachment of equipment such as poles, basketball standards, or other equipment.

S510 - Elevator Contractor. Erecting, constructing, installing, altering, servicing, repairing or maintaining an elevator.

S600 - General Stucco Contractor. Applying stucco to lathe, plaster, and other surfaces.

S700 - [Specialty]Limited Scope License Contractor.

(a) A [specialty]limited scope license is a license that confines the scope of the allowable contracting work to a specialized area of construction, which the Division grants on a case-by-case basis.

(b) When applying for a [specialty]limited scope license, an applicant, if requested, shall submit to the Division the following:

(i) a detailed statement of the type and scope of contracting work that the applicant proposes to perform and an explanation why the scope of practice is not included in any other current classification; and

(ii) any brochures, catalogs, photographs, diagrams, or other material to further clarify the scope of the work that the applicant proposes to perform.

([c]3)(a) A specialty license contractor, as defined in Subsection 58-55-102(45), [issued a specialty license] shall be confined [the contractor's activities]to the field and scope of [operations]work as outlined by the Division.

(b) A specialty license contractor may subcontract with a specialty license contractor that holds the same classification as the hiring contractor.

([3]4)(a) A licensee may hold up to three specialty license classifications, in addition to any general contractor classifications, except that an R101 Residential and Small Commercial Non-Structural Remodeling and Repair contractor may not have any other specialty classifications.

(b) A licensee may change classifications at any time by surrendering a license, and by applying for any license for which the licensee is qualified and as permitted by law.

(c) To qualify for licensure, an applicant for renewal or reinstatement shall surrender or replace the applicant's contractor classifications as needed to comply with [this]Subsection ([3]4)(a).

([4]5) Effective November 7, 2017:

(a) Contractor licenses shall only be issued to applicants or licensees in:

(i) primary classification listed in Subsection([5]6); or

(ii) primary or subclassifications of B200, R101, R200, E201, E202, P201, P202, P203, P204, P205, P206, P207, S240, S250, S280, S300, S310, S330, S340, S354, S360, S370, S380, S390, S400, S410, S430, S450, S460, S470, S480, S500, S510, S600, S700; or

(iii) a general contractor or facility classification listed in Subsection R156-55a-302a(2).

(b) Except for subclassifications listed in Subsection ([4]5)(a)(ii), an application for renewal or reinstatement of a license with a subclassification listed in Subsection ([5]6) shall be converted to the corresponding primary classification.

([5]6) The scope of practice for the following primary classifications includes the scope of practice stated in the descriptions for the following subsclassifications and a licensee with the following primary classification may subcontract with a licensee with an included subclassification:

TABLE I

Primary Classification	Included subclassifications
E200	E201, E202
P200	P201, P202, P203, P204, P205, P206, P207
S220	S221, S222
S230	S231
S260	S261, S262, S263
S270	S272, S273
S290	S291, S292, S293, S294
S320	S321, S322, S323
S350	S351, S352, S353, S354
S420	S421
S440	S441
S490	S491

([6]7) The following activities are determined to not significantly impact the public health, safety and welfare and therefore do not require a contractors license:

(a) sandblasting;

(b) pumping services;

(c) tree stump or tree removal;

(d) installation within a building of communication cables including phone and cable television;

(e) installation of low voltage electrical that is 49 volts or less[as described in R156-55b-102(1)];

(f) construction of utility sheds, gazebos, or other similar items which are personal property and not attached[;] to:

(i) a residential or commercial building; or

(ii) a foundation;

(g) building and window washing, including power washing;

(h) central vacuum systems installation;

(i) concrete cutting;

(j) interior decorating;

(k) wall paper hanging;

(l) drapery and blind installation;

(m) welding on personal property which is not attached;

(n) chimney sweepers other than repairing masonry;

(o) carpet and vinyl floor installation;

(p) artificial turf installation;

(q) general cleanup of a construction site which does not include demolition or excavation;[and]

(r) [work that would otherwise be limited to individuals holding the S260, S261, S262, S263, S290, S310, S330, S380, S420, S421 and S500 specialty classifications if the work is within the $1,000 or $3,000 labor and material limit as specified in the handyman exemption in Subsection 58-55-305(1)(h).]installation or removal of weather-stripping but does not include moisture vapor barriers;

(s) fabrication, installation, or removal of mirrors; and

(t) construction, installation, or removal of awnings and canopies, including attached or detached;

(u) pallet racking or metal shelving, whether attached or detached to the structure; and

(v) seismic strapping for pipes, appliances, and water heaters.

([5]8) The following activities are those determined to not significantly impact the public health, safety and welfare beyond the regulations by other agencies and therefore do not require a contractors license:

(a) lead removal regulated by the Department of Environmental Quality;

(b) asbestos removal regulated by the Department of Environmental Quality; and

(c) fire alarm installation regulated by the Fire Marshal.

R156-55a-302a. Qualifications for Licensure - Examinations.

(1) In accordance with Subsection 58-55-302(1)(c), no examination is required for the qualifier of an applicant for licensure as a contractor or construction trades instruction facility except:

(a) an examination may be required as part of a 25-hour course described in Subsection 58-55-302(1)(e)(iii);[and]

(b) an approved contractor classification examination required for the classifications listed in Subsection (2); and

(c) the Utah Contractor Business and Law Examination for the classifications listed in Subsection (2) and the P200, P201, E200, and E201 classifications.

(2) A[n approved] contractor classification examination, given currently or in the past by the Division, or determined by the Division to be substantially equivalent, is required for the following contractor license classifications:

E100 - General Engineering Contractor

B100 - General Building Contractor

R100 - Residential and Small Commercial Contractor

I101 - General Engineering Trades Instruction Facility

I102 - General Building Trades Instruction Facility[

I105 - Mechanical Trades Instruction Facility]

(3) For the B100 or R100 classifications, a passing score on the NASCLA Accredited Examination for Commercial General Building Contractors shall satisfy the examination requirement.

([3]4) Except for the NASCLA exam described in Subsection (3), the[The] passing score for [each]all examinations is 70%.

[(4) Qualifications to sit for examination.

(a) An applicant applying to take any examination specified in this Section must sign an affidavit verifying that an applicant has completed the experience required under Subsection R156-55a-302b.

(5) "Approved contractor classification examination" means a contractor classification examination:

(a) given, currently or in the past, by the Division's contractor examination provider; or

(b) given by another state if the Division has determined the examination to be substantially equivalent.]

([6]5) An applicant [for licensure]who fails an examination may retake the failed examination as follows:

(a) no sooner than 30 days following any failure, up to three failures; and

(b) no sooner than six months following any failure thereafter.

R156-55a-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsection 58-55-302(1)(e)(ii), the minimum experience requirements are established as follows:

(1) No experience is required for any contractor classification except those [classifications]listed in Subsection R156-55a-302a(2).

(2) The experience requirements for all contractor license classifications listed in Subsection R156-55a-302a(2) are:

(a) Unless otherwise provided in this rule, two years of experience [shall be]lawfully performed [within the 10-year period]preceding the date of application under the general supervision of a contractor, and [shall be]subject to the following:

(i) If the experience was completed in Utah, it shall be:

(A) completed while a W-2 employee of a licensed contractor; or

(B) completed while working as an owner of a licensed contractor, which has for all periods of experience claimed, employed a qualifier who performed the duties and served in the capacities specified in Subsection 58-55-304(4) and in Subsection R156-55a-304.

(ii) If the experience was completed outside of the state of Utah, it shall[be]:

(A) be completed in compliance with the laws of the jurisdiction in which the experience is completed;[and]

(B) not be considered qualifying experience if the construction activities in the other jurisdiction would be exempt from licensure in Utah; and

([B]C) be completed with supervision that is substantially equivalent to the supervision [that is]required in Utah.

(iii) Experience while performing construction activities in the miliary, regardless of licensure or Subsection (2)(a)(v), may be determined to be substantially equivalent if lawfully obtained in a setting which has supervision of qualified persons and an equivalent scope of work[~~, such as performing construction activities in the military where licensure is not required~~].

(iv) Experience obtained while incarcerated is not qualifying experience.

(v) Experience obtained while exempt from licensure under Subsection 58-55-305(1) is not qualifying experience.

(vi) Experience obtained under the supervision of a construction trades instructor as a part of an educational program is not qualifying experience for a contractor's license.

(b) One year of work experience means 2,000 hours.

(c) No more than 2,000 hours of experience during any 12 month period may be claimed.

[~~(d) Except as described in Subsection (2)b, experience obtained under the supervision of a construction trades instructor as a part of an educational program is not qualifying experience for a contractors license.~~]

([~~e~~]d) If the applicant is unable to provide sufficient evidence of qualifying experience and the applicant's qualifying experience [~~is outdated but has~~]was previously [~~been~~]approved in the state of Utah, a passing score on the contractor examination and the laws and rules examination obtained within the one-year period preceding the date of application will requalify the applicant's experience.

(3) Requirements for E100 General Engineering, B100 General Building, R100 Residential and Small Commercial Building license classifications:

(a) One of the required two years of experience shall be in a supervisory or managerial position.

(b) A person holding a four-year bachelors degree or a two-year associates degree in Construction Management may have one year of experience credited towards the supervisory or managerial experience requirement.

(c) A person holding a Utah professional engineer license may be credited with satisfying one year toward the supervisory or managerial experience required for E100 contractor license.

(4) Requirements for I101 General Engineering Trades Instruction Facility, I102 General Building Trades Instruction Facility, I103 Electrical Trades Instruction Facility, I104 Plumbing Trades Instruction Facility, I105 Mechanical Trades Instruction Facility license classifications:

An applicant for construction trades instruction facility license shall have the same experience that is required for the license classifications for the construction trade they will instruct.

(5) Requirements for E202 Solar Photovoltaic Contractor. In addition to the requirements of Subsection (2), an applicant shall hold a current certificate by the [~~North American Board of Certified Energy Practitioners~~]NABCEP.

(6) Requirements for S354 Radon Mitigation Contractor. In addition to the requirements of Subsection (2), an applicant shall hold a current certificate issued by the [~~National Radon Safety Board (~~]NRSB[~~)~~] or the [~~National Radon Proficiency Program (~~]AARST-NRPP[~~)~~].[~~ Experience completed prior to the effective date of this rule does not need to be performed under the supervision of a licensed contractor. Experience completed after the effective date of this rule must be performed under the supervision of a licensed contractor who has authority to practice radon mitigation.~~]

R156-55a-302c. Qualifications for Licensure Requiring Licensure in a Prerequisite Classification.

(1) [~~Beginning at the effective date of this rule, each new~~]An applicant as a qualifier for licensure as a I103 Electrical Trades Instruction Facility shall also be licensed as a master electrician or a residential master electrician.

(2) [~~Beginning at the effective date of this rule, each new~~]An applicant as a qualifier for licensure as a I104 Plumbing Trades Instruction Facility shall also be licensed as a master plumber or a residential master plumber.

R156-55a-302d. Qualifications for Licensure - Proof of Insurance and Registrations.

In accordance with the provisions of Subsection 58-55-302(2)(b), an applicant who is approved for licensure shall submit proof of [~~public~~]liability insurance which provides coverage for the scope of work performed, in force for the entire duration of active licensure, and in coverage amounts of at least $100,000 for each incident and $300,000 in total by means of a certificate of insurance naming the Division as a certificate holder.

R156-55a-303a. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two year renewal cycle applicable to licensees under Title 58, Chapter 55 is established by rule in Section R156-1-308a(1).

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

(3) In accordance with Subsections 58-55-501(21) and 58-1-308(3)(b)(i), there is established a continuing education requirement for license renewal. Each licensee, or the licensee's qualifier, or an officer, director, or supervising individual, as designated by the licensee, shall comply with the continuing education requirements set forth in Section R156-55a-303b.

(4) All contractors shall renew their license in an online form approved by the Division, except as permitted by the Division in writing.

R156-55a-303b. Continuing Education - Standards.

(1) Required Hours. Pursuant to Subsection 58-55-302.5, each licensee shall complete [~~a total of~~]six hours of continuing education during each two-[−]year license term. A minimum of three hours shall be core education;[~~. T~~] the remaining three hours [~~are to~~]may be professional education or[~~. Additional~~] core education[~~ hours beyond the required amount may be substituted for professional education hours~~]. A minimum of three hours shall consist of live in-class attendance[~~. T~~]; the remaining three hours may consist of distance learning courses[~~ provided through distance learning~~].

(a) Regular attendance by a commission member on the Construction Services Commission shall satisfy the member's continuing education requirements under Section 58-55-302.5.

(b) For an HVAC contractor licensee, at least three of the six hours described in Subsection (1) shall include continuing education directly related to the installation, repair, or replacement of a heating, ventilation, or air conditioning system.

(c) "Core continuing education" is defined as construction codes, construction laws, job site safety, OSHA 10 or OSHA 30 safety training, governmental regulations pertaining to the construction trades and employee verification and payment practices, finance, bookkeeping, and construction business practices.

(d) "Professional continuing education" is defined as substantive subjects dealing with the practice of the construction trades, including land development, land use, planning and zoning, energy conservation, professional development, arbitration practices, estimating, marketing techniques, servicing clients, personal and property protection for the licensee and the licensee's clients and similar topics.

(e) The following course subject matter is not acceptable as core education or professional education hours: mechanical office and business skills, such as typing, speed reading, memory improvement and report writing; physical well-being or personal development, such as personal and business motivation, stress management, time management, dress for success, or similar subjects; presentations by a supplier or a supplier representative to promote a particular product or line of products; and meetings held in conjunction with the general business of the licensee or employer.

(f) The Division may defer or waive the continuing education requirements as provided in Section R156-1-308d.

(2) A continuing education course shall meet the following standards:

(a) Time. Each hour of continuing education course credit shall consist of 50 minutes of education in the form of seminars, lectures, conferences, training sessions or distance learning modules. The remaining ten minutes is to allow for breaks.

(b) Provider. The course provider shall be among those specified in Subsection 58-55-302.5(2).

(c) Content. The content of the course shall be relevant to the practice of the construction trades and consistent with the laws and rules of this state.

(d) Objectives. The learning objectives of the course shall be reasonably and clearly stated.

(e) Teaching Methods. The course shall be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program.

(f) Faculty. The course shall be prepared and presented by individuals who are qualified by education, training and experience.

(g) Distance learning. A course that is provided through Internet or home study may be recognized for continuing education if the course verifies registration and participation in the course by means of a test demonstrating that the participant has learned the material presented. Test questions shall be randomized for each participant. A home study course shall include no fewer than five variations of the final examination, distributed randomly to participants. Home study courses, including the five exam variations, shall be submitted in their entirety to the Division for review. Providers shall track the following:

(i) the amount of time each student has spent in the course;

(ii) what activities the student did or did not access; and

(iii) all of the student's test scores.

(h) Documentation. The course provider shall have a competent method of registration of individuals who actually completed the course, shall maintain records of attendance that are available for review by the Division and shall provide individuals completing the course a certificate that contains the following information:

(i) the date of the course;

(ii) the name of the course provider;

(iii) the name of the instructor;

(iv) the course title;

(v) the hours of continuing education credit and type of credit (core or professional);

(vi) the attendee's name; and

(v) the signature of the course provider.

(i) Live Broadcast. A course provided through live broadcast may be recognized for live in-class continuing education credit if the student and the instructor are able to see and hear each other.

(3) On a random basis, the Division may assign monitors at no charge to attend a course for the purpose of evaluating the course and the instructor.

(4) Each licensee shall maintain adequate documentation as proof of compliance with this section, such as certificates of completion, course handouts and materials. The licensee shall retain this proof for a period of three years from the end of the renewal period for which the continuing education is due. Each licensee shall assure that the course provider has submitted the verification of attendance to the continuing education registry on behalf of the licensee as specified in Subsection (8). Alternatively, the licensee may submit the course for approval and pay any course approval fees and attendance recording fees.

(5) Licensees who lecture in continuing education courses meeting these requirements shall receive two hours of continuing education for each hour spent lecturing. However, no lecturing or teaching credit is available for participation in a panel discussion.

(6) The continuing education requirement for electricians, plumbers and elevator mechanics as established in Subsections 58-55-302.7, if offered by a provider specified in Subsection 58-55-302.5(2), shall satisfy the continuing education requirement for contractors as established in Subsection 58-55-302.5 and implemented herein. The contractor licensee shall assure that the course provider has submitted the verification of the electrician's, plumber's or elevator mechanic's attendance on behalf of the licensee to the continuing education registry as specified in Subsection (8).

(7) A course provider shall submit continuing education courses to the continuing education registry and shall submit verification of attendance and completion on behalf of licensees attending and completing the program directly to the continuing education registry in the format required by the continuing education registry.

(8) The Division shall review continuing education courses which have been submitted through the continuing education registry and approve only those courses which meet the standards set forth under this Section.

(9) As provided in Section 58-1-401 and Subsections 58-55-302.5(2) and 58-55-302.7(4)(a), the Division may refuse to renew or may revoke, suspend, restrict, place on probation, issue a

public reprimand to, or otherwise act upon the approval of any course or provider, if the course or provider fails to meet any of the requirements of this section or the provider has engaged in unlawful or unprofessional conduct.

(10) Continuing Education Registry.

(a) The Division shall designate an entity to act as the Continuing Education Registry under this rule.

(b) The Continuing Education Registry, in consultation with the Division and the Commission, shall:

(i) through its internet site electronically receive applications from continuing education course providers and shall submit the application for course approval to the Division for review and approval of only those programs that meet the standards set forth under this Section;

(ii) publish on their website listings of continuing education programs that have been approved by the Division, and which meet the standards for continuing education credit under this rule;

(iii) maintain accurate records of qualified continuing education approved;

(iv) maintain accurate records of verification of attendance and completion, by individual licensee, which the licensee may review for compliance with this rule; and

(v) make records of approved continuing education programs and attendance and completion available for audit by representatives of the Division.

(c) Fees. A continuing education registry may charge a reasonable fee to continuing education providers or licensees for services provided for review and approval of continuing education programs.

R156-55a-304. Contractor License Qualifiers.

(1) The capacity and material authority specified in Subsection 58-55-304(4) is clarified as follows:

(a) Except as allowed in Subsection (b), the qualifier must receive remuneration for work performed for the contractor licensee for not less than 12 hours of work per week;.

(i) If the qualifier is an owner of the business, the remuneration may be in the form of owner's profit distributions or dividends with a minimum ownership of 20 percent of the contractor licensee.

(ii) If the qualifier is an officer or manager of the contractor licensee, the remuneration must be in the form of W-2 wages.

(b) The 12 hour minimum in Subsection (a) may be reduced if the total of all hours worked by all owners and employees is less than 50 hours per week, in which case the minimum may not be less than 20 percent of the total hours of work performed by all owners and employees of the contractor.

(2)(a) A qualifier may hold up to three specialty classifications, in addition to any general contractor classifications, except that an R101 Residential and Small Commercial Non-Structural Remodeling and Repair qualifier may not have any other specialty classifications.

(b) A qualifier may change classifications at any time by surrendering a classification, and by applying for any classification for which the qualifier is permitted by law.

(c) A current qualifier shall surrender or replace the qualifier's classifications as needed to comply with Subsection (2)(a) at the time of any renewal or reinstatement involving the qualifier.

([c]3) A qualifier may not act as the qualifier for more than three licensees at any one time, unless:

([i]a) the qualifier demonstrates by sufficient evidence satisfactory to the Commission and the Division that the qualifier exercises material authority over the businesses; and

([ii]b) written approval is granted by the Commission and the Division.

([2]4) Construction Trades Instruction Facility Qualifier. In accordance with Subsection 58-55-302(1)(f), the contractor license qualifier requirements in Section 58-55-304 shall also apply to construction trades instruction facilities.

R156-55a-305. Compliance Agency Reporting of Sole Owner Building Permits Issued.

In accordance with Subsection 58-55-305(2), a[ll] compliance [agencies]agency that issues building permits to sole owners of property [must]shall submit, within 30 days of issuance, the following information concerning each building permit issued in its[their] jurisdiction, [within 30 days of the issuance, with the building permit number, date issued, name, address and phone number of the issuing compliance agency, sole owner's full name, home address, phone number, and subdivision and lot number of the building site,] to a Division-designated fax number, email address, or written mailing address[designated by the Division.]:

(1) building permit number;

(2) date issued;

(3) issuing compliance agency's name, address, and phone number;

(4) sole owner's full name, home address, and phone number;

(5) building site subdivision and lot number.

R156-55a-305a. Exempt Contractors Filing Affirmation of Liability and Workers Compensation Insurance.

(1) Initial affirmation. In accordance with Subsection 58-55-305(1)(h)(ii)([F]H), any person claiming exemption under Subsection 58-55-305(1)(h) for projects with a value greater than $1,000 but less than $3,000 shall file a registration of exemption with the Division which includes:

(a) the identity and address of the person claiming the exemption; and

(b) a statement signed by the registrant verifying:

(i) that the person has [public]liability insurance in force which includes the Division being named as a certificate holder, the policy number, the expiration date of the policy, the insurance company name and contact information, and coverage amounts of at least $100,000 for each incident and $300,000 in total; and

(ii) that the person has workers compensation insurance in force which names the Division as a certificate holder, includes the policy number, the expiration date of the policy, the insurance company name and contact information; or

(iii) that the person does not hire employees and is therefore exempt from the requirement to have workers compensation insurance.

(2) Periodic reaffirmations required. The affirmation required under Subsection (1) shall be reaffirmed on or before November 30 of each odd numbered year.

R156-55a-306. Contractor Financial Responsibility - Division Audit.

In accordance with Subsections 58-55-302(10)(c), 58-55-306[~~(5)~~], [~~58-55-306(4)(b),~~]and 58-55-102(20), the Division may consider various relevant factors in conducting a financial responsibility audit of an applicant, licensee, qualifier, or any owner, including:

(1)(a) judgments, tax liens, collection actions, bankruptcy schedules and a history of late payments to creditors, including documentation showing the resolution of each of the above actions;

(b) financial statements and tax returns, including the ability to prepare or have prepared competent and current financial statements and tax returns;

(c) an acceptable current credit report that meets the following requirements:

(i) for individuals:

(A) a credit report from each of the three national reporting agencies, Trans Union, Experian, and Equifax; or

(B) a tri-merged credit report of the agencies identified in Subsection (A)[~~ prepared by the National Association of Credit Managers (NACM)~~]; or

(ii) for entities, a business credit report such as an Experian Business Credit Report or a Dun and Bradstreet Report;

(d) an explanation of the reasons for any financial difficulties and how the financial difficulties were resolved;

(e) any of the factors listed in Subsection R156-1-302 that may relate to failure to maintain financial responsibility;

(f) each of the factors listed in this Subsection regarding the financial history of the owners of the applicant or licensee;

(g) any guaranty agreements provided for the applicant or licensee and any owners; and

(h) any history of prior entities owned or operated by the applicant, [~~the~~]licensee, qualifier, or any owner that have failed to maintain financial responsibility.

R156-55a-308a. Operating Standards for Schools or Colleges Licensed as Contractors.

(1) Each school licensed as a B100 General Building Contractor or a R100 Residential and Small Commercial Contractor or both shall obtain all required building permits for homes built for resale to the public as part of an educational training program.

(2) Each employee that works as a teacher for a school licensed as a construction trades instruction facility shall:

(a) have on their person a school photo ID card with the trade they are authorized to teach printed on the card; and

(b) if instructing in the plumbing or electrical trades, [~~they shall~~]also carry on their person their Utah journeyman or residential journeyman plumber license or Utah journeyman, residential journeyman, master, or residential master electrician license.

(3) Each school licensed as a construction trades instruction facility shall not allow any teacher or student to work on any portion of the project subcontracted to a licensed contractor unless the teacher or student are lawful employees of the subcontractor.

R156-55a-308b. Natural Gas Technician Certification.

(1) In accordance with Subsection 58-55-308(1), the scope of practice defined in Subsection 58-55-308(2)(a) requiring certification is further defined as the installation, modification[~~s~~], maintenance, cleaning, repair or replacement of the gas piping, combustion air vents, exhaust venting system or derating of gas input for altitude of a residential or commercial gas appliance.

(2) An approved training program shall include the following course content:

(a) general gas appliance installation codes;

(b) venting requirements;

(c) combustion air requirements;

(d) gas line sizing codes;

(e) gas line approved materials requirements;

(f) gas line installation codes; and

(g) methods of derating gas appliances for elevation.

(3) In accordance with Subsection 58-55-308(2)(c)(i), the following programs are approved to provide natural gas technician training, and to issue certificates or documentation of exemption from certification:

(a) Federal Bureau of Apprenticeship Training;

(b) Utah college apprenticeship program;[~~ and~~]

(c) Trade union apprenticeship program[~~.~~];

(d) Rocky Mountain Gas Association; and

(e) Home Builders Association of Utah.

(4) In accordance with Subsection 58-55-308(3), the approved programs set forth in paragraphs ([~~2~~]3)(b),[~~ and (2)~~](c), (d), and (e) herein shall require program participants to pass the [~~Rocky Mountain Gas Association~~]RMGA Gas Appliance Installers Certification Exam, or [~~approved~~]equivalent exams approved by the Commission established or adopted by a training program, with a minimum passing score of 80%.

(5) In accordance with Subsection 58-55-308(3), a person who has not completed an approved training program, but has passed the [~~Rocky Mountain Gas Association~~]RMGA Gas Exam or approved equivalent exam established or adopted by an approved training program, with a minimum passing score of 80%, or the Utah licensed Journeyman or Residential Journeyman Plumber Exam, with a minimum passing score of 70%, shall be exempt from the certification requirement set forth in Subsection 58-55-308(2)(c)(i).

(6) Content of certificates of completion. An approved program shall issue a certificate, including a wallet certificate, to persons who successfully complete their training program containing the following information:

(a) name of the program provider;

(b) name of the approved program;

(c) name of the certificate holder;

(d) the date the certification was completed; and

(e) signature of an authorized representative of the program provider.

(7) Documentation of exemption from certification. The following shall constitute documentation of exemption from certification:

(a) certification of completion of training issued by the Federal Bureau of Apprenticeship Training;

(b) current Utah licensed Journeyman or Residential Journeyman plumber license; or

(c) certification from the [~~Rocky Mountain Gas Association~~]RMGA or approved equivalent exam which shall include the following:

(i) name of the association, school, union, or other organization who administered the exam;
(ii) name of the person who passed the exam;
(iii) name of the exam;
(iv) the date the exam was passed; and
(v) signature of an authorized representative of the test administrator.
(8) Each person engaged in the scope of practice defined in Subsection 58-55-308(2)(a) and as further defined in Subsection (1) herein, shall carry in their possession documentation of certification or exemption.
[
R156-55a-309. Reinstatement Application Fee.
The application fee for a contractor applicant who is applying for reinstatement more than two years after the expiration of licensure, who has been engaged in unauthorized practice of contracting following the expiration of the applicant's license, shall be the current license application fee normally required for a new application rather than the reinstatement fee provided under R156-1-308g(3)(d).]

R156-55a-311. Reorganization - Conversion of Contractor Business Entity.
(1) A conversion from one form of entity to another form where "Articles of Conversion" are filed with the Utah Division of Corporations and Commercial Code shall not require a new contractor application.
(2) Except as provided in Subsection (1), a[A] reorganization of the business [organization or]entity under which a licensed contractor is licensed shall require application for a new license under the new form of organization or business structure. The creation of a new legal entity constitutes a reorganization and includes a change to a new entity under the same form of business entity or a change of the form of business entity between proprietorship, partnership, whether limited or general, joint venture, corporation, or any other business form.[
Exception: A conversion from one form of entity to another form where "Articles of Conversion" are filed with the Utah Division of Corporations and Commercial Code shall not require a new contractor application.]

R156-55a-312. Inactive License.
(1) The requirements for inactive licensure specified in Subsection R156-1-305(3) shall also include certification that the licensee will not engage in the construction trade(s) for which [his]the license was issued while [his license is]on inactive status except to identify [himself]that licensee as an inactive licensee.
(2) A license on inactive status will not be required to meet the requirements of licensure in Subsections 58-55-302(1)(e)(i), 58-55-302(2)(a) and 58-55-302(2)(b).
(3) The requirements for reactivation of an inactive license specified in Subsection R156-1-305(6) shall also include:
(a) documentation that the licensee meets the requirements of Subsections 58-55-302(1)(e)(i), 58-55-302(2)(a) and 58-55-302(2)(b); and
(b) documentation that the licensee has taken and passed the business and law examination and the contractor classification examination, if required, for the contractor classification for which activation is sought[except that the following exceptions shall apply to the reactivation examination requirement:
(i) No license shall be in an inactive status for more than six years.]
([ii]c) [P]prior to a license being activated, a licensee shall meet the requirements of renewal.
[
R156-55a-401. Minimum Penalty for Failure to Maintain Insurance.
(1) A minimum penalty is hereby established for the violation of Subsection R156-55a-501(2) as follows:
(a) For a violation the duration of which is less than 90 days, where the licensee at the time a penalty is imposed documents that the required liability and workers compensation insurance have been reacquired, and provided an insurable loss has not occurred while not insured, a minimum of a 30 day suspension of licensure, stayed indefinitely, automatically executable in addition to any other sanction imposed, upon any subsequent violations of Subsection R156-55a-501(2).
(b) For a violation the duration of which is 90 days or longer, or where insurable loss has occurred, where the licensee at the time a penalty is imposed documents that the required insurance have been reacquired, a minimum of 30 days suspension of licensure.
(c) For a violation of any duration, where the licensee at the time a penalty is imposed fails to document that the required insurance have been reacquired, a minimum of indefinite suspension. A license which is placed on indefinite suspension may not be reinstated any earlier than 30 days after the licensee documents the required insurance have been reacquired.
(d) If insurable loss has occurred and licensee has not paid the damages, the license may be suspended indefinitely until such loss is paid by the licensee.
(e) Nothing in this section shall be construed to restrict a presiding officer from imposing more than the minimum penalty for a violation of Subsection R156-55a-501(2) and (3). However, absent extraordinary cause, the presiding officer may not impose less than the minimum penalty.]

R156-55a-501. Unprofessional Conduct.
"Unprofessional conduct" includes:
(1) failing to notify the Division with respect to any matter for which notification is required under this rule or Title 58, Chapter 55, the Construction Trades Licensing Act, including a change in qualifier. Such failure shall be considered by the Division and the Commission as grounds for immediate suspension of the contractor's license;
(2) failing to notify the Division within 10 days of any change of the name, address, phone number, or email address of the qualifier or owners of a licensee;
([2]3) failing to continuously maintain insurance and registration as required by Subsection 58-55-302(2) and Section R156-55a-302d;[and]
([3]4) failing to provide within 30 days of a request from the Division or from any person that has a reasonable basis to make a claim on the licensee's insurance policy[to provide]:
(a) proof of licensee's insurance coverage;
(b) the name of the licensee's insurance company, policy number, date of expiration, and insurance coverage limits;

([b]c) a copy of the licensee's [public]insurance policy; [or]

(d) a copy of the licensee's worker compensation policy, if required to maintain worker compensation insurance under Utah law; or

([e]e) any exclusions included in the licensee's [public] insurance policy[.];

(5) failing to provide the Division, within 30 days of a request, documents and other requested information to determine compliance with any section under Title 58, Chapter 55 or Title 58, Chapter 1 of the Utah Code;

(6) refusing, as an electrical or plumbing contractor, to timely and accurately certify the hours of work experience when requested by an electrician or plumber who is or has been an employee;

(7) refusing, as a contractor, to timely and accurately certify the work experience for a contractor application when requested by a current or former employee;

(8) failure of a qualifier, owner, applicant, or licensee to be knowledgeable of the laws and rules applicable to their profession;

(9) failing to timely provide, upon request by any person, a copy of a current license or license number when performing construction trades work;

(10) an owner, qualifier, or licensee advising or instructing any person or applicant, for a fee, concerning an examination required under Title 58, Chapter 55 for which that owner, qualifier, or licensee was a subject-matter expert of the examination, unless:

(a) the owner, qualifier, or licensee is an instructor for an accredited university, college, trade, or technical school; and

(b) the Construction Services Commission approves in writing of the owner, qualifier, or licensee providing that instruction;

(11) using, hiring, or contracting with a professional employer organization that is not licensed with the Utah Insurance Department.

R156-55a-504. Crane Operator Certifications.

In accordance with Subsection 58-55-504(2)(a) one of the following certifications is required to operate a crane on commercial construction projects:

(1) a certification issued by the National Commission for the Certification of Crane Operators;

(2) a certification issued by the Operating Engineers Certification Program[formerly known as the Southern California Crane and Hoisting Certification Program]; or

(3) a certification issued by the Crane Institute of America.

R156-55a-602. Contractor License Bonds.

Pursuant to the provisions of Subsections 58-55-306(1)(b) and 58-55-306(5)(b)(iii), a contractor shall provide a license bond issued by a surety acceptable to the Division in the amount, form, and coverage as follows:

(1) An acceptable surety is one that is listed in the Department of Treasury, Fiscal Service, Circular 570, entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" at the date of the bond.

(2) The coverage of the license bond shall include losses that may occur as the result of the contractor's violation of the unprofessional or unlawful provisions contained in Title 58, Chapters 1 and 55 and rules R156-1 and R156-55a including the failure to maintain financial responsibility, the failure of the licensee to pay its obligations, and the failure of the owners or a licensed unincorporated entity to pay income taxes or self-[−]employment taxes on the gross distributions from the unincorporated entity to its owners.

(3) The financial history of the applicant, licensee, qualifier, or any owner, as outlined in Section R156-55a-306, may be reviewed in determining the bond amount required under this section.

(4) If the licensee is submitting a bond under Subsection 58-55-306(5)(b)(iii)(B), the amount of the bond shall be 20% of the annual gross distributions from the unincorporated entity to its owners. As provided in Subsection 58-55-302(10)(c), the Division, in determining if financial responsibility has been demonstrated, may consider the total number of owners, including new owners added as reported under the provisions of Subsection 58-55-302(10)(a)(i), in setting the amount of the bond required under this subsection.

(5) If the licensee is submitting a bond under any subsection other than Subsection 58-55-306(5)(b)(iii)(B), the minimum amount of the bond shall be $50,000 for the E100 or B100 classification of licensure; $25,000 for the R100 classification of licensure; or $15,000 for other classifications. A higher amount may be determined by the Division and the Commission as provided in Subsection R156-55a-602(6).

(6) The amount of the bond specified under Subsection R156-55a-602(5) may be increased by an amount determined by the Commission and Division when the financial history of the applicant, licensee or any owner indicates the bond amount specified in Subsection R156-55a-602(1) is insufficient to reasonably cover risks to the public health, safety and welfare. The financial history of the applicant, qualifier, licensee or any owner, as outlined in Section R156-55a-306 may be reviewed in determining the bond amount required.

(7) A contractor may provide a license bond issued by a surety acceptable to the Division in an amount less than the bond amount specified in Subsection R156-55a-602(5) if:

(a) the contractor demonstrates by clear and convincing evidence that:

(i) the financial history of the applicant, licensee or any owner indicates the bond amount specified in Subsection R156-55a-602(1) is in excess of what is reasonably necessary to cover risks to the public health, safety and welfare;

(ii) the contractor's lack of financial responsibility is due to extraordinary circumstances that the contractor could not control as opposed to general financial challenges that all contractors experience; and

(iii) the contractor's scope of practice will be restricted commensurate with the degree of risk the contract presents to the public health, safety, and welfare; and

(b) the Commission and Division approve the amount.

KEY: contractors, occupational licensing, licensing
Date of Enactment or Last Substantive Amendment: [~~November 7, 2017~~]2018
Notice of Continuation: August 4, 2016
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-55-101; 58-55-308(1)(a); 58-55-102(39)(a)

Commerce, Occupational and Professional Licensing
R156-63a
Security Personnel Licensing Act Contract Security Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43318
FILED: 10/18/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 197, passed during the 2018 General Legislative Session, amended the Security Personnel Licensing Act with respect to the basic education and training hours required for initial licensure as an armed or unarmed private security officer. The Act now requires "a minimum of eight" hours of classroom or online curriculum instead of 24 hours. In accordance with this legislative guidance, a comprehensive review, and recommendations made by the Security Services Licensing Board (Board) to improve private security officer education and training, these proposed amendments modify the initial basic education and training requirements, and the continuing education requirements for security officers.

SUMMARY OF THE RULE OR CHANGE: In Section R156-63a-102 these proposed changes remove the definition of "supervised on the job training", because on the job training is no longer accepted. It was removed with a previous rule filing but the definition was missed. In Section R156-63a-304 the continuing education requirements are modified as follows: 1) The elective coursework topics that were deleted from Section R156-63a-603 basic education and training requirements have been incorporated here. The CPR/AED/first-aid topics are included in newly defined "core" continuing education topics, and the remaining elective topics are included in the newly defined "professional" continuing education topics. 2) The required continuing education hours have been increased from 16 hours to 32 hours. A minimum of 16 hours shall consist of education covering one or more of "core" continuing education topics; the remaining hours may consist of "professional" or "core" continuing education topics. "Core" continuing education is defined as the existing continuing education topics and new first-aid topics. "Professional" continuing education is defined as education covering one or more of the newly incorporated elective topics. 3) Credit for continuing education is further clarified and established as follows: i) two hours are allowed for each hour of lecturing, training, or instructing a course, if it is the first time the material has been taught during the preceding 12 months, up to a maximum of 12 hours during each two-year renewal period; the type of credit received (core, professional, or firearms education and training) is based on the subject taught; ii) one core continuing education hour is allowed for each hour of service on the Contract Security Services Licensing Board, a state or national security board, or the Contract Security Education Advisory Peer Committee, up to a maximum of six hours during each two-year renewal period; and iii) Internet continuing education is now referenced on the required continuing education completion certificate. 4) It is clarified that continuing education requirements may not be satisfied by the education and training programs required to obtain initial licensure. 5) Formatting changes are made throughout for clarity. In Section R156-63a-502 these proposed amendments add to the definition of "unprofessional conduct" failing as an armed or unarmed private security officer to complete required continuing education hours. In Section R156-63a-602 these proposed amendments delete the subsection granting continuing education credit to instructors, because this provision has been incorporated into R156-63a-603. The approved basic education and training program requirements are modified in Section R156-63a-603 as follows: 1) programs must now have a minimum of eight hours of classroom or online instruction, instead of a minimum of 24 hours; 2) the provision requiring eight hours of elective coursework is deleted, and the elective coursework topics themselves are deleted; 3) formatting changes are made throughout for clarity.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-63-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: No state government entities will be directly affected by these amendments because the constrained parties consist only of licensed armed or unarmed private security officers and the businesses that employ them. Additionally, there are no state government entities acting as businesses that will be impacted. State government entities that employ security businesses could experience an indirect fiscal cost if the security businesses they hire have greater expenses due to increased employee continuing education requirements and choose to pass those expenses on to customers. However, based on Board members' discussions with industry participants and businesses, it was determined that these increased costs, if any, would not be passed on to security business customers, especially given that security businesses retain complete discretion as to whether and how to provide any continuing education training to their employees. As a result, these rule amendments are not expected to impact the state beyond a minimal cost to the Division of Occupational and Professional Licensing (Division) of approximately $75 to print and

distribute the rule and updating current rule posting locations and materials once these proposed amendments are made effective.
♦ LOCAL GOVERNMENTS: No local government entities will be directly affected by these amendments because the constrained parties consist only of licensed armed or unarmed private security officers and the businesses that employ them. Additionally, there are no local government entities acting as businesses that will be impacted. Local government entities that employ security businesses could experience an indirect fiscal cost if the security businesses they hire have greater expenses due to increased employee continuing education requirements and choose to pass those expenses on to customers. However, based on Board members' discussions with industry participants and businesses, it was determined that these increased costs, if any, would not be passed on to security business customers, especially given that security businesses retain complete discretion as to whether and how to provide any continuing education training to their employees. As a result, these rule amendments are not expected to impact local governments.
♦ SMALL BUSINESSES: There are a total of 68 licensed security businesses in Utah (NAICS 561612), of which approximately 48 are small businesses. These small businesses may experience an indirect fiscal cost from the additional 16 hours of continuing education training that will be required for their employees to keep active licensure. Small businesses could incur costs for additional training courses, training materials, and course completion certificates because many in this industry have traditionally provided training for their employees or covered all or part of the cost of such training, even though they are not required to do so. The cost to an employer of providing or paying for a course can vary widely depending on the length of course and number of attendees, so an actual monetary amount is unable to be determined. However, an estimation of potential course costs was made by contacting a sample of employers. It was estimated that, on average, it may cost a small business approximately $50 more per year to provide and/or pay for a full in-person course of training that contains the required additional 16 hours of continuing education per two-year renewal cycle. However, it was also determined that this cost may be reduced or even eliminated because these proposed amendments may also cause some small businesses to opt to use an outside program for training, which could be more cost effective than their current practice of maintaining their own training. These costs are listed in the "Other Persons" line item below, as it is the fiscal responsibility of the individual licensee to obtain and pay for continuing education courses. As a practical matter however, many of the contract security businesses in Utah pay for, or provide, all or some of the continuing education for their employees. As a consequence, an indirect fiscal impact is actually being experienced by the small and non-small businesses in Utah, which could move the fiscal costs out of the "Other Persons" line item to the "Small Business" and "Non-Small Business" line item. It is not possible to predict when or if such burden will be passed from the businesses to the individual licensees, and so no dollar amounts are reflected in the "Small Business" and "Non-Small Business" line items in the table.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are currently 1,817 armed private security officers and 5,208 unarmed private security officers in Utah. These proposed rule changes may have an ongoing fiscal cost for these licensed security officers due to the additional 16 hours of continuing education per two-year renewal period that will be required for them to keep active licensure. As continuing education courses in this industry vary substantially in composition and cost, the fiscal impact these licensees may experience is difficult to quantify as it will depend entirely on the courses offered by various employers and by third parties, and on licensees' choices regarding which courses to take. However, an estimation of average course costs was made by contacting a sample of course providers and employers. It was estimated that average costs to course attendees, if they were required to pay for all of their training for the full additional 16 hours required by these proposed amendments, would range between $75 (for a licensee earning 16 hours by attending a 16-hour course) and $100 (for a licensee earning 16 hours by attending four four-block-hour courses at $25 each). Therefore, a licensee could experience a total cost of approximately $37.50 to $50 per year ongoing. Based on the current total of 7,025 armed and unarmed private security officers in Utah, if it were assumed that every one of these licensees had to pay for all of their additional continuing education training, the licensees could experience a fiscal cost of approximately $307,344 ongoing (average additional fees of $43.75 annually x 7,025 licensees). Again, however, licensees will only incur these costs if their employers decide not to provide their own training or to cover all or any part of such costs. Furthermore, licensees who choose to instruct a course or serve on certain state or national boards may receive continuing education credit for their service, up to certain hour limits. The amount of this potential savings to licensees is inestimable as it will vary substantially depending on individual licensee characteristics and choices. In sum, although the Division estimates that there will be an ongoing fiscal impact to these other persons, the full net impact cannot be estimated as the relevant data is unavailable and the cost of acquiring the relevant data is prohibitively expensive.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These proposed rule changes may have an ongoing fiscal cost for a licensed security officer due to the additional 16 hours of continuing education that will be required per two-year renewal period for the licensee to keep active licensure. As described above for other persons, a licensee could experience a total cost between $37.50 to $50 per year ongoing. Again, however, a licensee will only incur this cost if the licensee's employer chooses not to provide the training, or to pay any of the costs associated with additional training courses, training materials, or certificates. Furthermore, if the licensee chooses to instruct a course or serve on certain state or national boards, the licensee will receive continuing education credit for such service up to certain hour limits. In

sum, although the Division estimates that there will be an ongoing compliance cost for a licensed security officer, the full compliance cost cannot be estimated as the relevant data is unavailable and the cost of acquiring the relevant data is prohibitively expensive.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: S.B. 197, passed during the 2018 General Legislative Session, amended the Security Personnel Licensing Act (Act) with respect to the basic education and training hours required for initial licensure as an armed or unarmed private security officer. The Act now requires "a minimum of eight" hours of classroom or online curriculum instead of 24 hours. In accordance with this legislative guidance, and pursuant to the review and recommendations of the Security Services Licensing Board to improve private security officer education and training, these proposed rule amendments modify the initial basic education and training requirements. In this regard, the initial basic education and training requirements are reduced to reflect the change in the statute. The continuing education requirements for private security officers are increased by these amendments from 16 hours for a two year period to 32 hours for a two year period. There are a total of 68 licensed security businesses in Utah (NAICS 561612), of which approximately 48 are small businesses. There are currently 1,817 armed private security officers and 5,208 unarmed private security officers in Utah. These proposed rule changes may have an ongoing fiscal cost for these licensed security officers due to the additional 16 hours of continuing education per two-year renewal period that will be required for them to keep active licensure. It is estimated that average costs to course attendees, if they were required to pay for all of their training for the full additional 16 hours required by these proposed amendments, would range between $75 (for a licensee earning 16 hours by attending a 16-hour course) and $100 (for a licensee earning 16 hours by attending four four-block-hour courses at $25 each). Therefore, a licensee could experience a total cost of approximately $37.50 to $50 per year ongoing. Based on the current total of 7,025 armed and unarmed private security officers in Utah, if it were assumed that every one of these licensees had to pay for all of their additional continuing education training, the licensees could experience a fiscal cost of approximately $307,344 ongoing (average additional fees of $43.75 annually x 7,025 licensees). These costs are listed in the "Other Persons" line item on the table below, as it is the fiscal responsibility of the individual licensees to obtain and pay for continuing education courses. As a practical matter, however, many of the private security businesses in Utah pay for, or provide, all or some of the continuing education for their employees. As a consequence, an indirect fiscal impact is actually being experienced by the small and non-small businesses in Utah, which could move the fiscal costs out of the "Other Persons" line item to the "Small Business" and "Non-small Business" line items. It is not possible to predict when or if such burden will be passed from the businesses to the individual licensees, and so no dollar amounts are reflected in the "Small Business" and "Non-small Business" line items in the table.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jana Johansen by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at janajohansen@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
♦ 12/13/2018 09:00 AM, 160 East 300 South, Conference Room 402 (4th floor), Salt Lake City, Utah

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Mark Steinagel, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$307,344	$307,344	$307,344
Total Fiscal Costs:	**$307,344**	**$307,344**	**$307,344**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**

Net Fiscal Benefits:	($307,344)	($307,344)	($307,344)

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses (50 or more employees)
There are a total of 68 licensed security businesses in Utah (NAICS 561612), of which approximately 20 are non-small businesses. These non-small businesses may experience an indirect fiscal cost from the additional 16 hours of continuing education training that will be required for their employees to keep active licensure. Non-small businesses could incur costs for additional training courses, training materials, and course completion certificates, because many in this industry have traditionally provided training for their employees or covered all or part of the cost of such training, even though they are not required to do so. The cost to an employer of providing or paying for a course can vary widely depending on the length of course and number of attendees, so an actual monetary amount is unable to be determined. However, an estimation of potential course costs was made by contacting a sample of employers. It was estimated that, on average, it may cost a non-small business approximately $50 more per year to provide and/or pay for a full in-person course of training that contains the required additional 16 hours of continuing education per two-year renewal cycle. However, it was also determined that this cost may be reduced or even eliminated because these proposed amendments may also cause some non-small businesses to opt to use an outside program for training, which could be more cost effective than their current practice of maintaining their own training. These costs are listed in the "Other Persons" line item below, as it is the fiscal responsibility of the individual licensee to obtain and pay for continuing education courses. As a practical matter however, many of the contract security businesses in Utah pay for, or provide, all or some of the continuing education for their employees. As a consequence, an indirect fiscal impact is actually being experienced by the small and non-small businesses in Utah, which could move the fiscal costs out of the "Other Persons" line item to the "Small Business" and "Non-Small Business" line item. It is not possible to predict when or if such burden will be passed from the businesses to the individual licensees, and so no dollar amounts are reflected in the "Small Business" and "Non-Small Business" line items in the table.

Agency sign off: The head of the Department of Commerce, Francine A. Giani, has reviewed and approved this fiscal analysis.

R156. Commerce, Occupational and Professional Licensing.
R156-63a. Security Personnel Licensing Act Contract Security Rule.
R156-63a-101. Title.

This rule is known as the "Security Personnel Licensing Act Contract Security Rule."

R156-63a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 63, as used in Title 58, Chapters 1 and 63 or this rule:

(1) "Approved basic education and training program" means a basic education and training program that:

(a) meets the standards and is approved by the Division as set forth in Section R156-63a-602; and

(b) has the content required by Section R156-63a-603.

(2) "Approved basic firearms training program" means a firearms education and training program that:

(a) meets the standards and is approved by the Division as set forth in Section R156-63a-602; and

(b) has the content required by Section R156-63a-604.

(3) "Authorized emergency vehicle" is as defined in Subsection 41-6a-102(3).

(4) "Contract security company" includes a peace officer who engages in providing security or guard services when acting in a capacity other than as an employee of the law enforcement agency by whom the peace officer is employed.

(5) "Contract security company" does not include a company which hires as employees, individuals to provide security or guard services for the purpose of protecting tangible personal property, real property, or the life and well-being of personnel employed by, or animals owned by or under the responsibility of that company, as long as the security or guard services provided by the company do not benefit any person other than the employing company.

(6) "Compensated", as used in Subsection 58-63-302(1)(c)(viii)(A), means remuneration in the form of W-2 wages unless the qualifying agent is an owner of a contract security or armored car company, in which case "compensated" means the owner's profit distributions or dividends.

(7) "Conviction" means criminal conduct where the filing of a criminal charge has resulted in:

(a) a finding of guilt based on evidence presented to a judge or jury;

(b) a guilty plea;

(c) a plea of nolo contendere;

(d) a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation;

(e) a pending diversion agreement; or

(f) a conviction which has been reduced pursuant to Section 76-3-402.

(8) "Corporate officer" as defined in Subsection 58-63-102(9), includes an individual who is on file with the Division of Corporations and Commercial Code as a limited liability company's company officer or "governing person" as defined in Subsection 48-3a-102(7), or as a limited partnership's "general partner" as defined in Subsection 48-2e-102(8).

(9) "Employee" means an individual providing services in the security guard industry for compensation, when the amount of compensation is based directly upon the security guard services provided and upon which the employer is required under law to withhold federal and state taxes, and for whom the employer is required under law to provide worker's compensation insurance coverage and pay unemployment insurance.

(10) "Instructor" means a person who directly facilitates learning through means of live in-class lecture, group participation, practical exercise, or other means, who has fulfilled the instructor experience and training requirements set forth in Section R156-63a-602.

(11) "Qualified continuing education" means continuing education that meets the standards set forth in Subsection R156-63a-304.

(12) "Qualifying agent" means a natural person who meets all of the requirements set forth in Subsection 58-63-302(1)(c).

(13) "Soft uniform" means a business suit or a polo-type shirt with appropriate slacks. The coat or shirt has an embroidered badge or contract security company logo that clips on to or is placed over the front pocket.

(14) ["Supervised on-the-job training" means training of an armed or unarmed private security officer under the supervision of a licensed private security officer who has been assigned to train and develop the on-the-job trainee.

(15)]"Supervision" means general supervision as defined in Subsection R156-1-102a(4)(c).

([16]15) "Trainer" has the same meaning as "instructor".

([17]16) "Unprofessional conduct," as defined in Title 58, Chapters 1 and 63, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-63a-502.

R156-63a-304. Continuing Education for Armed and Unarmed Private Security Officers as a Condition of Renewal.

[(1)]In accordance with Subsections 58-1-203(1)(g) and 58-1-308(3)(b), [there is created a]the following continuing education requirements are established as a condition of renewal or reinstatement of licenses issued under Title 58, Chapter 63 in the classifications of armed private security officer and unarmed private security officer[.]:

([2]1) Armed and unarmed private security officers shall complete [16]at least 32 hours of continuing education during each two-year renewal cycle. A minimum of 16 hours shall be core continuing education; the remaining hours may consist of professional continuing education or core continuing education. [every two years consisting of education that includes:]

(a) "Core continuing education" is defined as education covering one or more of the following topics:

([a]i) company operational procedures manual;

([b]ii) applicable state laws and rules;

([c]iii) legal powers and limitations of private security officers;

([d]iv) observation and reporting techniques;

([e]v) ethics;[and]

([f]vi) emergency techniques[.]; and

(vii) current certification in:

(A) cardiopulmonary resuscitation (CPR);

(B) automated external defibrillator (AED);

(C) first aid; or

(D) any other recognized basic life-saving certification;

(b) "Professional continuing education" is defined as education covering one or more of the following topics:

(i) executive protection;

(ii) basic self-defense;

(iii) driving techniques for the security professional;

(iv) escort techniques;

(v) crowd control;

(vi) access control and the use of electronic detection devices;

(vii) use of defensive items and objects;

(viii) management of aggressive behavior, use of force, de-escalation techniques;

(ix) homeland security involving bomb threats and anti-terrorism; or

(x) Americans with Disabilities Act (ADA) compliance.

[(3) Credit for the 16 hours of continuing education shall be recognized in accordance with the following:

(a) Unlimited hours shall be recognized for continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences.

(b) Unlimited hours shall be recognized for continuing education that is provided via Internet provided the course provider verifies registration and participation in the course by means of a test which demonstrates that the participant has learned the material presented.]

([4]2) In addition to the [required 16]32 hours of core/professional continuing education, an armed private security officer[s] shall complete [not less than]at least 16 [additional]hours of continuing firearms education and training during each two-year renewal cycle[every two years]. [The continuing firearms education and training shall be completed in four-hour blocks every six months and shall not include any hours for the continuing education requirement in Subsection R156-63a-304(2). The c]Continuing firearms education and training[shall include as a minimum]:

(a) shall be completed in four-hour blocks every six months;

(b) may not include any hours for the continuing education requirement in Subsection R156-63a-304(1); and

(c) shall include at minimum:

([a]i) live classroom instruction concerning:

(A) the restrictions in the use of deadly force; and

(B) firearms safety on duty, at home, and on the range; and

([b]ii) a recognized practical pistol recertification course on which the licensee achieves a minimum score of 80% using regular or low light conditions.

(3) Credit for continuing education shall be recognized as follows:

(a) unlimited hours for continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences;

(b) unlimited hours for continuing education provided via the Internet, if the course provider verifies registration and participation in the course by means of an exam which demonstrates that the participant has learned the material presented;

(c) two hours for each hour of lecturing, training, or instructing a course, if it is the first time the material has been taught during the preceding 12 months, up to a maximum of 12 hours during each two-year renewal period; the type of credit received - whether core, professional, or firearms education and training - shall be based on the subject taught; and

(d) one core continuing education hour for each hour of service on the Contract Security Services Licensing Board, a state or national security board, or the Contract Security Education Advisory Peer Committee, up to a maximum of six hours during each two-year renewal period.

(4) Modification of Required Continuing Education Hours.

([5]a) [An individual holding a current armed private security officer license in Utah]A licensee who fails to complete the required four hours of continuing firearms education and training

within the appropriate six-[-]month period [will be required to]shall complete one and one half times the number of [continuing firearms education]hours the licensee was deficient for the reporting period ([this requirement is hereafter referred to as]"penalty hours"). [The p]Penalty hours shall not [be considered to]satisfy in whole or in part any of the continuing firearms education and training hours required for subsequent renewal of the license.

([6]b) If a renewal period is shortened or lengthened to effect a change of renewal cycle, the continuing education hours required for that renewal period shall be increased or decreased proportionately[accordingly as a pro rata amount of the requirements of a two-year period].

(c) The Division may defer or waive continuing education requirements as provided in Section R156-1-308d.

(5) Documentation.

([7]a) Each licensee shall maintain documentation showing compliance with the requirements [above]of this section, such as certificates of completion or course handouts and materials, for a period of three years from the end of the renewal period for which the continuing education is due.

([8]b) [The]A continuing education [course]provider shall [provide course]give participants who complete the continuing education [course with a course]a completion certificate[.

(9) The course certificate shall contain] or form, which contains the:

([a]i) [the]name of the participant;

([b]ii) [the]date the course was taken;

([c]iii) [the]location where the course was taken (or type of Internet course);

([d]iv) [the]title of the course;

([e]v) [the]name of the [course]continuing education provider and instructor;[and]

(vi) exam score for any exam taken; and

([f]vii) [the]number of continuing education hours completed.

(6) The education and training programs defined in Subsections R156-63a-102(1) and (2), which are required to obtain initial licensure as an armed or unarmed security officer, may not be used to satisfy in whole or in part any of the continuing education requirements of this section.

R156-63a-502. Unprofessional Conduct.

"Unprofessional conduct" includes the following:

(1) making any statement that would reasonably cause another person to believe that a private security officer functions as a law enforcement officer or other official of this state or any of its political subdivisions or any agency of the federal government;

(2) utilizing a vehicle with markings, lighting, and/or signal devices that imply or suggest that the vehicle is an authorized emergency vehicle as defined in Subsection 41-6a-102(3) and Section 41-6a-310 and in Title R722, Chapter 340;

(3) utilizing a vehicle with an emergency lighting system that violates the requirements of Section 41-6a-1616 of the Utah Motor Vehicle Code;

(4) wearing a uniform, insignia, or badge that would lead a reasonable person to believe that the unarmed or armed private security officer is connected with a federal, state, or municipal law enforcement agency;

(5) being incompetent or negligent as an unarmed private security officer, an armed private security officer, or a contract security company, so as to cause injury to a person or create an unreasonable risk that a person might be harmed;

(6) failing as a contract security company or its officers, directors, partners, proprietors or responsible management personnel to adequately supervise employees so as to place the public health and safety at risk;

(7) failing to immediately notify the Division of the cancellation of the contract security company's insurance policy;

(8) failing as a contract security company or an armed or unarmed private security officer to report a criminal offense pursuant to Section R156-63a-613;

(9) pursuant to Subsection R156-63a-612(3), failing as a contract security company or an armed private security officer to report to the Division a violation of:

(a) any provision set forth in 18 U.S.C. Chapter 44, 922(g)1-9;

(b) Utah Code Subsection 76-10-503(1); or

(c) Utah Code Subsections 58-63-302(1)(a), (2)(c), or (3)(c);[and]

(10) wearing a uniform, insignia, or badge, or displaying a license, that would lead a reasonable person to believe that an individual is connected with a contract security company, when not employed as an armed or unarmed private security officer by a contract security company[.]; and

(11) failing as an armed or unarmed private security officer to complete required continuing education hours, in violation of Section R156-63a-304.

R156-63a-602. Division Approval and Operating Standards - Training Programs for Armed and Unarmed Private Security Officers.

(1) To obtain Division approval of any training program for armed private security officers and unarmed private security officers, the program owner shall submit to the Division:

(a) an application in a form prescribed by the Division;

(b) a fee for the approval of the program; and

(c) a written education and training manual which includes:

(i) a course syllabus with an hourly breakdown of the course outline and training schedule;

(ii) a course curriculum;

(iii) a four-hour instructor training program;

(iv) testing tools; and

(v) if an online curriculum or multi-media learning tools are used, a copy of the original medium.

(2) If any individual or entity uses an approved basic education and training program that the user does not own, the user shall submit to and maintain with the Division a current copy of the user's written contract with the program owner, which identifies the duration allowed for use. The user shall promptly update this information in writing with the Division as necessary.

(3) A course curriculum for armed private security officers shall include the content established in Sections R156-63a-603 and R156-63a-604.

(4) A course curriculum for unarmed private security officers shall include the content established in Section R156-63a-603.

(5) All instructors teaching an approved basic education and training program shall:

(a) have at least three years of supervisory experience reasonably related to providing contract security services; and

(b) have completed a four-hour instructor training program which shall include the following:

(i) motivation and the learning process;

(ii) teacher preparation and teaching methods;

(iii) classroom management;

(iv) testing; and

(v) instructional evaluation.

(6) All instructors teaching an approved basic firearms training program shall have the following qualifications:

(a) current Peace Officers Standards and Training firearms instructor certification; or

(b) current certification as a firearms instructor by:

(i) the National Rifle Association;

(ii) a Utah law enforcement agency;

(iii) a Federal law enforcement agency;

(iv) a branch of the United States military; or

(v) other qualification or certification found by the Division, in collaboration with the Board, to be equivalent.

(7) When an instructor for a Division-approved training program begins providing instruction, the user of the Division-approved training program shall report the instructor's name to the Division, on a form supplied by the Division.

(8) When an instructor for a Division-approved training program ceases to instruct for that program, or no longer meets instructor requirements, the user of the Division-approved training program shall report that information and the instructor's name to the Division, on a form supplied by the Division.

(9) All approved training programs shall maintain training records on each individual trained, including the dates of attendance at training, a copy of the instruction given, and the location of the training. These records shall be maintained in the program's files for at least three years.

(10) If an approved training program provider of basic education and training ceases to engage in business, the provider shall establish a method approved by the Division by which the records of the education and training shall continue to be available for a period of at least three years after the education and training is provided.[

(11) Instructors who teach continuing education programs and are licensed armed or unarmed private security officers, shall receive continuing education credit for actual preparation time for up to two times the number of hours to which participants are entitled. For example, for learning activities in which participants receive four continuing education hours, instructors may receive up to eight continuing education hours (four hours for preparation plus four hours for presentation).]

R156-63a-603. Content of Approved Basic Education and Training Program for Armed and Unarmed Private Security Officers.

In accordance with Subsection[s] 58-63-302(2)(g)[and 58-63-302(3)(f)], an approved basic education and training program for armed and unarmed private security officers shall have at least [24]eight hours of classroom or online instruction, including:

(1) [16 hours of basic instruction, to include:

(a)]the nature and role of private security, including a private security officer's:

([i]a) scope and limits of authority;

([ii]b) civil liability; and

([iii]c) role in today's society;

([b]2) state laws and rules applicable to private security;

([c]3) the legal responsibilities of private security, including:

([i]a) constitutional law;

([ii]b) search and seizure; and

([iii]c) other such topics;

([d]4) situational response evaluations, including:

([i]a) protecting and securing crime or accident scenes;

([ii]b) notifying internal and external agencies; and

([iii]c) controlling information;

([e]5) security ethics;

([f]6) the use of force, emphasizing the de-escalation of force and alternatives to using force;

([g]7) documentation and report writing, including:

([i]a) preparing witness statements;

([ii]b) performing log maintenance;

([iii]c) exercising control of information;

([iv]d) taking field notes;

([v]e) organizing information into a report; and

([v]f) performing basic writing;

([h]8) patrol techniques, including:

([i]a) mobile patrol versus fixed post;

([ii]b) accident prevention;

([iii]c) responding to calls and alarms;

([iv]d) security breaches;[and]

([v]e) monitoring potential safety hazards; and

([i]f) police and community relations, including fundamental duties and personal appearance of security officers;

([j]9) sexual harassment in the workplace; and

[(2) eight hours of elective coursework determined by the instructor, which may include:

(a) current certification in:

(i) cardiopulmonary resuscitation (CPR);

(ii) automated external defibrillator (AED);

(iii) first aid; or

(iv) any other recognized basic life-saving certification;

(b) introduction to executive protection;

(c) basic self-defense;

(d) driving techniques for the security professional;

(e) escort techniques;

(f) crowd control;

(g) access control and the use of electronic detection devices;

(h) introduction to security's role with closed-circuit television systems;

(i) use of defensive items and objects;

(j) management of aggressive behavior, use of force, de-escalation techniques;

(k) homeland security involving bomb threats and anti-terrorism;

(l) Americans with Disabilities Act (ADA) compliance; and

~~(m) prior training as evidenced by third-party documentation, which may be accepted at the trainer's discretion to count towards the eight hours of elective training; and~~]

([~~3~~]10) a final examination that:

(a) competently examines the student on the subjects included in the [~~16~~]eight hours of basic instruction; and

(b) mandates a minimum pass score of 80%.

KEY: licensing, security guards, private security officers
Date of Enactment or Last Substantive Amendment: [~~December 11, 2017~~]2018
Notice of Continuation: May 15, 2018
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-63-101

Commerce, Occupational and Professional Licensing
R156-63b
Security Personnel Licensing Act Armored Car Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43319
FILED: 10/18/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 197, passed during the 2018 General Legislative Session, amended the Security Personnel Licensing Act (Act) with respect to the basic education and training hours required for initial licensure as an armored car security officer. The Act now requires "a minimum of eight" hours of classroom or online curriculum instead of 24 hours. In accordance with this legislative guidance, and review and recommendations by the Security Services Licensing Board (Board) to improve armored car security officer education and training, these proposed amendments modify the initial basic education and training requirements and the continuing education requirements for armored car security officers.

SUMMARY OF THE RULE OR CHANGE: In Section R156-63b-102 these proposed changes remove the definition of "supervised on the job training", because on the job training is no longer accepted. It was removed with a previous rule filing but the definition was missed. In Section R156-63b-304 the continuing education requirements are modified as follows: 1) The elective coursework topics that were deleted from Section R156-63b-603 basic education and training requirements have been incorporated here. The CPR/AED/first-aid topics are included in newly defined "core" continuing education topics, and the remaining elective topics are included in the newly defined "professional" continuing education topics. 2) The required continuing education hours have been increased from 16 hours to 32 hours. A minimum of 16 hours shall consist of education covering one or more of "core" continuing education topics; the remaining hours may consist of "professional" or "core" continuing education topics. "Core" continuing education is defined as the existing continuing education topics and new first-aid topics. "Professional" continuing education is defined as education covering one or more of the newly incorporated elective topics. 3) Credit for continuing education is further clarified and established as follows: i) two hours are allowed for each hour of lecturing, training, or instructing a course, if it is the first time the material has been taught during the preceding 12 months, up to a maximum of 12 hours during each two-year renewal period; the type of credit received (core, professional, or firearms education and training) is based on the subject taught; ii) one core continuing education hour is allowed for each hour of service on the Contract Security Services Licensing Board, a state or national security board, or the Contract Security Education Advisory Peer Committee, up to a maximum of six hours during each two-year renewal period; and iii) Internet continuing education is now referenced on the required continuing education completion certificate. 4) It is clarified that continuing education requirements may not be satisfied by the education and training programs required to obtain initial licensure. 5) Formatting changes are made throughout for clarity. In Section R156-63b-502 these proposed amendments add to the definition of "unprofessional conduct" failing as an armored car security officer to complete required continuing education hours. In Section R156-63b-602 these proposed amendments delete the subsection granting continuing education credit to instructors, because this provision has been incorporated into R156-63b-603. The approved basic education and training program requirements are modified in Section R156-63b-603 as follows: 1) programs must now have a minimum of eight hours of classroom or online instruction, instead of a minimum of 24 hours; 2) the provision requiring eight hours of elective coursework is deleted, and the elective coursework topics themselves are deleted; 3) formatting changes are made throughout for clarity.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-63-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: No state government entities will be directly affected by these amendments because the constrained parties consist only of licensed armored car security officers and the businesses that employ them. Additionally, there are no state government entities acting as businesses that will be impacted. State government entities that employ security businesses could experience an indirect fiscal cost if the security businesses they hire have greater expenses due to increased employee continuing education requirements and choose to pass those expenses on to customers. However, based on Board members' discussions with industry participants and businesses, it was determined that these increased costs, if any, would not be passed on to security business customers, especially given that security

businesses retain complete discretion as to whether and how to provide any continuing education training to their employees. As a result, these rule amendments are not expected to impact the state beyond a minimal cost to the Division of Occupational and Professional Licensing (Division) of approximately $75 to print and distribute this rule and updating current rule posting locations and materials once these proposed amendments are made effective.
♦ LOCAL GOVERNMENTS: No local government entities will be directly affected by these amendments because the constrained parties consist only of licensed armored car security officers and the businesses that employ them. Additionally, there are no local government entities acting as businesses that will be impacted. Local government entities that employ security businesses could experience an indirect fiscal cost if the security businesses they hire have greater expenses due to increased employee continuing education requirements and choose to pass those expenses on to customers. However, based on Board members' discussions with industry participants and businesses, it was determined that these increased costs, if any, would not be passed on to security business customers, especially given that security businesses retain complete discretion as to whether and how to provide any continuing education training to their employees. As a result, these proposed rule amendments are not expected to impact local government.
♦ SMALL BUSINESSES: There are a total of eight licensed armored car security businesses in Utah (NAICS 561613), six of which are small businesses. These small businesses may experience an indirect fiscal cost from the additional 16 hours of continuing education training that will be required for their employees to keep active licensure. These small businesses could incur costs for additional training courses, training materials, and course completion certificates because they have traditionally provided training for their employees or covered all or part of the cost of training, even though they are not required to do so. The cost to an employer of providing or paying for a course can vary widely depending on the length of course and number of attendees, so an actual monetary amount is unable to be determined. However, an estimation of potential course costs was made by contacting a sample of employers. It was estimated that, on average, it may cost a small business approximately $50 more per year to provide and/or pay for a full in-person course of training that contains the required additional 16 hours of continuing education per two-year renewal cycle. However, it was also determined that this cost may be reduced or even eliminated because these proposed amendments may also cause some small businesses to opt to use an outside program for training, which could be more cost effective than their current practice of maintaining their own training. These costs are listed in the "Other Persons" line item below, as it is the fiscal responsibility of the individual licensee to obtain and pay for continuing education courses. As a practical matter however, many of the armored car security businesses in Utah pay for, or provide, all or some of the continuing education for their employees. As a consequence, an indirect fiscal impact is actually being experienced by the small and non-small businesses in Utah, which could move the fiscal costs out of the "Other Persons" line item to the "Small Business" and "Non-Small Business" line item. It is not possible to predict when or if such burden will be passed from the businesses to the individual licensees, and so no dollar amounts are reflected in the "Small Business" and "Non-Small Business" line items in the table.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are currently 463 armored car security officers in Utah. These proposed rule changes may have an ongoing fiscal cost for these licensed security officers due to the additional 16 hours of continuing education per two-year renewal period that will be required for them to keep active licensure. As continuing education courses in this industry vary substantially in composition and cost, the fiscal impact these licensees may experience is difficult to quantify as it will depend entirely on the courses offered by various employers and by third parties, and on licensees' choices regarding which courses to take. However, an estimation of average course costs was made by contacting a sample of course providers and employers. It was estimated that average costs to course attendees, if they were required to pay for all of their training for the full additional 16 hours required by these proposed amendments, would range between $75 (for a licensee earning 16 hours by attending a 16-hour course) and $100 (for a licensee earning 16 hours by attending four four-block-hour courses at $25 each). Therefore, a licensee could experience a total cost of approximately $37.50 to $50 per year ongoing. Based on the current total of 463 armored car security officers in Utah, if it were assumed that every one of these licensees had to pay for all of their additional continuing education training, the licensees could experience a fiscal cost of approximately $20,256 ongoing (average additional fees of $43.75 annually x 463 licensees). Again, however, licensees will only incur these costs if their employers decide not to provide their own training or to cover all or any part of such costs. Furthermore, licensees who choose to instruct a course or serve on certain state or national boards may receive continuing education credit for their service, up to certain hour limits. Accordingly, the amount of this potential savings to licensees is inestimable as it will vary substantially depending on individual licensee characteristics and choices. In sum, although the Division estimates that there will be an ongoing fiscal impact to these other persons, the full net impact cannot be estimated as the relevant data is unavailable and the cost of acquiring the relevant data is prohibitively expensive.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These proposed rule changes may have an ongoing fiscal cost for a licensed armored car security officer due to the additional 16 hours of continuing education that will be required per two-year renewal period for the licensee to keep active licensure. As described above for other persons, a licensee could experience a total cost between $37.50 to $50 per year ongoing. Again, however, a licensee will only incur this cost if the licensee's employer chooses not to provide the training, or to pay any of the costs associated with additional training

courses, training materials, or certificates. Furthermore, if the licensee chooses to instruct a course or serve on certain state or national boards, the licensee will receive continuing education credit for such service up to certain hour limits. In sum, although the Division estimates that there will be an ongoing compliance cost for a licensed armored car security officer, the full compliance cost cannot be estimated as the relevant data is unavailable and the cost of acquiring the relevant data is prohibitively expensive.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: S.B. 197, passed during the 2018 General Legislative Session, amended the Security Personnel Licensing Act (Act) with respect to the basic education and training hours required for initial licensure as an armored car security officer. The Act now requires "a minimum of eight" hours of classroom or online curriculum instead of 24 hours. In accordance with this legislative guidance, and pursuant to the review and recommendations of the Security Services Licensing Board (Board) to improve armored car security officer education and training, these proposed rule amendments modify the initial basic education and training requirements. In this regard, the initial basic education and training requirements are reduced to reflect the change in the statute. The continuing education requirements for armored car security officers are increased by these amendments from 16 hours for a two year period to 32 hours for a two year period. There are a total of eight licensed armored car security businesses in Utah (NAICS 561613), six of which are small businesses. These eight businesses may experience an indirect fiscal cost from the additional 16 hours of continuing education training that will be required for their employees to keep active licensure. There are currently 463 armored car security officers in Utah. These proposed rule changes may have an ongoing fiscal cost for these licensed security officers due to the additional 16 hours of continuing education per two-year renewal period that will be required for them to keep active licensure. It is estimated that average costs to course attendees, if they were required to pay for all of their training for the full additional 16 hours required by these proposed amendments, would range between $75 (for a licensee earning 16 hours by attending a 16-hour course) and $100 (for a licensee earning 16 hours by attending four four-block-hour courses at $25 each). Therefore, a licensee could experience a total cost of approximately $37.50 to $50 per year ongoing. Based on the current total of 463 armored car security officers in Utah, if it were assumed that every one of these licensees had to pay for all of their additional continuing education training, the licensees could experience a fiscal cost of approximately $20,256 ongoing (average additional fees of $43.75 annually x 463 licensees). These costs are listed in the "Other Persons" line item in the table below, as it is the fiscal responsibility of the individual licensees to obtain and pay for continuing education courses. As a practical matter, however, many of the of the armored car security businesses in Utah pay for, or provide, all or some of the continuing education for their employees. As a consequence, an indirect fiscal impact is actually being experienced by the small and non-small businesses in Utah, which could move the fiscal costs out of the "Other Persons" line item to the "Small Business" and "Non-Small Business" line items. It is not possible to predict when or if such burden will be passed from the businesses to the individual licensees, and so no dollar amounts are reflected in the "Small Business" and "Non-Small Business" line items in the table.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jana Johansen by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at janajohansen@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
♦ 12/13/2018 09:00 AM, 160 East 300 South, Conference Room 402 (4th floor), Salt Lake City, Utah

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Mark Steinagel, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$20,256	$20,256	$20,256
Total Fiscal Costs:	**$20,256**	**$20,256**	**$20,256**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0

Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**($20,256)**	**($20,256)**	**($20,256)**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses (50 or more employees)
There are a total of eight licensed armored car businesses in Utah (NAICS 561613), two of which are non-small businesses. These non-small businesses may experience an indirect fiscal cost from the additional 16 hours of continuing education training that will be required for their employees to keep active licensure. Non-small businesses could incur costs for additional training courses, training materials, and course completion certificates, because they have traditionally provided training for their employees or covered all or part of the cost of such training, even though they are not required to do so. The cost to an employer of providing or paying for a course can vary widely depending on the length of course and number of attendees, so an actual monetary amount is unable to be determined. However, an estimation of potential course costs was made by contacting a sample of employers. It was estimated that, on average, it may cost a non-small business approximately $50 more per year to provide and/or pay for a full in-person course of training that contains the required additional 16 hours of continuing education per two-year renewal cycle. However, it was also determined that this cost may be reduced or even eliminated because these proposed amendments may also cause some non-small businesses to opt to use an outside program for training, which could be more cost effective than their current practice of maintaining their own training. . These costs are listed in the "Other Persons" line item below, as it is the fiscal responsibility of the individual licensee to obtain and pay for continuing education courses. As a practical matter however, many of the armored car security businesses in Utah pay for, or provide, all or some of the continuing education for their employees. As a consequence, an indirect fiscal impact is actually being experienced by the small and non-small businesses in Utah, which could move the fiscal costs out of the "Other Persons" line item to the "Small Business" and "Non-Small Business" line item. It is not possible to predict when or if such burden will be passed from the businesses to the individual licensees, and so no dollar amounts are reflected in the "small Business" and "Non-Small Business" line items in the table.

Agency sign off: The head of the Department of Commerce, Francine A. Giani, has reviewed and approved this fiscal analysis.

R156. Commerce, Occupational and Professional Licensing.
R156-63b. Security Personnel Licensing Act Armored Car Rule.
R156-63b-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 63, as used in Title 58, Chapters 1 and 63 or this rule:

(1) "Approved basic education and training program" means a basic education and training program that:

(a) meets the standards and is approved by the Division as set forth in Section R156-63b-602; and

(b) has the content required by Section R156-63b-603.

(2) "Approved basic firearms training program" means a firearms education and training program that:

(a) meets the standards and is approved by the Division as set forth in Section R156-63b-602; and

(b) has the content required by Section R156-63b-604.

(3) "Armored car company" includes a peace officer who engages in providing security or guard services when acting in a capacity other than as an employee of the law enforcement agency by whom the peace officer is employed.

(4) "Armored car company" does not include a company which hires as employees, individuals to provide security or guard services for the purpose of protecting tangible property, currency, valuables, jewelry, SNAP benefits as defined in Section 35A-1-102, or other high value items that require secured delivery from one place to another and are owned by or under the responsibility of that company, as long as the security or guard services provided by the company do not benefit any person other than the employing company.

(5) "Authorized emergency vehicle" is as defined in Subsection 41-6a-102(3).

(6) "Compensated", as used in Subsection 58-63-302(1)(c)(viii)(A), means remuneration in the form of W-2 wages unless the qualifying agent is an owner of a contract security or armored car company, in which case "compensated" means the owner's profit distributions or dividends.

(7) "Conviction" means criminal conduct where the filing of a criminal charge has resulted in:

(a) a finding of guilt based on evidence presented to a judge or jury;

(b) a guilty plea;

(c) a plea of nolo contendere;

(d) a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation;

(e) a pending diversion agreement; or

(f) a conviction which has been reduced pursuant to Section 76-3-402.

(8) "Corporate officer" as defined in Subsection 58-63-102(9), includes an individual who is on file with the Division of Corporations and Commercial Code as a limited liability company's company officer or "governing person" as defined in Subsection 48-3a-102(7), or as a limited partnership's "general partner" as defined in Subsection 48-23-102(8).

(9) "Employee" means an individual providing services in the armored car industry for compensation when the amount of compensation is based directly upon the armored car services provided, and upon which the employer is required under law to withhold federal and state taxes, and for whom the employer is required under law to provide worker's compensation insurance coverage and pay unemployment insurance.

(10) "Instructor" means a person who directly facilitates learning through means of live in-class lecture, group participation, practical exercise, or other means, who has fulfilled the instructor experience and training requirements set forth in Section R156-63b-602.

(11) "Qualified continuing education" means continuing education that meets the standards set forth in Subsection R156-63b-304.

(12) "Qualifying agent" means a natural person who meets all of the requirements set forth in Subsection 58-63-302(1)(c).

(13) "Soft uniform" means a business suit or a polo-type shirt with appropriate slacks. The coat or shirt has an embroidered badge or armored car company logo that clips onto or is placed over the front pocket.

(14) ["Supervised on-the-job training" means training of an armored car security officer under the supervision of a licensed armored car security officer who has been assigned to train and develop the on-the-job trainee.

(15)]"Supervision" means general supervision as defined in Subsection R156-1-102a(4)(c).

([16]15) "Trainer" has the same meaning as "instructor".

([17]16) "Unprofessional conduct," as defined in Title 58, Chapters 1 and 63, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-63b-502.

R156-63b-304. Continuing Education for Armored Car Security Officers as a Condition of Renewal.

[(1)]In accordance with Subsections 58-1-203(1)(g) and 58-1-308(3)(b), [there is created a]the following continuing education requirements are established as a condition of renewal or reinstatement of licenses issued under Title 58, Chapter 63 in the classifications of armored car security officer[.]:

([2]1) An armored[Armored] car security officers shall complete [16]at least 32 hours of continuing education [every two years]during each two-year renewal cycle. A minimum of 16 hours shall be core continuing education; the remaining hours may consist of professional continuing education or core continuing education. [consisting of education that includes:]

(a) "Core continuing education" is defined as education covering one or more of the following topics:

([a]i) company operational procedures manual;

([b]ii) applicable state laws and rules;

(iii) legal powers and limitations of private security officers;

(iv) observation and reporting techniques;

([c]v) ethics;[and]

([d]vi) emergency techniques[.]; and

(vii) current certification in:

(A) cardiopulmonary resuscitation(CPR);

(B) automated external defibrillator (AED);

(C) first aid; or

(D) any other recognized basic life-saving certification;

(b) "Professional continuing education" is defined as education covering one or more of the following topics:

(i) executive protection;

(ii) basic self-defense;

(iii) driving techniques for the security professional;

(iv) escort techniques;

(v) crowd control;

(vi) access control and the use of electronic detection devices;

(vii) use of defensive items and objects;

(viii) management of aggressive behavior, use of force, de-escalation techniques;

(ix) homeland security involving bomb threats and anti-terrorism; or

(x) Americans with Disabilities Act (ADA) compliance.

[(3) Credit for the 16 hours of continuing education shall be recognized in accordance with the following:

(a) Unlimited hours shall be recognized for continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences.

(b) Unlimited hours shall be recognized for continuing education that is provided via the Internet provided the course provider verifies registration and participation in the course by means of a test which demonstrates that the participant has learned the material presented.]

([4]2) In addition to the [required 16]32 hours of core/professional continuing education, an armored car security officer[s] shall complete [not less than]at least 16 [additional]hours of continuing firearms education and training [every two years]during each two-year renewal cycle. [The c]Continuing firearms education and training:

(a) shall be completed in four-hour blocks every six months;

(b) [and shall]may not include any hours for the continuing education requirement in Subsection R156-63b-304(2)[. The continuing firearms education and training];

(c) shall comply with the provisions of Title 15, USC Chapter 85, the Armored Car Industry Reciprocity Act; and

(d) shall include [as a]at minimum:

([a]i) live classroom instruction concerning:

(A) [the]restrictions in the use of deadly force; and

(B) firearms safety on duty, at home, and on the range; and

([b]ii) a recognized practical pistol recertification course on which the licensee achieves a minimum score of 80% using regular or low light conditions.

[(5) Firearms education and training shall comply with the provisions of Title 15, USC Chapter 85, the Armored Car Industry Reciprocity Act.]

(3) Credit for continuing education shall be recognized as follows:

(a) unlimited hours for continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences;

(b) unlimited hours for continuing education provided via the Internet, if the course provider verifies registration and participation in the courses by means of an exam which demonstrates that the participant has learned the material presented;

(c) two hours for each hour of lecturing, training, or instructing a course, if it is the first time the material has been taught during the preceding 12 months, up to a maximum of 12 hours during each two-year renewal period; the type of credit received - whether core, professional, or firearms education and training - shall be based on the subject taught; and

(d) one core continuing education hour for each hour of service on the Contract Security Services Licensing Board, a state or national security board, or the Contract Security Education Advisory Peer Committee, up to a maximum of six hours during each two-year renewal period.

([6]4) Modification of Required Continuing Education Hours.

(a) A[n individual holding a current armored car security officer license in Utah] licensee who fails to complete the required

four hours of continuing firearms education and training within the appropriate six-[-]month period [will be required to]shall complete one and one half times the number of [continuing firearms education]hours the licensee was deficient for the reporting period ([this requirement is hereafter referred to as]"penalty" hours). [The p]Penalty hours shall not [be considered to]satisfy in whole or in part any of the continuing firearms education and training hours required for subsequent renewal of the license.

([7]b) If a renewal period is shortened or lengthened to effect a change of renewal cycle, the continuing education hours required for that renewal period shall be increased or decreased[accordingly as a pro rata amount of the requirements of a two-year period] proportionately.

(c) The Division may defer or waive continuing education requirements as provided in Section R156-1-308d.

([8]5) Each licensee shall maintain documentation showing compliance with the requirements of this section, such as certificates of completion or course handouts and materials, for a period of three years from the end of the renewal period for which the continuing education is due.

([9]b) [The]A continuing education [course]provider shall give a participants[provide course participants,] who complete the continuing education [course, with a course completion certificate.]a completion certificate or form which contains the:

[(10) The course certificate shall contain:]

([a]i) [the]name of the participant;

([b]ii) [the]date the course was taken;

([c]iii) [the]location where the course was taken (or type of Internet course);

([d]iv) [the]title of the course;

([e]v) [the]name of the [course]continuing education provider and instructor;

(vi) exam score for any exam taken; and

([f]vii) [the]number of continuing education hours completed.

(6) The education and training programs defined in Subsections R156-63b-102(1) and (2), which are required to obtain initial licensure as an armored car security officer, may not be used to satisfy in whole or in part any of the continuing education requirements of this section.

R156-63b-502. Unprofessional Conduct.

"Unprofessional conduct" includes the following:

(1) making any statement that would reasonably cause another person to believe that an armored car security officer functions as a law enforcement officer or other official of this state or any of its political subdivisions or any agency of the federal government;

(2) utilizing a vehicle with markings, lighting, and/or signal devices that imply or suggest that the vehicle is an authorized emergency vehicle as defined in Subsection 41-6a-102(3) and Section 41-6a-310 and in Title R722, Chapter 340;

(3) utilizing a vehicle with an emergency lighting system that violates the requirements of Section 41-6a-1616 of the Utah Motor Vehicle Code;

(4) wearing a uniform, insignia, or badge that would lead a reasonable person to believe that the armored car security officer is connected with a federal, state, or municipal law enforcement agency;

(5) being incompetent or negligent as an armored car security officer or as an armored car company so as to cause injury to a person or create an unreasonable risk that a person might be harmed;

(6) failing as an armored car company or its officers, directors, partners, proprietors or responsible management personnel to adequately supervise employees so as to place the public health and safety at risk;

(7) failing to immediately notify the Division of the cancellation of the armored car company's insurance policy;

(8) failing as an armored car company or an armored car security officer to report a criminal offense pursuant to Section R156-63b-612;

(9) pursuant to Subsection R156-63b-612(3), failing as an armored car company or an armored car security officer to report to the Division a violation of:

(a) any provision set forth in 18 U.S.C. Chapter 44, 922(g)1-9;

(b) Utah Code Subsection 76-10-503(1); or

(c) Utah Code Subsection 58-63-302(1)(a), (2)(c), or (3)(c);[and]

(10) wearing a uniform, insignia, or badge, or displaying a license, that would lead a reasonable person to believe that an individual is connected with an armored car company, when not employed as an armored car security officer by an armored car company[.]; and

(11) failing as an armored car security officer to complete required continuing education hours, in violation of Section R156-63b-304.

R156-63b-602. Division Approval and Operating Standards - Training Program for Armored Car Security Officers.

(1) To obtain Division approval of a training program for armored car security officers, the program owner shall submit to the Division:

(a) an application in a form prescribed by the Division;

(b) a fee for the approval of the program; and

(c) a written education and training manual which includes:

(i) a course syllabus with an hourly breakdown of the course outline and training schedule;

(ii) a course curriculum;

(iii) a four-hour instructor training program;

(iv) testing tools; and

(v) if an online curriculum or multi-media learning tools are used, a copy of the original medium.

(2) If any individual or entity uses a Division-approved training program that the user does not own, the user shall submit to and maintain with the Division a current copy of the user's written contract with the program owner, which identifies the duration allowed for use. The user shall promptly update this information in writing with the Division as necessary.

(3) A course curriculum shall include the following content:

(a) for a basic education and training program, the content established in Section R156-63b-603; and

(b) for a basic firearms training program, the content established in Section R156-63b-604.

(4) All instructors teaching an approved basic education and training program shall:

(a) have at least three years of supervisory experience reasonably related to providing armored car security services; and

(b) have completed a four-hour instructor training program which shall include the following:

(i) motivation and the learning process;

(ii) teacher preparation and teaching methods;

(iii) classroom management;

(iv) testing; and

(v) instructional evaluation.

(5) All instructors teaching an approved basic firearms training program shall have the following qualifications:

(a) current Peace Officers Standards and Training firearms instructor certification; or

(b) current certification as a firearms instructor by:

(i) the National Rifle Association;

(ii) a Utah law enforcement agency;

(iii) a Federal law enforcement agency;

(iv) a branch of the United States military; or

(v) other qualification or certification determined by the Division, in collaboration with the Board, to be equivalent.

(6) When an instructor for a Division-approved training program begins providing instruction, the user of the Division-approved training program shall report the instructor's name to the Division, on a form supplied by the Division.

(7) When an instructor for a Division-approved training program ceases to instruct for that program, or no longer meets instructor requirements, the user of the Division-approved training program shall report that information and the instructor's name to the Division, on a form supplied by the Division.

(8) All approved training programs shall maintain training records on each individual trained, including the dates of attendance at training, a copy of the instruction given, and the location of the training. These records shall be maintained in the program's files for at least three years.

(9) If an approved training program provider ceases to engage in business, the provider shall establish a method approved by the Division by which the records of the education and training shall continue to be available for a period of at least three years after the education and training is provided.[

~~(10) Instructors who teach continuing education programs and are licensed armored car security officers, shall receive continuing education credit for actual preparation time for up to two times the number of hours to which participants are entitled. For example, for learning activities in which participants receive four continuing education hours, instructors may receive up to eight continuing education hours (four hours for preparation plus four hours for presentation).~~]

R156-63b-603. Content of Approved Basic Education and Training Program.

In accordance with Subsection 58-63-302(4)(g), an approved basic education and training program for armored car security officers shall have at least [~~24~~]eight hours of classroom or online instruction, including:

(1) [~~16 hours of basic instruction, to include:~~

~~(a)~~]the nature and role of private security, including an armored car security officer's:

([~~i~~]a) scope and limits of authority;

([~~ii~~]b) civil liability;

([~~iii~~]c) role in today's society;

([~~b~~]2) state laws and rules applicable to armored car security officers;

([~~c~~]3) legal responsibilities of armored car security officers, including:

([~~i~~]a) constitutional law;

([~~ii~~]b) search and seizure; and

([~~iii~~]c) other such topics;

([~~d~~]4) security ethics;

([~~e~~]5) the use of force, emphasizing the de-escalation of force and alternatives to using force;

([~~f~~]6) police and community relations, including fundamental duties and the personal appearance of an armored car security officer;

([~~g~~]7) sexual harassment in the workplace;

([~~h~~]8) driving policies and procedures, driver training and vehicle orientation;

([~~i~~]9) emergency situation response, including:

([~~i~~]a) terminal security;

([~~ii~~]b) traffic accidents;

([~~iii~~]c) robbery situations;

([~~iv~~]d) homeland security;

([~~v~~]e) reducing risk potential through street procedures and tactics;

([~~vi~~]f) securing robbery scenes;[~~ and~~]

([~~vii~~]g) dealing with the media; [~~and~~]

([~~j~~]10) armored operations, including:

([~~i~~]a) proper paperwork;

([~~ii~~]b) street control procedures;

([~~iii~~]c) vehicle transfers;

([~~iv~~]d) vault procedures;[~~ and~~]

([~~v~~]e) other proper branch procedures; and[~~.~~

~~(2) Eight hours of elective coursework determined by the instructor, which may include:~~

~~(a) current certification in:~~

~~(i) cardiopulmonary resuscitation (CPR);~~

~~(ii) automated external defibrillator (AED);~~

~~(iii) first aid; or~~

~~(iv) any other recognized basic life-saving certification;~~

~~(b) introduction to executive protection;~~

~~(c) basic self-defense;~~

~~(d) escort techniques;~~

~~(e) access control and the use of electronic detection devices;~~

~~(f) use of defensive items and objects;~~

~~(g) management of aggressive behavior, use of force, de-escalation techniques;~~

~~(h) homeland security involving bomb threats and anti-terrorism;~~

~~(i) Americans with Disabilities Act (ADA) compliance; and~~

~~(j) prior training, as evidenced by third-party documentation, which may be accepted at the trainer's discretion to count towards the eight hours of elective training.~~]

([~~3~~]11) A final examination that:

(a) competently examines the student on the subjects included in the [~~16~~]eight hours of basic classroom instruction; and

(b) mandates a minimum pass score of 80%.

KEY: licensing, security guards, armored car security officers, armored car company
Date of Enactment or Last Substantive Amendment: [~~December 11, 2017~~]2018
Notice of Continuation: May 15, 2018
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-63-101

Governor, Economic Development
R357-3
Economic Development Tax Increment Financing Rule

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 43335
FILED: 10/31/2018

RULE ANALYSIS
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule filing is to clarify the requirements for a business entity or local government entity to qualify for a tax credit for a new commercial project in a development zone under the economic development tax increment financing program.

SUMMARY OF THE RULE OR CHANGE: Section R357-3-102: This section creates definitions that will be used to administer the program. Section R357-3-103: This section references the authority granted in the statutory language that permits rule writing authority. Section R357-3-104: This section outlines the form and content of the application for participation in the program. Section R357-3-105: This section outlines the factors to be considered in authorizing an Economic Development Tax Credit Award. Section R357-3-106: This section outlines the economic development tax credit process. Section R357-3-107: This section outlines the tax credit offer or contract modification of process.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63N-2-104

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: There is no aggregate anticipated cost or savings to the state budget. These changes merely codify the procedures the Governor's Office of Economic Development (Office) has historically used.
♦ LOCAL GOVERNMENTS: There is no aggregate anticipated cost or savings to local governments. These changes merely codify the procedures the Office has historically used.
♦ SMALL BUSINESSES: There is no aggregate anticipated cost or savings to small businesses. These changes merely codify the procedures the Office has historically used.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities. These changes merely codify the procedures the Office has historically used.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. These changes merely codify the procedures the Office has historically used.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will not result in fiscal impact to businesses. These changes merely codify the procedures the Office has historically used to administer the program.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
GOVERNOR
ECONOMIC DEVELOPMENT
60 E SOUTH TEMPLE 3RD FLR
SALT LAKE CITY, UT 84111
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Dane Ishihara by phone at 801-538-8865, or by Internet E-mail at dishihara@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Val Hale, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			

State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses

There is no regulatory impact creating financial cost to small businesses or non-small businesses and other persons. The rule filing is to clarify the standards for participation in the program. There are no general regulations being promulgated by this rule or the proposed amendment because the program is voluntary and does not require non-participants to do anything. There is no impact to businesses or persons general because this rule only applies to those who chose to participate in this program in order to receive a grant.

R357. Governor, Economic Development.
R357-3. Economic Development Tax Increment Financing Rule.
R357-3-101. Title.

This rule is known as the "Economic Development Tax Increment Financing Rule."

R357-3-102. Definitions.

In addition to the definitions in Title 63N, Chapter 2, Section 103 as defined or used in this rule:

(1) "Board" means the Board of Business and Economic Development created in Section 63N-1-401.

(2) "Direct investment within the geographic boundaries", as used in Subsection 63N-2-104(2)(b)(ii), means that the applicant for the tax credit will invest in a new commercial project in the economic development zones.

(3) "Executive Director" means the Executive Director of GOED.

(4) "GOED" means The Governor's Office of Economic Development.

(5) "Retail Business", as used in Subsection 63N-2-103(6)(b), means the physical location from which the general public may directly purchase merchandise or direct services and does not include distribution centers, the corporate functions associated with retailing, or other activities associated with retailing that may be accomplished from any physical location or that are not dependent on proximity to end consumers for retail sales.

R357-3-103. Authority.

This rule is adopted by the office under the authority of Subsection 63N-2-104(2).

R357-3-104. Application Content.

(1) In order to determine a company's eligibility for an Economic Development Tax Increment Financing Incentive the company may be required to supply additional information to GOED, which may include:

(a) balance sheets;

(b) income statements;

(c) cash flow statements;

(d) tax filings;

(e) market analyses;

(f) competing states' incentive offers;

(g) corporate structure;

(h) workforce data;

(i) forecasted new state revenue associated with the new commercial project;

(j) forecasted incremental job creation associated with the new commercial project;

(k) forecasted wages associated with the new commercial project;

(l) other information as determined by GOED.

(2) If a company fails to provide any requested information GOED may deny the application.

(3) Information provided by the business entity is subject to the Government Records Access and Management Act. The business entity has the option, at its sole discretion and responsibility, to designate what information provided is private or protected subject to Section 63G-2-302 and/or Section 63G-2-305.

R357-3-105. Factors to Be Considered in Authorizing an Economic Development Tax Credit Award.

(1) The amount and duration of a tax credit award shall be determined on a case-by-case basis. The factors that will be considered include but are not limited to:

(a) forecasted new state revenue associated with the new commercial project;

(b) forecasted new incremental jobs associated with the new commercial project;

(c) forecasted wages associated with the new commercial project;

(d) the demonstrated support of the local community for the project;

(e) the competitive nature of the project, to what extent other states have available incentives for the new commercial project, and the competitiveness of the other incentives;

(f) whether the company is projecting positive long term growth;

(g) the overall benefit to the State from the new commercial project;

(h) the uniqueness of the economic opportunity;

(i) how the tax credit would mitigate the loss or potential loss of new state and local revenues in the State, high paying jobs, new

economic growth, or that address the factors set forth in UCA 63N-2-102 and 104.

(j) whether the company's industry has been determined by the GOED Board as a Target Industry, as defined in Subsection 63N-3-102 (9);

(k) the economic environment, including the unemployment rate and the underemployment rate, at the time of the new commercial project or company applies;

(l) the location of the new commercial project;

(m) comparison to previously incented projects in size, scope, and industry; and

(n) other factors as reasonably determined by the Administrator.

R357-3-106. Economic Development Tax Credit Process.

(1) All annual tax credits shall be based on actual incremental taxes paid by the business entity or withheld on behalf of employees of a new commercial project.

(2) GOED shall propose a tax credit structure based on the factors set forth in this rule in a combination GOED deems the most effective and beneficial in weighing the benefits of the State, local community, and company.

(a) GOED shall propose the tax credit terms and structure to the Board prior to making a final offer to the business entity.

(3) If the Executive Director approves an Economic Development Tax Credit, GOED shall provide a tax credit offer letter to a business entity that includes:

(a) the proposed terms of the Economic Development Tax Credit, including the maximum amount of aggregate annual tax credits and the time period over which the Tax Credits may be claimed;

(b) a statement that the company must demonstrate sufficient growth and supply; and

(c) documentation that will be required each incentive year in order to claim a tax credit for the following tax year.

(4) If the applicant intends to accept the incentive offer, it shall counter-execute the tax credit offer letter.

(5) If the Executive Director denies an application for an Economic Development Tax Credit, GOED shall provide a letter to the business entity that includes:

(a) notice of the application denial;

(b) reason for denial; and

(c) notice that the business entity can reapply for a tax credit if changes to the proposed new commercial project are made.

(6) GOED will establish a baseline with the company that consists of the count of full-time employees and state revenue reflective of presence in the state prior to board approval date. Basline must be established prior to awarding a tax credit.

(7) A company with an active contract, who desires a tax credit, must provide an annual report for the incentive year in the format and method as directed by GOED, with a level of accuracy comparable with information GOED obtains from the Department of Workforces Services and the Tax Commission, that at a minimum must contain:

(a) a list of all individuals in Utah that received compensation at the company and/or project with their position, start date, termination date, hours paid, wages paid, benefits paid and employer withholding taxes paid or an aggregate list that provides qualification and legislative reporting required for 63N-2-106, as determined GOED.

(b) the requested amount of tax revenue to be rebated from withholding, sales and use, vendor paid sales tax and income tax verified as paid, remitted and receipted to the state.

R357-3-107. Modification of the Tax Credit Offer or Contract.

(1) GOED may modify, or a business entity may request to modify, the terms of a tax credit offer or contract as set forth below:

(a) Substantive Modifications: under extraordinary circumstances, a business entity may request to modify the terms of the tax credit agreement if:

(i) there is a substantial change to new commercial project plan; and

(ii) modifying the terms of the tax credit would benefit the State.

(b) Nonsubstantive Modifications: GOED and the business entity may make nonsubstantive modifications to the tax credit contract to:

(i) correct clerical errors made in the initial application, the offer, the contract, or the tax credit;

(ii) make technical changes that do not alter the tax incentive amount or violate any state or federal law; or

(iii) adjust the timeline of no more than 24 months.

(2) Substantive modifications require Board consultation prior to the Executive Director's approval or denial.

(3) All requests and modifications shall be documented and maintained by the GOED.

KEY: economic development, jobs, tax credit
Date of Enactment or Last Substantive Amendment: 2018
Authorizing, and Implemented or Interpreted Law: 63N-2-104

Governor, Economic Development
R357-15
Enterprise Zone Tax Credit

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43350
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Based on analysis of 2016 tax year credit filings and changes to federal tax code found in the Tax Cuts and Jobs Act, these amendments provide additional guidance needed for the administrator to collect and accurately calculate an enterprise zone tax credit for a business entity.

SUMMARY OF THE RULE OR CHANGE: Section R357-15-2: clarifies definitions to the investment of qualifying tangible property is the amount of acquisition cost less trade-in allowance, and adds definitions to software, qualified business use vehicle, payment documentation, and purchase documentation. Section R357-15-4: clarifies the application

process and required documentation. Section R357-15-5: clarifies that the administrator may deny a tax credit for the trade-in allowance of a vehicle, certain software purchases, applications older than three years, and fixed assets purchased from another entity with the same ownership.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63N-2-213

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: These rule changes will result in a benefit to the state budget by reducing the amount of a tax credit that can be claimed by a business or individual in cases where a purchase of a fixed asset accompanies a trade-in of another asset or when a sale and purchase of an asset is from the same owner of a business entity. The amount of savings cannot be quantified because the office does not have access to the actual tax credits claimed and deduction to state tax liability that is a result of the tax credits claimed.
♦ LOCAL GOVERNMENTS: These rule changes will not result in a direct cost or benefit to local governments because of tax credit impacting only the state portion of revenue.
♦ SMALL BUSINESSES: These rule changes will cause a direct cost to business owners in comparison with previous years through increased tax liability by not receiving a reduced tax credit in cases where a purchase of a fixed asset accompanies a trade-in of another asset or when a sale and/or purchase of an asset is from the same owner of a business entity. Estimates are $200,000 in direct cost to the 75 to 100 small businesses that have a trade-in as part of a purchase and apply for the enterprise zone tax credit.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These rule changes will not result in a direct cost or benefit to any one specific person.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Business owners or professional accounting services preparing the approximate 700 annual applications will need to review and reduce the amount of a tax credit requested in these cases. It is anticipated this will impact approximately 75 to 100 of the 700 applications per year and estimates are $200,000 in direct cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: While there are direct costs to businesses, it is not known what the fiscal impact will be to the state budget or small businesses due to the unknown amount of tax credits that will expire. Estimates are $200,000 benefit to the state budget and $200,000 in direct cost to the 75 to 100 Small Businesses that have a trade-in as part of a purchase and apply for the tax credit. Clarifying what a qualifying investment is, establishing what circumstances require a reduction or a denial of a tax credit, and adjusting what materials needed to submit an application are important reasons for this rule filing.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
GOVERNOR
ECONOMIC DEVELOPMENT
60 E SOUTH TEMPLE 3RD FLR
SALT LAKE CITY, UT 84111
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Dane Ishihara by phone at 801-538-8865, or by Internet E-mail at dishihara@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Val Hale, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	$200,000	$200,000	$200,000
Local Government	$0	$0	$0
Small Businesses	($200,000)	($200,000)	($200,000)
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	$0	$0	$0
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	$0	$0	$0
Net Fiscal Benefits:	$0	$0	$0

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
There is no regulatory impact creating financial cost to small businesses or non-small businesses and other persons. This rule filing is to clarify the standards for participation in the program. There are no general regulations being promulgated by this rule or these proposed amendments because the program is voluntary and does not require non-participants to do anything. There is no impact to businesses or persons general because this rule only applies to those who chose to participate in this program in order to receive a grant.

R357. Governor, Economic Development.
R357-15. Enterprise Zone Tax Credit.
R357-15-1. Authority.

(1) Subsection 63N-2-213(6) requires the office to make rules establishing the form and content of an application for an Enterprise Zone tax credit, the documentation required to receive an Enterprise Zone tax credit, and the administration of the program, including relevant timelines and deadlines.

R357-15-2. Definitions.

(1) The definitions below are in addition to or serve to clarify the definitions found in Utah Code Section 63N-2-201 Utah Code Section 59-7-614.10, Section 59-10-1036, and Section 63N-2-202.

(2) "Baseline" means: The highest total number of employees employed by the applicant for the previous three years. This number will be the baseline to determine all new incremental full-time employee positions

(3) "Qualifying investment in plant, equipment, or other depreciable property" means an investment in most types of tangible property (except land), such as buildings, machinery, vehicles, furniture, and equipment that qualifies for depreciation under the Internal Revenue Service's Form 4562 in the amount of acquisition cost less trade-in allowance.

(4) "Software purchases" means tangible physical property, cloud services, or software as a service.

(5) "Qualified business use vehicle" means vehicles registered in the name of the business entity and used more than 50% of the time for the business entity.

(6) "Payment documentation" means a bank statement, cleared check, loan, or financing agreement which identifies the business entity, date and amount paid.

(7) "Purchase documentation" means bill of sale, contract of sale, receipt, invoice, or property tax notice which identifies the business entity and date issued.

([4]8) "Value-added business entity" means a company that creates a change in the physical state or form of a product in a manner that enhances its value, thus expanding the customer base of the product. Examples include milling wheat into flour or making strawberries into jam.

R357-15-3. Application Form and Content.

(1) An application form will be provided by the Office and will contain the following content:

(a) General submission instructions;

(b) Types of tax credits available to be claimed;

(c) Criteria for qualification for each tax credit;

(d) Any required deadlines and relevant timelines; and

(e) All required documents and information necessary for verification and approval of the application.

(2) The application shall be created in an electronic format available to the public at business.utah.gov

(3) The application shall also be available in paper format for any person or entity that requests a paper copy via mail or telephone.

R357-15-4. Required Documentation and Verification Information.

(1) To claim any of the tax credits available under 63N-2-201 et. seq. the following basic information must be provided to the Office.

(a) Business or Individual's name that is claiming a tax credit on a Utah Tax filing submission;

(b) A contact name, email, phone number, mailing address and relevant title(s);

(c) The physical address where the business or individual is located including a screenshot of the address pinpoint within the Enterprise Zone as found on locate.utah.gov.

i. A tax credit shall not be issued if the only connection to an enterprise zone is a P.O. Box;

(d) The business or individual's tax identification number whether a federally provided Employer Identification Number (EIN) or a Social Security Number (SSN); and

(e) Additional information as required in the Application.

(2) To qualify for any of the Employment tax credits pursuant to Subsections 63N-2-213(7)(a)-(d) the following documentation and information is required:

(a) A current total of all full time employees including the total of employees as reported to the Department of Workforce Services for the last three years.

(b) The number of New Incremental Employee Positions created above the baseline.

i. For each New Incremental Employee Position above the baseline the applicant must provide:

1. Employee Name;

2. Employee Hourly Wage and/or Annual Salary;

3. Employee Average Hours worked per week;

4. Employee Hire date;

5. If applicable, proof of employer-sponsored health insurance program if the employer pays at least 50% of the premium cost;

6. If applicable, evidence that the business entity adds value to agricultural commodities through manufacturing or processing.

a. List of sample products or processes.

7. Other documentation requested by the Office on the tax credit application.

(3) To qualify for the private capital investment tax credit under Subsections 63N-2-213(7)(e) and (f) the following documentation and information is required:

(a) If the private capital investment is for the rehabilitation of a building in an Enterprise Zone the applicant must provide:

i. The rehabilitated building's physical address

ii. Documents showing the current owner such as the deed or mortgage documents;

iii. The date the building was last occupied;

iv. A current occupancy permit or certificate;

v. Receipts and paid invoices of all rehabilitation expenses totaling the amount the tax credit is calculated from; and

1. The Office may request further documentation to verify receipts and paid invoices including accompanying bank statements.

vi. Any other documentation requested by the Office including a sworn affidavit confirming the rehabilitation costs from the owner of the building if applicant is not the owner of the building.

(b) If the private capital investment is a qualifying investment in plant, equipment, or other depreciable property in an Enterprise Zone the applicant must provide:

i. [R]receipts and/or loan documentation showing the entire purchase price and amount paid by the applicant[.];

ii. an itemized list of qualified investments being claimed for the credit on a template provided by the office;

iii. purchase documentation and one or more forms of payment documentation validating item is paid in entirety for each item equal or greater than an amount established by the office;

iv. property and real estate transactions also require the contract of sale, settlement statement, property tax notice, and financing agreement; and

v. qualified business use vehicle purchases shall also include Utah Bill of Sale TC-843, business percentage use and financing agreement or payment documentation.

R357-15-5. Application Review and Authorization Process for an Enterprise Zone Tax Credit.

(1) The Office shall review all submitted applications within a reasonable amount of time and approve or deny the application

(a) The Office shall review all tax credits claimed and documentation provided.

(b) The Office may request additional documentation or information if the Office determines that further verification is required.

i. Failure to comply with a request for additional documentation may result in a denial of the application.

(2) The Office will issue tax credit certificates for all tax credits for which an applicant has applied, qualified and been approved by the Office.

(a) This Office may issue a partial approval if only parts of the application are determined to qualify.

(3) The Office must provide written notice that includes its reasoning when denying any or a portion of a tax credit application.

(4) If approved in whole or in part, the Office shall provide any necessary documents and instructions, approved by the Utah Tax Commission, for claiming the tax credit.

(5) When a business entity is seeking to receive a tax credit for the purchase of a vehicle, in conformity with Subsection 63N-2-213(7)(f), the office shall not grant a tax credit for the trade-in value of a vehicle that the business entity traded into the purchase of the vehicle for which the tax credit is being sought.

(6) The Office may deny Qualified Investments being claimed as software purchases that are cloud services or software as a service.

(7) The Office may deny claims for applications with Qualified Investments purchased more than three calendar years ago.

(8) The Office may deny claims for Qualified Investments purchased from another entity with the same ownership.

R357-15-6. Appeal of Application Denial.

(1) A hearing contesting the denial of an application in whole or in part of an Enterprise Zone Tax Credit is designated as informal hearings.

KEY: enterprise zones, tax credits
Date of Enactment or Last Substantive Amendment: [July 22, 2016]2018
Authorizing, and Implemented or Interpreted Law: 63N-2-213(6)

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-504-3
Principles of Facility Case Mix Rates and Other Payments

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43331
FILED: 10/30/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these changes are to update and clarify payment methodology for nursing care facilities.

SUMMARY OF THE RULE OR CHANGE: These amendments update and clarify payment methodology relative to the index used to calculate the state case mix average.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3 and Title 26, Chapter 35a

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: There is no impact on the state budget because these change only update and clarify payment methodology. They do not affect current payments to nursing care facilities.
♦ LOCAL GOVERNMENTS: There is no impact on local governments because these change only update and clarify payment methodology. They do not affect current payments to nursing care facilities.

♦ SMALL BUSINESSES: There is no impact on small businesses because these change only update and clarify payment methodology. They do not affect current payments to nursing care facilities.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no impact on Medicaid providers and Medicaid members because these change only update and clarify payment methodology. They do not affect current payments to nursing care facilities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a single Medicaid provider or to a Medicaid member because these change only update and clarify payment methodology. They do not affect current payments to nursing care facilities.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that these proposed rule amendments will not result in a fiscal impact to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
HEALTH CARE FINANCING, COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov, or by mail at PO Box 143102, Salt Lake City, UT 84114-3102.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2019

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
None of the 88 nursing facilities will be impacted by this rulemaking, which only updates and clarifies payment methodology, and does not affect current facility payments.

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-504. Nursing Facility Payments.
R414-504-3. Principles of Facility Case Mix Rates and Other Payments.

The following principles apply to the payment of freestanding and provider based nursing facilities for services rendered to nursing care level I, II, and III Medicaid patients, as defined in Rule R414-502. This rule does not affect the system for reimbursement for intensive skilled Medicaid patient add-on amounts.

(1) Approximately 59% of total payments in aggregate to nursing facilities for nursing care level I, II and III Medicaid patients are based on a prospective facility case mix rate. In addition, these facilities shall be paid a flat basic operating expense payment equal to approximately 29% of the total payments. The balance of the total payments will be paid in aggregate to facilities as required by Section R414-504-3 based on other authorized factors, including property and

behaviorally complex residents, in the proportion that the facility qualifies for the factor.

(2) Each quarter, the Department shall calculate a new case mix index for each nursing facility. The case mix index is based on three months of MDS assessment data. The newly calculated case mix index is applied to a new rate at the beginning of a quarter according to the following schedule:

(a) January, February and March MDS assessments are used for July 1 rates.

(b) April, May and June MDS assessments are used for October 1 rates.

(c) July, August and September MDS assessments are used for January 1 rates.

(d) October, November and December MDS assessments are used for April 1 rates.

(3) MDS data is used in calculating each facility's case mix index. This information is submitted by each facility and, as such, each facility is responsible for the accuracy of its data. The Department may exclude inaccurate or incomplete MDS data from the calculation.

(4)(a) MDS assessments for recipients who are eligible for the "Intensive Skilled" add-on are excluded from the case mix calculation.

(b) The state average case mix index excludes the following:

(i) A facility with less than 20 percent of its total census days as Medicaid days, as reported on its FCP or FRV data report[,]; or [is excluded from the state case mix average. The state average case mix index is used to set the rate for that facility.]

(ii) A facility having less than six (6) months of data reported under Rule R414-401.

(c) The state average case mix index is used to set the rate for the following facilities:

(i) A facility with less than 20 percent of its total census days as Medicaid days, as reported on its FCP or FRV data report; or

(ii) A facility having less than six (6) months of data reported under Rule R414-401.

(5) A facility may apply for a special add-on rate for behaviorally complex residents by filing a written request with the Division of Health Care Financing. The Department may approve an add-on rate if an assessment of the acuity and needs of the patient demonstrates that the facility is not adequately reimbursed by the RUGS score for that patient. The rate is added on for the specific resident's payment and is not subsumed as part of the facility case mix rate. Utah's Bureau of Health Facility Licensure, Certification and Resident Assessment will make the determination as to qualification for any additional payment. The Division of Health Care Financing shall determine the amount of any add-on.

(6) Property costs are paid separately from the RUGS rate.

(7) Reimbursement for nursing home rates is in accordance with Attachment 4.19-D of the Utah Medicaid State Plan, which is incorporated by reference in Rule R414-1.

(8) A sole community provider that is financially distressed may apply for a payment adjustment above the case mix index established rate. The maximum increase will be 7.5% above the average of the most recent Medicaid daily rate for all Medicaid residents in all freestanding nursing facilities in the state. The maximum duration of this adjustment is for no more than a total of 12 months per facility in any five-year period.

(a) The application shall propose what the adjustment should be and include a financial review prepared by the facility documenting:

(i) the facility's income and expenses for the past 12 months; and

(ii) specific steps taken by the facility to reduce costs and increase occupancy.

(b) Financial support from the local municipality and county governing bodies for the continued operation of the facility in the community is a necessary prerequisite to an acceptable application. The Department, the facility and the local governing bodies may negotiate the amount of the financial commitment from the governing bodies, but in no case may the local commitment be less than 50% of the state share required to fund the proposed adjustment. Any continuation of the adjustment beyond 6 months requires a local commitment of 100% of the state share for the rate increase above the base rate. The applicant shall submit letters of commitment from the applicable municipality or county, or both, committing to make an intergovernmental transfer for the amount of the local commitment.

(i) If the governmental agency receives donations in order to provide the financial contribution, it must document that the donations are "bona fide" as set forth in 42 CFR 433.54.

(c) The Department may conduct its own independent financial review of the facility prior to making a decision whether to approve a different payment rate.

(d) If the Department determines that the facility is in imminent peril of closing, it may make an interim rate adjustment for up to 90 days.

(e) The Department's determination shall be based on maintaining access to services and maintaining economy and efficiency in the Medicaid program.

(f) If the facility desires an adjustment for more than 90 days, it must demonstrate that:

(i) the facility has taken all reasonable steps to reduce costs, increase revenue and increase occupancy;

(ii) despite those reasonable steps the facility is currently losing money and forecast to continue losing money; and

(iii) the amount of the approved adjustment will allow the facility to meet expenses and continue to support the needs of the community it serves, without unduly enriching any party.

(g) If the Department approves an interim or other adjustment, it shall notify the facility when the adjustment is scheduled to take effect and how much contribution is required from the local governing bodies. Payment of the adjustment is contingent on the facility obtaining a fully executed binding agreement with local governing bodies to pay the contribution to the Department.

(h) The Department may withhold or deny payment of the interim or other adjustment if the facility fails to obtain the required agreement prior to the scheduled effective date of the adjustment.

(9) A provider may challenge the rate set pursuant to this rule using the appeal in Rule R410-14. This applies to which rate methodology is used as well as to the specifics of implementation of the methodology. A provider must exhaust administrative remedies before challenging rates in any other forum.

(10) In developing payment rates, the Department may adjust urban and non-urban rates to reflect differences in urban and non-urban labor costs. The urban labor costs reimbursement cannot exceed 106% of the non-urban labor costs. Labor costs are as reported

on the most recent FCP but do not include FCP-reported management, consulting, director, and home office fees.

(11) The Department reimburses swing beds, transitional care unit beds, and small health care facility beds that are used as nursing facility beds, using the prior calendar year state-wide average of the daily nursing facility rate.

(12) Withholding of Title XIX payments

(a) Unless specified otherwise, the Department may withhold Title XIX payments from providers if:

(i) there is a shortage in a resident trust account managed by the facility;

(ii) the facility fails to submit a complete and accurate FCP as required by Utah State Plan Attachment 4.19-D, Section 332;

(iii) the facility fails to submit timely, accurate Minimum Data Set (MDS) data;

(iv) the facility owes money to the Division of Health Care Financing because of an overpayment, nursing care facility assessment, civil money penalty, or other offset; or

(v) the facility fails to respond within 10 business days to a written request for information.

(13) The Department shall provide written notice before withholding payments.

(14) When the Department rescinds withholding of payments to a provider, it will, without notice, resume payments according to the regular claims payment cycle.

([~~b~~]a) For ongoing operations, the Department will provide notice before withholding payments. The Department and provider may negotiate a repayment schedule acceptable to the Department for monies owed to the Department listed in subsection (a)(iv). The repayment schedule may not exceed 180 days.

([~~c~~]b) When the Department rescinds withholding of payments to a facility, it will resume payments according to the regular claims payment cycle.

KEY: Medicaid
Date of Enactment or Last Substantive Amendment: [~~November 1, 2017~~]2018
Notice of Continuation: October 17, 2017
Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-35a

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Health, Health Care Financing, Coverage and Reimbursement Policy
R414-520
Admission Criteria for Medically Complex Children's Waiver

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 43332
FILED: 10/30/2018

RULE ANALYSIS
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to comply with the requirements of H.B. 100 (2018 General Session), which requires the Department of Health (Department) to implement, by rule, entrance criteria to the Medically Complex Children's Waiver.

SUMMARY OF THE RULE OR CHANGE: This rule outlines the criteria used by the Department to determine a child's eligibility for the Medically Complex Children's Waiver. Criteria for the waiver includes provisions to determine medical complexity and to evaluate the financial needs of the child and the child's family.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3 and Section 26-18-410

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: This rule does not affect the state budget because ongoing costs or revenues associated with waiver eligibility are within previous allocations set forth by the Legislature.
♦ LOCAL GOVERNMENTS: This rule does not affect local governments because ongoing costs or revenues associated with waiver eligibility are within previous allocations set forth by the Legislature.
♦ SMALL BUSINESSES: This rule does not affect small businesses because ongoing costs or revenues associated with waiver eligibility are within previous allocations set forth by the Legislature.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule does not affect Medicaid providers because ongoing costs or revenues associated with waiver eligibility are within previous allocations set forth by the Legislature. Changes in policy may cause some Medicaid members to lose eligibility under the new assessment criteria, but there is no cost-effective data to determine what the financial impact may be.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a single Medicaid provider. Changes in policy may cause a Medicaid member to lose eligibility under the new assessment criteria, but there is no cost-effective data to determine what the financial impact may be.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
HEALTH CARE FINANCING, COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W

SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov or by mail at PO Box 143102, Salt Lake City, UT 84114-3102.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
This rule does not affect costs or revenue to the 182 Medicaid home and community-based service providers, as fiscal impacts are within previous allocations set forth by the Legislature.

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-520. Admission Criteria for Medically Complex Children's Waiver.
R414-520-1. Introduction and Authority.
(1) This rule outlines the criteria used to evaluate initial and ongoing eligibility for the Medically Complex Children's Waiver.
(2) This rule is authorized by Section 26-18-3. Waiver services are optional and provided in accordance with 42 CFR 440.225.

R414-520-2. Definitions.
(1) "Waiver" means the Medically Complex Children's Waiver.

R414-520-3. Eligibility Requirements.
(1) The Department uses the following criteria to determine waiver eligibility:
(a) An assessment of a child's ability to perform age-appropriate activities of daily living and that child's level of independence in the performance of the activity; and
(b) An evaluation to determine whether a child meets nursing facility level of care in accordance with Section R414-502-3.
(2) For a child who meets the criteria in Subsection R414-520-3(1), a point value is attributed to the initial application and annual re-evaluation that includes the following:
(a) Current medical providers;
(b) Condition or diagnosis;
(c) Date of last medical visit;
(d) Documentation of more than three months of dependence on medical devices, treatments, therapies, or subspecialty services to reach a minimum medical score; and
(e) An evaluation of the impact on the parents or guardians who have provided care to the medically complex child during the last 12 months.

R414-520-4. Waiver Access.
(1) The Department periodically assesses funding for the waiver to determine the number of children who may be served. It also derives a point value associated with the criteria found in Subsection R414-520-3(2)(d) through (e) to determine which children to enroll. In the event of multiple applications with the same point value, the Department will use the point value derived from Subsection R414-520-3(2)(d) to make its determination. In the event of multiple applications with the same point value derived from Subsection R414-520-3(2)(d), the Department will create a randomized list to determine which children are served.

(2) An applicant who is not admitted to the waiver, or a child who is disenrolled from the waiver, may appeal the decision in accordance with 42 CFR 431, Subpart E.

R414-520-5. Service Coverage.
Services and limitations are found in the State Implementation Plan for the Medically Complex Children's Waiver.

KEY: Medicaid
Date of Enactment or Last Substantive Amendment: 2018
Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3; 26-18-410

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-521
Accountable Care Organization Hospital Report

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 43352
FILED: 11/01/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose is to implement by rule, reporting requirements for Medicaid accountable care organizations (ACOs), in accordance with Section 26-36b-204.

SUMMARY OF THE RULE OR CHANGE: This new rule implements an annual ACO reporting requirement, and provides details regarding specific procedures, content, and format.
STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3 and Section 26-36b-204

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: There is no impact on the state budget because this rule only implements a reporting requirement for ACOs, which does not create administrative costs, and does not affect member services or provider reimbursement.
♦ LOCAL GOVERNMENTS: There is no impact on local governments because they neither fund ACOs nor provide ACO services under the Medicaid program.
♦ SMALL BUSINESSES: There is no impact on small businesses because this rule only implements a reporting requirement for ACOs and does not affect member services or provider reimbursement.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no impact on Medicaid providers or Medicaid members because this rule only implements a reporting requirement for ACOs. The cost, if any, of this to the ACOs would already be covered by the administrative costs paid in the capitated rates, and does not affect member services or provider reimbursement.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no impact to a single Medicaid provider nor a single Medicaid member because this rule only implements a reporting requirement for ACOs. The cost, if any, to a single ACO would already be covered by the administrative costs paid in the capitated rates.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
HEALTH CARE FINANCING, COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov or by mail at PO Box 143102, Salt Lake City, UT 84114-3102.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**

Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses

None of the four Medicaid Accountable Care Organizations will be impacted by this rule, as it only implements a reporting requirement and does not affect member services or provider reimbursement. Any administrative costs would be covered through payments within the capitated rates.

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-521. Accountable Care Organization Hospital Report.
R414-521-1. Reporting Requirements.

(1) In accordance with Section 26-36b-204, a Medicaid accountable care organization (ACO) shall submit by October 15 of each year, a completed ACO hospital report for the most recent state fiscal year.

(a) The ACO shall use the ACO hospital report spreadsheet template available on the Utah Medicaid website, and follow the specified instructions.

(b) The ACO shall return the completed template in its native file type and format to the specified email provided within the template.

(2) An ACO shall work with the State to resolve any questions the State may have regarding the report, and provide additional data within 15 days of a request or as specified by the State.

KEY: Medicaid, reporting requirements
Date of Enactment or Last Substantive Amendment: 2018
Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3; 26-36b-204

Health, Family Health and Preparedness, Emergency Medical Services

R426-9

Trauma and EMS System Facility Designations

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43321
FILED: 10/22/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These amendments provide requirements for data submission for the stroke and cardiac registries.

SUMMARY OF THE RULE OR CHANGE: These amendments are in response to amendments to Sections 26-8d-102 and 103.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-8d

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: An anticipated fiscal impact to the state budget was included in the new legislation for the creation of the stroke and cardiac registries (see Section 26-8d). The fiscal impact for the enacted bill was on-going at $98,000 per year. The costs are technical costs, and will be used to acquire data from existing health care provider data already submitted for the electronic exchange of clinical health information (see Section 26-1-37). Costs also include the administration of the stroke and cardiac advisory committees.
♦ LOCAL GOVERNMENTS: There is no anticipated fiscal impact to local governments because these amendments do not constrain local governments.
♦ SMALL BUSINESSES: There is no anticipated fiscal impact to small businesses. These amendments pertain to hospitals and state functions.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These rule amendments to R426-9 are not expected to have any fiscal impact on persons other than small businesses, businesses, or local governments because the data collected for the stroke and cardiac registries will be derived by the Department of Health from existing data already submitted by health care providers under existing requirements for the electronic of clinical health information data base (see Section 26-1-37).
COMPLIANCE COSTS FOR AFFECTED PERSONS: Affected persons (patients) will not have any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that these rule amendments will not result in fiscal impact to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
EMERGENCY MEDICAL SERVICES
3760 S HIGHLAND DR
SALT LAKE CITY, UT 84106
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jolene Whitney by phone at 801-273-6665, by FAX at 801-273-4165, or by Internet E-mail at jrwhitney@utah.gov or by mail at PO Box 142004, Salt Lake City, UT 84114-2004.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$98,000	$98,000	$98,000
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$98,000**	**$98,000**	**$98,000**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$(98,000)**	**$(98,000)**	**$(98,000)**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
These amendments to R426-9 are not expected to have any fiscal impact on non-small businesses revenues or expenditures, because the data collected for the stroke and cardiac registries will be derived by the Department of Health from existing data already submitted by health care providers under existing requirements for the electronic of clinical health information data base (see Section 26-1-37).

R426. Health, Family Health and Preparedness, Emergency Medical Services.
R426-9. [~~Trauma and EMS System~~]Specialty Care Systems Facility Designations.
R426-9-100. Authority and Purpose for [~~Trauma System~~]Specialty Care Systems Standards.

(1) [~~Authority - This rule is established under Title 26, Chapter 8a, 252, Statewide Trauma System, which authorizes the Department to:~~]This rule establishes requirements pursuant to statute for a statewide specialty care systems and related emergency medical systems including the following:

(a) establishes and actively supervises a statewide trauma system;

(b) establishes, by rule, trauma center designation requirements and model state guidelines for triage, treatment, transport, and transfer of trauma patients to the most appropriate health care facility; and

(c) [~~designate~~]allows designation of trauma care facilities consistent with the trauma center designation requirements and verification process established by the Department and applicable statutes.

(2) This rule provides standards for the categorization of all hospitals and the voluntary designation of [~~T~~]trauma [~~C~~]centers to assist physicians in selecting the most appropriate physician and facility based upon the nature of the patient's critical care problem and the capabilities of the facility.

(3) It is intended that the categorization process be dynamic and updated periodically to reflect changes in national standards, medical facility capabilities, and treatment processes. Also, as suggested by the Utah Medical Association, the standards are in no way to be construed as mandating the transfer of any patient contrary to the wishes of his attending physician, rather the standards serve as an expression of the type of facilities and care available in the respective hospitals for the use of physicians requesting transfer of patients requiring skills and facilities not available in their own hospitals.

R426-9-200. Trauma System Advisory Committee.

(1) The [~~t~~]Trauma [~~s~~]System [~~a~~]Advisory [~~c~~]Committee[~~, created pursuant to 26-8a-251,~~] shall:

(a) be a broad and balanced representation of healthcare providers and health care delivery systems; and

(b) conduct meetings in accordance with committee procedures.

(2) The Department shall appoint committee members to serve terms from one to four years.

(3) The Department may re-appoint committee members for one additional term in the position initially appointed by the Department.

(4) Causes for removal of a committee member include the following:

(a) more than two unexcused absences from meetings within 12 calendar months;

(b) more than three excused absences from meetings within 12 calendar months;

(c) conviction of a felony; or

(d) change in organizational affiliation or employment which may affect the appropriate representation of a position on the committee for which the member was appointed.

R426-9-300. Trauma Center Categorization Guidelines.

The Department adopts as criteria for Level I, Level II, Level III, IV and Pediatric trauma center designation, compliance with national standards published in the American College of Surgeons document: Resources for Optimal Care of the Injured Patient 2014.

R426-9-400. Trauma Center Review Process.

(1) The Department shall conduct a quality review site visit of trauma centers and applicants to verify compliance with standards set in R426-9-300. In conducting each evaluation, the Department may consult with experts from the following disciplines:

(a) trauma surgery;

(b) emergency medicine;

(c) emergency or critical care nursing; and

(d) hospital administration.

(2) A consultant shall not assist the Department in evaluating a facility in which the consultant is employed, practices, or has any financial interest.

R426-9-500. Trauma Center Categorization Process.

The Department shall:

(1) Develop a survey document based upon the Trauma Center Criteria described in R426-9-300.

(2) Periodically survey all Utah hospitals which provide emergency trauma care to determine the maximum level of trauma care which each is capable of providing.

(3) Disseminate survey results to all Utah hospitals, and as appropriate, to Utah licensed ambulance providers.

R426-9-600. Trauma Center Designation Process.

(1) Hospitals seeking voluntary designation and all designated Trauma Centers desiring to remain designated, shall apply for designation by submitting the following information to the Department at least 30 days prior to the date of the scheduled site visit:

(a) a completed and signed application and appropriate fees for trauma center verification;

(b) a letter from the hospital administrator of continued commitment to comply with current trauma center designation standards as applicable to the applicant's designation level;

(c) the data specified under R426-9-700 are current;

(d) Level I and Level II Trauma Centers must submit a copy of the Pre-review Questionnaire (PRQ) from the American College of Surgeons in lieu of the application in 1a above;

(e) Level III and Level IV and Level V trauma centers must submit a complete Department approved application.

(2) Hospitals desiring to be designated as Level I and Level II Trauma Centers must be verified by the American College of Surgeons (ACS) within three (3) months of the expiration date of previous designation and must submit a copy of the full ACS report detailing the results of the ACS site visit. A Department representative must be present during the entire ACS verification or consultation visit. Hospitals desiring to be Level III or Level IV Trauma Centers must be designated by hosting a formal site visit by the Department.

(3) Hospitals not previously designated as a Level I or a Level II trauma center, applying for designation after December 31, 2016, will be considered for designation implementing the point system suggested by the American College of Surgeons as follows and using data from the Utah Trauma Registry:

(a) population as defined by the federal Office of Management and Budget total Metropolitan Statistical Area (MSA);

(i) total MSA population of less than 600,000 receives 2 points,

(ii) total MSA population of 600,000 to 1,200,000 receives 4 points,

(iii) total MSA population of 1,200,000 to 1,800,000 receives 6 points,

(iv) total MSA population of 1,800,000 to 2,400,000 receives 8 points,

(v) total MSA population of greater than 2,400,000 receives 10 points.

(b) Median Transport Times (combined air and ground -- scene only no transfer);

(i) median transport time of less than 10 minutes received 0 points,

(ii) median transport time of 10 -- 20 minutes receives 1 points,

(iii) median transport time of 21 -- 30 minutes receives 2 points,

(iv) median transport time of 31 -- 40 minutes receives 3 points,

(v) median transport time of greater than 41 minutes receives 4 points.

(c) Department/System Stakeholder/Community Support;

(i) Department support for a trauma center(if none exist)or an additional trauma center in the MSA -- 5 points,

(ii) Department position that no additional trauma centers are needed -- negative 5 points,

(iii) Trauma System Advisory Committee (or equivalent body) statement of support for a trauma center (if none exist) or an additional trauma center in the MSA -- 5 points,

(iv) community support demonstrated by letters of support from 25- 50% of city and county governing bodies within the MSA -- 1 points,

(v) community support demonstrated by letters of support from over 50% of city and county governing bodies within the MSA -- 2 points.

(d) Severely injured patients (ISS more than 15) discharged from acute care facilities not designated as Level I, II, or III trauma centers;

(i) discharges of 0-200 severely injured patients receives 0 points,

(ii) discharges of 201 -- 400 severely injured patients receives 1 points,

(iii) discharges of 401 -- 600 severely injured patients receives 2 points,

(iv) discharges of 601 -- 800 severely injured patients receives 3 points,

(v) discharges of greater than 800 severely injured patients receives 4 points.

(e) Level I Trauma Centers;

(i) for the existence of each verified Level I trauma center already in the MSA assign 1 negative point,

(ii) for the existence of each verified Level II trauma center already in the MSA assign 1 negative point,

(iii) for the existence of each verified Level III trauma center already in the MSA assign 0.5 negative points.

(f) Numbers of severely injured patients (ISS more than 15) seen in trauma centers (Level I and II) already in the MSA. The expected number of high-ISS patients is calculated as: 500 x (Number of Level I and Level II centers in the MSA) = (Expected Number of high ISS patients);

(i) if the MSA has more than 500 severely injured patients above the expected number assign 2 points,

(ii) if the MSA has 0 - 500 severely injured patients above the expected number assign 1 point,

(iii) if the MSA has 0 - 500 fewer severely injury patients than the expected number assign 1 negative point,

(iv) if the MSA has more than 500 fewer severely injured patients than the expected number assign 2 negative points.

(g) The following scoring system shall be used to allocate trauma centers within the MSAs:

(i) MSAs with scores of 5 points or less shall be allocated 1 Level I or II trauma center;

(ii) MSAs with scores of 6 - 10 points shall be allocated 2 Level I or II trauma centers;

(iii) MSAs with score of 11 - 15 points shall be allocated 3 Level I or II trauma centers;

(iv) MSAs with scores of 16 - 20 points shall be allocated 4 Level I or II trauma centers.

(h) If the number of trauma centers allocated by the model is greater than the existing number of Level I or II trauma centers in the MSA, efforts should be undertaken to recruit and designate additional trauma centers.

(i) If the number of Level I and II trauma centers allocated by the model is less than or equal to the number currently designated, the Department should not designate additional Level I or II trauma centers in the MSA.

R426-9-700. Data Requirements for an Inclusive Trauma System.

(1) All hospitals shall collect, and monthly submit to the Department, Trauma Registry information necessary to maintain an inclusive trauma system. Designated trauma centers shall provide such data in a standardized electronic format approved by the Department. The Department shall provide funds to hospitals, excluding designated trauma centers, for the data collection process. In order to ensure consistent patient data collection, a trauma patient is defined as a patient sustaining a traumatic injury and meeting the following criteria:

(a) At least one of the following injury diagnostic codes: ICD10 Diagnostic Codes: S00-S00 with 7th character modifiers of A, B, or C only, T07, T14, T20-T28 with 7th character modifier of A, T30-T32, T79.A1-T79.A9 with 7th character modifier of A excluding the following isolated injuries: S00, S10, S20, S30, S40, S50, S60, S70, S80, S90. Late effect codes, which are represented using the same range of injury diagnosis codes but with the 7th digit modifier code of D through S are also excluded; and

(b) At least one of the following patient conditions:

Stay at a hospital greater than 12 hours (as measured from the Emergency Department arrival to patient discharge); transferred in or out of reporting hospital via EMS transport (including air ambulance); death resulting from the traumatic injury (independent of hospital admission or hospital transfer status.

(c) The Department adopt by reference the National Trauma Data Standard Data Dictionary for 2016 Admissions published by the American College of Surgeons, and the Utah Trauma Registry State Required Elements for 2016 published by the Department.

R426-9-800. Trauma Triage and Transfer Guidelines.

The Department adopts by reference the 2009 Resources and Guidelines for the Triage and Transfer of Trauma Patients published by the Utah Department of Health as model guidelines for triage, transfer, and transport of trauma patients. The guidelines do not mandate the transfer of any patient contrary to the judgment of the attending physician. They are a resource for pre-hospital and hospital providers to assist in the triage, transfer and transport of trauma patients to designated trauma centers or acute care hospitals which are appropriate to adequately receive trauma patients.

R426-9-900. Noncompliance to Trauma Standards.

(1) The Department may warn, reduce, deny, suspend, revoke, or place on probation a facility designation, if the Department finds evidence that the facility has not been or will not be operated in compliance to standards adopted under R426-9-300.

(2) A hospital, clinic, health care provider, or health care delivery system may not profess or advertise to be designated as a trauma center if the Department has not designated it as such pursuant to this rule.

R426-9-1000. Resource Hospital Minimum Designation Requirements.

A Resource Hospital shall meet the following minimum requirements for designation:

(1) Be licensed in Utah or another state as a general acute hospital or be a Veteran's Administration hospital operating in Utah;

(2) Have the ability to communicate with other EMS providers operating in the area;

(3) Provide on-line medical control for all pre-hospital EMS providers who request assistance for patient care, 24 hours-a-day, seven days a week;

(4) Create and abide by written pre-hospital emergency patient care protocols for use in providing on-line medical control for pre-hospital EMS providers;

(5) Train new staff on the protocols before the new staff is permitted to provide on-line medical control and annually review protocols with physician and nursing staff;

(6) Annually provide in-service training on the protocols to all physicians and nurses who provide on-line medical control;

(7) Make the protocols immediately available to staff for reference;

(8) Provide on-line medical control which shall include:

(a) direct voice communication with a physician; or

(b) a registered nurse or physician's assistant, who shall to be licensed in Utah, who is in voice contact with a physician;

(9) Implement a quality improvement process which shall include:

(a) representatives from local EMS providers that routinely transport patients to the resource hospital;

(b) quarterly meetings; and

(c) minutes of the quality improvement meetings which are available for Department review;

(10) Identify a coordinator for the pre-hospital quality improvement process;

(11) Cooperate with the pre-hospital EMS providers' off-line medical directors in the quality review process, including granting access to hospital medical records of patients served by the particular pre-hospital EMS provider;

(12) Participate in local and regional forums for performance improvement; and

(13) Assist the Department in evaluating EMS system effectiveness by submitting to the Department, in an electronic format quarterly data specified by the Department.

(14) Designated Trauma Centers are deemed to meet the Resource Hospital standards and are exempt from requirements outlined in this section.

(15) The resource hospital designation and re-designation shall be for a period of three years.

R426-9-1100. Stroke Treatment and Stroke Receiving Facility Minimum Designation Requirements.

(1) A Primary or Comprehensive Stroke Treatment Center or an Acute Stroke Ready Hospital shall be accredited by the Joint Commission or other nationally recognized accrediting body.

(2) A hospital designated as a Stroke Receiving Facility for receiving stroke patients via Emergency Medical Services shall meet the following requirements:

(a) Be licensed as an acute care hospital in Utah;

(b) Require physician response to the emergency department in less than thirty (30) minutes for treatment of stroke patients;

(c) Maintain the ability of physician and nursing staff to utilize a standardized assessment tool for ischemic stroke patients;

(d) Maintain and utilize approved thrombolytic medications for treatment of patients meeting criteria for administration of thrombolytic therapy;

(e) Establish a standardized acute stroke protocol and authorize appropriate emergency department staff to implement the protocol when appropriate;

(f) Have ancillary equipment and personnel available to diagnose and treat acute stroke patients in a timely manner;

(g) Establish patient transport protocols with designated stroke treatment centers;

(h) Have a performance improvement program for acute stroke care and report data as required by the Department; and

(i) Submit to a site visit by representatives of the Department.

(3) Upon designation, the Department may, in consultation with off line EMS medical direction and protocol, recommend direct transport of stroke patients to a Stroke Receiving Center or a Stroke Treatment Center by licensed ambulance provider.

(4) All hospitals shall collect, and submit at least quarterly to the Department, Stroke Registry information necessary to maintain an inclusive stroke system. All hospitals shall provide such data in a standardized electronic format approved by the Department.

(5) The stroke treatment and stroke receiving designation and re-designation shall be for a period of three years.

R426-9-1200. Percutaneous Coronary Intervention Center Minimum Designation Requirements.

(1) A Percutaneous Coronary Intervention (PCI) Center, for the purpose of receiving acute ST-elevation myocardial infarction (STEMI) patients via an ambulance, shall meet the following minimum designation requirements:

(a) Be licensed as an acute care hospital in Utah;

(b) Maintain an emergency department staffed by at least one (1) Physician and one (1) Registered Nurse at all times;

(c) Have the ability to receive 12 lead EKG data from licensed ambulance providers transporting patients to the hospital for treatment of ST Segment Elevation Myocardial Infarction (STEMI);

(d) Maintain the ability to provide cardiac catheterization and PCI of STEMI patients within ninety (90) minutes of patient arrival in the emergency department twenty four (24) hours a day and seven (7) days a week;

(e) Maintain a performance improvement program for STEMI care and report data to the Department as required by the Department; and

(f) Submit to a site visit by representatives of the Department.

(2) Upon designation, the Department may, in consultation with offline EMS medical direction and protocol, recommend direct transport of STEMI patients to a STEMI Treatment Center by a licensed ambulance provider.

(3) The PCI designation and re-designation [~~period~~]shall be for a period of three years.

(4) All hospitals shall collect, and submit at least quarterly to the Department, Cardiac Registry information necessary to maintain an inclusive cardiac system. All hospitals shall provide such data in a standardized electronic format approved by the Department.

R426-9-1300. Patient Receiving Facility Minimum Designation Requirements.

(1) A Patient Receiving Facility shall meet the following minimum designation requirements:

(a) Have the ability to communicate with licensed and designated EMS providers;

(b) Be staffed or have on-call physician, physician assistant, or nurse practitioner availability during designated hours with a response time of less than 20 minutes;

(c) Have and maintain ACLS and PALS certification;

(d) Attend meetings of the local EMS council, if one exists, to participate in the coordination and operations of local licensed and designated EMS providers;

(e) Abide by off-line protocols approved by the licensed ambulance provider's off-line medical director;

(f) Train staff on protocols used by the licensed ambulance providers who transport patients to the Patient Receiving Facility;

(g) Implement a quality improvement process of all patients received at the patient receiving facility with the local resource hospital or trauma center including access to medical records for patients transported by ambulance;

(h) Maintain equipment, services and medications on-site to provide Advanced Life Support (ALS) intervention and appropriate treatment. Equipment and services shall include:

(i) ECG;

(ii) ACLS medications;

(iii) laboratory services;

(iv) radiology services;

(v) oxygen delivery systems;

(vi) airway support equipment and supplies;

(vii) suction equipment and supplies; and,

(i) Submit to a yearly site visit by representatives of the Department; and

(j) Submit monthly data reports to the Department on all patients received by an ambulance, and in an electronic format provided by the Department.

(2) The Department may recommend the preferential transportation of STEMI patients by ambulance to a Patient Receiving Facility.

KEY: emergency medical services, trauma, reporting, trauma center designation

Date of Enactment or Last Substantive Amendment: [~~February 1, 2017~~]2018

Authorizing, and Implemented or Interpreted Law: 26-8a-252

Human Services, Administration, Administrative Services, Licensing

R501-1

General Provisions for Licensing

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43330

FILED: 10/29/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change is predicated on recent legislation (S.B. 78 passed during the 2018 Legislative Session) that allows the increase of a suspension of a license from one year to three years. This legislation was put in place primarily to allow for the longer duration of suspended license, rather than the five year time frame in a license revocation.

SUMMARY OF THE RULE OR CHANGE: These amendments change the length of time for which the Office of Licensing may suspend a license, the change is from one year to three. This change is predicated on recent legislation (S.B. 78 in the 2018 Legislative Session) that primarily allows for a longer duration of a suspended license, rather than the five year time frame in a license revocation. All other changes are purely clarifying.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-2-113

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: It is not anticipated that these amendments will have an impact on the state's budget, these changes are mostly clarifying in nature and do not represent substantive changes that would result in a fiscal impact.

♦ LOCAL GOVERNMENTS: These rule changes will not result in an impact at the local government level.

♦ SMALL BUSINESSES: It is not anticipated that this license suspension extension will have a fiscal impact on small businesses, this is done so in hopes that it will reduce the number of license revocations, which is a positive benefit for providers.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: It is not anticipated that this license suspension extension will have a fiscal impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that these proposed rule amendments will not result in a fiscal impact to small or non-small businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES, LICENSING
195 N 1950 W 1ST FLR
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Janice Weinman by phone at 385-321-5586, by FAX at 801-538-4553, or by Internet E-mail at jweinman@utah.gov

♦ Jonah Shaw by phone at 801-538-4219, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Ann Williamson, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
General Provisions apply primarily to how the Office of Licensing conducts business. This rule change is mandated by recent legislation requiring License suspensions to be issued for up to 3 years (as opposed to 1 year)in duration. This legislation was put in place primarily to allow for longer duration of suspended license, rather than the 5 year time frame in a license revocation. In the past 5 years, the Office has revoked the following licenses: 13 foster care and 4 treatment licenses across 2 treatment providers. In that same time frame zero suspensions were issued. This legislative change was made primarily for foster providers who cannot re-apply for 5 years following a revocation. If the Office of Licensing suspends their license for 3 years, they can potentially come back to fostering sooner under this new time frame (assuming their situation has dramatically improved and they can prove they're no longer a risk to the health and safety of foster children)The Office of Licensing does not intend to utilize suspensions for treatment facilities, as it would have the same impact as a revocation and would put the program out of business.
Other changes within this rule are clarifying in nature and do not represent substantive changes that will have any fiscal impact on providers or State Government.

The head of the department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis.

****"Non-small business" means a business employing 50 or more persons; "small business" means a business employing fewer than 50 persons.**

R501. Human Services, Administration, Administrative Services, Licensing.
R501-1. General Provisions for Licensing.
R501-1-1. Authority and Purpose.

(1) This Rule is authorized by Utah Code Title 62A, Chapter 2.

(2) This Rule clarifies the standards for:

(a) approving or denying a human services program license application;

(b) renewing, extending, placing conditions on, restricting admissions, suspending, or revoking a license for a human services program;

(c) inspecting, monitoring, and investigating a prospective or current human services program; and

(d) approving or denying a variance to the Human Services Administrative Rules, Title R501, regarding the licensing of human services programs.

R501-1-2. Definitions.

As used in this Title 501:

(1) "Abuse" includes, but is not limited to:

(a) attempting to cause harm;

(b) threatening to cause harm;

(c) causing non-accidental harm;

(d) unreasonable or inappropriate use of a restraint, medication, confinement, seclusion or isolation that causes harm;

(e) sexual exploitation, as defined in 78A-6-105;

(f) sexual abuse, including sexual contact or conduct with a client, or as defined in 78A-6-105;

(g) a sexual offense, as described in Title 76 Chapter 5; or

(h) domestic violence or domestic violence related to child abuse.

(i) "Abuse" does not include the reasonable discipline of a child, or the use of reasonable and necessary force in self-defense or the defense of others, as such force is defined in 76-2-4.

(2) "Applicant" is defined in 62A-2-101.

(3) "Associated with the Licensee" is defined in 62A-2-101.

(4) "Category" means the type of human service license described in 62A-2-101.

(5) "Client" is defined in 62A-2-101.

(6) "Clinical" means services delivered by a Division of Occupational and Professional Licensing (DOPL) licensed mental health or medical professional in accordance with Utah Code Title 58, Chapters 60, 61, 67 and 68.

(7) "Compliant" means adherence to governing rule and statute or only minor violations that do not rise to the level of a corrective action plan or penalty.

(8) "Conflict of Interest" means a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

(9) "Critical Incident" means an occurrence that involves:

(a) abuse;

(b) neglect;

(c) exploitation;

(d) unexpected death;

(e) any client injury, including self-harm, requiring medical attention beyond basic first aid;

(f) any client injury that is a result of staff or client assault, restraint or intervention;

(g) all criminal activity excluding minor infractions[;];

(h) medical emergency or protective service intervention;

([h]i) the unlawful or unauthorized presence or use of alcohol, substances, or harmful contraband items;

([i]j) the unauthorized presence or misuse of dangerous weapons;

([j]k) attempted suicide;

([k]l) any on-duty or client-involved staff sexual misconduct or any client unlawful sexual misconduct;

([l]m) client rights violations;

(i) per Office of Licensing code of conduct for all licensed providers; and

(ii) per DHS code of conduct for DHS contracted providers; and

(iii) per human rights committee approval for DSPD contracted providers;

([m]n) medication errors resulting in impact on client's well-being, medical status or functioning;

([n]o) the unauthorized departure of a client from the program;

([o]p) outbreak of a contagious illness or situation requiring notification of or consultation with the local health department;

([p]q) any event compromising the client environment, including roof collapse, fire, flood, weather events, natural disasters and infestations;

([q]r) any other incident that compromises client health and safety shall result in a critical incident report;

(i) specific contract language may also exist that requires additional criteria for DHS contracted providers.

(10) "Director" refers to the Office of Licensing director as defined in 62A-2-101, and is not a "Program Director" as defined in this Chapter.

(11) "Exploitation" includes, but is not limited to:

(a) the use of a client's property, labor, or resources without the client's consent or in a manner that is contrary to the client's best interests, or for the personal gain of someone other than the client; such as expending a client's funds for the benefit of another; or

(b) using the labor of a client without paying the client a fair wage or without providing the client with just or equivalent non-monetary compensation, where such use is consistent with therapeutic practices; or

(c) engaging or involving a client in any sexual conduct; or

(d) any offense described in 76-5-111(4) or 76-5b-201 and 202.

(12) "Foster Home" is defined in 62A-2-101 (18).

(13) "Fraud" means a false or deceptive statement, act, or omission that causes, or attempts to cause, property or financial damages, or for personal or licensee gain. Fraud includes the offenses identified as fraud in Utah Code Title 76 Chapter 6.

(14) "Harm" means physical or emotional pain, damage, or injury.

(15) "Human Services Program" is defined in 62A-2-101.

(16) "Initial License" means the license issued to operate a human services program during the licensee's first year of licensure. This license is considered provisional and allows for the licensee to demonstrate sustained compliance with licensing rules prior to renewal.

(17) "Inspection" means announced or unannounced visit of the licensed site in accordance with 62A-2-118.

(18) "Licensee" is defined in 62A-2-101 and includes the person or persons responsible for administration and decision making for the licensed site or program. The term licensee may be used to describe a person or entity that has caused any of the violations described in 62A-2-112 that are related to the human services program.

(19) "Local Government" is defined in 62A-2-101.

(20) "Medical Emergency" is an acute injury or illness posing an immediate risk to a person's life or long-term health.

(21) "Medication-Assisted Treatment" means the use of medications with counseling and behavioral therapies to treat substance use disorders or prevent opioid overdose.

(22) "Mistreatment" means emotional or physical mistreatment:

(a) emotional mistreatment is verbal or non-verbal conduct that results in a client suffering significant mental anguish, emotional distress, fear, humiliation, or degradation; and may include demeaning, threatening, terrorizing, alienating, isolating, intimidating, or harassing a client; and

(b) physical mistreatment includes:

(i) misuse of work, exercise restraint, or seclusion as a means of coercion, punishment, or retaliation against a client, or for the convenience of the licensee, or when inconsistent with the client's treatment or service plan, health or abilities;

(ii) compelling a client to remain in an uncomfortable position or repeating physical movements to coerce, punish, or retaliate against a client, or for the convenience of the licensee;

(iii) physical punishment.

(23) "Neglect" means abandonment or the failure to provide necessary care, which may include nutrition, education, clothing, shelter, sleep, bedding, supervision, health care, hygiene, treatment, or protection from harm.

(24) "Office" means the Utah Department of Human Services Office of Licensing.

(25) "Owner/Ownership" means any licensee, person, or entity that:

(a) is defined as a "Member" in 62A-2-108; or

(b) is a person or persons listed on a foster home license; or

(c) possesses the exclusive right to hold, use, benefit-from, enjoy, convey, transfer, and otherwise dispose of a program; or

(d) retains the rights, participates in, or is ultimately responsible for operations and business decisions of program, or

(e) may or may not own the real property or building where the facility operates; or

(f) a property owner is also an owner of the program if they operate or have engaged the services of others to operate the program.

(26) "Parent Program" means an applicant or licensee owning or directing multiple sites under the same general administrative organization.

(27) "Penalty" means the Office's denying, placing conditions on, suspending, or revoking a human services license due to noncompliance with statute or administrative rules, may include penalties outlined in 62A-2-112. A penalty does not include corrective action plans as used in this Rule.

(28) "Program" refers to a Human Services Program as defined herein.

(29) "Program Director" means a person or persons ultimately responsible for day to day operations of a program.

(30) "Person" means an individual, agency, association, partnership, corporation, business entity, or governmental entity.

(31) "Regular Business Hours" are the hours that the program is available to the public or providing services to clients.

(32) "Renewal License" means a continuing program license issued based upon ongoing compliance with administrative rules and statutes. It is issued annually or biennially in compliance with 62A-2 108(4).

(33) "Restraint" means the involuntary method of physically restricting a person's freedom of movement, physical activity, or normal access to their body. Restraint is only allowed to prevent harm to the client or in protection of others and is only to be completed by an individual with documented training in non-violent crisis intervention or de-escalation techniques.

(34) "Seclusion" means the involuntary confinement of the individual in a room or an area away from the client community, where the individual is physically prevented from leaving.

(35) "Site" means a human services program identified by a single geographic location and must be linked to the parent program, if one exists.

(36) "Significant Criminal Activity" is any staff or client involved criminal activity that occurs in or related to the program that poses an immediate and serious threat to health and safety.

(37) "Staff" means direct care employees, support employees, managers, program directors, supervisors, administrators, agents, volunteers, owners, and contractors.

(38) "Variance" means the Office authorized deviation from the administrative rule.

(39) "Violation" means an act or omission by the licensee, or any person associated with the licensee, contrary to any administrative regulation, or local, state, or federal law applicable to the program.

R501-1-3. Licensing Application Procedures.

(1) Initial and Renewal Application.

(a) An applicant shall not accept any fees, enter any agreements to provide client services, or provide any client services until they have received a license certificate issued by the Office.

(b) The Office shall issue a license for a human service program only after verifying compliance with applicable administrative rules and statutes.

(c) Applicants and licensees shall permit the Office to have immediate, unrestricted access to the site, all on and off-site program and client records, and all staff and clients.

(d) An applicant may withdraw their application for a license, in writing, at any time during the application process.

(e) An applicant seeking an initial or renewal license to operate a human services program shall submit:

(i) an application as provided by the Office; a renewal application that is not submitted at least thirty days prior to the expiration date of the current license may result in the license expiring;

(ii) the fee(s) required for each category of human service program license(s); except as excluded in R501-1-7-2;

(iii) a completed background screening application, fees and supporting documentation for each person associated with the human services program in accordance with 62A-2-120 and R501-14, except for those excluded in 62A-2-120(13);

(iv) the applicant's required policies and procedures;

(A) for renewal purposes the applicant may submit only the policies and procedures that have been modified;

(v) name and contact information for all owners and program directors, as defined in this Chapter; and

(vi) documentation verifying compliance with, or exemption from, local government zoning, health, fire, safety, and business license requirements.

(A) For residential treatment programs applying for initial licensure, a copy of its notice of intent to operate a residential treatment program, and proof of service, in accordance with 62A-2-108.2.

(2) Application Expiration.

(a) A program initial application, other than an initial foster home application, that remains incomplete shall expire one year from the date it was first submitted to the Office.

(b) A foster home initial application that lacks required documentation may expire 90 days from the date is was first submitted to the Office unless the Office determines the applicant to be making active progress toward licensing compliance.

(c) An expired initial application is void and requires a new initial application and applicable fees for each category of license.

(3) The Office may deny the initial application or place a penalty on a renewal license if:

(a) the program has failed to achieve or maintain compliance with administrative rules, laws, ordinances or statutes; or

(b) the Office determines that the program is not reasonably likely to provide services in accordance with governing rules or statutes;

(i) the Office may consider the history of rule violations by the owner, licensee, or persons associated with the program;

(ii) the Office determines that significant false or misleading information regarding the program has been provided to the Office, program clients, prospective clients, or the public; or

(c) program directors, owners or any individuals involved in providing billed services or directly preparing billing have been identified and listed on the Medicaid LEIE exclusion list; or

(d) the agency maintains association with any individual who has been a licensee that has had a license revoked by the Office within the five years prior to the date on the application.

(4) Previously denied applicants shall not reapply for at least three months from the date of denial.

R501-1-4. Licensing Determinations.

(1) The Office may place individualized parameters on a program license in order to promote the health, safety, and welfare of clients. Such parameters may include, but are not limited to:

(a) age restrictions;

(b) admission or placement restrictions; or

(c) other parameters specific to individual sites and programs.

(2) A license certificate shall state the name, site address, license category, maximum client capacity if applicable, any specific parameters, and effective dates of the license.

(a) Licensee shall post the license certificate in a conspicuous location at the licensed site.

(3) A site associated with a parent program shall not be issued an initial license while any other license associated with that parent program is under penalty, or has a pending appeal.

(4) Two Year Licenses.

(a) A program may apply for a two year license if:

(i) the program has been licensed consecutively and in compliance for two years prior to application; and

(ii) the Office has determined that the program's individual services and circumstances are likely to maintain compliance under a two year cycle; and

(iii) the program submits double the annual fees for their category/categories of license(s); and

(iv) the program submits a plan for maintaining continued compliance with background screenings as described in 62A-2-120.

(b) A two year license remains subject to the same annual monitoring as a one year license.

(5) License Expiration.

(a) A license that has expired is void and may not be renewed.

(b) A license expires at midnight on the last day of the same month the license was issued, one year following the date or issuance unless:

(i) the license has been revoked by the Office; or

(ii) the license has been extended by the Office; or

(iii) the license has been relinquished by the licensee; or

(iv) the license is on a renewal cycle to maintain the same expiration date annually unless otherwise requested by the provider

(iv) the license was issued as a two year license, which will expire at midnight on the last day of the same month the license was issued, two years following the date of issuance and in accordance with R501-4-2.

(c) A program with an expired license shall not accept any fees, enter any agreements to provide client services, or provide any client services.

(d) A program with an expired license shall submit an application and fees for an initial license and be granted an initial license prior to providing any services in accordance with this Rule.

(6) License Extensions.

(a) The Office may extend the current license of a human service program only when the renewal application and applicable fee have been submitted.

(b) A license that is compliant prior to expiration may be extended for a one time maximum of 90 days past the current license expiration date.

(c) A license that is not compliant prior to expiration may be extended in non-compliant status.

(i) A compliant renewal license will not be granted until resolution of identified compliance issues.

(d) The subsequent license following an extension shall be reduced in duration by the time of the extension.

(7) License Relinquishment.

(a) A licensee wishing to voluntarily relinquish its license shall submit a written notice to the Office.

(b) Voluntary relinquishment of a license shall not be accepted by the Office if a notice of agency action revoking the license has been initiated.

R501-1-5. Program Changes.

(1) Name Change.

(a) A licensee wishing to change only the name of the program or site does not need to submit an application or fee; they shall submit updated program documentation reflecting the new name to the Office at least ten days prior to the change.

(b) The Office may link the name of the former program to the new name on the licensing database, and on all license certificates and public websites, for two years following the change.

(2) Relocation.

(a) A human services program wishing to relocate to a new address may serve clients at the new site, only after:

(i) submission of renewal application and renewal fees at least 30 days prior to the move;

(ii) submission of local government business license and applicable inspections and clearances, including but not limited to:

(A) health;

(B) fire; and/or

(C) as required by the rules of a human service program category;

(iii) submission of insurance coverage at the new site;

(iv) inspection by the Office; and

(v) receipt of the updated license certificate for the new site.

(b) A foster home that intends to relocate to a new site may have their license transferred to the new site only after:

(i) a request to relocate has been submitted to the Office at least 30 days prior to the move;

(ii) Office of Licensing inspection and approval of licensure at the new site which shall occur within two weeks, if a foster child is placed, and within 30 days if there are no current foster placements;

(A) if a foster child is placed, it is the responsibility of the licensed foster parent to ensure health and safety of the foster child during the transfer to the new site.

(c) Except for foster homes outlined in subsection (b), no clients may be present and no services may be provided at a relocation address until after the Office issues a new license in accordance with this Rule.

(d) Moving from a licensed site voids that site's license unless the provisions of this Chapter are followed for relocation.

(3) Capacity Change.

(a) A licensee seeking to increase the maximum client capacity of a program shall submit an application and renewal fee for a license renewal as required by the rules of the human service program category.

(4) Add New License Category.

(a) A program may request to add a new category of service to an existing licensed site by submitting application and fees for an initial license. All requirements for initial licensure must be verified.

(5) Add New Location.

(a) A program may add an additional site of service by submitting an application and fees for an initial license. All requirements for initial licensure must be verified.

(6) Owner/Ownership Changes.

(a) A program anticipating, or undergoing a change of ownership, or change in owner(s), shall submit in writing, prior to the change:

(i) any changes to the programming and services;

(ii) declaration regarding responsibility for records and records retention to include an agreement signed by both current and prospective owners and/or program directors, detailing how all program staff and client records will be retained and remain available to the Office for six years or in accordance with DHS contract requirements regardless of whether the program remains licensed;

(iii) names and contact information of any new directors or owners;

(iv) documentation of continuous insurance coverage; and

(v) an updated business license.

(b) The status of a license at the time of a change of ownership shall continue.

(7) For any substantial change in this Section, the Office may require new, initial application and fees for each license category.

(a) Substantial changes include:

(i) those resulting in direct client impact;

(ii) changes to programming;

(iii) changes in populations served;

(iv) severing ties with previous owner or staff affiliations; or

(v) disrupting continuity of record retention, etc.

R501-1-6. License Fees.

(1) The Office shall collect licensing fees in accordance with 62A-2-106, and Utah Code Title 63J Chapter 1 Part 5.

(2) No licensing fee shall be required from a foster home, or a Division, or Office, of the Department of Human Services.

(3) The Office is not required to perform an on-site visit, or document review until the applicant pays the licensing fee.

(4) A license application fee will expire after 12 months if a program has been unable to meet the license requirements.

(5) A fee paid by a licensee shall not be transferred, prorated, reduced, waived, or refunded. Costs incurred by applicants in preparation for, or maintenance of licensure are the sole responsibility of the applicant.

(6) Separate initial license fees are required for each new category of human services program offered at each program site.

(7) Separate renewal license fees, and applicable capacity fees, are required for each license category that is renewed at each program site.

(a) Capacity fees are calculated according to the maximum licensed client capacity of the human service program, and not according to the number of clients actually served in the program.

(8) A human service program with more than one building, unit, or suite at one site, may choose to have its fees assessed and each category of license issued:

(a) so that each category of license will be issued to include all on-site buildings, units or suites as one; or

(b) so that separate licenses will be issued for each individual on-site building, unit or suite.

R501-1-7. Variances.

(1) A licensee shall not deviate from any administrative rule without first receiving written approval of a specific variance request signed by the Director of the Office, or the director's designee.

(2) The director of the Office, or the director's designee, may grant a variance if the director or the Director's designee determines a variance is not likely to compromise client health and safety, or provide opportunity for abuse, neglect, exploitation, harm, mistreatment, or fraud.

(3) A licensee seeking a variance must submit a written request to their licensing specialist, and specifically describe:

(a) the rule for which the variance is requested;

(b) the reason for the request;

(c) how the variance provides for the best interest of the client(s);

(d) what procedures will be implemented to ensure the health and safety of all clients; and

(e) the proposed variance start and expiration dates.

(4) The Office shall review the variance and notify the licensee of the approval, approval with modification, or denial of the variance, in writing, within 30 days.

(5) The licensee shall comply with the terms of a written variance, including any conditions or modifications contained within the approved written variance.

(6) A variance expires on the end date listed on the approval notice and terms of the variance are no longer permitted after that expiration date, unless a renewal of the variance is granted.

(7) A variance may be renewed by the office when the program is able to justify the request, and ensure ongoing health and safety of all clients.

R501-1-8. Monitoring.

(1) The Office shall conduct a minimum of one annual on-site inspection, but may conduct as many announced, or unannounced inspections as deemed necessary to monitor compliance, investigate alleged violations, monitor corrective action plans or penalty compliance, or to gather information for license renewal.

(2) On-site inspections shall take place during regular business hours, as defined in 62A-2-101.

(3) Applicants and licensees shall not restrict the Office's access to the site, clients, staff, and all program records.

(4) Licensees and staff shall not compromise the integrity of the Office's information gathering process by withholding or manipulating information, or influencing the specific responses of staff or clients.

(5) All on-site inspections shall contribute toward the renewal or denial of the license application at the end of the license period.

(6) The Office shall provide written findings to the Program identifying areas of non-compliance with licensing requirements after each on-site inspection.

(7) Except for reports made in relation to foster homes, the licensee shall make copies of inspection reports available to the public upon request per 62A-2-118(5).

(8) The Office may adopt a written inspection report from a local government, certifying, contracting, or accrediting entity to assist in a determination whether a licensee has complied with a licensing requirement.

(9) The Office shall be allowed access to all program documentation and staff that may be located at an administrative location, away from the licensed site.

R501-1-9. Investigations of Alleged Violations.

(1) Unlicensed Programs.

(a) The Office shall investigate reports of unlicensed human service programs.

(b) Investigation of an unlicensed human service program may include interviewing anyone at the site, neighbors, or gathering information from any source that will aid the Office in making a determination as to whether or not the site should be licensed.

(c) An unlicensed human services program that meets licensure definition, but does not submit an application and fee, or fails to become licensed, shall be referred to the Office of the Attorney General, and the appropriate County Attorney.

(d) The Office may penalize a licensed program at all program sites when a program adds or operates an unlicensed site that requires licensure by the Office.

(2) Licensed Program Complaints and Critical Incidents.

(a) The Office shall investigate critical incidents and complaints involving alleged licensing violations regarding a licensed human services program.

(b) Complaints about licensees can come to the Office via any means from any source including the Office of Licensing email address: licensingconcerns@utah.gov.

(c) The Office retains discretion to decline investigation of a complaint that is anonymous, unrelated to current conditions of the program, or not an alleged violation of a rule or statute.

(d) Critical incidents that involve one or more clients and/or on-duty staff in a licensed setting or under the direct responsibility and supervision of the program shall be reported by the licensee as follows:

(i) report shall be made to DHS and legal guardians of involved clients within one business day;

(A) if the critical incident involves a client or service under a DHS contract, the critical incident report must be completed within 24 hours and may require a five day follow up report to the involved DHS Division;

(B) if the critical incident involves a client or service to a youth currently in the custody of DHS or its Divisions an immediate live-person verbal notification to the involved Division is additionally required.

(ii) Initial critical incident reports to DHS shall include the following in writing:

(A) name of provider and all involved staff, witnesses and clients;

(B) date, time, and location of the incident, and date and time of incident discovery, if different from time of incident;

(C) descriptive summary of incident;

(D) actions taken; and

(E) actions planned to be taken by the program at the time of the report.

(F) identification of DHS contracts status, if any.

(iii) It is the responsibility of the licensee to collect and maintain and submit as requested original witness and participant witness statements and supporting documentation regarding all critical incidents that require individual perspectives to be understood.

(3) Investigative Process.

(a) In-person, or electronic investigations may include, but are not limited to:

(i) a review of on or offsite records;

(ii) interviews of licensee(s), person(s), client(s), or staff;

(iii) the gathering of information from collateral parties; and

(iv) site inspections.

(c) The Office will prioritize investigations of reports of unlicensed programs, complaints regarding licensed programs, and critical incidents following an assessment of risk to client health and safety as follows:

(i) priority allegations, as administratively identified by the Office as a potential imminent risk to the health and safety of clients, will require initial on-site contact by the Office within three business days. The Office may utilize law enforcement, Child or Adult Protective services, or other protection agencies to meet priority in on-site response;

(ii) all other allegations will require that the Office initiate an investigation within ten business days.

(d) Licensees and staff shall cooperate in any investigation.

(e) The Office may report any allegations or evidence of abuse, neglect, exploitation, mistreatment, <u>illegal activities </u>or fraud to clients, clients' legal guardians, law enforcement, insurance agencies, the insurance department, the Division of Occupational and Professional Licensing, or any other entity determined necessary by the Office.

(f) Pending investigations or those that do not result in a violation finding shall be classified as protected and only released in accordance with Utah Code Title 63G Chapter 2, Utah Government Access and Management Act.

R501-1-10. License Violations.

(1) When the Office finds evidence of violations of statute or rule, the Office shall do one of the following:

(a) provide written notification of the violation requiring the licensee to correct violation(s) with no formal follow-up; or

(b) provide written notification of violation and request a licensee to submit a corrective action plan in response to a written notification of a violation;

(i) a licensee shall submit a written corrective action plan to the Office within ten calendar days of the request from the Office and the corrective action plan shall include:

(A) a statement of each violation identified by the Office;

(B) a detailed description of how the licensee will correct each violation and prevent additional violations;

(C) the date by which the licensee will achieve compliance with administrative rules and statutes; and

(D) involvement of program owner(s) and director(s), including each foster parent, if involving a licensed or certified foster home.

(c) The Office shall review the submitted corrective action plan and either inform the licensee that the corrective action plan is approved; or inform the licensee that the corrective action plan is not approved and provide explanation;

(i) the Office may permit a licensee to amend and resubmit its corrective action plan within five additional calendar days.

(d) The Office shall issue a Notice of Agency Action imposing a penalty for violation(s) if the licensee fails to submit and comply with an approved corrective action plan.

(e) A corrective action plan is not a penalty. Programs have the right to refuse the corrective action plan process and may preserve their appeal rights by requesting a penalty through an Office initiated Notice of Agency Action.

(2) Provide a written notice of agency action initiating a penalty, as follows:

(a) the Office may place a license on conditional status;

(i) conditional status allows a program that is in the process of correcting violations to continue operation, subject to conditions established by the Office;

(A) Failure to meet the terms of the conditions, and time frames outlined on the notice, could result in further penalty.

(b) The Office may suspend a license for up to [~~one~~]three years;

(i) a human services program that has had its license suspended is prohibited from accepting new clients, and may only provide the services necessary to maintain client health and safety during their transition; and

(ii) shall have and comply with written policies and procedures to transition clients into equivalent, safe, currently licensed programs or into the custody of their legal guardians.

(c) The Office may revoke a license;

(i) a human services program that has had its license revoked is prohibited from accepting new clients and may only provide the services necessary to maintain client health and safety during their transition; and

(ii) shall have and comply with written policies and procedures to transition clients into equivalent, safe, currently licensed program or into the custody of their legal guardians.

(d) Names of licensees and programs who have had their licenses revoked shall be maintained by the Office for a period of five years, and shall not be associated in any way with a licensed program during that five-year period.

(e) A licensee whose license has been suspended or revoked is responsible for the program staffing and health and safety needs of all clients while the suspension or revocation is pending.

(f) The Office may place conditions, such as restricted admissions, to be in immediate effect in the Notice of Agency Action, if necessary, to protect the health and safety of clients.

(g) The Office may utilize any other penalties pursuant to 62A-2, Subsections 112, 113 and/or 116.

(h) The Office may consider chronicity, severity, and pervasiveness of violations when determining whether to simply provide notification of violations with no follow-up requirement; or to request a corrective action plan; or to apply a formal penalty to the program.

(i) Repeated violations of the same rule or statute, or failure to comply with conditions of a Notice of Agency Action may elevate the penalty level assessed.

(j) A licensee shall post the Notice of Agency Action on-site, and on the homepage of each of its websites, where it can be easily reviewed by all clients, guardians of clients, and visitors within five business days, and shall remain posted until the resolution of the penalty, unless otherwise instructed by the Office.

(k) A licensee shall notify all clients, guardians and prospective clients of a Notice of Agency Action issued by the Office within five business days. Prospective and new clients will be notified for as long as the Notice of Agency Action is in effect.

(l) Pending an appeal of a revocation, suspension or conditional license that restricts admissions, licensee shall not accept any new clients as outlined on the Notice of Agency Action, or while an appeal of a Notice of Agency Action penalty is pending without prior written authorization from the Office.

(m) The Office shall electronically post Notices of Agency Action issued to a human services program, on the Office's website, in accordance with 62A-2-106.

(n) Due Process: A Notice of Agency Action shall inform the applicant or licensee of the right to appeal in accordance with Administrative Rule 497-100.

R501-1-11. Licensing Code of Conduct and Client Rights.

(1) Licensees and staff shall:

(a) transparently represent services, fees, and policies and procedures to clients, guardians, prospective clients, and the public;

(b) disclose any potential or existing conflicts of interest to the Office;

(c) comply with all federal, state, and local laws that govern the program;

(d) report all criminal activity;

(i) significant criminal activity and medical emergencies shall be immediately reported to the appropriate emergency services agency per 62A-2-106-2;

(e) comply with a written policy that addresses the appropriate treatment of clients, to include the rights of clients as outlined in this Section;

(f) not abuse, neglect, harm, exploit, mistreat, or act in a way that compromises the health and safety of clients through acts or omissions, by encouraging others to act, or by failing to deter others from acting;

(g) not use or permit the use of corporal punishment and shall only utilize restraint as defined in this Chapter and outlined in applicable Human Service Rules when an individual's behavior presents imminent danger to self or others;

(h) maintain the health and safety of clients in all program services and activities, whether on or offsite;

(i) provide services and supervision that is commensurate with the skills, abilities, behaviors, and needs of each client;

(j) not serve clients outside the program's scope of services;

(k) not commit fraud;

(l) provide an insurer the licensee's records related to any services or supplies billed, upon request by an insurer or the Office;

(m) not charge clients for any fees or expenses that were not previously disclosed to the client;

(n) accept fees only for the services or expenses the provider is willing and able to provide;

(o) not handle the major personal business affairs of a client, without request in writing by the client or legal representative;

(p) require that any licensee or staff member who is aware of, or suspects abuse, neglect, mistreatment, fraud, or exploitation shall ensure that a report is made to the Office and applicable investigative agencies as outlined in R501-1-10-2, and in compliance with mandatory reporting laws, including 62A-4a-403 and 62A-3-305;

(i) any licensee or staff member who is aware of, or suspects a violation of this Rule or any governing local ordinance or state or federal law, shall ensure that a report is made to the Office of Licensing via email at: licensingconcerns@utah.gov, or directly to the licensor of the specific program or site.

(2) Clients have the right to:

(a) be treated with dignity;

(b) be free from potential harm or acts of violence;

(c) be free from discrimination;
(d) be free from abuse, neglect, mistreatment, exploitation, and fraud;
(e) privacy of current and closed records;
(f) communicate and visit with family, attorney, clergy, physician, counselor, or case manager, unless therapeutically contraindicated or court restricted;
(g) be informed of agency policies and procedures that affect client or guardian's ability to make informed decisions regarding client care, to include:
(i) program expectations, requirements, mandatory or voluntary aspects of the program;
(ii) consequences for non-compliance;
(iii) reasons for involuntary termination from the program and criteria for re-admission;
(iv) program service fees and billing; and
(v) safety and characteristics of the physical environment where services will be provided.
(3) Clients shall be informed of these rights and an acknowledgment by the client or guardian shall be maintained in the client file.
(4) Licensees shall train all staff annually on agency policies and procedures, Licensing rules, and the Licensing Code of Conduct.
(i) verification this training shall be dated and acknowledged by each staff member.

R501-1-12. Compliance.
(1) A licensee that is in operation on the effective date of this Rule shall be given 60 days to achieve compliance with this Rule.

KEY: licensing, human services
Date of Enactment or Last Substantive Amendment: [~~February 23,~~]2018
Notice of Continuation: October 4, 2017
Authorizing, and Implemented or Interpreted Law: 62A-2-101 et seq.

Human Services, Child and Family Services
R512-43
Adoption Assistance

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43322
FILED: 10/22/2018

RULE ANALYSIS
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to ensure that Child and Family Services has an accurate address and/or direct deposit information for families who receive an adoption assistance subsidy.

SUMMARY OF THE RULE OR CHANGE: Families who qualify for adoption assistance must make sure that Child and Family Services has an accurate home address or direct deposit information in order to receive their monthly adoption assistance subsidy.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-4a-102 and Section 62A-4a-106 and Section 62A-4a-901 through 62A-4a-907

MATERIALS INCORPORATED BY REFERENCE:
♦ Adds Title 45--Public Welfare, Chapter XIII--Office of Human Development Services, Department of Health and Human Services, Parts 1356.41, published by U.S. Government Printing Office Online via GPO Access, 01/03/2007
♦ Adds Title 45--Public Welfare, Chapter XIII--Office of Human Development Services, Department of Health and Human Services, Parts 1356.40, published by U.S. Government Printing Office Online via GPO Access, 10/01/2009
♦ Adds Public Law 110-351, published by GPO, 10/07/2008
♦ Adds Title 42--The Public Health and Welfare, Chapter 7--Social Security, Section 673, published by U.S. Code Online via GPO Access, 01/03/2007

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: There will be no increased cost or savings to state budget because these changes ensure that families who receive adoption assistance subsidies contact Child and Family Services when their home address or direct deposit information has changed in order to continue to receive their monthly adoption assistance.
♦ LOCAL GOVERNMENTS: There is no anticipated fiscal impact to local governments due to these rule changes.
♦ SMALL BUSINESSES: There is no anticipated fiscal impact to small businesses due to these rule changes.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated fiscal impact to other persons due to these rule changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons associated with implementing these rule changes because these changes are not fiscal in nature.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that these proposed rule changes will not result in a fiscal impact to small or non-small businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
♦ Jonah Shaw by phone at 801-538-4219, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Diane Moore, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
These rule changes are not expected to have a fiscal impact on any parties' revenues or expenditures. It is only being amended ensure that families who receive adoption assistance subsidies contact Child and Family Services when their home address or direct deposit information has changed in order to continue to receive their monthly adoption assistance.

The head of the department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis.

R512. Human Services, Child and Family Services.
R512-43. Adoption Assistance.
R512-43-1. Purpose and Authority.

(1) The purpose of the adoption assistance program is to aid an adoptive family to establish and maintain a permanent adoptive living arrangement for a child who qualifies for the program under state and federal law.

(2) The adoption assistance program is intended to provide a permanent family for a child in public foster care or who receives Supplemental Security Income (SSI) disability benefits by providing financial and medical assistance for the child's benefit and best interest to the family who adopts the child.

(3) Section 62A-4a-901, et seq. authorizes the state to provide adoption assistance and supplemental adoption assistance and Section 473, Social Security Act, authorizes federal adoption assistance. Section 473, Social Security Act (42 USC 673) as amended by Public Law 110-351 (October 7, 2008), 45 CFR 1356.40 (October 1, 2009), and 45 CFR 1356.41 (October 1, 2009) are incorporated by reference.

(4) This rule is authorized by Section 62A-4a-102.

R512-43-2. Definitions.

In addition to terms defined in Section 62A-4a-902, the following terms are defined for purposes of this rule:

(1) Initiation of adoption proceedings means (a) the date an Intent to Adopt a Specific Child is signed with Child and Family Services, or (b) the adoption finalization court date.

(2) Child in public foster care means a judicially removed child whose placement resulting in adoption was immediately preceded by protective, temporary, or legal custody with a State IV-E agency, or a child who was placed with a State IV-E agency through a Voluntary Placement Agreement, or the child of a minor parent in foster care.

(3) A child or youth who was taken into protective custody and, as a result of the protective episode, was placed with a relative who was given legal custody meets the definition of a child in public foster care.

(a) If the court orders Child and Family Services to continue to provide Protective Supervision Services for the family in making

safety and permanency decisions for the child, including placement decisions and permanency goals, the child is eligible for adoption assistance if the child's permanency goal becomes adoption, if all other criteria in R512-43-3(1-4) are met.

(i) This may include a change in placement to another relative while the Protective Supervision Services continue to be court ordered.

(4) State IV-E agency means Child and Family Services or a public agency or tribal organization with whom Child and Family Services has an agreement in effect for foster care maintenance payments in accordance with Title IV-E, Section 42 USC 672.

(5) AFDC means the Aid to Families with Dependent Children program that was in effect on July 16, 1996.

(6) Child with a previous IV-E agreement means a child who was Title IV-E eligible in a previous adoption with a fully executed adoption assistance agreement originating in any state, and the previous adoption was legally dissolved or ended due to the death of both of the adoptive parents.

R512-43-3. General Requirements for Adoption Assistance.

(1) Qualification for adoption assistance is based upon the child meeting qualifying factors, not the adoptive family.

(2) A child qualifies for adoption assistance if all of the following are met:

(a) The state has determined that the child cannot or should not be returned home.

(b) The state can document that reasonable efforts were made to place the child for adoption without providing adoption assistance. An exception applies if the child has significant emotional ties with the adoptive family and it is not in the child's best interest to consider a different adoptive placement.

(c) The state determines the child meets the definition of a child with a special need in accordance with Section 62A-4a-901, et seq.

(i) A child under age five in public foster care meets the special need definition of "a child with a physical, emotional or mental disability" when the child is at risk to develop such a condition due to specific factors identified in the child's or birth parents' health and social histories.

(3) In determining eligibility for adoption assistance, there is no income eligibility requirement or means test for the adoptive parents.

(4) A child must be a U.S. citizen or qualified alien to receive adoption assistance.

(5) An application for adoption assistance is submitted to the regional adoption assistance committee on a form provided by Child and Family Services.

(6) Application for adoption assistance, approval, and completion of the adoption assistance agreement, including signatures of an adoptive parent and a representative from Child and Family Services, are to be completed prior to finalization of the adoption.

(7) Adoptive parents may request adoption assistance after an adoption is finalized by requesting a fair hearing through the Office of Administrative Hearings. Adoption assistance may only be granted after finalization when the conditions stated in R512-43-[~~11~~]12-2(a) are met.

(8) Adoption assistance usually begins after finalization of an adoption. However, adoption assistance may be initiated at the time of placement if the child is legally free for adoption, the adoptive home is approved, adoption proceedings are initiated, an adoption assistance agreement is fully executed prior to placement, and foster care maintenance payments are not being provided for the child.

(9) An adoption assistance agreement shall be approved and have all required signatures before any payments may be made to an adoptive family or before state medical assistance may be initiated.

(10) A qualified child shall continue to be eligible to receive adoption assistance until a child reaches age 18 unless causes for termination apply as stated in R512-43-[~~10~~]11. Assistance may be extended until a child reaches age 21 when the regional adoption assistance committee has determined that the child has a mental or physical disability that warrants continuing assistance.

(a) An extension of adoption assistance beyond age 18 is warranted if the child meets the criteria for services in the Department of Human Services, Division of Services for People with Disabilities.

(11) Child and Family Services is responsible for notifying a prospective adoptive family of the availability of adoption assistance when the family begins an adoptive placement of a qualified child in public foster care.

(12) The adoptive parents are responsible to notify Child and Family Services of any circumstances that may affect the child's eligibility for adoption assistance or eligibility for adoption assistance in a different amount.

R512-43-4. Reimbursement of Non-Recurring Adoption Expenses.

(1) A parent who adopts a child meeting all of the qualifying factors for adoption assistance listed in R512-43-3(2) may be reimbursed for non-recurring adoption expenses on behalf of the child.

(2) A parent may be reimbursed up to $2,000 per child for allowable non-recurring expenses directly related to the legal adoption of a child with a special need. Reimbursement shall be limited to costs approved by the regional adoption assistance committee.

(3) Expenses may include reasonable and necessary adoption fees, court costs, adoption-related attorney fees, pre-placement adoptive evaluation, health and psychological examinations of adoptive parents, post-placement adoptive evaluation prior to adoption, and transportation and reasonable costs of lodging and food for the child and/or adoptive parents during the placement or adoption process.

(4) Adoptive parents are responsible to provide necessary receipts for reimbursement.

(5) Only costs that are incurred in accordance with State and Federal law and that have not been reimbursed from other sources or funds may be included.

(6) Non-recurring adoption expenses are reimbursable through Title IV-E Adoption Assistance. The child does not have to be determined Title IV-E eligible for the parents to receive this reimbursement.

R512-43-5. Monthly Subsidy.

(1) Qualifying for a Monthly Subsidy.

A child qualifies for a monthly subsidy when the following requirements are met:

(a) The child meets all of the qualifying factors for adoption assistance listed in R512-43-3(2), and

(b) The child meets the definition of child in public foster care, qualifies for SSI, or the child had a previous IV-E agreement or Utah state adoption assistance agreement.

(c) The child's eligibility for SSI disability benefits is established no later than the time adoption proceedings are initiated.

(2) Guiding Principles for Monthly Subsidies.

(a) The amount of monthly subsidy to be paid for a child is based on the child's present and long-term care and treatment needs and available resources, including the family's ability to meet the needs of the child. A combination of the parents' resources and subsidy should cover the ordinary and special needs expenses of the child projected over an extended period of time.

(b) The amount of the monthly subsidy may not exceed the payment that would be made if the child was placed in a foster family home at the point in time when the agreement is being initiated or revised.

(c) The amount of monthly subsidy may increase or decrease when the child's level of need or the family's ability to meet those needs changes. The family or the Child and Family Services worker may initiate a change in the amount of subsidy at any time when needs or resources change.

(d) For a child in public foster care, the requested amount of monthly subsidy is negotiated between the adoptive parent and the Child and Family Services worker. Prior to subsidy negotiation, the adoptive parents must have reviewed the child's case file information and discussed in depth with the Child and Family Services worker what will be needed after the child leaves state's custody.

(e) The amount of the monthly subsidy is subject to the approval of the regional adoption assistance committee. If the requested amount is not granted, the adoptive parent has a right to appeal as stated in R512-43-[~~11~~]12.

(3) Process for Determining Monthly Subsidy Amount.

(a) Utilizing the level of need criteria specified in R512-43-5(4), the Child and Family Services worker and adoptive family identify the child's level of need.

(b) The Child and Family Services worker and adoptive family identify the applicable monthly subsidy payment range, according to the child's specified level of need, as specified in R512-43-5(5).

(c) The Child and Family Services worker and adoptive family negotiate the amount of monthly subsidy to be requested from the regional adoption assistance committee. The requested monthly subsidy amount may not exceed the maximum amount for the specific level of need identified for the child nor the maximum amount that the child would receive if placed in a foster family home.

(d) The identified need level for the child and requested amount of monthly subsidy is presented to the regional adoption assistance committee for approval. If the requested amount is not approved or is reduced by the committee, Child and Family Services must send a written notice to the adoptive parents within 30 days informing them of the process to request a fair hearing.

(4) Determining Child's Level of Need.

(a) The level of need is determined by considering the child's age, history, physical, mental, emotional, and social functioning and needs, and any other relevant factors. Frequency of occurrence, duration, severity, and number of needs or problem areas are also considered.

(b) The presence of a particular issue listed within a designated level does not mandate that the child be categorized at that level. The child's needs, taken as a whole, determine the level selected for the child.

(c) Level of need is classified into three categories.

(i) Level One applies to a child with a minimal number and severity of needs. It is expected that most of these issues will improve with time, and significant improvement may be anticipated over the course of the adoption. For children ages five and under issues may include, but are not limited to: feeding problems, aggressive or self destructive behavior, victimization from sexual abuse, victimization from physical abuse; or no more than one developmental delay in fine motor, gross motor, cognitive or social/emotional domains. For children ages 6-18, issues may include but are not limited to: social conflict, physical aggression, minor sexual reactivity, need for education resource classes or tutoring, some minor medical problems requiring ongoing monitoring, or mental health issues requiring time limited counseling.

(ii) Level Two applies to a child with a moderate number and severity of needs. It is expected that a number of these issues are long-term in nature and the adoptive family and child will be working with them over the course of the adoption, and some may intensify or worsen if not managed carefully. Outside provider support will probably continue to be needed during the course of the adoption. For children ages five and under, issues may include, but are not limited to: developmental delays in two or more areas of fine motor, gross motor, cognitive or social/emotional domains; diagnosis of failure to thrive; moderate genetic disease or physical disability condition; or physical aggression expressed several times a week, including superficial injury to self or others. For children ages 6-18, issues may include, but are not limited to: daily social conflict or serious withdrawn behavior; moderate risk of harm to self or others due to physically aggressive behavior; emotional or psychological issues with a mental health diagnosis requiring ongoing counseling sessions over an extended period of time; moderate sexual reactivity or perpetration; chronic patterns of being destructive to items or property; cruelty to animals; mild cognitive disability, autism, or fetal alcohol spectrum disorder with ongoing need for special education services; and physical disabilities requiring ongoing attendant care or other caretaker support.

(iii) Level Three applies to a child with a significant number or high severity of needs. It is expected that these issues will not moderate and may become more severe over time. The child's level of need may at some time require personal attendant care or specialized care outside of the home, when prescribed by a professional. For children ages five and under issues may include, but are not limited to: severe life threatening medical issues; moderate or severe cognitive disability, autism, or fetal alcohol spectrum disorder; serious developmental delays in three or more areas of fine or gross motor, cognitive or social/emotional domains; anticipated need for ongoing support for activities of daily living, such as feeding, dressing and self care; or high levels of threat for harm to self or others due to aggressive behaviors. For children ages 6-18 issues may include, but are not limited to: moderate or severe retardation or autism; life threatening medical issues; severe physical disabilities not expected to improve over time; predatory sexual perpetration; high risk of serious injury to self or others due to aggressive behavior; serious attempts or threats of suicide; severely inhibiting diagnosed mental health disorders diagnosed within the past year that limit normal social and emotional development, such as a need for ongoing self contained or special education services.

(d) The regional adoption assistance committee must approve the level of need identified for the child.

(e) A child's need level may be increased in severity by one level if the adoption assistance committee determines that the child's

permanency may be compromised due to financial barriers to the child's adoption and if at least one of the following circumstances apply:

(i) The child has been in state custody for longer than 24 months.

(ii) The child is nine years of age or older.

(iii) The child is part of a sibling group of three or more children being placed together for the purposes of adoption.

(5) Identifying Amount for Monthly Subsidy Based Upon the Child's Level of Need.

(a) Each level of need corresponds to a dollar range in the amount of monthly subsidy that may be paid for a child, with the specific amount based upon the individual child's needs and the family's ability to meet those needs.

(b) The monthly subsidy amount for an individual child may not exceed the maximum amount for the payment range applicable to the child's level of need.

(c) A family may choose to defer receipt of a monthly subsidy for which a child qualifies, with the option to initiate a monthly subsidy at a later date.

(d) A family may choose to receive a lesser amount than would be allowable for the level of need at a given point in time.

(e) Monthly subsidy payments for a child's needs categorized as Level One range from zero to 40 percent of the maximum maintenance payment that may be paid for a child in a foster family home.

(f) A family may choose to receive a lesser amount than would be allowable for the child's level of need at a given point in time.

(g) Monthly subsidy payments for a child's needs categorized as Level Two range from 20 to 70 percent of the maximum maintenance payment that may be paid for a child in a foster family home.

(h) Monthly subsidy payments for a child's needs categorized as Level Three range from 50 to 100 percent of the maximum maintenance payment that may be paid for a child in a foster family home.

(i) For extraordinary, infrequent, or uncommon documented needs that cannot be covered by a monthly subsidy or state medical assistance, refer to supplemental adoption assistance in R512-43-7.

(6) Funding Sources and Eligibility for Monthly Subsidy.

(a) The two funding sources for the monthly subsidy are Title IV-E Adoption Assistance and state adoption assistance funds. The child's eligibility determines which funding source is used for payment.

(b) Title IV-E Adoption Assistance shall be considered first for the monthly subsidy. To receive Title IV-E Adoption Assistance, a child with special needs shall meet at least one of the following Federal requirements:

(i) A child is determined eligible for SSI for a disability by the Social Security Administration prior to the initiation of adoption proceedings.

(ii) A child in foster care who meets the age criteria defined by the federal fiscal year qualifies for Title IV-E adoption assistance if other enhanced eligibility criteria is met.

(iii) A child in foster care who has been in foster care for any previous 60 consecutive months may qualify for Title IV-E adoption assistance if other enhanced eligibility criteria is met.

(iv) A child in foster care who is a sibling of another child in foster care who qualifies under the enhanced age criteria and is being adopted into the same family may qualify for Title IV-E adoption assistance if other enhanced eligibility criteria is met.

(v) The removal home for the child in public foster care received, or would have been eligible to receive, AFDC prior to removal, and the child was removed from the home as a result of a judicial determination that remaining in the home would be contrary to the child's welfare.

(vi) The child was voluntarily placed for foster care with the state and:

(A) Was or would have been AFDC eligible at the time of removal if application had been made,

(B) The child lived with a specified relative within the six months prior to the voluntary placement, and

(C) Title IV-E foster care maintenance payments were made on behalf of the child.

(vii) The child's needs were met through foster care maintenance payments made to and for the child's minor parents as provided by Subsection 475(4)(B) of the Social Security Act.

(viii) The child had a previous IV-E adoption assistance agreement.

(c) State adoption assistance funds may be used for the monthly subsidy if the qualified child is not eligible for Title IV-E Adoption Assistance.

(7) Use of the monthly subsidy. The monthly subsidy may be used according to the parents' discretion. Some examples of the uses of the monthly subsidy payment are medical, dental, or mental health services not paid for by the state medical assistance or family insurance, special equipment for physically or mentally challenged children, respite care, child care, therapeutic equipment, minor renovation of the home to meet special needs of the child, damage and repairs, speech therapy, tutoring, specialized preschool based on needs of the child, private school, exceptional basic needs such as special food, clothing, and/or shelter, visitations with biological relatives, cultural and heritage activities and information.

R512-43-6. State Medical Assistance.

(1) A child qualifies for state medical assistance as a component of adoption assistance when all of the following requirements are met:

(a) The child meets all of the qualifying factors for adoption assistance listed in R512-43-3(2), and

(b) The child meets the definition of child in public foster care, qualifies for SSI disability benefits, or the child had a previous IV-E adoption assistance agreement or Utah state adoption assistance agreement.

(i) The child's eligibility for SSI benefits is established no later than the time adoption proceedings are initiated.

(c) The child meets state medical assistance citizenship requirements.

(2) A qualified child may receive state medical assistance through an adoption assistance agreement without also receiving a monthly subsidy payment.

(3) The adoptive family must meet all Medicaid requirements, including application, citizenship verification, and annual review requirements in order for Medicaid to be initiated and continue throughout the period of the adoption assistance agreement.

R512-43-7. Supplemental Adoption Assistance.

(1) A child meeting all qualifying criteria for a monthly subsidy and for whom an adoption assistance agreement for a monthly subsidy or state medical assistance is in effect may qualify for supplemental adoption assistance.

(2) Supplemental adoption assistance may only be used for extraordinary, infrequent, or uncommon documented needs not otherwise covered by a monthly subsidy, state medical assistance, or other public benefits for which a child who has a special need is eligible.

(3) Supplemental adoption assistance is not an entitlement, and will be granted only when justified by unique needs of the child and when all other resources for which a child is eligible have been exhausted.

(4) Supplemental adoption assistance requests up to $3,000 will be considered and are subject to the approval of the regional adoption assistance committee.

(5) Supplemental adoption assistance requests from $3,001 to $10,000 shall be considered by the appropriate regional advisory committee established under Subsection 62A-4a-905(2).

(6) Supplemental adoption assistance requests exceeding $10,001 shall be considered by a state level advisory committee with the same membership composition as the regional advisory committees.

(7) Recommendations from the advisory committee are subject to the approval of the Region Director or designee.

(8) Any obligation made or expense incurred by a family prior to approval shall not be reimbursed with supplemental adoption assistance funds unless approval is granted by the Region Director.

(9) A request for an amendment or extension of an existing supplemental adoption assistance agreement will be reviewed by the same committee that reviewed the initial request. If the total amount of multiple requests in a year is $3,000 to $10,000, the request shall be submitted to the appropriate regional advisory committee. If the request exceeds $10,000, the request shall be submitted to the state level advisory committee.

(10) Supplemental adoption assistance is subject to the availability of state funds appropriated for adoption assistance.

R512-43-8. Regional Adoption Assistance Committee.

(1) Each region shall establish at least one regional adoption assistance committee.

(2) The regional adoption assistance committee shall be comprised of at least five members, and a minimum of three members must be present for making decisions regarding adoption assistance. Decisions shall be made by consensus.

(3) Members of the committee may include the following:

(a) Chairperson;

(b) Clinical consultant or casework supervisor;

(c) Regional budget officer or fiscal representative;

(d) Allied agency representative from agencies such as a community mental health center, private adoption agency, or other agencies within the department;

(e) Regional administrator or other staff with relevant responsibilities;

(f) Adoptive or foster parent.

(4) Responsibilities of the regional adoption assistance committee include:

(a) Verification that a child qualifies for adoption assistance,

(b) Approval for reimbursement of allowable, reasonable non-recurring costs,

(c) Approval of level of need and amount of monthly subsidy for initial requests, changes, amendments, and renewals,

(d) Approval of supplemental adoption assistance up to $3,000,

(e) Extension of adoption assistance up to age 21 for a qualifying child,

(f) Renewal of adoption assistance, and

(g) Documentation of committee decisions.

R512-43-9. Adoption Assistance Review.

(1) The adoption assistance agreement for a monthly subsidy or state medical assistance shall continue until the month of the adopted child's 18th birthday.

(2) An agreement for supplemental adoption assistance exceeding $3,000 shall be reviewed according to a time frame determined on a case by case basis by the appropriate regional advisory committee.

R512-43-10. Adoption Monthly Subsidy Suspension.

(1) Monthly subsidy payments may be temporarily suspended in situations in which a payment is sent to a parent's home address and cannot be delivered or a direct deposit payment notice is returned to the office of Child and Family Services as unable to deliver. The monthly subsidy may be suspended until the parent contacts Child and Family Services to establish an address for the parent.

(a) After one year of suspended monthly subsidies, the monthly subsidy payment will be terminated.

(b) If the parent contacts Child and Family Services after termination of the monthly subsidy, Child and Family Services will repay up to one year of monthly subsidy payments at the amount determined in the Adoption Assistance Agreement.

R512-43-[~~10~~]11. Termination of Adoption Assistance.

(1) An adoption assistance agreement for a monthly subsidy or state medical assistance shall be terminated if any of the following occur:

(a) The terms of the adoption assistance agreement are concluded.

(b) The adoptive parents request termination.

(c) The month following the child's 18th birthday, unless approval has been given by the adoption assistance committee to continue until the month following the child's 21st birthday due to mental or physical disability.

(d) The child dies.

(e) The adoptive parents die.

(f) The adoptive parents' legal responsibility for the child ceases.

(g) The state determines that the child is no longer receiving financial support from the adoptive parents.

(h) The child enters the military.

(i) The child marries.

(2) Termination of state medical assistance is subject to the policies of the Division of Health Care Financing.

(3) Supplemental adoption assistance shall terminate when an adoption assistance agreement for a monthly subsidy or state medical assistance is terminated, the terms of the agreement are

concluded, the authorizing committee determines that the services funded with supplemental funds are no longer effective or appropriate based upon an independent review by a qualified provider, or if lack of availability of state funding prevents continuation. Written notice as described in R512-43-[~~10(4)~~]5 shall be provided at least 30 days before funding is discontinued due to lack of availability of state funding appropriated for adoption assistance or due to determination that services are no longer effective or appropriate.

R512-43-[~~11~~]12. Fair Hearings.

(1) Fair Hearing Request.

A written request for a fair hearing may be submitted within 10 working days after receiving a Department of Human Services/Child and Family Services decision to the Department of Human Services if:

(a) The adoption assistance application is denied;

(b) The adoption assistance application is not acted upon with reasonable promptness;

(c) Adoption assistance or supplemental adoption assistance is reduced, suspended, terminated, or changed without the concurrence of the adoptive parents;

(d) The amount of adoption assistance or supplemental adoption assistance approved was less than the amount requested by adoptive parents;

(e) Adoption assistance was not requested prior to finalization of the adoption and one of the criteria in R512-43-[~~11(2)(a)~~]5 applies.

(2) Post Finalization Request Fair Hearing.

(a) The fair hearing officer may approve appropriate state or federal adoption assistance for post finalization requests if one of the following is met:

(i) Relevant facts regarding the child, the biological family, or child's background were known but not presented to adoptive parents prior to finalization.

(ii) A denial of assistance was based upon a means test of the adoptive family.

(iii) An erroneous state determination was utilized to find a child ineligible for assistance.

(iv) The state or adoption agency failed to advise adoptive parents of the availability of assistance.

(b) The adoptive parents bear the burden of documenting that the child meets the definition of a child with a special need and that one of the criteria in R512-43-[~~11(2)(a)~~]5 applies. The state may provide corroborating facts to the family or the fair hearing officer.

R512-43-[~~12~~]13. Interstate Adoption Assistance.

(1) Child and Family Services is responsible to determine if a child in Utah public foster care qualifies for adoption assistance when the child is placed in an adoptive home in another state. If the child qualifies, Child and Family Services provides adoption assistance regardless of the state of residence of the adoptive family and child.

(2) If a child with a previous IV-E adoption assistance agreement enters public foster care because the adoption was dissolved or ended due to the result of the death of the parents, the state in which the child is taken into custody in public foster care is responsible to provide adoption assistance in a subsequent adoption.

(3) If a child with a previous IV-E adoption assistance agreement does not enter public foster care when the adoption dissolved or ended due to the death of both parents, the new adoptive parent is responsible to apply for adoption assistance in the new adoptive parent's state of residence.

(4) A parent desiring to adopt an out-of-state child who is not in public foster care but is receiving SSI disability benefits shall apply for adoption assistance in the parent's state of residence.

(5) An adoption assistance agreement remains in effect regardless of the state of residence of the adoptive parents as long as the child continues to qualify for adoption assistance.

(6) If a needed service specified in the agreement is not funded by the new state of residence, the state making the original adoption assistance payment remains financially responsible for paying for the specific service.

KEY: adoption, child welfare, foster care
Date of Enactment or Last Substantive Amendment: [~~May 9, 2016~~]2018
Notice of Continuation: January 25, 2016
Authorizing, and Implemented or Interpreted Law: 62A-4a-102; 62A-4a-106; 62A-4a-901 through 62-4a-907

Human Services, Child and Family Services
R512-306
Out-of-Home Services, Transition to Adult Living Services, Education and Training Voucher Program

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43325
FILED: 10/25/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended in response to the Family First Prevention Services Act, which was signed into law on February 9, 2018 as part of the Bipartisan Budget Act. This law allows eligible foster youth to access education training voucher funds until they attain the age 26.

SUMMARY OF THE RULE OR CHANGE: Youth who qualify for an education training voucher program may access education and training voucher funds until they attain the age 26. Prior to the change in federal law, funds were only available for eligible youth until the age 23.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Pub. L. 115-123, Section 50753(c) and Section 62A-4a-102 and Section 62A-4a-105 and Section 63G-4-301

MATERIALS INCORPORATED BY REFERENCE:

♦ Adds 20 USC 1087ll, published by U.S. Government Printing Office Online via GPO Access, 10/07/1998

♦ Adds 20 USC 1087kk, published by GPO, 10/07/2008
♦ Adds Public Law 107-133, published by U.S. Code Online via GPO Access, 01/17/2002

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: The change in federal law did not increase the number of years a youth could qualify for education and training voucher funds, nor the dollar amount available for an individual. It also did not increase the amount of federal funds available for this service. These proposed rule amendments are not expected to have any fiscal impact on state government revenues or expenditures.
♦ LOCAL GOVERNMENTS: There is no anticipated fiscal impact to local governments due to these rule amendments.
♦ SMALL BUSINESSES: There is no anticipated fiscal impact to small businesses due to these rule amendments.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated fiscal impact to other persons due to these rule amendments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons associated with implementing these rule amendments because these changes are not fiscal in nature.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that these proposed amendments will not result in a fiscal impact to small or non-small businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
♦ Jonah Shaw by phone at 801-538-4219, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Diane Moore, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
This rule change is not expected to have a fiscal impact on any parties' revenues or expenditures. It is only being amended in response to a change in Federal law; this change does impact the age upon which a youth can initially apply, and thus qualify for funds, from 23 to 26, but it does not change the dollar amount available for an individual, nor did it increase the federal funds available for this service.

The head of the department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis.

R512. Human Services, Child and Family Services.
R512-306. Out-of-Home Services, Transition to Adult Living Services, Education and Training Voucher Program.
R512-306-1. Purpose and Authority.

(1) The Education and Training Voucher Program assists individuals in out-of-home care to make a more successful transition to adulthood. The Education and Training Voucher program provides the

financial resources for postsecondary education and vocational training necessary to obtain employment or to support the individual's employment goals.

(2) The Education and Training Voucher Program is authorized by Public Law No. 107-133, which is incorporated by reference. 20 USC 1087kk and 20 USC 108711 (January 3, 2007) are also incorporated by reference.

(3) This rule is authorized by Section 62A-4a-102.

R512-306-2. Definitions.

(1) The following terms are defined for the purposes of this rule:

(a) Institution of higher education means a school that:

(i) Awards a bachelor's degree or not less than a two-year program that provides credit towards a degree, or

(ii) Provides not less than one year of training towards gainful employment, or

(iii) Is a vocational program that provides training for gainful employment and has been in existence for at least two years, and that also meets all of the following:

[~~(A) Admits as regular students only persons with a high school diploma or equivalent; or who are beyond the age of compulsory school attendance (Sections 53A-11-101 and 53A-11-102).~~]

[~~(B)~~](A) Public or non-profit facility; and

[~~(C)~~](B) Accredited or pre-accredited by a recognized accrediting agency that the Secretary of Education determines to be reliable and is authorized to operate in the state.

(b) Satisfactory progress means maintaining at least a C grade average or 2.0 on a 4.0 scale on a cumulative basis or equivalent passing status as determined by the educational institution.

(c) GED means General Education Development.

(d) Child and Family Services means the Division of Child and Family Services.

(e) Full-time means enrollment in the standard number of credit hours for each semester or quarter as defined by the educational institution.

(f) Out-of-home care means substitute care for children in the custody of the Department of Human Services/Division of Child and Family Services and/or Native American Tribes.

(g) Part-time means enrollment in fewer credit hours than the full-time standard as defined by the educational institution.

R512-306-3. Scope of Program.

(1) To be eligible for the Education and Training Voucher Program, an individual must meet all of the following requirements:

(a) An individual in out-of-home care who has not yet reached [~~21~~]26 years of age, or

[~~(b) An individual no longer in out-of-home care, but who received 12 months of Transition to Adult Living services after the age of 14 years while in out-of-home care and the court terminated reunification, or~~]

[~~(c)~~](b) An individual no longer in out-of-home care who reached 18 years of age while in out-of-home care and who has not yet reached [~~21~~]26 years of age, or

[~~(d)~~](c) An individual adopted or entered guardianship from out-of-home care after reaching 16 years of age and who has not yet attained [~~21~~]26 years of age, and

[~~(e)~~](d) Has an individual educational assessment and individual education plan completed by Child and Family Services or their designee;

[~~(f)~~](e) Submits a completed application for the Education and Training Voucher Program;

[~~(g)~~](f) [~~Is~~]Has applied for or been accepted to a qualified college, university, or vocational program;

[~~(h)~~](g) Applies for [~~and accepts~~]available financial aid from other sources before obtaining funding from the Education and Training Voucher Program;

[~~(i)~~](h) Enrolls as a full-time or part-time student in the college, university, or vocational program; and

[~~(j)~~](i) Maintains a 2.0 cumulative grade point average on a 4.0 scale or equivalent as determined by the educational institution.

(2) The application and attachments will be reviewed and approved by regional Transition to Adult Living program staff or their designee. Individuals meeting all requirements will be accepted for program participation when Education and Training Voucher Program funding is available. If demand exceeds available funding, Child and Family Services may establish a waiting list, which will then be awarded to the applicants in the order received on a first-come first-serve basis for funding or Child and Family Services may approve applications for lesser amounts of funding. The individual will receive written notice of approval or denial of the application. If denied or terminated, a written reason for denial will be provided.

(3) If an application for benefits under the Education and Training Voucher Program is denied, the applicant has the right to appeal the decision through an administrative hearing in accordance with Section 63G-4-301.

(4) The individual may participate in the Education and Training Voucher Program until:

(a) The completion of the degree or vocational program; or

(b) The individual reaches age [~~21~~]26 years[~~.~~]; or

(c) [~~If an individual attains age 21 years while enrolled in the Education and Training Voucher Program, the individual may continue in the program until age 23 years as long as the individual is attending an accredited or pre-accredited college, university, or vocational program full-time or part-time, is making satisfactory progress, and funding continues to be available. The individual must make a written request and receive a written approval prior to his or her 21st birthday to be continued for eligibility for the Education and Training Voucher Program.~~]The individual has completed a maximum of five years in the Education and Training Voucher Program.

(5) The individual must provide ongoing documentation of full-time or part-time enrollment, satisfactory progress as detailed in the individual education plan, additional requests for funding, and any changes in total costs for attendance or other financial aid to Child and Family Services in order to continue receiving benefits under the program.

(6) A program participant who receives less than a 2.0 GPA in a single grading period will be placed on probationary status and,

(a) The individual will receive written notice of the probationary status. The individual will have one subsequent grading period to regain or show significant progress toward a 2.0 GPA to continue in the program.

(b) Upon completion of a satisfactory grading period, the participant will be notified that the probation period is over.

(c) The participant that does not receive satisfactory grades while on probation will receive written notice of loss of eligibility for the Education and Training Voucher Program.

(7) An individual under age [~~21~~]26 years who has previously been denied acceptance to the program or who lost eligibility for the program due to not making satisfactory progress may reapply for the program at any time.

(8) An individual may receive vouchers up to a maximum amount of $5,000 per year through the Education and Training Voucher Program. Amounts are determined by the cost of tuition at specific educational institutions and enrollment status.

(a) In accordance with 20 USC 1087kk, the total amount awarded may not exceed the total cost of attendance, as described in R512-306-4, minus:

(i) Expected contributions from the individual's family; and

(ii) Estimated financial assistance from other State or Federal grants or programs.

(b) Awards are subject to the availability of Child and Family Services Education and Training Voucher Program funds appropriated for this program.

(c) In accordance with 42 USC 677, the amount of benefits received through the Education and Training Voucher Program may be disregarded in determining an individual's eligibility for, or amount of, any other Federal or Federally supported assistance.

KEY: out-of-home care, Transition to Adult Living
Date of Enactment or Last Substantive Amendment: [~~December 22, 2010~~]2018
Notice of Continuation: January 28, 2014
Authorizing, and Implemented or Interpreted Law: 62A-4a-102; 62A-4a-105; 63G-4-301; Pub. L. 115-123, Section 50753(c)

Insurance, Administration
R590-278
Consent Requests Under 18 USC 1033(e)(2)

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 43281
FILED: 10/16/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule creates a process by which prospective licensees may petition the Department of Insurance (Department) Commissioner for written consent to participate in the business of insurance if they have certain felony convictions.

SUMMARY OF THE RULE OR CHANGE: Under 18 USC 1033(e)(2), a person with certain types of felony convictions are prohibited from engaging in the insurance business. However, the statute makes an exception for those convicts who obtain the Commissioner's consent to engage in the insurance business. This rule formalizes the process for obtaining that consent.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 31A-2-201(3) and Subsection 31A-23a-111(5)(b)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. Based on past inquiries, the Department estimates that it will receive approximately five requests a year under this rule. Processing these requests will be manageable and can be handled as part of a normal workload.
♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local governments. This rule concerns the relationship between the Department and prospective licensees, and will not affect local governments.
♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule concerns the relationship between the Department and prospective licensees, and will not affect small businesses.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: A person who chooses to pursue a consent request under 18 USC 1033(e)(2) will be required to pay a $32 fee for a background check, and may have other costs such as copying or record request fees. The Department estimates that the total cost, inclusive of all fees, will be no more than $100 per affected person. The Department expects to process approximately five requests a year, for an aggregate annual cost of $500 to individuals as a group.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A person who chooses to pursue a consent request under 18 USC 1033(e)(2) will be required to pay a $32 fee for a background check, and may have other costs such as copying or record request fees. The Department estimates that the total cost, inclusive of all fees, will be no more than $100 per affected person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
INSURANCE
ADMINISTRATION
ROOM 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Steve Gooch, Information Specialist

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses**
This proposed new rule is not expected to have any fiscal impact on non-small businesses revenues or expenditures, because it only concerns the relationship between the Insurance Department and individual prospective insurance licensees.

The head of the Insurance Department, Todd E. Kiser, has reviewed and approved this fiscal analysis.

****"Non-small business" means a business employing 50 or more persons; "small business" means a business employing fewer than 50 persons.**

R590. Insurance Department, Administration.
R590-278. Consent Requests Under 18 USC 1033(e)(2).
R590-278-1. Authority.

This rule is adopted pursuant to the following:

(1) Subsection 31A-2-201(3) that authorizes the commissioner to make rules to implement the provisions of Title 31A; and

(2) Subsection 31A-23a-111(5)(b) that authorizes the commissioner to act in compliance with the federal Violent Crime Control and Law Enforcement Act of 1994, 18 USC 1033.

R590-278-2. Consent Request Made by Filing Request for Agency Action.

(1) A request under 18 USC 1033(e)(2) for the commissioner's written consent to engage or participate in the business of insurance shall be initiated by filing a request for agency action. The form "Request for Agency Action Re: 18 USC 1033(e)(2)", available on the department's website, shall be used to make the request. After completion, the form shall be filed as directed in Sections R590-160-5 or R590-160-5.5

(2) A request for agency action under this rule is a request for a formal adjudicative proceeding and is governed by the relevant provisions of the Utah Administrative Procedures Act, Title 63G, Chapter 4, and Section R590-160.

R590-278-3. Hearing on Request for Agency Action.

(1) A presiding officer shall conduct a hearing on the merits of a request for agency action under this rule.

(2) After the hearing, the presiding officer shall submit to the commissioner the record of the proceeding, recommended findings of fact and conclusions of law, and a recommended order.

(3) The commissioner shall issue final Findings of Fact and Conclusions of Law and a final Order which constitute final agency action that is not subject to agency review.

(4) A party may seek judicial review of the final agency action as provided in the Utah Administrative Procedures Act, Title 63G, Chapter 4.

R590-278-4. Determining Consent Request.

Written consent may be granted if, in the commissioner's sole discretion, a preponderance of the evidence shows that the petitioner is trustworthy to engage or participate in the business of insurance. The following are relevant to that determination:

(1) Any materially false or misleading statement or omission in the request for agency action;

(2) The nature, severity and number of the petitioner's crimes;

(3) The petitioner's age at the time the crimes were committed;

(4) The lengths of the sentences;

(5) The length of time since the petitioner's most recent conviction;

(6) The petitioner's rehabilitation, including evidence of counseling, community service, completion of probation, and payment of restitution, fines and interest if applicable;

(7) Any reference letter;
(8) The presence of any fact or circumstance in the petitioner's current life that may have motivated the petitioner to commit crime in the past;
(9) Any unpaid judgment; or
(10) Information received from the National Association of Insurance Commissioners and any insurance regulatory official.

R590-278-5. Severability.
If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: insurance
Date of Enactment or Last Substantive Amendment: 2018
Authorizing, and Implemented or Interpreted Law: 31-A-23a-111(5)(b); 31A-2-201(3)

Insurance, Administration
R590-279
Rule Designating Fraud Division Offices as a Secured Area

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 43282
FILED: 10/16/2018

RULE ANALYSIS
PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule creates a provision that prohibits firearms, ammunition, dangerous weapons, and explosives at the offices of the Insurance Department's Fraud Division.

SUMMARY OF THE RULE OR CHANGE: This rule prohibits firearms, ammunition, dangerous weapons, and explosives in non-public areas of the Insurance Department's Fraud Division. Firearms, ammunition, dangerous weapons, and explosives that are in the possession of a law enforcement officer are exempt from the prohibition.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 76-8-311.1 and Subsection 31A-2-201(3)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. Designating the Fraud Division's offices as a secure area and prohibiting the listed items will have no cost on the state now or in the future.
♦ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local governments. This rule governs the relationship between the Insurance Department's Fraud Division and visitors to its offices.
♦ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. This rule governs the relationship between the Insurance Department's Fraud Division and visitors to its offices.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to any other persons. This rule governs the relationship between the Insurance Department's Fraud Division and visitors to its offices.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated compliance cost for any affected persons. Visitors to the Insurance Department's Fraud Division will be prohibited from bringing the listed items into non-public areas of the Fraud Division's offices, but there is no cost to comply with this rule. Visitors may simply leave their weapons at home or in another secure location.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
INSURANCE
ADMINISTRATION
ROOM 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Steve Gooch, Information Specialist

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0

Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses**
This proposed new rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures, because it only governs the relationship between the Insurance Department's Fraud Division and visitors to its offices. Visitors to the Fraud Division will be prohibited from bringing firearms, ammunition, dangerous weapons, and explosives into the Fraud Division's offices, but this will not involve any costs.

The head of the Insurance Department, Todd E. Kiser, has reviewed and approved this fiscal analysis.

****"Non-small business" means a business employing 50 or more persons; "small business" means a business employing fewer than 50 persons.**

R590. Insurance Department, Administration.
R590-279. Rule Designating Fraud Division Offices as a Secured Area.
R590-279-1. Authority.

This rule is adopted pursuant to the following:

(1) Subsection 31A-2-201(3) that authorizes the commissioner to make rules to implement the provisions of Title 31A; and

(2) Section 76-8-311.1 that authorizes the commissioner, as a person in charge of a law enforcement facility, to establish secure areas within the facility and to prohibit or control by rule any firearm, ammunition, dangerous weapon, or explosive in that facility.

R590-279-2. Prohibition.

(1) An area, other than an area generally accessible to the public, that is owned, leased or operated by the commissioner for law enforcement officers employed pursuant to Section 31A-2-104 is established as a secure area in which any firearm, ammunition, dangerous weapon, or explosive is prohibited.

(2) Any firearm, ammunition, dangerous weapon, or explosive in the possession of a law enforcement officer is exempt from the prohibition in Subsection (1).

R590-279-3. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: insurance, firearms
Date of Enactment or Last Substantive Amendment: 2018
Authorizing, and Implemented or Interpreted Law: 76-8-3.11.1; 31A-2-201(3)

Labor Commission, Industrial Accidents
R612-300
Workers' Compensation Rules - Medical Care

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43351
FILED: 10/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to adopt, with modifications, the Optum 2018 Essential Resource-Based Relative Value Schedule (RBRVS), 2018 1st Quarter Update and to adjust the conversion factors regarding certain medical specialties.

SUMMARY OF THE RULE OR CHANGE: These amendments incorporate by reference current versions of the Resource-Based Relative Value Scale (RBRVS), and adjust certain conversion factors related to the evaluation and management from $50 to $56 (codes 99203-99204 and 99213-99214) and the remaining evaluation and management codes from $50 to $52 per unit.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-104 and Section 34A-2-201

MATERIALS INCORPORATED BY REFERENCE:
♦ Updates Current Procedural Coding Expert, published by Optum 360, 2018
♦ Updates The Essential RBRVS, published by Optum 360, 2018

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: These proposed amendments will impose no additional administrative or enforcement costs on the Labor Commission (Commission), which is the state agency charged with administering and enforcing Utah's workers' compensation system. The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.4% as a result of adoption of the new conversion factors. The Commission presumes that this increase will be passed on to the state in increased workers' compensation insurance premiums.
♦ LOCAL GOVERNMENTS: The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.4% as a result of the adoption of the new conversion factors. The Commission presumes that this increase will be passed on to local governments in increased workers' compensation insurance premiums.
♦ SMALL BUSINESSES: The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.4% as a result of the adoption of the new conversion factors. The Commission presumes that this increase will be passed on to all employers, including small businesses, in increased workers' compensation insurance premiums.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The National Council on Compensation Insurance projects that overall workers' compensation costs will increase by 0.4% as a result of the adoption of the new conversion factors. The Commission presumes that this increase will be passed on to all employers, including other persons, in increased workers' compensation insurance premiums

COMPLIANCE COSTS FOR AFFECTED PERSONS: Workers' compensation insurance carriers and those providing medical services to injured workers will be affected by these proposed amendments. Because the RBRVS and CPT systems are already used throughout the health care industry, insurance carriers and medical providers already receive and use updates to those systems. The Commission does not anticipate that the updates required by these rule amendments will result in any additional compliance costs for those entities.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The workers' compensation system uses the same relative value (RBRVS) and coding (CPT) systems that are generally used throughout the health industry. Periodically, the RBRVS and CPT systems are updated. It is therefore necessary for the Commission to also adopt those changes and adjust its conversion factors relating to certain medical specialties in order to: 1) avoid confusion; and 2) provide adequate payment for medical care provided to injured workers. This year, the modifications to the conversion factors will result in increased payments for some medical services. These increases will very likely be factored in to workers' compensation insurance premiums but may be offset by reductions in the RBRVS values.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
LABOR COMMISSION
INDUSTRIAL ACCIDENTS
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Christopher Hill by phone at 801-530-6113, by FAX at 801-530-6390, or by Internet E-mail at chill@utah.gov
♦ Ron Dressler by phone at 801-530-6841, by FAX at 801-530-6804, or by Internet E-mail at rdressler@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2019

AUTHORIZED BY: Jaceson Maughan, Commissioner

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0

Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses
For parties where no impact is estimable: There are numerous factor that go into determining workers' compensation premiums, including business size, classification type, history of injuries, medical costs, and statutory benefits paid. Due to the increase in certain medical benefits there may be an impact to the cost of workers' compensation premiums which would represent an impact to businesses, but it is impossible to determine the actual impact.

R612. Labor Commission, Industrial Accidents.
R612-300. Workers' Compensation Rules - Medical Care.
R612-300-1. Purpose, Scope and Definitions.

A. Purpose and scope. Pursuant to authority granted the Utah Labor Commission under Subsection 34A-2-407(9) and Subsection 34A-2-407.5(1) of the Utah Workers' Compensation Act, these rules establish:

1. Reasonable fees for medical care necessary to treat workplace injuries;

2. Standards for disclosure of medical records;

3. Reporting requirements; and

4. Treatment protocols and quality care guidelines.

B. Definitions. The following definitions apply within Rule R612-300:

1. "Heath care provider" is defined by Subsection 34A-2-111(1)(a) as "a person who furnishes treatment or care to persons who have suffered bodily injury" and includes hospitals, clinics, emergency care centers, physicians, nurses and nurse practitioners, physician's assistants, paramedics and emergency medical technicians.

2. "Injured worker" is an individual claiming workers' compensation medical benefits for a work-related injury or disease.

3. "Payor" is the entity responsible for payment of an injured worker's medical expenses';

4. "Physician" is defined by Subsection 34A-2-111(1)(b) to include any licensed podiatrist, physical therapist, physician, osteopath, dentist or dental hygienist, physician's assistant, naturopath, acupuncturist, chiropractor, or advance practice registered nurse.

5. "Workplace injury" is an injury or disease compensable under either the Utah Workers' Compensation Act or the Utah Occupational Disease Act.

R612-300-2. Obtaining Medical Care for Injured Workers.

A. Right of payor to designate initial health care provider.

1. A Payor may adopt managed health care programs. Such programs may designate specific health care providers as "preferred providers" for providing initial medical care for injured workers.

2. A preferred provider program must allow an injured worker to select from two or more health care providers to obtain necessary medical care. At the time a preferred provider program is established, the payor must notify employees of the requirements of the program.

3. If the requirement of subsection A.2. are met, an injured worker subject to a preferred provider program must seek initial medical care from a preferred provider unless:

a. No preferred provider is available;

b. The injured worker believes in good faith that his or her medical condition is not a workplace injury; or

c. Travel to a preferred provider is unduly burdensome.

4. If an injured worker who is subject to a preferred provider program fails to obtain initial medical care from a preferred provider, the payor's liability for the cost of such initial medical care is limited to the amount the payor would have paid a preferred provider. The injured worker may be held personally liable for the remaining balance.

B. Liability for medical expense incurred at payor's direction. If a payor directs an injured worker to obtain an initial medical assessment of a possible work injury, the payor is liable for the cost of such assessment.

1. A medical provider performing an initial assessment must obtain the payor's preauthorization for any diagnostic studies beyond plain x-rays.

C. Injured worker's right to select provider after initial medical care. After an injured worker has received initial care from a preferred provider, the injured worker may obtain subsequent medical care from a qualified provider of his or her choice. The payor is liable for the expense of such medical care.

1. An injured worker's right to select medical providers is subject to subsection D. of this rule, "Limitations to Injured Worker's Right to Change Physicians."

D. Limitations on injured worker's right to change physicians.

1. An injured worker may change health care providers one time without obtaining permission from the payor. The following circumstances DO NOT constitute a change of health care provider:

a. A treating physician's referral of the injured worker to another health care provider for treatment or consultation;

b. Transfer of treatment from an emergency room to a private physician, unless the emergency room was designated as the payor's preferred provider;

c. Medically necessary emergency treatment;

d. A change of physician necessitated by the treating physician's failure or refusal to rate a permanent partial impairment.

2. The injured worker shall promptly report any change of provider to the payor.

3. After an injured worker has exercised his or her one-time right to change health care providers, the worker must request payor approval of any subsequent change of provider. If the payor denies or fails to respond to the request, the injured worker may request approval from the Director of the Division of Industrial Accidents. The Director will authorize a change of provider if necessary for the adequate medical treatment of the injured worker or for other reasonable cause.

4. An injured worker who changes health care providers without payor or Division approval may be held personally liable for the non-approved provider's fees.

E. Hospital or surgery pre-authorization. Except when immediate surgery or hospitalization is medically necessary on an

emergency basis, surgery or hospitalization must be pre-authorized by the payor.

1. Within two working days of receipt of a request for authorization, the payor shall notify the physician and injured worker that the request is either approved or denied, or is undergoing medical review.

2. Any medical review of a pending request for authorization must be conducted promptly.

F. Notification required from injured workers leaving Utah. Section 34A-2-604 of the Workers' Compensation Act requires injured workers receiving medical care for a workplace injury to notify the Industrial Accidents Division before leaving the state or locality. Division forms 043 and Form 044 are to be used to provide such notice.

G. Injured worker's right to privacy. No agent of the payor may be present during an injured worker's medical care without the consent of the injured worker. However, if the payor's agent is excluded from a medical visit, the physician and the injured worker shall meet with the agent at the conclusion of the visit or at some other reasonable time so as to communicate regarding medical care and return-to-work issues.

H. Payor's right of medical examination. The payor may arrange for the medical examination of an injured worker at any reasonable time and place. A copy of the medical examination report shall be made available to the Commission upon request.

R612-300-3. Required Reports.

A. Form 123, Physician's Initial Report. Within one week after providing initial medical care to an injured worker, a health care provider shall complete "Form 123 - Physicians' Initial Report." The provider shall fully complete Form 123 according to its instructions. The provider shall then file Form 123 with the Division and payor.

1. Form 123 must be completed and filed for every initial visit for which a bill is generated, including first aid, when the worker reports that his or her medical condition is work related.

2. If initial medical care is provided by any health care provider other than a physician, Form 123 must be countersigned by the supervising physician.

B. Form 221, Restorative Services Authorization. Form 221, "Restorative Services Authorization Form" required by Subsection R612-300-5. C. 7. shall be filed with both the payor and the Division.

C. Forms 043, Employee's Intent to Leave State, and Form 044, Attending Physician's Statement. These forms are to be submitted to the Division before an injured worker leaves Utah.

D. Form 110, Release to Return to Work. Form 110 shall be mailed by either the health care provider or payor to the injured worker and Division within five calendar days after the health care provider releases the injured worker to return to work.

R612-300-4. General Method For Computing Medical Fees.

A. Adoption of "CPT" and "RBRVS." The Labor Commission hereby adopts and by this reference incorporates:

[~~"Optum 2017 The Essential RBRVS, 2017 1st Quarter Update," designated as RBRC17/U1787 and U1787R~~]Optum360 Essential RBRVS 2018 annual 1st Quarter Update," (edition includes RBRC18/U1791 and U1791R2) ("RBRVS" hereafter).

B. Medical fees calculated according to the RBRVS relative value unit assigned to each CPT code. Unless some other provision of these rules specifies a different method, the RBRVS is to be used in conjunction with the "conversion factors" established in subsection C. of this rule to calculate payments for medical care provided to injured workers.

C. Conversion Factors. Fees for medical care of injured workers shall be computed by determining the relative value unit ("RVU") assigned by the RBRVS to a CPT code and then multiplying that RVU by the following conversion factors for specific medical specialties:

1. Anesthesiology (1 unit per 15 minutes of anesthesia): $62.00;

2. Medicine (Evaluation and Medicine [~~C~~]codes [~~99201 - 99204 and 99211-99214~~]99203-99204 and 99213-99214): $5[~~0~~]6.00;

3. Medicine (all other Evaluation and Medicine codes): $52

[~~3~~]4. Pathology and Laboratory: $56.00;

[~~4~~]5. Radiology: $58.00;

[~~5~~]6. Restorative Services: $50.00;

[~~6~~]7. Surgery (all 20000 codes, codes 49505 thru 49525, and all 60000 codes): $65.00;

[~~7~~]8. Other Surgery: $43.00.

D. Fees for Medical care not addressed by CPT/RBRVS, or requiring unusual treatment.

1. The payor and medical provider may establish and agree to a reasonable fee for medical care of an injured worker if:

a. neither the CPT/RBRVS or any other provision of these rules address the medical care in question; or

b. application of CPT/RBRVS or other provisions of these rules would result in an inadequate fee due to extraordinary difficulty of treatment.

2. If the medical provider and payor cannot agree to a reasonable fee in such cases, the provider can request a hearing before the Commission's Adjudication Division to establish a reasonable fee.

R612-300-5. Fees for Specific Procedures.

A. Needle procedures: Trigger point injections are reported per muscle. Payment under CPT code 20553 for injections of up to three muscles is the maximum allowed for any one treatment session, regardless of the number of muscles treated.

B. Radiology.

1. The cost of radioisotopes, gadolinium and comparable materials may be charged at the provider's cost plus 15%.

2. When x-rays are reviewed as part of an independent evaluation of the patient, a consultation, or other office visit, the review is included as a part of the basic service to the patient and may not be billed separately.

C. Restorative Services.

1. The following criteria must be met before payment is allowed for restorative services:

a. The patient's condition must have the potential for restoration of function;

b. The treatment must be prescribed by the treating physician;

c. The treatment must be specifically targeted to the patient's condition; and

d. The provider must be in constant attendance during the providing of treatment.

2. No payment is allowed for CPT codes 97024, diathermy; 97026, infrared therapy; 97028, ultraviolet therapy/cold laser therapy;

[~~97005~~]97169, athletic training evaluations; [~~97006~~]97172, athletic training reevaluation.

3. All restorative services provided must be itemized even if not billed.

4. Medical providers billing under CPT codes [~~97001~~]97161 through 97610 are limited to payment for a maximum of three procedures/units per visit, or six procedures if different sites are treated. Services billed under CPT codes 97545, 97546 and 97150 require preauthorization and are limited to 4 units per injury. The payor shall pay the three highest valued procedures for each treatment site for the visit.

5. Patient education is to be billed using CPT code 97535 rather than codes 98960 through 98962, and is limited to 4 units per injury claim.

6. The entire spine is considered to be a single body part or unit. For that reason, CPT codes 98941 through 98943 and 98926 through 98929 may not be used for billing purposes.

7. When a change in treatment or a new RSA is required, physicians and physical therapists may bill for one evaluation and up to 2 modalities/procedures. Without an evaluation, they may bill for up to 3 modalities/procedures. With prior authorization from the payor, physicians and physical therapists may make additional billing when justified by special circumstances.

8. Any medical provider billing for restorative services shall file the appropriate version of Form 221, "Restorative Services Authorization (RSA) form" with the payor and the Division within ten days of the initial evaluation. Subjective/objective/ assessment/plan ("SOAP") notes are to be sent to the payor in addition to the RSA form. SOAP notes are not to be sent to the Division unless requested.

a. Upon receipt of the provider's RSA form and SOAP notes, the payor shall respond within ten days by authorizing a specified number of treatments or denying the request. No more than eight treatments may be provided during this ten-day authorization period.

b. A payor may deny the requested treatments for the following reasons:

i. The injury or disease being treated is not work related; or

ii. The payor has received written medical opinion or other medical information indicating the treatment is not necessary. A copy of such written opinion or information must be provided to the injured worker, the medical provider, and the Division.

c. In cases where approval is received for initial treatment, the provider shall submit updated RSA forms and SOAP notes to the payor for approval or denial at least every six treatments.

d. An injured worker or provider may request a hearing before the Division of Adjudication to resolve issues of compensability, necessity of treatment, and compliance with this subsection's time limits.

D. Functional Capacity Evaluations. The following functional capacity evaluations require payor preauthorization and are billed in 15 minute increments under CPT code 97750:

1. A limited functional capacity evaluation to determine an injured worker's dynamic maximal repetitive lifting, walking, standing and sitting tolerance. Billing for this type of evaluation is limited to a maximum of 45 minutes.

2. A full functional capacity evaluation to determine an injured worker's maximum and repetitive lifting, walking, standing, sitting, range of motion, predicted maximal oxygen uptake, as well as ability to stoop, bend, crawl or perform work in an overhead or bent position. In addition, this evaluation includes reliability and validity measures concerning the individual's performance. Billing for this type of evaluation is limited to a maximum of 2.5 hours.

3. A work capacity evaluation to determine an injured worker's capabilities based on the physical aspects of a specific job description. Billing for this type of evaluation is limited to a maximum of 2 hours.

4. A job analysis to determine the physical aspects of a particular job. Billing is not subject to a maximum time limit due to the variability of factors involved in the analysis.

E. Impairment Ratings and Insurance Medical Examinations.

1. Impairment Rating by Treating Physician. Treating physicians shall bill for preparation of impairment ratings under CPT code 99455, with 2.0 RVU assigned/30 minutes.

2. Impairment Rating by Non-Treating Physician. Non-treating physicians may bill for preparation of impairment ratings under CPT code 99456, with 2.65 RVU assigned/30 minutes.

3. Medical Evaluations Commissioned by Payors. The Labor Commission does not regulate fees for medical evaluations requested by payors.

F. Transcutaneous Electrical Nerve Simulators (TENS). No fee is allowed for TENS unless it is prescribed by a physician and supported by prior diagnostic testing showing the efficacy of TENS in control of the patient's chronic pain. TENS testing and training is limited to four (4) sessions and a 30-day trial period but may be extended with written documentation of medical necessity.

G. Electophysiologic Testing. A physician who is legally authorized by his or her medical practice act to diagnose injury or disease is entitled to the full fee for electrophysiologic testing. Physical therapists and physicians who are qualified to perform such testing but who are not legally authorized to diagnose injury or disease are entitled to payment of 75% of the full fee.

H. Dental Injuries.

1. Initial Treatment.

a. If an employer maintains a medical staff or designates a company doctor, an employee requiring treatment for a workplace dental injury shall report to such medical staff or doctor and follow their directions for obtaining the necessary dental treatment.

b. If an employer does not maintain a medical staff or designate a company doctor, or if such medical staff or doctor is unavailable, the injured worker may obtain the necessary dental care from a dentist of his or her choice. The payor shall pay the dentist at 70% of UCR for services rendered.

2. Subsequent treatment.

a. If additional dental care is necessary, the dentist who provided initial treatment may submit to the payor a request for authorization to continue treatment. The transmission date of the request must be verifiable. The request itself must include a description of the injury, the additional treatment required, and the fee to be charged for the additional treatment.

i. The payor shall respond to the request for authorization within 10 working days of the request's transmission. This 10-day period can be extended with written approval of the Director of the Industrial Accidents Division.

ii. If the payor does not respond to the dentist's request for authorization within 10 working days, the dentist may proceed with treatment and the payor shall pay the cost of treatment as contained in the request for authorization.

iii. If the payor approves the proposed treatment, the payor shall send written authorization to the dentist and injured worker. This authorization shall include the amount the payor agrees to pay for the treatment. If the dentist accepts the payor's payment offer, the dentist may proceed to provide the approved services and shall be paid the agreed upon amount.

iv. If the dentist proceeds with treatment without authorization, the dentist's fee is limited to 70% of UCR.

b. If the dentist who provided initial treatment is unwilling to provide subsequent treatment under the terms outlined in subsection 2.a., above, the payor shall within 20 calendar days direct the injured worker to a dentist located within a reasonable travel distance who will accept the payor's payment offer.

i. If, after receiving notice that the payor has arranged for the services of a dentist, the injured worker chooses to obtain treatment from a different dentist, the payor shall only be liable for payment at 70% of UCR. The treating dentist may bill the injured worker for the difference between the dentist's charges and the amount paid by the insurer.

c. If the payor is unable to locate another dentist to provide the necessary services, the payor shall attempt to negotiate a satisfactory reimbursement with the dentist who provided initial treatment.

I. Drug testing. Drug screenings for addictive classes of pain medications shall be performed as recommended in the Utah clinical Guidelines on Prescribing Opiates for Treatment of Pain, Utah Department of Health 2009. The collection and billing shall be limited to one [~~80300~~]80305, 80306, or 80307 code per date of service, except for unusual circumstances.

J. Procedures for which no fee is allowed. Due to a lack of evidence of medical efficacy, no payment is authorized for the following:

1. Muscle Testing, CPT codes 95832 through 95857;

2. Computer based Motion Analysis, CPT codes 96000 through 96004;

3. Athletic Training Evaluation, CPT codes [~~97005 and 97006~~]97169 to 97172;

4. Acupuncture, CPT codes 97810 through 97814;

5. Analysis of Data, now BR, CPT code 99090;

6. Patient Education, CPT codes 98960 through 98962;

7. Educational supplies, CPT code 99071; or

8. [~~Thermograms, ~~]A[~~a~~]rtificial discs, percutaneous diskectomies, endoscopic diskectomies, IDEPT, platelet rich plasma injections, thermo-rhizotomies and other heat or chemical treatments for discs.

R612-300-6. Limitations on Fees for Specific Medical Providers and Non-Physicians.

A. Physician Assistants, Nurse Practitioners, Medical Social Workers, Nurse Anesthetists, and Physical Therapy Assistants. Fees for services performed by physician assistants, nurse practitioners, medical social workers, nurse anesthetists, and physical therapy assistants are set at 75% of the amount that would otherwise be allowed by these rules and shall be billed using an 83 modifier.

B. Assistant Surgeons. Fees for assistant surgeons are limited as follows:

1. Medical doctors, osteopaths and podiatrists, designated with an -80 modifier, are to be paid 20% of the primary surgeon's fee;

2. Minimum paramedicals, designated with an -81 modifier, are to be paid 15% of the primary surgeon's value or 75% of the amount allowed under subsection B. 1., above.

3. When a qualified resident surgeon is not available, 20% of the primary surgeon's fee;

4. Other paramedical assistants, such as surgical assistants, are not billed separately.

C. Home health care. The following fees, which include mileage and travel time, are payable for Home Health Codes 99500 through 99602:

1. RN: $100/ 2 hours

2. LPN: $75 / 2 hours

3. Home Health Aide: $25 / hour + $6 additional 30 min.

4. Speech Therapists: $80 / visit

5. Physical Therapy: $125/ hour

6. Occupational Therapy: $125/ hour

7. Home Infusion Providers are to be paid according to contract between the payor and home infusion provider. If no contract is established, the payor shall pay the amount specified in Days Guidelines and pay UCR or Cost + 15% for the drugs and supplies.

D. Acupuncturists, naturopathic providers and massage therapy. Payor preauthorization is required for any services provided by acupuncturists and naturopaths. Payment for massage therapy is only allowed when administered by a medical provider and billed according to the requirements of Rule R612-300. 5. C, "Restorative Services."

E. Ambulance. Ambulance charges are limited to the rates set by the State Emergency Medical Service Commission.

R612-300-7. Billing and Payment.

A. Billing Limitations.

1. Except as otherwise provided by a specific provision of the Workers' Compensation Act or these rules, an injured worker may not be billed for the cost of medical care necessary to treat his or her workplace injuries.

2. A health care provider may not submit a bill for medical care of an injured worker to both the employer and the insurance carrier.

B. Discounting and down-coding.

1. Discounting or reducing the fees established by these rules is permitted only pursuant to a specific contract between the medical provider and payor.

2. A payor may change the CPT code submitted by a health care provider under the following circumstances:

a. The submitted code is incorrect;

b. Another code more closely identifies the medical care;

c. The medical provider has not submitted the documentation necessary to support the code; or

d. The medical care is part of a larger procedure and included in the fee for that procedure.

3. If a payor changes a code number, the payor shall explain the reason for the change and provide the name and phone number of the payor's claims processor to the medical provider in order to allow further discussion.

C. Place of Treatment. A medical provider's billing for a medical procedure must identify the setting where a procedure was performed.

1. In an office or clinic: Fees for procedures performed in an office or clinic are to be computed using the Non-Facility Total RVU.

2. In a facility setting: Fees for physician services for procedures performed in a facility are to be computed using the "Facility Total RVU," as the facility will be billing for the direct and indirect costs related to the service.

D. Separate Bills. Separate bills must be presented by each medical provider within 30 days of treatment on a HCFA 1500 billing form. All bills must contain the federal ID number of the provider submitting the bill.

E. Hospital Fees.

1. The Labor Commission does not have authority to set fees for hospital care of injured workers. However, hospitals are subject to the Commission's reporting requirements, and fees charged by health care providers for services performed in a hospital are subject to the Commission's fee rules.

2. Fees covering hospital care shall be separate from those for professional services and shall not extend beyond the actual necessary hospital care.

3. All billings must be submitted on a UB92 form, properly itemized and coded, and shall include all documentation, including discharge summary, necessary to support the billing. No separate fee may be charged for billing or documentation of hospital services.

F. Charges for Supplies, Materials, or Drugs.

1. Ordinary supplies, materials or drugs used in treatment shall not be charged separately but shall be included in the amount allowed for the underlying medical care.

2. Special or unusual supplies, materials, or drugs not included as a normal and usual part of the service or procedure may be billed at cost plus 15% restocking fees and any taxes paid.

G. Miscellaneous.

1. A physician may bill the new patient E and M code when seeing an established patient for a new work injury.

2. Payment for hospital care is limited to the bed rate for semi-private room unless a private room is medically necessary.

3. Non-facility RVS total unit values apply, except that procedures provided in a facility setting shall be reimbursed at the facility total unit value and the facility may bill a separate facility charge.

4. Items that are a portion of an overall procedure are NOT to be itemized or billed separately.

5. Payors may round charges to the nearest dollar. If this is done on some charges, it must be done with all charges.

H. Prompt Payment and Interest.

1. All bills for medical care of injured workers must be paid within 45 days of submission to the payor unless the bill or some portion of the bill is in dispute. Any portion of the bill not in dispute remains payable within 45 days of billing.

2. As required by Section 34A-2-420 of the Utah Workers' Compensation Act, any award for medical care made by the Commission shall include interest at 8% per annum from the date of billing for such medical care.

I. Billing Disputes. Payors and health care providers shall use the following procedures to resolve billing disputes.

1. The provider shall submit a bill for services with supporting documentation to the payor within one year of the date of service.

2. The payor shall evaluate the bill and pay the appropriate fee as established by these rules.

3. If the provider believes the payor has improperly computed the fee, the provider may submit a written request for reevaluation to the payor. The request shall describe the specific areas of disagreement and include all appropriate documentation. Any such request for re-evaluation must be submitted to the payor within one year of the date of the original payment.

4. Within 30 days of receipt of the request for re-evaluation, the payor shall either pay the additional fee due the provider or respond with a specific written explanation of the basis for its denial of additional fees. The payor shall maintain proof of transmittal of its response.

5. A payor seeking reimbursement from a provider for overpayment of a bill shall, within one year of the overpayment, submit to the provider a written request for repayment that explains the basis for request. Within 90 days of receipt of the request, the provider shall either make appropriate repayment or respond with a specific written denial of the request.

6. If the provider and payor continue to disagree regarding the proper fee, either party may request informal review of the matter by the Division. Any party may also file a request for hearing on the dispute with the Adjudication Division.

R612-300-8. Travel Allowance for Injured Workers.

A. Payment for Travel to Obtain Medical Care. An injured worker who must travel outside his or her community to obtain necessary medical care is entitled to payment of meals and lodging. An injured worker is entitled to other travel expenses regardless of distance. Payors shall reimburse injured workers for these expenses according to the standards set forth in State of Utah Accounting Policies and Procedures, Section FIACCT 10-02.00, "Travel Reimbursement".

1. All travel must be by the most direct route and to the nearest location where adequate treatment is reasonably available.

2. Travel may not be required between the hours of 10:00 p.m. and 6:00 a.m., unless approved by the Commission.

B. Time Limits for Requesting and Paying Travel Expenses.

1. Requests for travel reimbursement must be submitted to the payor for payment within one year after the subject travel expenses were incurred;

2. The payor must pay an injured employee's travel expenses at the earlier of:

a. Every three months;

b. Upon accrual of $100 in such expense; or

c. At closure of the injured worker's claim.

C. Prescriptions. Travel allowance shall not include picking up prescriptions with the following exceptions:

1. Travel allowance will be allowed if documentation is provided substantiating a claim that prescriptions cannot be obtained locally within the injured worker's community;

2. Travel allowance will be allowed in instances where dispensing laws do not allow a medication to be called in to a pharmacy thus requiring an injured worker to physically obtain an original prescription from the provider's office.

R612-300-9. Permanent Impairment Ratings.

A. Utah's 2006 Impairment Guides. The "Utah 2006 Impairment Guides" are incorporated by reference and are to be used

to rate a permanent impairment not expressly listed in Section 34A-2-412 of the Utah Workers' Compensation Act.

B. American Medical Association's "Guides to the Evaluation of Permanent Impairment, Fifth Edition." For those permanent impairments not addressed in either Section 34A-2-412 or the "Utah 2006 Impairment Guides," impairment ratings are to be established according to the American Medical Association's "Guides to the Evaluation of Permanent Impairment, Fifth Edition."

R612-300-10. Medical Records.

A. Relationship between HIPAA and Workers' Compensation Disclosure Requirements. Workers' compensation insurers, employers and the Utah Labor Commission need access to health information of individuals who are injured on the job or who have a work-related illness in order to process or adjudicate claims, or to coordinate care under Utah's workers' compensation system. Generally, this health information is obtained from health care providers who treat these individuals and who may be covered by federal "HIPAA" privacy rules.

The HIPAA Privacy Rule specifically recognizes the legitimate need of the workers' compensation system to have access to individuals' health information to the extent authorized by State law. See 45 CFR 164.512(1). The Privacy Rule also recognizes the importance of permitting disclosures required by other laws. See 45 CFR 164.512(a). Therefore, disclosures permitted by this rule for workers' compensation purposes or otherwise required by this rule do not conflict with and are not prohibited by the HIPAA Privacy Rule.

B. Disclosures Permitted Without Authorization. A medical provider, without authorization from the injured worker, shall:

1. For purposes of substantiating a bill submitted for payment or filing required Labor Commission forms, such as the "Physician's Initial Report of Injury/Illness" or the "Restorative Services Authorization," disclose medical records necessary to substantiate the billing, including drug and alcohol testing, to:

a. An employer's workers' compensation insurance carrier or third party administrator;

b. A self-insured employer who administers its own workers' claims.

c. The Uninsured Employers' Fund;

d. The Employers' Reinsurance Fund; or

e. The Labor Commission as required by Labor Commission rules.

2. Disclose medical records pertaining to treatment of an injured worker who makes a claim for workers' compensation benefits, to another physician for specialized treatment, to a new treating physician chosen by the claimant, or for a consultation regarding the claimed work related injury or illness.

C. Disclosures Requiring Authorization.

1. Except as limited in C(3), a medical provider, whose medical records are relevant to a worker's compensation claim, shall, upon receipt of a Labor Commission medical records release form, or an authorization form that conforms to HIPAA requirements, disclose his/her medical records to:

a. An employer's insurance carrier or third party administrator;

b. A self-insured employer who administers its own workers' compensation claims;

c. An agent of an entity listed in B(1)(a through e), which includes, but is not limited to a case manager or reviewing physician;

d. The Uninsured Employers Fund;

e. The Employers' Reinsurance Fund;

f. The Labor Commission;

g. The injured worker;

h. An injured workers' personal representative;

i. An attorney representing any of the entities listed above in an industrial injury or occupational disease claim.

2. Medical records are relevant to a workers' compensation claim if:

a. The records were created after the reported date of the accident or onset of the illness for which workers' compensation benefits have been claimed; or

b. the records were created in the past ten years (15 years if permanent total disability is claimed) and:

i. There is a specific reason to suspect that the medical condition existed prior to the reported date of the claimed work related injury or illness or;

ii. The claim is being adjudicated by the Labor Commission.

3. Medical records related to care provided by a psychiatrist, psychologist, obstetrician, or care related to the reproductive organs may not be disclosed by a medical provider unless a claim has been made for a mental condition, a condition related to the reproductive organs, or the claimant has signed a separate, specific release for these records.

D. Disclosure Regarding Return to Work. A medical provider, who has treated an injured worker for a work related injury or illness, shall disclose information to an injured workers' employer as to when and what restrictions an injured worker may return to work.

E. Additional Disclosures Requiring Specific Approval. Requests for medical records beyond what subsections B, C, and D permit require a signed approval by the director, the medical director, a designated person(s) within the Industrial Accidents Division or an administrative law judge if the claim is being adjudicated.

F. Appeals. A party affected by the decision made by a person in subsection E may appeal that decision to the Adjudication Division of the Labor Commission.

G. Injured Worker's Duty to Disclose Medical Treatment and Providers. Upon receipt and within the scope of this rule, an injured worker shall provide those entities or persons listed in C(1) the names, address, and dates of medical treatment (if known) of the medical providers who have provided medical care within the past 10 years (15 years for permanent total disability claim) except for those medical providers names in C(3). Labor Commission form number 307 "Medical Treatment Provider List" must be used for this purpose. Parties listed in C(1) of this rule must provide each medical provider identified on form 307 with a signed authorization for access to medical records. A copy of the signed authorization may be sent to the medical providers listed on form 307.

H. Injured Worker's Right to Contest Requests for Pre-Injury Medical Records. An injured worker may contest, for good reason, a request for medical records created prior to the reported date of the accident or illness for which the injured worker has made a claim for benefits by filing a complaint with the Labor Commission. Good reason is defined as the request has gone beyond the scope of this rule or sensitive medical information is contained in a particular medical record.

I. Limitations on Use and Re-disclosure of Medical Information.

1. Any party obtaining medical records under authority of this rule may not disclose those medical records, without a valid authorization, except as required by law.

2. An employer may only use medical records obtained under the authority of this rule to:

a. Pay or adjudicate workers' compensation claims if the employer is self-insured;

b. To assess and facilitate an injured workers' return to work;

c. As otherwise authorized by the injured worker.

3. An employer obtaining medical records under authority of this rule must maintain the medical records separately from the employee's personnel file.

4. Any medical records obtained under the authority of this rule to make a determination regarding the acceptance of liability or for treatment of a condition related to a workers' compensation claim shall only be used for workers' compensation purposes and shall not be released, without a signed release by the injured worker or his/her personal representative, to any other party. An employer shall make decisions related only to the workers' compensation claim based on any medical information received under this rule.

K. Permissible Fees for Providing Medical Records. When any medical provider provides copies of medical records, other than the records required when submitting a bill for payment or as required by the Labor Commission rules, the following charges are presumed reasonable:

1. A search fee of $15 payable in advance of the search;

2. Copies at $.50 per page, including copies of microfilm, payable after the records have been prepared and

3. Actual costs of postage payable after the records have been prepared and sent. Actual cost of postage is deemed to be the cost of regular mail unless the requesting party has requested the delivery of the records by special mail or method.

4. The Labor Commission will release its records per the above charges to parties/entities with a signed and notarized release from the injured worker unless the information is classified and controlled under the Government Records Access and Management Act (GRAMA).

5. No fee shall be charged when the RBRVS or the Commission's Medical Fee Guidelines require specific documentation for a procedure or when medical providers are required to report by statute or rule.

6. An injured worker or his/her personal representative may obtain one copy of each of the following records related to the industrial injury or occupational disease claim, at no cost, when the injured worker or his/her personal representative have signed a form by the Industrial Accidents Division to substantiate his/her industrial injury/illness claim;

a. History and physical;

b. Operative reports of surgery;

c. Hospital discharge summary;

d. Emergency room records;

e. Radiological reports;

f. Specialized test results; and

g. Physician SOAP notes, progress notes, or specialized reports.

h. Alternatively, a summary of the patients records may be made available to the injured worker or his/her personal representative at the discretion of the physician.

R612-300-11. Utilization Review Standards.

A. Purpose of Utilization Review and Definitions.

1. "Utilization Review" is used to manage medical costs, improve patient care and enhance decision-making. Utilization review includes, but is not limited to, the review of requests for authorization and the review of medical bills to determine whether the medical services were or are necessary to treat a workplace injury. Utilization review does not include:

a. bill review for the purpose of determining whether the medical services rendered were accurately billed, or

b. any system, program, or activity used to determine whether an individual has sustained a workplace injury.

2. Any utilization review system shall incorporate a two-level review process that meets the criteria set forth in subsections B and C of this rule.

3. Definitions. As used in this rule:

a. "Request for Authorization" means any request by a physician for assurance that appropriate payment will be made for a course of proposed medical treatment.

b. "Reasonable Attempt" requires at least two phone calls and a fax, two phone calls and an e-mail, or three phone calls, within five business days from date of the payor's receipt of the physician's request for review.

B. Level I - Initial Request and Review.

1. A health care provider may use Form 223 to request authorization and payment for proposed medical treatment. The provider shall attach all documentation necessary for the payor to make a decision regarding the proposed treatment.

a. Requests for approval of restorative services are governed by the provisions of Section R612-300.5. C. 7. which requires submission of the appropriate RSA form and documentation.

2. Upon receipt of the provider's request for authorization, the payor may use medical or non-medical personnel to apply medically-based criteria to determine whether to approve the request. The payor must:

a. Within 5 business days after receiving the request and documentation, transmit Form 223 back to the physician, in a verifiable manner, advising of the payor's approval or denial of the proposed treatment.

i. If approval is denied, the payor must include with its denial a statement of the criteria it used to make its determination. A copy of the denial must also be mailed to the injured worker.

C. Level II - Review.

1. A health care provider who has been denied authorization or has received no timely response may request a physician's review by completing and sending the applicable portion of Commission Form 223 to the payor.

a. The provider must include the times and days that he/she is available to discuss the case with the reviewing physician, and must be reasonably available during normal business hours.

b. This request for review may be used by a health care provider who has been denied authorization for restorative services pursuant to Subsection R612-300-5.C.7.

2. The payor's physician representative must complete the review within five business days of the treating physician's request for review. Additional time may be requested from the Commission to accommodate highly unusual circumstances or particularly difficult cases.

a. The insurer's physician representative must make a reasonable effort to contact the requesting provider to discuss the request for treatment. The payor shall notify the Commission if an additional five days is needed in order to contact the treating physician or to review the case.

b. If the payor again denies approval of the recommended treatment, the payor must complete the appropriate portion of Commission Form 223, and shall include:

i. the criteria used by the payor in making the decision to deny authorization; and

ii. the name and specialty of the payor's reviewing physician;

iii. appeals information.

c. The denial to authorize payment for treatment must then be sent to the physician, the injured worker and the Commission.

3. The payor's failure to respond to the review request within five business days, by a method which provides certification of transmission, shall constitute authorization for payment of the treatment.

D. Mediation and Adjudication. Upon receipt of denial of authorization for payment for medical treatment at Level II, the Commission will facilitate, upon the request of the injured worker, the final disposition of the case.

1. If the parties agree, the medical dispute will be referred to Commission staff for mediation.

2. If the parties do not agree to mediation, the matter will be referred to the Division of Adjudication for hearing and decision.

E. Reduction of Fee for Failure to Follow Utilization Review Standards.

1. In cases in which a health care provider has received notice of this rule but proceeds with non-emergency medical treatment without obtaining payor authorization, the following shall apply:

a. If the medical treatment is ultimately determined to be necessary to treat a workplace injury, the fee otherwise due the health care provider shall be reduced by 25%.

b. If the medical treatment is ultimately determined to be unnecessary to treat a workplace injury, the payor is not liable for payment for such treatment. The injured worker may be liable for the cost of treatment.

2. The penalty provision in D. 1. shall not apply if the medical treatment in question has been preauthorized by some other non-worker's compensation insurance company or other payor.

R612-300-12. Commission Approval of Health Care Treatment Protocols.

A. Authority. Pursuant to authority granted by Subsection 34A-2-111(2)(c)(i)(B)(VII) of the Utah Workers' Compensation Act, the Utah Labor Commission establishes the following standards and procedures for Commission approval of medical treatment and quality care guidelines.

B. Standards

1. Scientifically based: Subsection 34A-2-111(2)(c)(i)(B)(VII)(Aa) of the Act requires that guidelines be scientifically based. The Commission will consider a guideline to be "scientifically based" when it is supported by medical studies and/or research.

2. Peer reviewed: Subsection 34A-2-111(2)(c)(i)(B)(VII)(Bb) of the Act requires that guidelines be peer reviewed. The Commission will consider a guideline to be "peer reviewed" when the medical study's content, methodology, and results have been reviewed and approved prior to publication by an editorial board of qualified experts.

3. Other standards: Pursuant to its rulemaking authority under Subsection 34A-2-111(2)(c)(i)(B)(VII), the Utah Labor Commission establishes the following additional standards for medical treatment and quality care guidelines.

a. The guidelines must be periodically updated and, subject to Commission discretion, may not be approved for use unless updated in whole or in part at least biannually;

b. Guideline sources must be identified;

c. The guidelines must be reasonably priced;

d. The guidelines must be easily accessible in print and electronic versions.

C. Procedure: Pursuant to Subsection 34A-2-111(2)(c)(i)(B)(VII) of the Utah Workers' Compensation Act, a party seeking Commission action to approve or disapprove a guideline shall file a petition for such action with the Labor Commission.

R612-300-13. HIV, Hepatitis B and C Testing and Reporting for Emergency Medical Service Providers.

A. Purpose and Authority. This rule, established pursuant to U.C.A. Section 78B-8-404, establishes procedures for testing and reporting following a significant exposure of an emergency medical services provider to infectious diseases.

B. Definitions. In addition to the terms defined in Section 78B-8-401, the following definitions apply for purposes of this rule.

1. Contact means designated person(s) within the emergency medical services agency or the employer of the emergency medical services provider.

2. Emergency medical services (EMS) agency means an agency, entity, or organization that employs or utilizes emergency medical services providers as defined in (4) as employees or volunteers.

3. Source Patient means any individual cared for by a pre-hospital emergency medical services provider, including but not limited to victims of accidents or injury, deceased persons, prisoners or persons in the custody of the Department of Corrections, a county correctional facility, or a public law enforcement entity.

4. Receiving facility means a hospital, health care or other facility where the patient is delivered by the emergency medical services provider for care.

C. Emergency Medical Services Provider Responsibility.

1. The EMS provider shall document and report all significant exposures to the receiving facility and contact as defined in C.2.

2. The reporting process is as follows:

a. The exposed EMS provider shall complete the Exposure Report Form (ERF) at the time the patient is delivered to the receiving facility and provide a copy to the person at the receiving facility authorized by the facility to receive the form. In the event the exposed EMS provider does not accompany the source patient to the receiving facility, he/she may report the exposure incident, with information requested on the ERF, by telephone to a person authorized by the facility to receive the form. In this event, the exposed EMS provider shall nevertheless submit a written copy of the ERF within three days to an authorized person of the receiving facility.

b. The exposed EMS provider shall, within three days of the incident, submit a copy of the ERF to the contact as defined in C.2.

D. Receiving Facility Responsibility.

1. The receiving facility shall establish a system to receive ERFs as well as telephoned reports from exposed EMS providers on a 24-hour per day basis. The facility shall also have available or on call, trained pre-test counselors for the purpose of obtaining consent and counseling of source patients when HIV testing has been requested by EMS providers. The receiving facility shall contact the source patient prior to release from the facility to provide the individual with counseling or, if unable to provide counseling, provide the source patient with phone numbers for a trained counselor to provide the counseling within 24 hours.

2. Upon notification of exposure, the receiving facility shall request permission from the source patient to draw a blood sample for disease testing. In conjunction with this request, the source patient must be advised of his/her right to refuse testing and be advised that if he/she refuses to be tested that fact will be forwarded to the EMS agency or employer of EMS provider. The source patient shall also be advised that if he/she refuses to be tested, the EMS agency or provider may seek a court order to compel the source patient to submit to a blood draw for the disease testing.

Testing is authorized only when the source patient, his/her next of kin or legal guardian consents to testing, with the exception that consent is not required from an individual who has been convicted of a crime and is in the custody or under the jurisdiction of the Department of Corrections, a county correctional facility, a public law enforcement entity, or if the source patient is dead. If consent is denied, the receiving facility shall complete the ERF and send it to the EMS agency or employer of the EMS provider. If consent is received, the receiving facility shall draw a sample of the source patient's blood and send it, along with the ERF, to a qualified laboratory for testing.

3. The laboratory that the receiving facility has sent source patient's blood draw to shall send the disease test results, by Case ID number, to the EMS agency or employer of the EMS provider.

F. EMS Agency/Employer Responsibility:

1. The EMS agency/employer, upon receipt of the disease tests, from the receiving facility laboratory, shall immediately report the result, by case number, not name, to the exposed EMS provider.

2. The EMS agency/employer, upon the receipt of refusal of testing by the source, shall report that refusal to the EMS provider.

3. The agency/employer or its insurance carrier shall pay for the EMS provider and the source patient testing for the covered diseases per the Labor Commission fee schedule.

4. The EMS agency/employer shall maintain the records of any disease exposures contained in this rule per the OSHA Blood Borne Pathogen standards.

R612-300-14. Advance Practice Registered Nurse.

A. Authority. This rule is enacted under the authority of 34A-1-104 and 58-31b-803.

B. Requirement. An advanced practice registered nurse who treats an injured worker and prescribes Schedule II controlled substances for chronic pain is subject to the provisions of the "Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain," July 2013, adopted by the Federation of State Medical Boards, which is incorporated by reference.

KEY: workers' compensation, fees, medical practitioners, nurse practitioners
Date of Enactment or Last Substantive Amendment: [~~April 9,~~] 2018
Notice of Continuation: February 8, 2018
Authorizing, and Implemented or Interpreted Law: 34A-1-104; 34A-2-201

Natural Resources, Wildlife Resources
R657-48
Wildlife Species of Concern and Habitat Designation Advisory Committee

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43328
FILED: 10/29/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted for taking public input and reviewing the Division of Wildlife Resources' (Division) sensitive species program.

SUMMARY OF THE RULE OR CHANGE: These rule amendments: 1) simplify the current rule language; 2) remove the requirement to automatically add Endangered Species Act (ESA) species and conservation agreements; and 3) remove wildlife habitat designations.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-14-19 and Section 63-34-5

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: These rule amendments clarify and simplify this rule language relating to the procedures for the designation of sensitive species within the state and the designation of wildlife habitat and management recommendations relating to significant land use development projects.
♦ LOCAL GOVERNMENTS: This filing does not create any direct cost or saving impact to local governments because they are not directly affected by this rule. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.
♦ SMALL BUSINESSES: These rule amendments do not directly create a cost or saving impact to small businesses.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These rule amendments do not directly create a cost or saving impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These rule amendments clarify and simplify language already in rule and do not add additional requirements, therefore, the Division has determined that there is no additional compliance costs associated with these amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that these proposed rule amendments will not result in a fiscal impact to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Mike Fowlks, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses
These proposed rule changes to R657-48 Wildlife Sensitive Species are not expected to have any fiscal impact on non-small businesses revenues or expenditures, because there are no services required from them in order to implement the rule changes.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.
R657-48. Wildlife Sensitive Species[~~ of Concern and Habitat Designation Advisory Committee~~].
R657-48-1. Authority and Purpose.

(1) Pursuant to [~~Sections~~]Section 23-14-19[~~ and 63-34-5(2)(a)~~] of the Utah Code, this rule:

(a) establishes the [~~Wildlife Species of Concern and Habitat Designation Advisory Committee;~~]process for designating wildlife sensitive species as part of an effort to prevent further imperilment of wildlife species native to Utah and preclude additional listings under the ESA;

(b) defines [~~its purpose and relationship to local, state and federal governments, the public, business, and industry functions of the state;~~

~~(c) defines~~]the Utah Sensitive Species List; and

([~~d~~]c) defines the [~~procedure for:~~]manner in which the Sensitive Species List is intended to be used.

[~~(i) the designation of wildlife species of concern as part of a process to preclude listing under the ESA; and~~

~~(ii) review, identification and analysis of wildlife habitat designation and management recommendations relating to significant land use development projects.~~]

R657-48-2. Definitions.

(1) The terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Committee" means the Wildlife Sensitive Species[~~ of Concern and Habitat Designation~~] Advisory Committee.

(b[~~) "Conservation species" means wildlife species or subspecies that are currently receiving special management under a conservation agreement developed or implemented by the state to preclude the need for listing under the ESA.~~

~~(c~~]) "Department" means the Department of Natural Resources.

([~~d~~]c) "Division" means the Division of Wildlife Resources within the Department.

([~~e~~]d) "ESA" means the federal Endangered Species Act.

([f]e) "Executive Director" means Executive Director of the Department.

([g) "Habitat identification material" means maps, data, or documents prepared by the Division in the process of specifying wildlife habitat.

(h) "Management recommendations" means determinations of, amount of, level of intensity, timing of, any restrictions, conditions, mitigation, or allowances for activities proposed for a project area pursuant to this rule.

(i) "NEPA" means the National Environmental Policy Act as defined in 42 U.S.C. Section 4321-4347.

(j]f) "Interested Person" means an individual, firm, association, corporation, limited liability company, partnership, commercial or trade entity, any agency of the United States Government, the State of Utah, its departments, agencies and political subdivisions.

([k) "Project area" means the geographical area covered by a significant land use development.]g) "Wildlife sensitive species" means a native wildlife species or subspecies within the state that is undergoing or is likely to undergo substantial declines in population size or distribution, throughout significant portions of its range within the state, without cooperative management intervention or mitigation of threats.

([l) "Proposed wildlife habitat designation" means identified habitat in a project area undergoing review]h) "Wildlife Sensitive species designation" means the decision to bestow or remove wildlife sensitive species status on a wildlife species or subspecies pursuant to this rule.

[(m) "Significant land use development" means any project or development identified as such by the Executive Director, or as approved through petition as described in Section R657-48-5.

(n) "Wildlife habitat designation document" means the written decision of the Executive Director after following the provisions of this rule for wildlife habitat designation and management recommendations for a project area.

(o) "State sensitive species" means:

(i) wildlife species or subspecies listed under the ESA, and now or previously present in Utah;

(ii) wildlife species or subspecies de-listed under the ESA during the past six months that are now or were previously present in Utah;

(iii) wildlife species or subspecies now or previously present in Utah that are currently proposed by the U.S. Fish and Wildlife Service for listing under ESA;

(iv) candidate wildlife species or subspecies under the ESA now or previously present in Utah;

(v) wildlife species or subspecies removed from the ESA candidate list during the past six months that are now or were previously present in Utah;

(vi) conservation species; or

(vii) wildlife species of concern.

(p) "Wildlife habitat designation" means the wildlife habitat identification within a project area issued pursuant to this rule.

(q) "Wildlife habitat identification" means the description, classification and assignment by the Division of any area of land or bodies of water as the habitat, range or area of use, seasonally, historically, currently, or prospectively of or by any species of game or non-game wildlife in the State of Utah.

(r) "Wildlife species of concern" means a wildlife species or subspecies within the state of Utah for which there is credible scientific evidence to substantiate a threat to continued population viability.

(s) "Wildlife species of concern designation" means the decision to bestow wildlife species of concern status on a wildlife species or subspecies, or remove wildlife species of concern status from a wildlife species or subspecies, pursuant to this rule.]

([t]i) "Utah Sensitive Species List" means the list of all current state sensitive species.

R657-48-3. Department Responsibilities.

(1) There is established a Wildlife Sensitive Species[of Concern and Habitat Designation] Advisory Committee within the Department of Natural Resources.

(2) The Department shall provide staff support, arrange meetings, keep minutes, and prepare and distribute final recommendations.

R657-48-4. Committee Membership and Procedure.

(1) Committee membership shall consist of:

(a) the Executive Director of the Department;

(b) the Director of the Utah Public Lands Policy Coordinating Office or a designee;

(c) the Director of the Division or a designee;

(d) the Director of the Division of Oil, Gas and Mining or a designee;

(e) the Director of the Division of Water Resources or a designee; and

(f) any other Department Division heads or designees as determined by the Executive Director of the Department.

(2) The Executive Director shall serve as chair.

(3) Three members, consisting of the Executive Director, the Division Director and the Director of the Division of Oil, Gas and Mining, shall constitute a quorum for meetings of the Committee.

(4) The Committee shall meet as specified by the Executive Director.

(5) The [following procedure shall be used for submitting review items]Division Director shall submit all proposed wildlife sensitive species designations to the Executive Director for [inclusion on the]Committee [agenda]review:

[(a) the Division Director shall submit for committee review all proposed wildlife species of concern designations; and

(b) the Division Director shall submit for committee review any proposed or existing wildlife habitat designations and corresponding management recommendations within a project area.]

(i) The Division shall support its proposals for wildlife sensitive species [of concern]designations[, wildlife habitat designations and management recommendations] with:

(A) studies, investigations and research supporting the need for the designations[and the potential impacts of each proposal];

(B) field survey and observation data; and/or

(C) federal, state, local and academic information on habitat, historical and current species distribution, [and]threats to the species, population trends, and/or other data or information collected in accordance with generally accepted scientific techniques and practices, including findings expressed in the Utah Wildlife Action Plan.

(6) The Department will provide an [analysis]assessment of potential impacts of the proposed designations and the existing social and economic needs of the affected communities and interests.

R657-48-5. Public Participation and Setting of Meeting Agenda.

(1)[An interested person may petition the Executive Director for a hearing before the Committee to designate a project as a significant land use development for purposes of this rule.](a) All meetings of the Wildlife Sensitive Species Advisory Committee shall comply with the Utah Open and Public Meetings Act, Utah Code Ann. 52-4-101 et seq.

([2) The Executive Director shall act to approve or disapprove a petition or extension request within 14 calendar days.

(3)(a) The]b) The meeting agenda shall consist of items determined by the Executive Director, and copies shall be sent to Committee members[and other interested persons as requested].

([b]c) The agenda shall be posted on the Division website and distributed to the Committee members at least 28 calendar days prior to the meeting.

([c) Requests to receive notices and agendas must be submitted in writing to the Executive Director's Office as provided in Subsection R657-48-9(1).

(4]2) Any interested person may:

(a) submit comments on proposed wildlife [species of concern and wildlife habitat]sensitive designations;

(i) comments must be submitted in writing to the Executive Director for review and must be submitted at least seven calendar days prior to the meeting; or

(b[) request an extension of up to 30 calendar days to review a proposed Committee action; or

(c]) request to make an oral presentation before the Committee.

(i) An interested person seeking to make a presentation before the Committee concerning any matter under review, must submit a written request and supporting documentation to the Executive Director at least [14]seven calendar days prior to the meeting.

R657-48-6. Committee Review Actions.

(1) In conducting a review of issues, the Committee may:

(a) require additional information from the Division, the Department or interested persons;

(b) require the Division or interested persons to make presentations before the Committee or provide additional documentation in support or opposition of the recommendation;

(c) schedule additional meetings where public interest or agency concern merits additional discussion;

(d) undertake additional review functions as needed; or

(e) consider the need for involvement of other persons or agencies, or whether other action may be needed.

(2) Following the Committee's review and recommendation, the Executive Director shall[:

(a)] make a final determination and, if warranted, recommend the approval of any or all proposed wildlife sensitive species[of concern] designations to the Wildlife Board[; or].

[(b) in the case of proposed wildlife habitat designations, make a final determination.]

(3) The Executive Director's decision will be announced at that meeting, or the next formal meeting, on the proposed wildlife sensitive species[of concern] designations or habitat designations, unless an alternative time is required by federal or state law, or rule.

R657-48-7. Wildlife Sensitive Species[of Concern] Designation Process.

(1) A wildlife sensitive species[of concern] designation shall be made only after the Executive Director, following consideration of the Committee's recommendations, has made a formal written recommendation to the Wildlife Board, and after that Board has considered:

(a) the Executive Director's recommendation, and all comments on such recommendation; and

(b) all data, testimony and other documentation presented to the Committee and the Wildlife Board pertaining to such proposed designation.

(2) All wildlife sensitive species[of concern] designations shall be made[:

(a)] pursuant to the procedures specified in this rule[; and

(b) as an independent public rulemaking pursuant to the Administrative Rulemaking Act, Title 63G, Chapter 4 of the Utah Code.]

(3[) With each proposed wildlife species of concern designation, the accompanying analysis shall include either a species status or habitat assessment statement, a statement of the habitat needs and threats for the species, the anticipated costs and savings to land owners, businesses, and affected counties, and the inclusion of the rationale for the proposed designation.

(4]) The Wildlife Board may approve, deny or remand the proposed wildlife sensitive species [of concern]designation recommendation to the Executive Director.

([5]4) Until a proposed wildlife sensitive species [of concern]designation is finalized, the proposed designation may not be used or relied upon by any governmental agency, interested person, or entity as an official or unofficial statement of the state of Utah.

([6]5) The Division shall maintain all data collected and other information relied upon in developing proposed wildlife sensitive species[of concern] designations as part of the administrative record and make such information available, subject to the Government Records Access and Management Act as defined in Section 62-2-101, for public review and copying upon request.

([7]6) The Division shall maintain the Utah Sensitive Species List and update the list as necessary to maintain [consistency with Subsection R657-48-2(2)(o) as the statuses of]up-to-date status information on sensitive species which change [due to one or more of the following]because of:

(a) wildlife species[of concern or other wildlife species are listed under ESA;

(b) wildlife species are de-listed under ESA;

(c) wildlife species' names change]' name changes due to taxonomic revisions;

([d]b) new wildlife sensitive species[of concern] are designated pursuant to this rule; or

([e]c) wildlife sensitive species[of concern] status is removed from species pursuant to this rule[;].

[(f) conservation agreements are developed and implemented for species;

(g) conservation agreements become invalid;

(h) species become candidates for listing under ESA;

(i) species lose candidate status under ESA;

(j) species are formally proposed for listing under ESA by the U.S. Fish and Wildlife Service; or

(k) species lose proposed status under ESA.

~~(8) If a species designated as a wildlife species of concern is listed under ESA, is proposed for listing under ESA, becomes a candidate for listing under ESA, or becomes a conservation species, the changed species status will be reflected in the Utah Sensitive Species List. If the species subsequently loses its ESA status or the conservation agreement becomes invalid, the species will revert to wildlife species of concern status.~~]

R657-48-8. [~~Wildlife Habitat Designations and Management Recommendations~~]Availability and Intended Uses.

(1) [~~Wildlife habitat designations and management recommendations for project areas will be made pursuant to the procedures specified by this rule.~~]The Division shall make available by common electronic means on its website the wildlife sensitive species which are designated by this rule.

[~~(2) Any Department or Division map, identification of habitat, document or other material that is provided or released to, or used by any persons, including federal agencies, which includes wildlife habitat designations that have been adopted under this rule will so indicate.~~

~~(3) A proposed wildlife habitat designation and management recommendation shall be adopted by the Executive Director only after the Executive Director, following consideration of the Committee's recommendations, has considered all data, testimony and other documentation presented to the Committee pertaining to such proposed designation.~~

~~(4) Until a final determination on a proposed wildlife habitat and management recommendation has been made by the Executive Director, the proposed wildlife habitat or management recommendations may not be used or relied upon by any other governmental agency, interested person, or entity as an official or unofficial statement of the state of Utah.~~

~~(5) A Wildlife Habitat Designation document developed for the purpose of this rule, having been completed by the Executive Director, shall be attached to the wildlife habitat identification materials and made available for public review or copying upon request.~~

~~(6) The Division shall maintain all data collected and other information relied upon in developing proposed wildlife habitat designations and management recommendations as part of the administrative record, and make this information available in accordance with the Government Records Access and Management Act as defined in Section 62-2-101, for public review and copying upon request.~~

~~**R657-48-9. Distribution.**~~

~~(1) The Division shall send by mail or electronic means a copy of a proposed wildlife species of concern designation or wildlife habitat and management determination established under this rule to the following:~~

~~(a) any person who has requested in writing that the Division provide notice of any proposed wildlife species of concern designations or proposed wildlife habitat and management recommendations under this rule; and~~

~~(b) county commissions and tribal governments, which have jurisdiction over lands that are covered by a proposed wildlife habitat designation and management recommendation and of lands inhabited by a species proposed to be designated as a wildlife species of concern under this rule.~~]

(2) Wildlife sensitive species [~~of concern designations, wildlife habitat designations or management recommendations~~]designations are intended to inform natural resource management practices across the state by highlighting which wildlife species may warrant increased conservation attention through such means as habitat restoration, active species management, and avoidance, reduction, and mitigation of impacts, with ultimate goals of reducing the likelihood of future listings under the Endangered Species Act, and conserving the diversity of wildlife species native to Utah.

(3) Wildlife sensitive species designations may not be used by governmental entities as a basis to involuntarily restrict the private property rights of landowners and their lessees or permittees.

KEY: sensitive species[~~ of concern, habitat designation~~]
Date of Enactment or Last Substantive Amendment: [~~August 8, 2006~~]2018
Notice of Continuation: May 2, 2016
Authorizing, and Implemented or Interpreted Law: 23-14-19; 63-34-5(2)(a)

Public Safety, Driver License
R708-52
Air Pollution Mitigation Education Program

NOTICE OF PROPOSED RULE

(New Rule)
DAR FILE NO.: 43326
FILED: 10/25/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being implemented in response to the passage of H.B. 331, passed during the 2018 General Session, which required the Driver License Division (Division) to establish a rule that outlines the procedures to disseminate information received from the Division of Air Quality to Utah drivers on methods to improve air quality and the harmful effects of vehicle emissions.

SUMMARY OF THE RULE OR CHANGE: This rule states that the Division of Air Quality will provide the Division with education information that reflects current ways to improve air quality and the harmful effects of vehicle emissions. Additionally, this rule outlines the methods in which the Division will provide the information to driver license applicants.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-3-104

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: The Division does not anticipate a cost or savings to the state budget as a result of this rule because this rule will not result in a change in current

procedures for printed materials, or electronic or digital media used by the Division. The Division makes changes to the information on a regular basis, these additional changes would not add significant time or resources.
♦ LOCAL GOVERNMENTS: The Division does not anticipate a cost or savings to local governments because this rule does not have any impact on local governments. This rule only addresses the manner in which the Division will provide the information to driver license applicants.
♦ SMALL BUSINESSES: The Division does not anticipate a cost or savings to small businesses because this rule does not have any impact on small businesses. This rule only addresses the manner in which the Division will provide the information to driver license applicants.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The Division does not anticipate a cost or savings to persons other than small businesses, businesses, or local government entities because this rule does not have any impact on persons other than small businesses, businesses, or local government entities. This rule only addresses the manner in which the Division will provide educational information regarding air quality to driver license applicants.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because this rule only address the manner in which the Division will supply educational information to driver license applicants.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Division does not anticipate a cost or savings to businesses because this rule does not have any impact on businesses. This rule establishes that the Division of Air Quality will provide the Division with educational information that reflects current ways to improve air quality and the harmful effects of vehicle emissions, and the manner in which the Division will disseminate the information to driver license applicants.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SAFETY
DRIVER LICENSE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 3RD FL
SALT LAKE CITY, UT 84119-5595
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Kim Gibb by phone at 801-556-8198, by FAX at 801-964-4482, or by Internet E-mail at kgibb@utah.gov
♦ Tara Zamora by phone at 801-964-4483, by FAX at 801-964-4482, or by Internet E-mail at tarazamora@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Chris Caras, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
There are no non-small businesses in the industry in question in Utah. This rule only addresses the procedures in which the Division of Air Quality and the Driver License Division will provide air quality information to Utah drivers.

This rule change is not expected to have any fiscal impacts on non-small businesses revenues or expenditures, because this rule only addresses the manner in which the Division of

Air Quality and the Driver License Division will provide air quality information to Utah drivers.

The head of department of Public Safety, Commissioner Jess L. Anderson, has reviewed and approved this fiscal analysis.

R708. Public Safety, Driver License.
R708-52. Air Pollution Mitigation Education Program.
R708-52-1. Purpose.
This rule provides the procedures for dissemination of information to each driver license applicant in regards to air quality improvement.

R708-52-2. Authority.
This rule is authorized by Subsection 53-3-104(1)(f).

R708-52-3. Definitions.
(1) Terms used in this rule are defined in Section 53-3-102.
(2) In addition:
(a) "Utah Driver Handbook" means the written handbook published annually by the Driver License Division that provides driving rules, best practices and safety guidelines for Utah drivers.

R708-52-4. Procedures.
(1) The Division of Air Quality shall provide the division educational information that reflects ways to improve air quality and harmful effects of vehicle emissions.
(2) The division shall provide the data obtained from the Division of Air Quality to each driver license applicant through the use of:
(a) the Utah Driver Handbook;
(b) displays in division field offices; and
(c) the division webpage.

KEY: air pollution, education, driver license
Date of Enactment of Last Substantive Amendment: 2018
Authorizing, Implemented or Interpreted law: 53-3-104

Public Safety, Fire Marshal
R710-15
Seizure and Disposal of Fireworks, Class A Explosives, and Class B Explosives

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 43354
FILED: 11/01/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is required as a result of the passage of S.B. 67, Fireworks Amendments, during the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: This rule establishes a statewide policy for the safe seizure and storage, and the safe re-purposing, destruction or disposal of fireworks, Class A explosives, or Class B explosives that are illegally possessed, used, or handled.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-7-204(1)(b)(v)

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: This rule is not expected to have any impact on state government revenues or expenditures. Although the State Fire Marshal’s office and the Highway Patrol are directly impacted and have regulatory authority, and may seize fireworks, Class A explosives, and Class B explosives that are illegal or are being used in an illegal manner, current disposal methods are within the parameters set by this rule.
♦ LOCAL GOVERNMENTS: Local governments will be directly impacted by this rule. There are 246 fire departments in the state, and 136 law enforcement agencies that have the authority to seize fireworks, Class A explosives, and Class B explosives that are illegal or are being used in an illegal manner. It is not possible to determine the amount of fireworks, Class A explosives, or Class B explosives that would be seized in a given year, or what types of fireworks, Class A explosives, and Class B explosives they would be. Correspondingly, it is not possible to determine whether the fireworks, Class A explosives, and Class B explosives would be destroyed, used in training, disposed of, or repurposed. The impact on local governments is inestimable.
♦ SMALL BUSINESSES: Small businesses may experience an indirect impact from this rule. Using the "Firm Find" tool from the Utah Department of Workforce Services we found three Utah companies that possibly may be impacted. The search codes used were Fireworks Wholesalers, 423920, and Fireworks Manufacturers, 325998. These companies are Winco, TNT, and Fireworks West. The experience of the Utah State Fire Marshal's office indicates that illegal fireworks and fireworks being used illegally are the most common explosives seized by regulatory authorities. As outlined in this rule, seized fireworks may be turned over to these companies for repurposing. As receiving seized fireworks is voluntary by these companies, and as there is no way to determine the volume that may be involved, and any benefit is incalculable compared to the cost of repurposing, the impact on these companies is inestimable.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no impact to persons other than small businesses, businesses or local government entities anticipated as a result of the enactment of this rule. This rule pertains to local agencies and small businesses with regards to how seized fireworks may be stored, destroyed, or repurposed by these entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost for affected persons anticipated as a result of enactment of this rule because this rule doesn't

affect individual persons. This rule establishes a uniform statewide policy for seizure, storage, and destruction of illegal fireworks by the State Fire Marshal's Office, law enforcement agencies, fire departments, and voluntary firework companies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Using the "Firm Find" tool from the Utah Department of Workforce Services, we found no non-small businesses that would be impacted by this rule. The Commissioner of the Department of Public Safety, Jess Anderson, has reviewed and approved this fiscal analysis.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SAFETY
FIRE MARSHAL
ROOM 302
5272 S COLLEGE DR
MURRAY, UT 84123-2611
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Coy Porter by phone at 801-284-6358, by FAX at 801-284-6351, or by Internet E-mail at coyporter@utah.gov
♦ Kim Gibb by phone at 801-556-8198, by FAX at 801-964-4482, or by Internet E-mail at kgibb@utah.gov
♦ Ted Black by phone at 801-284-6352, or by Internet E-mail at tblack@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Coy Porter, State Fire Marshal

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2018**	**FY 2019**	**FY 2020**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses
Using the "Firm Find" tool from the Utah Department of Workforce Services, we found no non-small businesses that would be impacted by this rule.

The Commissioner of the Department of Public Safety, Jess Anderson, has reviewed and approved this fiscal analysis.

R710. Public Safety, Fire Marshal.
R710-15. Seizure and Disposal of Fireworks, Class A Explosives, and Class B Explosives.
R710-15-1. Purpose.
The purpose of this rule is to establish a statewide policy for the safe seizure, storage, and repurposing, destruction, or disposal of a firework, class A explosive, or class B explosive that is illegal or used or handled in an illegal manner.

R710-15-2. Authority.
This rule is authorized by Subsection 53-7-204(1)(b)(v).

R710-15-3. Definitions.
(1) Terms used in this rule are defined in Sections 53-7-202 and 19-6-102.
(2) In addition:
(a) "ATF" means the Bureau of Alcohol, Tobacco, Firearms and Explosives; and
(b) "FBI" means the Federal Bureau of Investigations.

R710-15-4. Seizure and Storage.
(1) Seized fireworks, class A explosives, and class B explosives:
(a) shall be secured against tampering or theft; and
(b) shall be stored according to Federal law.

R710-15-5. Repurposing, Destruction, or Disposal.

(1) A state, county, special district, or local government agency is prohibited from disposing of any seized firework, class A explosive, or class B explosive by burning except under circumstances described in this rule.

(2) A state, county, special district, or local government agency may dispose of seized fireworks, class A explosives, or class B explosives by:

(a) returning them to a state licensed wholesaler or manufacturer for repurposing, testing, or display;

(b) detonating them on scene as directed by the incident commander or the regional bomb team commander following FBI or ATF standards;

(c) detonating them in another safe location as directed by the incident commander or the regional bomb team commander following FBI or ATF standards;

(d) using them for training or testing purposes;

(e) burning them in an enclosed incinerator designed for that purpose;

(f) open burning in compliance with Subsection R307-202-7; or

(g) other methods as approved by the FBI or the ATF.

(3) A state, county, special district, or local government agency may not use seized fireworks, class A explosives, or class B explosives for display, entertainment, or celebration purposes.

KEY: seizure of fireworks, storage of fireworks, disposal of fireworks, repurposing of fireworks
Date of Enactment or Last Substantive Amendment: 2018
Authorizing, and Implemented or Interpreted Law: 53-7-204(1)(b)(v)

Public Service Commission, Administration
R746-8
Utah Universal Public Telecommunications Service Support Fund (UUSF)

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 43324
FILED: 10/24/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rule amendments extend the pilot program for the New Technology Equipment Distribution Program (NTDEP), and clarify eligibility requirements so they are consistent between that program and other telecommunications devices available to individuals who are deaf, hard of hearing, or speech impaired.

SUMMARY OF THE RULE OR CHANGE: Section R746-8-405(3) has been amended so that an applicant applying for a hearing assistive communication device can prove the applicant's eligibility by showing the applicant receives assistance from a low-income public assistance program administered by a state agency or has an income of 200% or less than the Federal Poverty Guidelines for the current year. In Section R746-8-405a(2), the New Technology Distribution Program has been extended to 2021, and the eligibility requirements have been clarified to be consistent with those under 405(3).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-3-1 and Section 54-4-1 and Section 54-8b-10 and Section 54-8b-15

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: These rule changes may have an impact on state government because they amend the eligibility guidelines for telecommunication devices. There is no way to estimate how many individuals applying for a telecommunication device will meet the amended requirements.
♦ LOCAL GOVERNMENTS: These amendments will not have an impact on local governments because local governments do not play any role in the administration of this program, and are not recipients of the benefits.
♦ SMALL BUSINESSES: These amendments will not have an impact on small businesses except for the two vendors who work with the Public Service Commission to provide hearing assistive devices to applicants. It is not possible to anticipate the extent to which participation in the program will change with these amendments.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These amendments may impact the eligibility of potential applicants for hearing assistive devices, but because these amendments are primarily clarifications rather than substantive modifications, any impacts should be negligible for individuals who met the previous requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no compliance costs for affected individuals. Eligibility requirements are substantively unchanged, but the two programs are clarified so that the methods of establishing an applicant has met those requirements is consistent.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Public Service Commission does not anticipate any fiscal impact on businesses as a result of these amendments. They clarify the eligibility requirements for an applicant applying for a telecommunication assistive device through the Relay Utah program and extends the NTEDP program to 2021.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION

HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Michael Hammer by phone at 801-530-6729, or by Internet E-mail at michaelhammer@utah.gov
♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Michael Hammer, Administrative Law Judge

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses
Appendix 2: There are no measurable potential impacts on businesses from these rule clarifications. The amendments clarify requirements for an applicant for a telecommunication assistive device, extend the duration of an existing pilot program, and clarify limitations on participants in the pilot program. All aspects of this program are administered by the PSC, so the PSC does not anticipate any direct fiscal impacts to any businesses.

PSC Chair Thad LeVar has reviewed and approved this fiscal analysis.

R746. Public Service Commission, Administration.
R746-8. Utah Universal Public Telecommunications Service Support Fund (UUSF).
R746-8-100. Authority, Purpose, and Organization.

(1) This rule is adopted under:
(a) Utah Code Section 54-8b-10; and
(b) Utah Code Section 54-8b-15.
(2) This rule:
(a) governs the methods, practices, and procedures by which:
(b) the UUSF is created, maintained, and funded; and
(c) funds are disbursed from the UUSF to qualifying access line providers.
(3) This rule is organized into the following Parts:
(a) Part 100: Authority, Purpose and Organization;
(b) Part 200: Definitions;
(c) Part 300: UUSF Funding; and
(d) Part 400: UUSF Distributions.

R746-8-200. Definitions.

(1)(a) "Access line" is defined at Utah Code Subsection 54-8b-2(1), and is used in this rule, R746-8, to the extent consistent with federal law.

(b) For purposes of applying the statutory definition of "access line," the term "connection" is defined at Utah Code Subsection 54-8b-15(1) and is used in this rule, R746-8, to the extent consistent with federal law.

(c)(i) Providers of access lines and functionally equivalent connections are hereafter referred to jointly as "providers."

(ii) Access lines and connections are hereafter referred to jointly as "access line" or "access lines."

(2)(a) "Affordable base rate" or "ABR" means the monthly retail rate that a rate-of-return regulated provider is required to charge on a per-access line basis in order to receive ongoing disbursements from the UUSF.

(b) "Affordable base rate" may include, if itemized in the provider's Commission-approved tariff:

(i) the applicable UUSF surcharge;
(ii) mandatory extended area service fees; or
(iii) state subscriber line fees.
(c) "Affordable base rate" does not include:
(i) municipal franchise fee(s);
(ii) tax(es); or
(iii) any incidental surcharge(s) other than those identified in R746-8-200(2)(b):
(A) included in a Commission-approved tariff; or
(B) authorized under these rules.
(3) "Broadband internet access service" is defined at Utah Code Subsection 54-8b-15(1).
(4) "Carrier of last resort" is defined at Utah Code Subsection 54-8b-15(1).
(5) "Eligible telecommunications carrier" or "ETC" means a provider that, if seeking to participate in the state Lifeline program:
(a) is designated as an eligible telecommunications carrier by the commission in accordance with 47 U.S.C. Section 214(e); or
(b) is designated by the FCC as a Lifeline Broadband Provider (LBP).
(6) "Designated support area" means the geographic area used to determine a provider's UUSF support distribution, including, at a minimum, the provider's entire certificated service territory located in the State of Utah.
(7) The acronym "FCC" means the Federal Communications Commission.
(8) "Facilities-based provider" means a provider that uses:
(a) its own facilities;
(b) essential facilities or unbundled network elements obtained from another provider; or
(c) a combination of its own facilities and essential facilities or unbundled network elements obtained from another provider.
(9)(a) "Household" means any individual or group of individuals living together at the same address as one economic unit.
(b) "Economic unit" means all adult individuals contributing to and sharing in the income and expenses of a household.
(10) "Lifeline subscriber" means an individual who qualifies for state subsidization of an access line through participation in a program for low-income individuals that is recognized by the FCC.
(11) "Non-rate-of-return regulated" is defined at Utah Code Subsection 54-8b-15(1).
(12) "Rate-of-return regulated" is defined at Utah Code Subsection 54-8b-15(1).
(13) "Wholesale broadband internet access service" is defined at Utah Code Subsection 54-8b-15(1).

R746-8-300. UUSF Funding.
The following sections in the 300 series address UUSF Funding.

R746-8-301. Calculation and Application of UUSF Surcharge.
(1) The Utah Universal Public Telecommunications Service Support Fund (UUSF) shall be funded as follows:
(a) Unless Subsection R746-8-301(3) applies, providers shall remit to the Commission $0.36 per month per access line that, as of the last calendar day of each month, has a place of primary use in Utah in accordance with the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.
(b)(i) "Place of primary use" means the street address representative of where the customer's use of the telecommunications service primarily occurs.
(ii) A provider of mobile telecommunications service shall consider the customer's place of primary use to be the customer's residential street address or primary business street address.
(iii) A provider of non-mobile telecommunications service shall consider the customer's place of primary use to be:
(A) the customer's residential street address or primary business street address; or
(B) the customer's registered location for 911 purposes.
(c) A provider may collect the surcharge:
(i) as an explicit charge to each end-user; or
(ii) through inclusion of the surcharge within the end-user's rate plan.
(d) A provider that offers a multi-line service shall apply the surcharge to each concurrent real-time voice communication call session that an end-user can place to or receive from the public switched telephone network.
(e)(i) A provider that offers prepaid access lines or connections that permit access to the public telephone network shall remit to the Commission $0.36 per month per access line for such service (new access lines or connections, or recharges for existing lines or connections) purchased on or after January 1, 2018.
(ii) Subsection R746-8-301(1)(e)(i) operates in lieu of Subsection R746-8-301(1)(a) in that a provider who is required to make a remittance for an access line under Subsection R746-8-301(1)(e)(i) is not required to make an additional remittance for the same access line under Subsection R746-8-301(1)(a).
(iii)(A) Multiple recharges of a single prepaid access line during a single month do not trigger multiple remittance requirements.
(B) $0.36 per month is both the maximum and minimum amount of remittance necessary for any single access line.
(2)(a) A provider shall remit to the Commission no less than 98.69 percent of its total monthly surcharge collections.
(b) A provider may retain a maximum of 1.31 percent of its total monthly surcharge collections to offset the costs of administering this rule.
(3)(a) Subject to Subsection R746-8-301(3)(b), a provider may omit the UUSF surcharge with respect to an access line that is described in Subsection R746-8-301(1), and:
(i) generates revenue that is subject to a universal service fund surcharge in a state other than Utah for the relevant month for which the provider omits the UUSF surcharge;
(ii) for the relevant month for which the provider omits the UUSF surcharge, was not used to access Utah intrastate telecommunications services; or
(iii) subject to R746-8-403(5), receives subsidization through a federal Lifeline program approved by the FCC.
(b) A provider that omits any UUSF surcharge pursuant to Subsection R746-8-301(3)(a) shall:
(i) maintain documentation for at least 36 months that the omission complied with Subsection R746-8-301(3)(a); and
(ii) consent to any audit of the documentation requested by the:
(A) Commission; or
(B) Division of Public Utilities.
(c) A provider who omits any UUSF surcharge pursuant to Subsection R746-8-301(3)(a) shall report monthly to the Division of

Public Utilities, using a method approved by the Division, the number of omissions claimed pursuant to each Subsection R746-8-301(3)(a)(i) and R746-8-301(3)(a)(ii).

R746-8-302. UUSF Surcharge Remittances.

Providers shall remit surcharge assessments to the Commission as follows:

(1) If, over a period of six months, the average monthly UUSF surcharge assessments total $1,000 or more, the provider shall remit the funds:

(a) on a monthly basis; and

(b) within 45 days of the last calendar day of each month.

(2) If, over a period of six months, the average UUSF surcharge assessments are less than $1,000 per month, the provider shall accrue the UUSF surcharge assessments and submit the accrued assessments every six months.

R746-8-400. UUSF Distributions.

The following sections in the 400 series address UUSF Distributions.

R746-8-401. Rate-of-Return Regulated Providers.

(1) A rate-of-return regulated provider is eligible for ongoing UUSF support pursuant to Utah Code Section 54-8b-15 if the provider:

(a) is a carrier of last resort;

(b) is in compliance with Commission orders and rules;

(c) unless a petition brought pursuant to Subsection R746-8-401(2) is granted after adjudication, charges, at a minimum, $18 per access line;

(d) offers Lifeline service on terms and conditions prescribed by the Commission;

(e) operates as a facilities-based provider, not a reseller; and

(f) in compliance with R746-8-401(3), demonstrates through an adjudicative proceeding that its costs as established in Utah Code Section 54-8b-15 exceed its revenues as established in Utah Code Section 54-8b-15.

(2)(a) A rate-of-return regulated provider may petition the Commission to deviate from the affordable base rate set forth in Subsection R746-8-401(1)(c).

(b) A rate-of-return regulated provider that files a petition to deviate from the affordable base rate shall:

(i) demonstrate that the affordable base rate is not reasonable in the provider's designated support area; or

(ii) impute income up to the affordable base rate in calculating the provider's UUSF disbursement.

(3) The calculation of a rate-of-return regulated provider's ongoing UUSF distribution shall conform to the following standards:

(a) The provider's state rate-of-return shall be equal to the weighted average cost of capital rate-of-return prescribed by the FCC for rate-of-return regulated carriers, as of the date of the provider's application for support, and as follows:

(i) beginning July 1, 2016: 11.0%

(ii) beginning July 1, 2017: 10.75%;

(iii) beginning July 1, 2018: 10.5%;

(iv) beginning July 1, 2019, 10.25%;

(v) beginning July 1, 2020, 10.0%; and

(vi) beginning July 1, 2021, 9.75%.

(b) The provider's depreciation costs shall be calculated as established in Utah Code Section 54-8b-15.

(4) Yearly following a change in the FCC rate-of-return, unless the provider files with the Commission a petition for review of its UUSF disbursement, the Division shall make a recommendation of whether each provider's monthly distribution should be adjusted according to:

(a) the current FCC rate-of-return as set forth in R746-8-401(3)(a); and

(b) the provider's financial information from its last Annual Report filed with the Commission.

R746-8-402. Non-rate-of-return Regulated Providers.

(1) A non-rate-of-return regulated provider may be eligible for ongoing UUSF support for the deployment and management of networks capable of providing access lines, connections, or broadband internet access, upon application to the Commission, if the provider:

(a) is a carrier of last resort; and

(b) is in compliance with Commission orders and rules.

(2) Upon receipt of an application brought under R746-8-402, the Commission shall establish the appropriate criteria for the entitlement to, and the disbursement of, UUSF funds to non-rate-of-return regulated providers.

R746-8-403. Lifeline Support.

(1) In addition to any disbursement calculated under R746-8-401 or R746-8-402, an ETC may receive an ongoing distribution through ongoing participation in a Commission-approved Lifeline program upon a specific finding of public interest by the Commission.

(2)(a) The support claimed under this Subsection R746-8-403 may not exceed $3.50 per Lifeline subscriber per month of subscription to a service that:

(i) provides service over landlines; or

(ii)(A) meets FCC broadband Lifeline requirements as set forth in 47 C.F.R. 54.408; and

(B) for wireless Lifeline, allows, at no charge beyond the basic monthly fee, unlimited texting and at least 750 voice minutes per month; or

(iii)(A) meets FCC broadband Lifeline requirements as set forth in 47 C.F.R. 54.408; and

(B) does not include a voice component.

(b) Lifeline distributions will be based on eligible Lifeline subscribers as of the first day of each month, with no prorated discounts.

(3) An ETC that is approved to participate in the Commission Lifeline program shall:

(a) provide potential Lifeline subscribers with application materials and information;

(b) provide service to any customer who is verified as eligible for participation through:

(i) the FCC's national verifier system; or

(ii) if the FCC's national verifier system is not yet operational, the program administrator with which the Commission contracts to administer the initial and continued eligibility verification of state Lifeline participants;

(c) waive, for Lifeline subscribers, the following charges:

(i) customer security deposits, if the customer voluntarily elects to receive toll blocking; and

(ii) within any 12-month period, the first nonrecurring service charge for:

(A) changing local exchange usage service to Lifeline service; and

(B) changing from flat rate service to message rate service; and

(d)(i) add the Lifeline discount to a customer's account within five (5) business days of notification of the customer's eligibility under FCC Lifeline requirements; and;

(ii) remove the Lifeline discount from a Lifeline subscriber's account within five (5) business days of notification of the Lifeline subscriber's ineligibility under FCC Lifeline requirements; and

(e) submit to the Division by May 1 of each year, a complete Lifeline subscriber list, as defined by the FCC.

(4) An ETC participating in the Commission Lifeline program may not:

(a) disconnect Lifeline telephone service for nonpayment of toll service;

(b) require a Lifeline subscriber to purchase additional services from the ETC; or

(c) prohibit a Lifeline subscriber from purchasing additional services from the ETC, unless the participant fails to comply with the ETC's terms and conditions for those additional services.

(5) For an access line for which the UUSF surcharge is omitted pursuant to R746-8-301(3)(a)(iii), the UUSF surcharge amount that otherwise would have been remitted pursuant to R746-8-301 shall be deducted from the state Lifeline support paid to the provider.

R746-8-404. One-time UUSF Distribution.

A non-rate-of-return regulated carrier of last resort may apply for a one-time UUSF distribution pursuant to Utah Code Subsection 54-8b-15(3)(d).

R746-8-405. UUSF Support for Deaf, Hard of Hearing, or Severely Speech Impaired Person.

(1) This rule governs a program to provide telecommunication devices and services to qualifying deaf, hard of hearing, or severely speech impaired persons

(2) Definitions.

(a) "Applicant" means a person applying for:

(i) a telecommunication device for the deaf, hard of hearing, or severely speech impaired;

(ii) a signal device; or

(iii) another assistive communication device.

(b) "Audiologist" means a person who:

(i)(A) has a master's or doctoral degree in audiology; or

(B) is licensed in audiology in Utah; and

(ii) holds a Certificate of Clinic Competence in Audiology from the American Speech/Language/Hearing Association or its equivalent.

(c) "Deaf" means hearing loss that requires the use of a TDD to communicate effectively on the telephone.

(d). "Hard of hearing" means hearing loss that requires use of a TDD to communicate effectively on the telephone.

(e) "Otolaryngologist" means a licensed physician specializing in ear, nose, and throat medicine.

(f) "Recipient" means a person who is approved to receive a TDD, signal device, personal communicator, or other assistive communication device.

(g) "Speech language pathologist" means a person who:

(i) has a master's or doctoral degree in Speech Language Pathology; and

(ii) holds a Certificate of Clinical Competence in Speech/Language Pathology from the American Speech Language Hearing Association or its equivalent.

(h) "Severely Speech Impaired" means a speech handicap or disorder that renders speech on an ordinary telephone unintelligible.

(i) "Signal device" means a mechanical device that alerts a deaf, deaf-blind, or hard of hearing person of an incoming telephone call.

(j) "Telecommunications Device for the Deaf" or "TDD" means an electrical device for use with a telephone that utilizes:

(i) a key board;

(ii) an acoustic coupler;

(iii) a display screen;

(iv) a braille display; or

(v) a tablet device or unlocked cellular telephone that is equipped with applications that allow a user to transmit and receive messages.

(3) Eligibility.

(a) At a minimum, an applicant[s] shall demonstrate that [they]the applicant:

(i) lives within the State of Utah;

(ii) [are]is

(A) deaf;

(B) hard of hearing; or

(C) severely speech impaired;

(iii)[are eligible for](A) receives assistance [under]from a low-income public assistance program administered by a state agency; [and]or

(B) has an income of 200% of the Federal Poverty Guideline or less for the current year; and

(iv) [are]is able to send and receive messages with a TDD or other appropriate assistive device.

(b) Qualification under Subsection R746-8-405(3)(a)(ii) shall be established by the certification of:

(i) a person who is licensed to practice medicine;

(ii) an audiologist;

(iii) an otolaryngologist;

(iv) a speech/language pathologist; or

(v) qualified personnel within a state agency.

(4) Distribution process.

(a) If approved by the Commission to receive an assistive device, the applicant shall:

(i) unless Subsection R746-8-405(4)(b) applies, sign an agreement and conditions of acceptance form supplied by the Commission; and

(ii) report, as instructed by the Commission, for training and receipt of the approved device.

(b) If the recipient is a minor or is unable to sign the agreement and conditions of acceptance form, the recipient's legal guardian may sign.

(5) Ownership and Liability.

(a)(i) An assistive device provided under this rule remains the property of the State of Utah.

(ii) A recipient shall not remove an assistive device from the state of Utah for a period of time longer than 90 days unless the recipient obtains the written consent of the Commission.

(b) A recipient shall be solely responsible for the costs of:

(i) repair of an assistive device, other than for normal wear and tear;

(ii) replacement of an assistive device;

(iii) paper required by an assistive device;

(iv) telephone and internet service; and

(v) light bulbs required by an assistive device.

(c) If an assistive device requires repair, the recipient shall return it to the Commission and may not make private arrangements for repair.

(6) Termination of Use. A recipient, or if applicable, the recipient's guardian, shall return an assistive device to the Commission if the recipient:

(a) no longer intends to reside in Utah;

(b) becomes ineligible pursuant to R746-8-405(3); or

(c) is notified by the Commission to return the device.

R746-8-405a. New Technology Equipment Distribution Program (NTEDP).

(1) Authority and Purpose.

(a) This rule section is promulgated pursuant to Utah Code Subsection 54-8b-10(3)(b).

(b) The purposes of the NTEDP are:

(i) to explore the feasibility of using tablet devices and/or unlocked cellular telephones to address the telecommunication needs of the deaf, hard of hearing, and severely speech-impaired communities;

(ii) to determine how best to manage a program in which tablet devices and/or unlocked cellular telephones are provided; and

(iii) to determine the level of support services that would be required if tablet devices and/or unlocked cellular telephone devices are provided.

(2) Duration. The NTEDP shall terminate no later than December 31, [2018]2021.

(3) Participation.

(a) An individual who wishes to participate in the NTEDP shall:

(i) submit a completed application form to the Relay Utah office;

(ii) provide medical documentation of:

(A) deafness;

(B) hardness of hearing; or

(C) severe speech impairment;

(iii) demonstrate that:

(A) the individual is receiving assistance from a low-income public assistance program administered by a state agency; or

(B) has an income of 200% of the Federal Poverty Guideline or less for the current year;

(iv)(A) if applying for a tablet, certify that the individual has consistent access to a WiFi network; or

(B) if applying for an unlocked cellular telephone, certify that the individual has a service plan in place with a wireless telecommunications provider; and

(v) certify that the individual is able and willing to comply with Subsection (4).

(b) Priority may be given to applicants who have previously participated in the Commission's Relay Utah program.

(c) An applicant who is not selected to participate may request to be placed on a waiting list.

(d) Participation shall be limited [as follows:]to ten additional participants in each six-month period of the pilot program.

[(i) From the inception of the program through June 30, 2017, no more than 25 participants, as follows:

(A) no more than 8 deaf individuals who are at least 13 years old;

(B) no more than 8 hard of hearing individuals who are at least 13 years old;

(C) no more than 8 severely speech impaired individuals who are at least 13 years old; and

(D) at least one deaf, hard of hearing, or severely speech impaired individual who is under 13 years of age.

(ii) From July 1, 2017 through the conclusion of the program, up to 10 additional participants in each six-month period.]

(4) Participant obligations.

(a) An individual who is chosen to participate in the NTEDP shall:

(i) participate in an entrance interview with the Relay Utah office;

(ii) complete online surveys as instructed by the Relay Utah office;

(iii) promptly comply with all instructions from the Relay Utah office to download apps;

(iv) promptly respond to requests from the Relay Utah office for information and feedback;

(v) maintain the device in the storage case provided;

(vi) retain all original device packaging, instructions, and information;

(vii) contact the manufacturer's customer service department for assistance with technical support;

(viii) promptly report to the Relay Utah office:

(A) software and hardware failures; and

(B) damage to the device;

(ix) take financial responsibility for loss of, or damage to, the device if caused by the individual's misuse or negligence; and

(x) immediately return the device to the Relay Utah office if the individual:

(A) moves from the State of Utah;

(B) is disqualified by the Relay Utah office from further participation in the NTEDP; or

(C) chooses to terminate the individual's participation in the NTEDP.

(b) An individual who is chosen to participate in the NTEDP may not:

(i) reformat or attempt to reformat the device;

(ii) allow any other person to use the device, except as necessary to assist the participant with telecommunications; or

(iii) install software, apps, or other programs not authorized by the Relay Utah office.

(c) A participant who fails to comply with this Subsection (4) may be disqualified from further participation in the NTEDP.

(5) All devices distributed as part of the NTEDP shall remain the property of the State of Utah Public Service Commission.

KEY: Utah universal service fund, surcharges and disbursements, speech/hearing challenges, assistive devices and technology
Date of Enactment or Last Substantive Amendment: [~~June 21,~~] 2018
Authorizing, and Implemented or Interpreted Law: 54-3-1; 54-4-1; 54-8b-15; 54-8b-10

Public Service Commission, Administration

R746-450

Procedural and Informational Requirements for Solar Resource Solicitations and Acquisitions

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 43329
FILED: 10/29/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Public Service Commission (PSC) has created Rule R746-450 to comply with Section 54-17-807, Solar Photovoltaic or Thermal Solar Energy Facilities, which was enacted May 8, 2018.

SUMMARY OF THE RULE OR CHANGE: This rule applies to a qualified utility's application for PSC approval of a solar solicitation if the solicitation falls under Section 54-17-807 and the definitions established by this rule. For those solicitations, this rule establishes the application requirements and the PSC process for solar solicitation, resource acquisition, and disposition of a solar resource by a qualified facility.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-17-807

ANTICIPATED COST OR SAVINGS TO:
♦ THE STATE BUDGET: There is no impact to the state budget because this new rule establishes the procedural and information requirements for solar resource solicitations and acquisitions by a qualified utility. The underlying responsibilities on state agencies exist in statute, and this new rule only clarifies those statutory requirements.
♦ LOCAL GOVERNMENTS: There will be no impact to a local government unless that local government, as a customer of a qualified utility, chooses to request a specific customer solicitation for a solar resource under this rule.
♦ SMALL BUSINESSES: There will be no impact to a small business unless: 1) that small business, as a customer of a qualified utility, chooses to request a specific customer solicitation for a solar resource under this rule; or 2) the small business chooses to submit a bid in a solicitation conducted pursuant to this rule.
♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There will be no impact to other persons unless: 1) that person, as a customer of a qualified utility, chooses to request a specific customer solicitation for a solar resource under this rule; or 2) the person chooses to submit a bid in a solicitation conducted pursuant to this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost for affected persons unless a person, as a customer of a qualified utility, chooses to request a specific customer solicitation for a solar resource under this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule establishes procedural, application, and informational requirements for certain solar resource solicitations conducted by a qualified utility, but the underlying legal requirements already exist in statute. These necessary procedures implement the statute, but do not create any fiscal impact on any business other than that already established by statute. Additionally, while a business may choose to avail itself of this rule and the underlying statute, there is no mandatory obligation to do so.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Melanie Reif by phone at 801-530-6709, by FAX at 801-530-6796, or by Internet E-mail at mreif@utah.gov
♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/17/2018

THIS RULE MAY BECOME EFFECTIVE ON: 12/24/2018

AUTHORIZED BY: Melanie Reif, Legal Counsel

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	**FY 2019**	**FY 2020**	**FY 2021**
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0

Non-Small Businesses	$0	$0	$0
Other Person	$0	$0	$0
Total Fiscal Costs:	**$0**	**$0**	**$0**
Fiscal Benefits			
State Government	$0	$0	$0
Local Government	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Benefits:	**$0**	**$0**	**$0**
Net Fiscal Benefits:	**$0**	**$0**	**$0**

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses
This newly enacted rule arises from legislation addressing a qualified utilities solar resource solicitations. A qualified utility is defined as an electric corporation that serves more than 200,000 retail customers in the state (i.e., PacifiCorp, dba Rocky Mountain Power). This rule identifies actions that a qualified utility must take to receive approval for solar resource solicitations. It is impossible to predict the extent to which qualified utilities will be subject to this new rule.

PSC Chair Thad LeVar has reviewed and approved this fiscal analysis.

R746. Public Service Commission, Administration.
R746-450. Procedural and Informational Requirements for Solar Resource Solicitations and Acquisitions.
R746-450-1. Definitions.

(1) "Acquire," "Acquiring," or "Acquisition" means to purchase, construct, or purchase the output from a photovoltaic or thermal solar energy resource under an agreement that includes a purchase option.

(2) "All Customers" means customers of a Qualified Utility that are not contracting with that utility under Utah Code Sections 54-17-803 or 54-17-806.

(3) "All Customers Solicitation" means a Solar Solicitation pursuant to 54-17-807(3)(c)that will solicit Solar Resources with a rated generating capacity of less than or equal to 300 megawatts that will be used in whole, or in part, to supply All Customers.

(4) "All Customers Large Solicitation" means a Solar Solicitation pursuant to 54-17-807(3)(d) that will solicit Solar Resources with a rated generating capacity of more than 300 megawatts and that will be used in whole, or in part, to supply All Customers.

(5) "Qualified Utility" is defined under Utah Code Section 54-17-801(2).

(6) "Solar Solicitation" means a solicitation that includes a Solar Resource pursuant to Utah Code Section 54-17-807.

(7) "Solar Resource" means a solar photovoltaic or thermal solar energy facility.

(8) "Specific Customer Solicitation" means a Solar Solicitation pursuant to 54-17-807(3)(a) and (b) for a customer of a Qualified Utility that meets the requirements of either Utah Code Section 54-17-803 or Utah Code Section 54-17-806.

R746-450-2. Applicability.

(1) This rule applies to qualified utility applications for Commission approval of:

(a) a solar solicitation that may result in the qualified utility's acquisition of a solar resource using rate recovery based on a competitive market price; and

(b) a qualified utility's acquisition of a solar resource resulting from a solar solicitation approved under these rules, whether the resource will be solely or jointly owned, only if the qualified utility seeks rate recovery based on a competitive market price.

(2) This rule does not apply to a qualified utility's acquisition of solar resources located on the customer's side of the meter that have a rated generating capacity of less than two megawatts.

(3) Except as otherwise specified in this rule, the requirements of Parts 1 through 5 of the Energy Resource Procurement Act (Utah Code Section 54-17-101 through Section 54-17-501) and Commission rules R746-420-1 through R746-420-6; R746-430-1 through R746-430-4; and R746-440-1 through R746-440-3, do not apply to applications for approval under this rule.

R746-450-3. Requests for Solar Solicitation Approvals.

(1) A qualified utility that seeks to acquire a solar resource using rate recovery based on a competitive market price shall file an application with the Commission for approval of a solar solicitation that includes the following:

(a) a description of the solicitation process the qualified utility proposes to use, including an explanation of the customer(s) on whose behalf the solicitation is proposed and the manner in which the solicitation will be published;

(b) a copy of the complete proposed solar solicitation with any appendices, attachments and draft pro forma contracts;

(c) information sufficient to demonstrate that the filing complies with the requirements of Utah Code Section 54-17-807 and Commission rules;

(d) descriptions of the criteria and the methods to be used to evaluate bids, including the weighting and ranking factors to be used to evaluate bids, and explanation of the extent to which grid services frequency regulation, spinning reserves, and/or ramp

control that the resource is capable of providing in addition to energy and/or capacity will be considered or evaluated;

(e) other than for a solar solicitation administered by a customer, information directing interested parties to all questions and answers regarding the solar solicitation and solicitation process posted on an appropriate website;

(f) the qualified utility's proposed cost accounting for management of the solar solicitation;

(g) if the solar solicitation is intended to solicit resources for more than one customer in a specific customer solicitation, or a specific customer solicitation will be combined with an all customers solicitation or an all customers large solicitation, the following shall also apply:

(i) the solicitation will include a proposal for how the resources or the output from resources will be apportioned to the various customers; and

(ii) in addition to combined pricing for a portion, or all of, the requested quantity, the solicitation must allow bidders to place separate bids for customers that meet the requirements of Utah Code Section 54-17-803, customers that meet the requirements of Utah Code Section 54-17-806, and all customers, each to the extent included in the solicitation.

(h) For a specific customer solicitation or all customers solicitation that a qualified utility will either administer, or participate in bid evaluation or selection for, a description of the qualified utility's proposal for:

(i) how the qualified utility's personnel involved in evaluating bids and the qualified utility's personnel involved in preparing bids to the solicitation from the qualified utility will be prevented from sharing information in a manner that may lead to unfair advantage or the perception of unfair advantage in the selection of a solar resource; and

(ii) how the qualified utility will avoid its involvement in bid evaluation or selection from being affected by bias.

(i) Any other information the Commission may require.

(2) Solar Solicitation Approval Process.

(a) For a specific customer solicitation that is not combined with an all customers solicitation or an all customers large solicitation:

(i) the qualified utility shall also include in its application information sufficient for the Commission to make the following determinations:

(A) that the solar solicitation and bid evaluation will create a level playing field that will allow fair competition between the qualified utility and other bidders;

(B) that, excluding applicable requirements of the qualified utility's federally regulated transmission function, the interconnection and transmission related requirements and conditions will be equally applicable to the qualified utility and other bidders;

(C) that projects proposing to interconnect or deliver to various locations on the qualified utility's transmission system will have a fair opportunity to bid and have the impacts of the interconnection or delivery locations objectively considered in the selection process, provided that solicitation parameters requested by specific customers may limit interconnection or delivery locations; and

(D) that the solar solicitation is in the public interest.

(ii) the Commission shall provide public notice of the application. Interested parties may file comments on the application within 30 days of the notice. Interested parties shall have 15 days to respond to any comments, and, unless the Commission determines that another process or additional time is warranted and is in the public interest, the Commission will issue an order within 60 days of the application.

(b) For an all customers solicitation, including an all customers solicitation that is combined with a specific customer solicitation:

(i) the qualified utility shall also include in its application information sufficient for the Commission to make the following determinations:

(A) that the solar solicitation and bid evaluation will create a level playing field that will allow fair competition between the qualified utility and other bidders;

(B) that, excluding applicable requirements of the qualified utility's federally regulated transmission function, interconnection and transmission related requirements and conditions will be equally applicable to the qualified utility and other bidders;

(C) that projects proposing to interconnect or deliver to various locations on the qualified utility's transmission system will have a fair opportunity to bid and have the impacts of the interconnection or delivery locations objectively considered in the selection process, provided that solicitation parameters requested by specific customers may limit interconnection or delivery locations; and

(D) that the solar solicitation is in the public interest.

(ii) the Commission will provide public notice of the application. Interested parties may file comments on the application within 30 days of the notice. Interested parties shall have 15 days to respond to any comments. The Commission will hold a scheduling conference to set the time for public hearing. Unless the Commission determines that another process or additional time is warranted and is in the public interest, the Commission will set a hearing date that is within 75 days of the application.

(c) For an all customers large solicitation, including an all customers large solicitation that is combined with an all customers solicitation or a specific customer solicitation, or both:

(i) Parts 1 through 5 of the Energy Resource Procurement Act are applicable.

(ii) the qualified utility shall include all of the information required under subsection 3(1) of this rule in its application under R746-420.

(iii) in its application for Commission approval under R746-420 for an all customers large solicitation, the qualified utility shall also include in such application information sufficient for the Commission to make the following additional determinations:

(A) that the solar solicitation and bid evaluation will create a level playing field that will allow fair competition between the qualified utility and other bidders;

(B) that, excluding applicable requirements of the qualified utility's federally regulated transmission function, interconnection and transmission related requirements and conditions will be equally applicable to the qualified utility and other bidders;

(C) that projects proposing to interconnect or deliver to various locations on the qualified utility's transmission system will

have a fair opportunity to bid and have the impacts of the interconnection or delivery locations objectively considered in the selection process, provided that solicitation parameters requested by specific customers may limit interconnection or delivery locations; and

(D) that the solar solicitation is in the public interest.

(iv) the Commission will provide public notice of the application. The process for approval of the application will be governed by the Energy Resource Procurement Act and R746-420.

(d) If no solar resource is selected at the conclusion of a solar solicitation approved by the Commission:

(i) the qualified utility shall file a report with the Commission within 30 days that includes the following:

(A) a summary of the results of the solar solicitation;

(B) the reasons for not acquiring the lowest cost solar resource bid into the solar solicitation; and

(C) any other information the Commission may require.

(ii) the Commission will provide public notice of the report. Interested parties may file comments regarding the qualified utility's report or the solar solicitation that resulted in such report within 30 days of the notice. Interested parties shall have 15 days to respond to any comments. After considering the report and information filed by the qualified utility and the comments received, the Commission may determine whether further comments, proceedings, or actions may be appropriate and in the public interest.

R746-450-4. Solar Resource Acquisition Approval Process.

(1) Before acquiring a solar resource selected through a specific customer solicitation approved under this rule:

(a) a qualified utility shall file an application for approval of the acquisition with the Commission that includes information sufficient for the Commission to make the following determinations:

(i) that the solicitation, bid evaluation and resource selection processes complied with these rules, other Commission rules, the Utah Code, and the Commission's order approving the solicitation process; and

(ii) that the acquisition of the solar resource is just and reasonable, and in the public interest.

(b) the Commission will provide public notice of the application and interested parties may file comments on the application within 30 days of the notice. Interested parties shall have 15 days to respond to any comments. The Commission will hold a scheduling conference to set the time for public hearing. Unless the Commission determines that another process or additional time is warranted and is in the public interest, the Commission will set a hearing date that is within 75 days of the application.

(2) Combining applications for Commission approval:

(a) A qualified utility may combine its application for Commission approval of a specific customer solicitation with its application for Commission approval of the acquisition of a solar resource selected through that specific customer solicitation if the following conditions are met:

(i) all information required under R746-450-3(1) is included in the combined solicitation and acquisition approval application;

(ii) the qualified utility did not prepare or administer the specific customer solicitation, and was not involved in the evaluation or selection of the solar resource selected through that specific customer solicitation;

(iii) the specific customer solicitation is not combined with any other form of solicitation under these rules; and

(iv) the qualified utility's application for combined approval meets the requirements of both R746-450-3(2)(a) and R746-450-4(1).

(b) The Commission shall provide public notice of the application and interested parties may file comments on the application within 30 days of the notice. Interested parties shall have 15 days to respond to any comments. The Commission will hold a scheduling conference to set the time for public hearing. Unless the Commission determines that another process or additional time is warranted and is in the public interest, the Commission will set a hearing date that is within 75 days of the application.

(3) Approval of an acquisition under an all customers large solicitation is also subject to Part 3 of the Energy Resource Procurement Act and must be approved in accordance with that Part 3 and R746-430 and these rules. An acquisition under an all customers solicitation is subject to Part 4 of the Energy Resource Procurement Act and must be approved in accordance with that Part 4 and R746-440 and these rules.

(a) In an application for approval of an acquisition resulting from an all customers solicitation or an all customers large solicitation, in addition to the requirements of Part 3 and R746-430 or Part 4 and R746-440, the qualified utility shall include in such application information sufficient for the Commission to make the following determinations:

(i) that the solicitation, bid evaluation and resource selection processes complied with these rules, other Commission rules, the Utah Code and the Commission's order approving the solicitation process;

(ii) that the acquisition of the solar resource is just and reasonable, and in the public interest;

(iii) that the accounting treatment of the acquired solar resource proposed by the qualified utility in the application will be properly reflected in the qualified utility's accounting system, reports, energy balancing accounts, and for interjurisdictional allocations; and

(iv) that the qualified utility's acquisition of the solar resource at a competitive market price is the lowest cost ownership option, which will be based on:

(A) the solicitation criteria and the bid results; and

(B) information to be included in the application by the qualified utility that compares customer costs and benefits for acquisition of the solar resource using the competitive market price to the costs and benefits of the solar resource if it were treated as a traditional regulated resource included in rate base.

(b) The Commission will provide public notice of the application. The process for approval of the application will be governed by applicable provisions of the Energy Resource Procurement Act and Commission rules.

(4) If the Commission issues an order granting acquisition approval under this section R746-450-4, including entering into a power purchase agreement containing a purchase

option by the qualified utility, using rate recovery based on a competitive market price:

(a) the prices approved by the Commission shall constitute competitive market prices; and

(b) assets owned by the qualified utility and used to provide service as approved under this section are not public utility property.

(5) Within six months following the date of a Commission order approving the acquisition of a solar resource pursuant to an all customers solicitation or an all customers large solicitation, or for such longer period as the Commission determines to be in the public interest a qualified utility may file an application with the Commission seeking approval to acquire another solar resource that is similar to the one for which a competitive market price was established without requiring a new solar solicitation approval process. For the purposes of this section, whether a solar resource is "similar" shall be determined based on the overall similarity between the solar resources after evaluating the following factors: resource size, capacity factor, technology type, resource location, contract term length, generation profile, reliability capabilities, transmission, and such other factors the Commission deems appropriate.

(a) The qualified utility's application shall also provide information sufficient to demonstrate that:

(i) there is a need to acquire the solar resource;

(ii) the competitive market price remains reasonable; and

(iii) the acquisition is in the public interest.

(b) The Commission shall provide public notice of the application. Interested parties may file comments on the application within 30 days of the notice. Interested parties shall have 15 days to respond to any comments. The Commission will hold a scheduling conference to set the time for public hearing. Unless the Commission determines that another process or additional time is warranted and is in the public interest, the Commission will set a hearing date that is within 75 days of the application.

R746-450-5. Disposition of a Solar Resource.

(1) No later than 180 days before the end of the Commission approved term for a solar resource, the qualified utility shall file a request for determination that its intended retention or disposition complies with Utah Code Section 54-17-807(10). The filing shall demonstrate that the qualified utility's proposed retention or disposition will result in the qualified utility retaining the benefits and assuming the costs and risks of ownership of the solar resource. The Commission will provide public notice of such filing, and before approving the proposed retention or disposition of the solar resource will provide an opportunity for public input and hold a public hearing.

KEY: procedural and informational requirements, solar resource solicitations, solar resource acquisitions
Date of Enactment or Last Substantive Amendment: 2018
Authorizing, and Implemented or Interpreted Law: 54-17-807

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **Proposed Rule**; continue the rule as it is by filing a **Five-Year Notice of Review and Statement of Continuation (Review)**; or amend the rule by filing a **Proposed Rule** and by filing a **Review.** By filing a **Review**, the agency indicates that the rule is still necessary.

A **Review** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at https://rules.utah.gov/. The rule text may also be inspected at the agency or the Office of Administrative Rules. **Reviews** are effective upon filing.

Reviews are governed by Section 63G-3-305.

Commerce, Consumer Protection
R152-21
Credit Services Organizations Act Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 43280
FILED: 10/16/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is promulgated pursuant to Utah Code Section 13-2-5, which authorizes the Director of the Division of Consumer Protection (Division) to issue rules to administer and enforce enumerated laws, including Section 13-21.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division is unaware of any written comments regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides guidance to regulated persons and entities concerning obligations imposed, and conduct prohibited, by Section 13-21-3. The guidance primarily concerns a credit service organization's (CSO) obligations with respect to disputing or challenging entries on a consumer's credit report, and the CSO's obligations with respect to representations it makes to consumers and credit reporting agencies. R152-21-2 supplements the definitions that appear in Section 13-21-2. The supplemental definitions clarify terms used but not defined by statute, and terms used in this rule. The supplemental definitions assist regulated entities in their compliance efforts, and promote consistency in the Division's enforcement efforts by reducing the need to interpret undefined terms. R152-21-3 clarifies the meaning of "factual basis" as the term is used in Section 13-21-3(1)(d). It details the conduct the law requires of a CSO before the CSO disputes or challenges an entry on a consumer's credit report. The additional guidance is designed to reduce the number of inaccurate, false, or otherwise erroneous disputes made to credit reporting agencies. R152-21-4 identifies specific acts that violate Section 13-21-3. Although the identified acts would violate Section 13-21-3 without regard to this rule, the rule removes any question regarding whether the specified acts violate the law, and highlights some of the most common violations of Section 13-21-3. The additional clarity provided by this rule allows regulated persons and entities to more easily conform their conduct to statutory standards. For the foregoing reasons, this rule should continue to be in effect.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
CONSUMER PROTECTION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Daniel Larsen by phone at 801-530-6145, or by Internet E-mail at dblarsen@utah.gov

AUTHORIZED BY: Daniel O'Bannon, Director

EFFECTIVE: 10/16/2018

Human Services, Child and Family Services
R512-306
Out-of-Home Services, Transition to Adult Living Services, Education and Training Voucher Program

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 43320
FILED: 10/19/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-4a-102 authorizes the Division of Child and Family Services to establish rules in order to provide programs and services that support the strengthening of family values, including managing the Education and Training Voucher Program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments received during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is necessary in order for the Division of Child and Family Services to continue to manage the Education and Training Voucher Program.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
♦ Jonah Shaw by phone at 801-538-4219, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

AUTHORIZED BY: Diane Moore, Director

EFFECTIVE: 10/19/2018

Insurance, Administration
R590-267
Personal Injury Protection Relative Value Study Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 43323
FILED: 10/24/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3) authorizes the Insurance Commissioner to write rules to implement the provisions of the Insurance Code, Title 31A. Subsection 31A-22-307(2) requires the Commissioner to conduct, prepare, and publish a relative value study every other year.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department of Insurance (Department) received one written comment in the past five years. It was sent to us in 2017 in response to a biannual update of the conversion factors as is required by Subsection 31A-22-307(2). The comment suggested that the increases that were proposed in the rule did not sufficiently factor in the impact of inflation. The Department disagreed with the comment because the law requires the Department to set the reasonable values at the 75th percentile charge for each type of service in the state's most populous county. The law does not require the Department to consider expected future inflation when setting these values. The Department believes that the process used to set the reasonable values is consistent with statutory requirements.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is required by Subsection 31A-22-307(2). It must be continued because it gives the Insurance Department a mechanism by which to ensure that injured persons are treated equitably while receiving services covered by automobile personal injury protection coverage. This rule sets a reasonable value of services that acts as a baseline for such services.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
INSURANCE
ADMINISTRATION
ROOM 3110 STATE OFFICE BLDG

450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 10/24/2018

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF

RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **Proposed Rules** or **Changes in Proposed Rules** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **Changes in Proposed Rules** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **Notice of Effective Date** within 120 days from the publication of a **Proposed Rule** or a related **Change in Proposed Rule** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

Notices of Effective Date are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Abbreviations
AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal & Reenact
REP = Repeal

Agriculture and Food
Plant Industry
No. 43145 (NEW): R68-24. Industrial Hemp Research Pilot Program for Growers
Published: 09/01/2018
Effective: 10/31/2018

No. 43146 (NEW): R68-25. Industrial Hemp Research Pilot Program for Processors
Published: 09/01/2018
Effective: 10/31/2018

No. 43147 (NEW): R68-26. Industrial Hemp Product Registration and Labeling
Published: 09/01/2018
Effective: 10/31/2018

Commerce
Real Estate
No. 43165 (AMD): R162-2e. Appraisal Management Company Administrative Rules
Published: 09/15/2018
Effective: 11/05/2018

Education
Administration
No. 43138 (AMD): R277-400. School Facility Emergency and Safety
Published: 09/01/2018
Effective: 10/16/2018

No. 43132 (AMD): R277-419-2. Definitions
Published: 09/01/2018
Effective: 10/16/2018

No. 43140 (AMD): R277-602. Special Needs Scholarships - Funding and Procedures
Published: 09/01/2018
Effective: 10/16/2018

No. 43139 (NEW): R277-718. Out-of-School Time Program Quality Improvement Grants
Published: 09/01/2018
Effective: 10/16/2018

Financial Institutions
Nondepository Lenders
No. 43176 (REP): R343-9. Deferred Deposit Lenders Registration with the Nationwide Database
Published: 09/15/2018
Effective: 10/22/2018

Governor
Economic Development
No. 43180 (REP): R357-4. Government Procurement Private Proposal Program
Published: 09/15/2018
Effective: 10/24/2018

Economic Development, Consumer Health Exchange
No. 43179 (REP): R358-1. Electronic Standards for Transmitting Information through the Health Insurance Exchange
Published: 09/15/2018
Effective: 10/25/2018

Health
Administration
No. 43144 (NEW): R380-300. Employee Background Screening
Published: 09/01/2018
Effective: 10/22/2018

Family Health and Preparedness, Licensing
No. 43136 (AMD): R432-950. Mammography Quality Assurance
Published: 09/01/2018
Effective: 10/23/2018

Labor Commission
Boiler, Elevator and Coal Mine Safety
No. 43164 (AMD): R616-3-4. Inspector Qualification
Published: 09/15/2018
Effective: 10/22/2018

Public Safety
Driver License
No. 43173 (AMD): R708-14. Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs
Published: 09/15/2018
Effective: 11/01/2018

Transportation
Program Development
No. 43160 (AMD): R926-13. Designated Scenic Byways
Published: 09/15/2018
Effective: 10/23/2018

End of the Notices of Rule Effective Dates Section

RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)

The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2018 through November 01, 2018. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules Index of Changes. Nonsubstantive changes, while not published in the Bulletin, do become part of the Utah Administrative Code (Code) and are included in this Index, as well as 120-Day (Emergency) rules that do not become part of the Code. The rules are indexed by Agency (Code Number) and Keyword (Subject).

Questions regarding the index and the information it contains should be addressed to the Office of Administrative Rules (801-538-3003).

A copy of the **Rules Index** is available for public inspection at the Office of Administrative Rules (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Office's web site (https://rules.utah.gov/).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment (Proposed Rule)
CPR = Change in Proposed Rule
EMR = 120-Day (Emergency) Rule
EXD = Expired Rule
EXP = Expedited Rule
EXT = Five-Year Review Extension
GEX = Governor's Extension
LNR = Legislative Nonreauthorization
NEW = New Rule (Proposed Rule)
NSC = Nonsubstantive Rule Change
R&R = Repeal and Reenact (Proposed Rule)
REP = Repeal (Proposed Rule)
5YR = Five-Year Notice of Review and Statement of Continuation

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
Administration					
R13-1	Public Petitions for Declaratory Orders	43059	5YR	07/05/2018	2018-15/99
R13-3	Americans with Disabilities Act Grievance Procedures	42634	AMD	04/23/2018	2018-6/4
Facilities Construction and Management					
R23-5	Contingency Funds	42347	AMD	01/23/2018	2017-24/8
R23-9	Cooperation with Local Government Planning	42348	AMD	01/23/2018	2017-24/9
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	42846	AMD	06/26/2018	2018-10/6
R23-30	State Facility Energy Efficiency Fund	43069	5YR	07/11/2018	2018-15/99
Finance					
R25-5	Payment of Meeting Compensation (Per Diem) to Boards	42570	5YR	02/08/2018	2018-5/141
R25-6	Relocation Reimbursement	42571	5YR	02/08/2018	2018-5/141
R25-7	Travel-Related Reimbursements for State Employees	42572	5YR	02/08/2018	2018-5/142
R25-7	Travel-Related Reimbursements for State Employees	42854	AMD	06/21/2018	2018-10/9
R25-7	Travel-Related Reimbursements for State Employees	43095	AMD	09/21/2018	2018-16/6
R25-7-6	Reimbursement for Meals	43008	NSC	07/03/2018	Not Printed
R25-8	Overtime Meal Allowance	42573	5YR	02/08/2018	2018-5/142
Inspector General of Medicaid Services (Office of)					
R30-1	Office of Inspector General of Medicaid Services	42658	REP	06/01/2018	2018-7/6
R30-1	Office Procedures	42694	NEW	06/01/2018	2018-7/10
R30-2	Adjudicative Procedures	42695	NEW	06/01/2018	2018-7/14
R30-3	Declaratory Orders	42696	NEW	06/01/2018	2018-7/17
Purchasing and General Services					
R33-7	Request for Proposals	42932	AMD	07/26/2018	2018-12/6
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R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	42934	EMR	07/01/2018	2018-12/39
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	43236	EMR	10/29/2018	2018-21/137

AGRICULTURE AND FOOD

Administration

R51-5	Rural Rehabilitation Loans	42559	NEW	05/02/2018	2018-5/4
R51-6	Agricultural Advisory Board Electronic Meeting	42472	NEW	03/23/2018	2018-3/4

Conservation Commission

R64-2	Conservation Commission Electronic Meetings	42944	5YR	06/01/2018	2018-12/43

Plant Industry

R68-5	Grain Inspection	42530	5YR	01/30/2018	2018-4/95
R68-5	Grain Inspection	42531	NSC	02/27/2018	Not Printed
R68-9	Utah Noxious Weed Act	42943	5YR	06/01/2018	2018-12/43
R68-14	Quarantine Pertaining to Gypsy Moth - Lymantria Dispar	42721	5YR	03/26/2018	2018-8/145
R68-16	Quarantine Pertaining to Pine Shoot Beetle, Tomicus piniperda	42930	5YR	05/23/2018	2018-12/44
R68-20	Utah Organic Standards	42872	AMD	07/09/2018	2018-11/6
R68-24	Industrial Hemp Research Pilot Program for Growers	43145	NEW	10/31/2018	2018-17/6
R68-25	Industrial Hemp Research Pilot Program for Processors	43146	NEW	10/31/2018	2018-17/9
R68-26	Industrial Hemp Product Registration and Labeling	43147	NEW	10/31/2018	2018-17/14

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R81-4C	Limited Restaurant Licenses	43057	5YR	07/03/2018	2018-15/100
R81-4D	On-Premise Banquet License	43058	5YR	07/03/2018	2018-15/101
R81-10	Off-Premise Beer Retailers	42931	5YR	05/23/2018	2018-12/44

ATTORNEY GENERAL

Administration

R105-2	Records Access and Management	42367	AMD	02/07/2018	2018-1/2
R105-2	Records Access and Management	43075	AMD	09/07/2018	2018-15/52

CAREER SERVICE REVIEW OFFICE

Administration

R137-1	Grievance Procedure Rules	42844	AMD	09/28/2018	2018-10/15
R137-1	Grievance Procedure Rules	42844	CPR	09/28/2018	2018-12/36
R137-2	Government Records Access and Management Act	42779	5YR	04/09/2018	2018-9/69

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R151-4	Department of Commerce Administrative Procedures Act Rule	43148	AMD	10/11/2018	2018-17/17

Consumer Protection

R152-1	Utah Division of Consumer Protection Buyer Beware List	42827	NSC	04/26/2018	Not Printed
R152-1a	Internet Content Provider Ratings Methods	42828	NSC	04/26/2018	Not Printed
R152-1a-1	Authority and Purpose	43196	NSC	09/27/2018	Not Printed
R152-6	Utah Administrative Procedures Act Rules	42830	NSC	04/26/2018	Not Printed
R152-11	Utah Consumer Sales Practices Act	42831	NSC	04/26/2018	Not Printed
R152-15	Business Opportunity Disclosure Act Rules	42832	NSC	04/26/2018	Not Printed
R152-20	New Motor Vehicle Warranties	42833	NSC	04/26/2018	Not Printed
R152-21	Credit Services Organizations Act Rules	42834	NSC	04/26/2018	Not Printed
R152-21	Credit Services Organizations Act Rule	43280	5YR	10/16/2018	Not Printed
R152-22	Charitable Solicitations Act	42835	NSC	04/26/2018	Not Printed

R152-23	Utah Health Spa Services	42836	NSC	04/26/2018	Not Printed
R152-26	Telephone Fraud Prevention Act	42837	NSC	04/26/2018	Not Printed
R152-32a	Pawnshop and Secondhand Merchandise Transaction Information Act Rules	42838	NSC	04/26/2018	Not Printed
R152-32a	Pawnshop and Secondhand Merchandise Transaction Information Act Rule	42929	5YR	05/17/2018	2018-12/45
R152-34	Postsecondary Proprietary School Act Rules	42839	NSC	04/26/2018	Not Printed
R152-34a	Utah Postsecondary School State Authorization Act Rules	42840	NSC	04/26/2018	Not Printed
R152-39	Child Protection Registry Rules	42841	NSC	04/26/2018	Not Printed
R152-42	Uniform Debt-Management Services Act Rules	42842	NSC	04/26/2018	Not Printed
R152-49	Immigration Consultants Registration Act Rules	42843	NSC	04/26/2018	Not Printed
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R154-100	Utah Administrative Procedures Act Rules	43184	5YR	09/11/2018	2018-19/97
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R156-1	General Rule of the Division of Occupational and Professional Licensing	42582	AMD	04/09/2018	2018-5/7
R156-5a	Podiatric Physician Licensing Act Rule	42869	5YR	05/01/2018	2018-10/155
R156-9	Funeral Service Licensing Act Rule	43092	AMD	09/10/2018	2018-15/53
R156-11a	Cosmetology and Associated Professions Licensing Act Rule	42778	AMD	06/07/2018	2018-9/4
R156-24b-102	Definitions	42623	NSC	03/14/2018	Not Printed
R156-31b	Nurse Practice Act Rule	42448	5YR	01/08/2018	2018-3/69
R156-37c	Utah Controlled Substance Precursor Act Rule	42848	5YR	04/24/2018	2018-10/155
R156-38a	Residence Lien Restriction and Lien Recovery Fund Rule	43015	AMD	08/21/2018	2018-14/6
R156-42a	Occupational Therapy Practice Act Rule	43017	AMD	08/23/2018	2018-14/9
R156-42a	Occupational Therapy Practice Act Rule	43247	5YR	10/09/2018	2018-21/141
R156-44a	Nurse Midwife Practice Act Rule	43171	5YR	08/28/2018	2018-18/33
R156-46b-401	In General	42428	NSC	01/18/2018	Not Printed
R156-47b-102	Definitions	43150	AMD	10/11/2018	2018-17/22
R156-55b-102	Definitions	42429	NSC	01/18/2018	Not Printed
R156-61	Psychologist Licensing Act Rule	43216	5YR	09/18/2018	2018-20/31
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R156-63b	Security Personnel Licensing Act Armored Car Rule	42924	5YR	05/15/2018	2018-11/56
R156-67	Utah Medical Practice Act Rule	43137	AMD	10/09/2018	2018-17/24
R156-68	Utah Osteopathic Medical Practice Act Rule	42447	5YR	01/08/2018	2018-3/70
R156-68	Utah Osteopathic Medical Practice Act Rule	43142	AMD	10/09/2018	2018-17/28
R156-70a	Physician Assistant Practice Act Rule	42807	AMD	06/21/2018	2018-10/24
R156-71	Naturopathic Physician Practice Act Rule	42785	AMD	06/07/2018	2018-9/8
R156-72	Acupuncture Licensing Act Rule	42338	AMD	01/23/2018	2017-24/11
R156-74	Certified Court Reporters Licensing Act Rule	42847	5YR	04/24/2018	2018-10/156
R156-78-502	Unprofessional Conduct	42243	AMD	01/02/2018	2017-22/28
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R162-2c	Utah Residential Mortgage Practices and Licensing Rules	42809	AMD	07/13/2018	2018-10/27
R162-2f	Real Estate Licensing and Practices Rules	43012	AMD	08/21/2018	2018-14/12
R162-2g	Real Estate Appraiser Licensing and Certification Administrative Rules	43011	AMD	09/04/2018	2018-14/16
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R277-101	Public Participation in Utah State Board of Education Meetings	42750	NSC	04/12/2018	Not Printed
R277-102	Adjudicative Proceedings	42751	NSC	04/12/2018	Not Printed
R277-104	ADA Complaint Procedure	42909	5YR	05/11/2018	2018-11/56
R277-104	ADA Complaint Procedure	42914	AMD	07/09/2018	2018-11/9
R277-105	Recognizing Constitutional Freedoms in the Schools	42752	NSC	04/12/2018	Not Printed
R277-106	Utah Professional Practices Advisory Commission Appointment Process	42753	NSC	04/12/2018	Not Printed
R277-107	Educational Services Outside of Educator's Regular Employment	42910	5YR	05/11/2018	2018-11/57
R277-107	Educational Services Outside of Educator's Regular Employment	42915	AMD	07/09/2018	2018-11/12
R277-108	Annual Assurance of Compliance by Local School Boards	42754	NSC	04/12/2018	Not Printed
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R277-110	Educator Salary Adjustment	42756	NSC	04/12/2018	Not Printed
R277-113	LEA Fiscal and Auditing Policies	42849	EXD	04/24/2018	2018-10/159
R277-113	LEA Fiscal and Auditing Policies	42857	NEW	06/22/2018	2018-10/28
R277-114	Corrective Action and Withdrawal or Reduction of Program Funds	42757	NSC	04/12/2018	Not Printed
R277-116	Audit Procedure	42609	AMD	04/09/2018	2018-5/14
R277-117	Utah State Board of Education Protected Documents	42758	NSC	04/12/2018	Not Printed
R277-119	Discretionary Funds	42759	NSC	04/12/2018	Not Printed
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R277-121	Board Waiver of Administrative Rules	42761	NSC	04/12/2018	Not Printed
R277-122	Board of Education Procurement	42608	AMD	04/09/2018	2018-5/19
R277-122	Board of Education Procurement	42780	NSC	04/13/2018	Not Printed
R277-210	Utah Professional Practices Advisory Commission (UPPAC), Definitions	42771	NSC	04/13/2018	Not Printed
R277-211	Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions	42772	NSC	04/13/2018	Not Printed
R277-212	UPPAC Hearing Procedures and Reports	42773	NSC	04/13/2018	Not Printed
R277-213	Request for Licensure Reinstatement and Reinstatement Procedures	42774	NSC	04/13/2018	Not Printed
R277-214	Utah Professional Practices Advisory Commission Criminal Background Review	42775	NSC	04/13/2018	Not Printed
R277-215	Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions	42776	NSC	04/13/2018	Not Printed
R277-216	Surrender of License with UPPAC Investigation Pending	42777	NSC	04/13/2018	Not Printed
R277-400	School Facility Emergency and Safety	42878	NSC	05/17/2018	Not Printed
R277-400	School Facility Emergency and Safety	43138	AMD	10/16/2018	2018-17/32
R277-401	Child Abuse-Neglect Reporting by Education Personnel	42879	NSC	05/17/2018	Not Printed
R277-402	School Readiness Initiative	42880	NSC	05/17/2018	Not Printed
R277-403	Student Reading Proficiency and Notice to Parents	42881	NSC	05/17/2018	Not Printed
R277-403	Student Reading Proficiency and Notice to Parents	42963	REP	08/07/2018	2018-13/3
R277-404	Requirements for Assessments of Student Achievement	42479	AMD	03/14/2018	2018-3/5
R277-406	K-3 Reading Improvement Program and the State Reading Goal	42882	NSC	05/17/2018	Not Printed
R277-406	K-3 Reading Improvement Program and the State Reading Goal	42956	5YR	06/07/2018	2018-13/139

R277-406	K-3 Reading Improvement Program and the State Reading Goal	42997	AMD	08/07/2018	2018-13/5
R277-407	School Fees	42883	NSC	05/17/2018	Not Printed
R277-409	Public School Membership in Associations	42884	NSC	05/17/2018	Not Printed
R277-410	Accreditation of Schools	42885	NSC	05/17/2018	Not Printed
R277-411	School District Sponsored School Seminars on Youth Protection-Related Issues	42962	REP	08/07/2018	2018-13/8
R277-412	State Capitol Visit Program	42886	NSC	05/17/2018	Not Printed
R277-412	State Capitol Visit Program	43194	5YR	09/13/2018	2018-19/98
R277-415	School Nurses Matching Funds	42480	NEW	03/14/2018	2018-3/11
R277-417	Prohibiting LEAs and Third Party Providers from Offering Incentives or Disbursement for Enrollment or Participation	42887	NSC	05/17/2018	Not Printed
R277-418	Distance, Blended, Online, or Competency Based Learning Program	42888	NSC	05/17/2018	Not Printed
R277-419	Pupil Accounting	42889	NSC	05/17/2018	Not Printed
R277-419-2	Definitions	43132	AMD	10/16/2018	2018-17/38
R277-420	Aiding Financially Distressed School Districts	42890	NSC	05/17/2018	Not Printed
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R277-422	State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program	42892	NSC	05/17/2018	Not Printed
R277-424	Indirect Costs for State Programs	42893	NSC	05/17/2018	Not Printed
R277-426	Definition of Private and Non-Profit Schools for Federal Program Services	42894	NSC	05/17/2018	Not Printed
R277-433	Disposal of Textbooks in the Public Schools	42895	NSC	05/17/2018	Not Printed
R277-436	Gang Prevention and Intervention Programs in the Schools	42907	5YR	05/11/2018	2018-11/57
R277-436	Gang Prevention and Intervention Programs in the Schools	42916	AMD	07/09/2018	2018-11/21
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R277-437	Student Enrollment Options	43240	5YR	10/05/2018	2018-21/142
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R277-454	Construction Management of School Building Projects	42900	NSC	05/17/2018	Not Printed
R277-459	Teacher Supplies and Materials Appropriation	42901	NSC	05/17/2018	Not Printed
R277-460	Distribution of Substance Abuse Prevention Account	42902	NSC	05/17/2018	Not Printed
R277-461	Elementary School Counselor Grant Program	42923	NEW	07/09/2018	2018-11/25
R277-462	Comprehensive Counseling and Guidance Program	42903	NSC	05/17/2018	Not Printed
R277-463	Class Size Average and Pupil-Teacher Ratio Reporting	42996	AMD	08/07/2018	2018-13/10
R277-468	Parent/Guardian Review of Public Education Curriculum and Review of Complaint Process	42904	NSC	05/17/2018	Not Printed
R277-469	Instructional Materials Commission Operating Procedures	42322	AMD	01/09/2018	2017-23/4
R277-469	Instructional Materials Commission Operating Procedures	43018	NSC	07/06/2018	Not Printed
R277-470	Charter Schools - General Provisions	43082	5YR	07/13/2018	2018-15/101
R277-470	Charter Schools - General Provisions	42991	AMD	08/07/2018	2018-13/13
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R277-472	Charter School Student Enrollment and Transfers and School District Capacity Information	43020	NSC	07/06/2018	Not Printed
R277-474	School Instruction and Human Sexuality	43021	NSC	07/06/2018	Not Printed
R277-475	Patriotic, Civic and Character Education	43022	NSC	07/06/2018	Not Printed
R277-477	Distributions of Funds from the Interest and Dividends Account and Administration of the School LAND Trust Program	42800	AMD	06/07/2018	2018-9/13
R277-479	Funding for Charter School Students With Disabilities on an IEP	43023	NSC	07/06/2018	Not Printed
R277-480	Charter School Revolving Account	43025	NSC	07/06/2018	Not Printed

R277-481	Charter School Oversight, Monitoring and Appeals	43083	5YR	07/13/2018	2018-15/102
R277-481	Charter School Oversight, Monitoring and Appeals	42992	AMD	08/07/2018	2018-13/16
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R277-485	Loss of Enrollment	43026	NSC	07/06/2018	Not Printed
R277-486	Professional Staff Cost Program	43027	NSC	07/06/2018	Not Printed
R277-488	Critical Languages and Dual Language Immersion Program	43028	NSC	07/06/2018	Not Printed
R277-489	Kindergarten Entry and Exit Assessment - Early Intervention Program	43029	NSC	07/06/2018	Not Printed
R277-490	Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)	42471	5YR	01/12/2018	2018-3/70
R277-490	Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)	42481	AMD	03/14/2018	2018-3/13
R277-490	Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)	43030	NSC	07/06/2018	Not Printed
R277-491-4	School Community Council Principal Responsibilities	42323	AMD	01/09/2018	2017-23/9
R277-492	Utah Science Technology and Research Initiative (USTAR) Centers Program	43084	5YR	07/13/2018	2018-15/102
R277-492	Utah Science Technology and Research Initiative (USTAR) Centers Program	42998	AMD	08/07/2018	2018-13/20
R277-493	Kindergarten Supplemental Enrichment Program	42803	AMD	06/07/2018	2018-9/18
R277-494	Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities	43031	NSC	07/06/2018	Not Printed
R277-495	Required Policies for Electronic Devices in Public Schools	43032	NSC	07/06/2018	Not Printed
R277-496	K-3 Reading Software Licenses	43033	NSC	07/06/2018	Not Printed
R277-497	School Grading System	42999	AMD	08/07/2018	2018-13/24
R277-498	Grant for Math Teaching Training	43034	NSC	07/06/2018	Not Printed
R277-499	Seal of Biliteracy	43035	NSC	07/06/2018	Not Printed
R277-500	Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks	43296	NSC	10/25/2018	Not Printed
R277-502	Educator Licensing and Data Retention	42697	AMD	05/08/2018	2018-7/19
R277-503	Licensing Routes	43297	NSC	10/25/2018	Not Printed
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure	43298	NSC	10/25/2018	Not Printed
R277-505	Education Leadership License Areas of Concentration and Programs	43050	NSC	07/06/2018	Not Printed
R277-506	School Psychologists, School Social Workers, School Counselors, Communication Disorders (Audiologists), Speech-Language Pathologists, and Speech-Language Technicians Licenses and Programs	43051	NSC	07/06/2018	Not Printed
R277-507	Driver Education Endorsement	43049	NSC	07/06/2018	Not Printed
R277-508	Employment of Substitute Teachers	42762	5YR	04/02/2018	2018-8/145
R277-508	Employment of Substitute Teachers	42698	AMD	05/08/2018	2018-7/24
R277-508	Employment of Substitute Teachers	43299	NSC	10/25/2018	Not Printed
R277-509	Licensure of Student Teachers and Interns	43052	NSC	07/06/2018	Not Printed
R277-510	Educator Licensing - Highly Qualified Assignment	43300	NSC	10/25/2018	Not Printed
R277-511	Academic Pathway to Teaching (APT) Level 1 License	43301	NSC	10/25/2018	Not Printed
R277-512	Online Licensure	43302	NSC	10/25/2018	Not Printed
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R277-515	Utah Educator Professional Standards	42324	AMD	01/09/2018	2017-23/11
R277-515	Utah Educator Professional Standards	43305	NSC	10/25/2018	Not Printed
R277-516	Professional Standards and Training for Non-licensed Employees and Volunteers	43306	NSC	10/25/2018	Not Printed
R277-517	LEA Codes of Conduct	43307	NSC	10/25/2018	Not Printed
R277-518	Career and Technical Education Licenses	42618	5YR	02/26/2018	2018-6/47

R277-518	Career and Technical Education Licenses	43308	NSC	10/25/2018	Not Printed
R277-519	Educator Professional Learning Procedures and Credit	42325	AMD	01/09/2018	2017-23/16
R277-519	Educator Professional Learning Procedures and USBE Credit	43309	NSC	10/25/2018	Not Printed
R277-520	Appropriate Licensing and Assignment of Teachers	43310	NSC	10/25/2018	Not Printed
R277-521	National Board Certification Reimbursement	42699	AMD	05/08/2018	2018-7/26
R277-522	Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers.	43311	NSC	10/25/2018	Not Printed
R277-523	Teacher Salary Supplement Program	42804	NEW	06/07/2018	2018-9/21
R277-524	Paraprofessional/Paraeducator Programs, Assignments, and Qualifications	43312	NSC	10/25/2018	Not Printed
R277-525	Special Educator Stipends	42957	5YR	06/07/2018	2018-13/139
R277-525	Special Educator Stipends	42993	AMD	08/07/2018	2018-13/28
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R277-527	International Guest Teachers	43195	5YR	09/13/2018	2018-19/98
R277-527	International Guest Teachers	43314	NSC	10/25/2018	Not Printed
R277-528	Use of Public Education Job Enhancement Program (PEJEP) Funds	43315	NSC	10/25/2018	Not Printed
R277-530	Utah Effective Educator Standards	43316	NSC	10/25/2018	Not Printed
R277-530-3	Board Expectations for Effective Teaching, Educational Leadership, and Educational School Counselor Standards	42439	NSC	01/25/2018	Not Printed
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R277-532	Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees)	42763	5YR	04/02/2018	2018-8/146
R277-532	Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees)	42700	AMD	05/08/2018	2018-7/29
R277-533	District Educator Evaluation Systems	42806	AMD	06/07/2018	2018-9/23
R277-600	Student Transportation Standards and Procedures	43060	NSC	07/26/2018	Not Printed
R277-601	Standards for Utah School Buses and Operations	43061	NSC	07/26/2018	Not Printed
R277-602	Special Needs Scholarships - Funding and Procedures	43062	NSC	07/26/2018	Not Printed
R277-602	Special Needs Scholarships - Funding and Procedures	43140	AMD	10/16/2018	2018-17/42
R277-603	Autism Awareness Restricted Account Distribution	43063	NSC	07/26/2018	Not Printed
R277-605	Coaching Standards and Athletic Clinics	43064	NSC	07/26/2018	Not Printed
R277-607	Truancy Prevention	43065	NSC	07/26/2018	Not Printed
R277-608	Prohibition of Corporal Punishment in Utah's Public Schools	43066	NSC	07/26/2018	Not Printed
R277-609	Standards for LEA Discipline Plans and Emergency Safety Interventions	42701	AMD	05/08/2018	2018-7/31
R277-610	Released-Time Classes and Public Schools	42621	5YR	02/26/2018	2018-6/47
R277-610	Released-Time Classes and Public Schools	42611	AMD	04/09/2018	2018-5/26
R277-611	Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in the Public Schools	43070	NSC	07/26/2018	Not Printed
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R277-613	LEA Bullying, Cyber-bullying, Hazing and Harassment Policies and Training	42921	R&R	07/09/2018	2018-11/27
R277-613	LEA Bullying, Cyber-bullying, Hazing and Harassment Policies and Training	43131	5YR	08/02/2018	2018-17/71
R277-614	Athletes and Students with Head Injuries	42908	5YR	05/11/2018	2018-11/58
R277-614	Athletes and Students with Head Injuries	42917	AMD	07/09/2018	2018-11/34
R277-615	Standards and Procedures for Student Searches	43072	NSC	07/26/2018	Not Printed
R277-616	Education for Homeless and Emancipated Students	43073	NSC	07/26/2018	Not Printed
R277-617	Smart School Technology Program	42958	5YR	06/07/2018	2018-13/140
R277-617	Smart School Technology Program	42994	AMD	08/07/2018	2018-13/30

R277-619	Student Leadership Skills Development	43085	5YR	07/13/2018	2018-15/103
R277-619	Student Leadership Skills Development	42995	AMD	08/07/2018	2018-13/33
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R277-703	Centennial Scholarship for Early Graduation	43153	NSC	08/31/2018	Not Printed
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R277-705	Secondary School Completion and Diplomas	43155	NSC	08/31/2018	Not Printed
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R277-706	Public Education Regional Service Centers	43291	NSC	10/25/2018	Not Printed
R277-708	Enhancement for At-Risk Students	42483	AMD	03/14/2018	2018-3/23
R277-708	Enhancement for At-Risk Students	43292	NSC	10/25/2018	Not Printed
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R277-709	Education Programs Serving Youth in Custody	42613	AMD	04/09/2018	2018-5/34
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R277-711	High Quality School Readiness Expansion	43284	NSC	10/25/2018	Not Printed
R277-712	Competency-based Grant Programs	43285	NSC	10/25/2018	Not Printed
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R277-715	Out-of-School Time Program Standards	43288	NSC	10/25/2018	Not Printed
R277-716	Alternative Language Services for Utah Students	43289	NSC	10/25/2018	Not Printed
R277-717	High School Course Grading Requirements	42484	AMD	03/14/2018	2018-3/26
R277-717	High School Course Grading Requirements	43290	NSC	10/25/2018	Not Printed
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R277-719	Standards for Selling Foods Outside of the Reimbursable Meal in Schools	42614	AMD	04/09/2018	2018-5/39
R277-724	Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program	43293	NSC	10/25/2018	Not Printed
R277-725	Electronic High School	42805	REP	06/07/2018	2018-9/33
R277-733	Adult Education Programs	43294	NSC	10/25/2018	Not Printed
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R277-746	Driver Education Programs for Utah Schools	42764	5YR	04/02/2018	2018-8/146
R277-746	Driver Education Programs for Utah Schools	42702	AMD	05/08/2018	2018-7/36
R277-750	Education Programs for Students with Disabilities	43120	NSC	08/01/2018	Not Printed
R277-751	Special Education Extended School Year (ESY)	42765	5YR	04/02/2018	2018-8/147
R277-751	Special Education Extended School Year (ESY)	42703	AMD	05/08/2018	2018-7/38
R277-752	Special Education Intensive Services Fund	43119	NSC	08/01/2018	Not Printed
R277-753	LEA Reporting Requirements for Section 504 Students	43118	NSC	08/01/2018	Not Printed
R277-800	Utah Schools for the Deaf and the Blind	43117	NSC	08/01/2018	Not Printed
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R277-911	Secondary Career and Technical Education	43108	NSC	08/01/2018	Not Printed
R277-914	Career and Technical Student Organizations	43109	NSC	08/01/2018	Not Printed
R277-915	Work-based Learning Programs	43110	NSC	08/01/2018	Not Printed
R277-916	College and Career Awareness	43111	NSC	08/01/2018	Not Printed
R277-920	Implementation of the School Turnaround and Leadership Development Act	42327	AMD	01/09/2018	2017-23/19

R277-920	School Improvement - Implementation of the School Turnaround and Leadership Development Act	43112	NSC	08/01/2018	Not Printed
R277-921	Strengthening College and Career Readiness Program	43113	NSC	08/01/2018	Not Printed
R277-922	Digital Teaching and Learning Grant Program	43114	NSC	08/01/2018	Not Printed
R277-923	American Indian and Alaskan Native Education State Plan Pilot Programs	43115	NSC	08/01/2018	Not Printed
R277-924	Partnerships for Student Success Grant Program	43116	NSC	08/01/2018	Not Printed

ENVIRONMENTAL QUALITY

<u>Administration</u>

R305-4	Clean Fuels and Vehicle Technology Fund Grand and Loan Program	42979	5YR	06/13/2018	2018-13/140
R305-7	Administrative Procedures	42781	AMD	11/01/2018	2018-9/40
R305-7	Administrative Procedures	42781	CPR	11/01/2018	2018-17/66

<u>Air Quality</u>

R307-101-2	Definitions	42676	AMD	08/02/2018	2018-7/41
R307-101-2	Definitions	42676	CPR	08/02/2018	2018-13/118
R307-101-3	Version of Code of Federal Regulations Incorporated by Reference	42433	AMD	05/23/2018	2018-3/28
R307-102	General Requirements: Broadly Applicable Requirements	42546	EXT	01/31/2018	2018-4/111
R307-102	General Requirements: Broadly Applicable Requirements	42639	5YR	03/08/2018	2018-7/161
R307-107	General Requirements: Breakdowns	42640	5YR	03/08/2018	2018-7/162
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	42673	AMD	06/07/2018	2018-7/49
R307-115	General Conformity	42548	EXT	01/31/2018	2018-4/111
R307-115	General Conformity	42641	5YR	03/08/2018	2018-7/163
R307-123	General Requirements: Clean Fuels and Vehicle Technology Grant and Loan Program	42642	5YR	03/08/2018	2018-7/163
R307-150	Emission Inventories	42107	AMD	03/05/2018	2017-19/55
R307-150	Emission Inventories	42107	CPR	03/05/2018	2018-3/46
R307-170	Continuous Emission Monitoring Program	42550	EXT	01/31/2018	2018-4/111
R307-170	Continuous Emission Monitoring Program	42643	5YR	03/08/2018	2018-7/164
R307-208	Outdoor Wood Boilers	42644	5YR	03/08/2018	2018-7/164
R307-210	Standards of Performance for New Stationary Sources	42434	AMD	05/23/2018	2018-3/29
R307-214	National Emission Standards for Hazardous Air Pollutants	42435	AMD	05/23/2018	2018-3/30
R307-220	Emission Standards: Plan for Designated Facilities	42553	EXT	01/31/2018	2018-4/111
R307-220	Emission Standards: Plan for Designated Facilities	42645	5YR	03/08/2018	2018-7/165
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	42552	EXT	01/31/2018	2018-4/112
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	42646	5YR	03/08/2018	2018-7/166
R307-222	Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste	42532	EXT	01/31/2018	2018-4/112
R307-222	Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste	42647	5YR	03/08/2018	2018-7/166
R307-223	Emission Standards: Existing Small Municipal Waste Combustion Units	42533	EXT	01/31/2018	2018-4/112
R307-223	Emission Standards: Existing Small Municipal Waste Combustion Units	42648	5YR	03/08/2018	2018-7/167
R307-224	Mercury Emission Standards: Coal-Fired Electric Generating Units	42534	EXT	01/31/2018	2018-4/112
R307-224	Mercury Emission Standards: Coal-Fired Electric Generating Units	42649	5YR	03/08/2018	2018-7/167
R307-250	Western Backstop Sulfur Dioxide Trading Program	42535	EXT	01/31/2018	2018-4/113

R307-250	Western Backstop Sulfur Dioxide Trading Program	42650	5YR	03/08/2018	2018-7/168
R307-303	Commercial Cooking	42651	5YR	03/08/2018	2018-7/168
R307-312	Aggregate Processing Operations for PM2.5 Nonattainment Areas	42536	EXT	01/31/2018	2018-4/113
R307-312	Aggregate Processing Operations for PM2.5 Nonattainment Areas	42652	5YR	03/08/2018	2018-7/169
R307-342	Adhesives and Sealants	42653	5YR	03/08/2018	2018-7/170
R307-343-4	VOC Content Limits	42938	NSC	06/12/2018	Not Printed
R307-344	Paper, Film, and Foil Coatings	42537	EXT	01/31/2018	2018-4/113
R307-344	Paper, Film, and Foil Coatings	42654	5YR	03/08/2018	2018-7/170
R307-345	Fabric and Vinyl Coatings	42538	EXT	01/31/2018	2018-4/113
R307-345	Fabric and Vinyl Coatings	42655	5YR	03/08/2018	2018-7/171
R307-346	Metal Furniture Surface Coatings	42539	EXT	01/31/2018	2018-4/114
R307-346	Metal Furniture Surface Coatings	42656	5YR	03/08/2018	2018-7/171
R307-347	Large Appliance Surface Coatings	42541	EXT	01/31/2018	2018-4/114
R307-347	Large Appliance Surface Coatings	42657	5YR	03/08/2018	2018-7/172
R307-348	Magnet Wire Coatings	42543	EXT	01/31/2018	2018-4/114
R307-348	Magnet Wire Coatings	42659	5YR	03/08/2018	2018-7/172
R307-349	Flat Wood Panel Coatings	42540	EXT	01/31/2018	2018-4/114
R307-349	Flat Wood Paneling Coatings	42660	5YR	03/08/2018	2018-7/173
R307-350	Miscellaneous Metal Parts and Products Coatings	42542	EXT	01/31/2018	2018-4/114
R307-350	Miscellaneous Metal Parts and Products Coatings	42661	5YR	03/08/2018	2018-7/174
R307-351	Graphic Arts	42544	EXT	01/31/2018	2018-4/115
R307-351	Graphic Arts	42662	5YR	03/08/2018	2018-7/174
R307-352	Metal Container, Closure, and Coil Coatings	42545	EXT	01/31/2018	2018-4/115
R307-352	Metal Container, Closure, and Coil Coatings	42663	5YR	03/08/2018	2018-7/175
R307-353	Plastic Parts Coatings	42664	5YR	03/08/2018	2018-7/176
R307-354	Automotive Refinishing Coatings	42547	EXT	01/31/2018	2018-4/115
R307-354	Automotive Refinishing Coatings	42665	5YR	03/08/2018	2018-7/176
R307-355	Control of Emissions from Aerospace Manufacture and Rework Facilities	42549	EXT	01/31/2018	2018-4/115
R307-355	Aerospace Manufacture and Rework Facilities	42666	5YR	03/08/2018	2018-7/177
R307-355-3	Exemptions	42370	AMD	03/08/2018	2018-1/10
R307-356	Appliance Pilot Light	42430	EXT	01/02/2018	2018-2/59
R307-356	Appliance Pilot Light	42667	5YR	03/08/2018	2018-7/177
R307-357	Consumer Products	42668	5YR	03/08/2018	2018-7/178
R307-361	Architectural Coatings	43238	5YR	10/04/2018	2018-21/143
R307-401	Permit: New and Modified Sources	42108	AMD	03/05/2018	2017-19/58
R307-401	Permit: New and Modified Sources	42108	CPR	03/05/2018	2018-3/49
R307-401	Permit: New and Modified Sources	42574	NSC	03/05/2018	Not Printed
R307-403	Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas	42675	AMD	08/02/2018	2018-7/50
R307-403	Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas	42675	CPR	08/02/2018	2018-13/126
R307-504	Oil and Gas Industry: Tank Truck Loading	42109	AMD	03/05/2018	2017-19/70
R307-504	Oil and Gas Industry: Tank Truck Loading	42109	CPR	03/05/2018	2018-3/56
R307-505	Oil and Gas Industry: Registration Requirements	42110	NEW	01/26/2018	2017-19/71
R307-506	Oil and Gas Industry: Storage Vessels	42111	NEW	03/05/2018	2017-19/73
R307-506	Oil and Gas Industry: Storage Vessels	42111	CPR	03/05/2018	2018-3/58
R307-507	Oil and Gas Industry: Dehydrators	42112	NEW	03/05/2018	2017-19/75
R307-507	Oil and Gas Industry: Dehydrators	42112	CPR	03/05/2018	2018-3/60
R307-508	Oil and Gas Industry: VOC Control Devices	42113	NEW	03/05/2018	2017-19/77
R307-508	Oil and Gas Industry: VOC Control Devices	42113	CPR	03/05/2018	2018-3/62
R307-509	Oil and Gas Industry: Leak Detection and Repair Requirements	42114	NEW	03/05/2018	2017-19/79
R307-509	Oil and Gas Industry: Leak Detection and Repair Requirements	42114	CPR	03/05/2018	2018-3/63
R307-510	Oil and Gas Industry: Natural Gas Engine Requirements	42115	NEW	03/05/2018	2017-19/81
R307-510	Oil and Gas Industry: Natural Gas Engine Requirements	42115	CPR	03/05/2018	2018-3/65
R307-510	Oil and Gas Industry: Natural Gas Engine Requirements	42858	NSC	05/14/2018	Not Printed

R307-801	Utah Asbestos Rule	42551	EXT	01/31/2018	2018-4/115
R307-801	Utah Asbestos Rule	42669	5YR	03/08/2018	2018-7/179
Waste Management and Radiation Control, Radiation					
R313-25	License Requirements for Land Disposal of Radioactive Waste – General Provisions	42204	AMD	04/09/2018	2017-21/83
R313-25	License Requirements for Land Disposal of Radioactive Waste – General Provisions	42204	CPR	04/16/2018	2018-5/128
R313-32-2	Clarifications or Exceptions	43158	NSC	08/31/2018	Not Printed
R313-37-3	Clarifications or Exceptions	42798	AMD	07/13/2018	2018-9/59
Waste Management and Radiation Control, Waste Management					
R315-15	Standards for the Management of Used Oil	42451	AMD	04/19/2018	2018-3/35
R315-15-5	Standards for Used Oil Processors and Re-Refiners	42615	NSC	03/14/2018	Not Printed
R315-15-16	Grants	43081	AMD	09/14/2018	2018-15/57
R315-260	Hazardous Waste Management System	43079	AMD	09/14/2018	2018-15/61
R315-261	General Requirements -- Identification and Listing of Hazardous Waste	43080	AMD	09/14/2018	2018-15/65
R315-261	General Requirements -- Identification and Listing of Hazardous Waste	43129	NSC	09/20/2018	Not Printed
R315-262-17	General -- Conditions for Exemption for a Large Quantity Generator that Accumulates Hazardous Waste	42672	NSC	03/30/2018	Not Printed
R315-262-17	General -- Conditions for Exemption for a Large Quantity Generator that Accumulates Hazardous Waste	42824	NSC	05/03/2018	Not Printed
R315-270-61	Hazardous Waste Permit Program -- Emergency Permits	43159	NSC	08/31/2018	Not Printed
R315-301	Solid Waste Authority; Definitions, and General Requirements	42452	5YR	01/12/2018	2018-3/71
R315-302	Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements	42453	5YR	01/12/2018	2018-3/72
R315-303	Landfilling Standards	42454	5YR	01/12/2018	2018-3/72
R315-304	Industrial Solid Waste Landfill Requirements	42455	5YR	01/12/2018	2018-3/73
R315-305	Class IV and VI Landfill Requirements	42456	5YR	01/12/2018	2018-3/74
R315-306	Incinerator Standards	42457	5YR	01/12/2018	2018-3/74
R315-307	Landtreatment Disposal Standards	42458	5YR	01/12/2018	2018-3/75
R315-308	Ground Water Monitoring Requirements	42459	5YR	01/12/2018	2018-3/75
R315-309	Financial Assurance	42460	5YR	01/12/2018	2018-3/76
R315-310	Permit Requirements for Solid Waste Facilities	42461	5YR	01/12/2018	2018-3/77
R315-311	Permit Approval For Solid Waste Disposal, Waste Tire Storage, Energy Recovery, And Incinerator Facilities	42462	5YR	01/12/2018	2018-3/77
R315-312	Recycling and Composting Facility Standards	42463	5YR	01/12/2018	2018-3/78
R315-313	Transfer Stations and Drop Box Facilities	42464	5YR	01/12/2018	2018-3/79
R315-314	Facility Standards for Piles Used for Storage and Treatment	42465	5YR	01/12/2018	2018-3/79
R315-315	Special Waste Requirements	42466	5YR	01/12/2018	2018-3/80
R315-316	Infectious Waste Requirements	42467	5YR	01/12/2018	2018-3/80
R315-317	Other Processes, Variances, Violations, and Petition for Rule Change	42468	5YR	01/12/2018	2018-3/81
R315-318	Permit by Rule	42469	5YR	01/12/2018	2018-3/82
R315-320	Waste Tire Transporter and Recycler Requirements	42470	5YR	01/12/2018	2018-3/82
Water Quality					
R317-1-7	TMDLs	42692	AMD	05/24/2018	2018-7/56
R317-2	Standards of Quality for Waters of the State	42691	AMD	07/02/2018	2018-7/58
R317-9	Administrative Procedures	42509	5YR	01/24/2018	2018-4/95
R317-10-10	Examination	42274	AMD	01/24/2018	2017-22/29
R317-13	Approvals and Permits for a Water Reuse Project	42510	5YR	01/24/2018	2018-4/96
R317-14	Approval of Change in Point of Discharge of POTW	42511	5YR	01/24/2018	2018-4/96
R317-15	Water Quality Certification	43130	5YR	08/02/2018	2018-17/71

R317-101	Utah Wastewater Project Assistance Program	42705	5YR	03/20/2018	2018-8/147
FINANCIAL INSTITUTIONS					
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R331-20	Designation of Adjudicative Proceedings as Informal	43161	5YR	08/23/2018	2018-18/33
R331-21	Rule Governing Establishment of and Participation in Collective Investment Funds by Trust Companies	43163	5YR	08/23/2018	2018-18/34
R331-24	Accounting for Accrued Uncollected Income by Banks and Industrial Loan Corporations	43162	5YR	08/23/2018	2018-18/35
R331-25	Rule Governing Debt Cancellation and Debt Suspension Agreements Issued by Depository Institutions, Who Are Under the Jurisdiction of the Department of Financial Institutions	43248	5YR	10/11/2018	2018-21/143
Nondepository Lenders					
R343-9	Deferred Deposit Lenders Registration with the Nationwide Database	43176	REP	10/22/2018	2018-18/9
GOVERNOR					
Criminal and Juvenile Justice (State Commission on)					
R356-2-10	Evaluation Criteria	42337	AMD	04/02/2018	2017-24/13
R356-4	Juvenile Confinement	42055	NEW	01/02/2018	2017-18/26
Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission					
R364-1	Conflicts of Interest for Indigent Defense Commission Members	42351	NEW	01/29/2018	2017-24/14
Economic Development					
R357-3	Economic Development Tax Increment Financing Tax Credit	42940	EXD	05/31/2018	2018-12/47
R357-4	Government Procurement Private Proposal Program	43180	REP	10/24/2018	2018-18/11
R357-5	Motion Picture Incentive	42922	AMD	07/09/2018	2018-11/37
R357-16	Utah Outdoor Recreation Infrastructure Grant	42332	AMD	01/17/2018	2017-23/25
R357-16	Utah Outdoor Recreation Infrastructure Grant	42633	NSC	03/14/2018	Not Printed
R357-22	Rural Employment Expansion Program Rule	43152	NEW	10/11/2018	2018-17/52
R357-23	Business Expansion and Retention Initiative Rule	43149	NEW	10/11/2018	2018-17/54
R357-23	Business Expansion and Retention Initiative Rule	43208	NSC	10/11/2018	Not Printed
Economic Development, Consumer Health Exchange					
R358-1	Electronic Standards for Transmitting Information through the Health Insurance Exchange	43179	REP	10/25/2018	2018-18/14
HEALTH					
Administration					
R380-40	Local Health Department Minimum Performance Standards	42863	AMD	07/03/2018	2018-10/34
R380-50	Local Health Department Funding Allocation Formula	42852	AMD	07/03/2018	2018-10/39
R380-250	HIPAA Privacy Rule Implementation	42784	5YR	04/10/2018	2018-9/69
R380-300	Employee Background Screening	43144	NEW	10/22/2018	2018-17/56
Center for Health Data, Health Care Statistics					
R428-1	Health Data Plan and Incorporated Documents	42728	AMD	05/25/2018	2018-8/104
Center for Health Data, Vital Records and Statistics					
R436-1	Duties of the Department of Health	42704	5YR	03/19/2018	2018-8/149
R436-2	Infants of Unknown Parentage; Foundling Registration	42706	5YR	03/20/2018	2018-8/149

R436-3	Amendment of Vital Records	42707	5YR	03/20/2018	2018-8/150
R436-4	Delayed Registration of Birth	42708	5YR	03/20/2018	2018-8/150
R436-6	Delayed Registration of Birth or Death	42339	REP	04/03/2018	2017-24/20
R436-7	Death Registration	42713	5YR	03/21/2018	2018-8/151
R436-8	Authorization for Final Disposition of Deceased Persons	42709	5YR	03/20/2018	2018-8/151
R436-9	Persons and Institutions Required to Keep Monthly Listings of Vital Statistics Events	42712	5YR	03/21/2018	2018-8/152
R436-10	Birth and Death Certificates	42710	5YR	03/20/2018	2018-8/152
R436-12	Certified Copies of Vital Statistics Records	42714	5YR	03/21/2018	2018-8/153
R436-13	Disclosure of Records	42715	5YR	03/21/2018	2018-8/153
R436-14	Copies of Data From Vital Records	42716	5YR	03/21/2018	2018-8/154
R436-15	Fees	42717	5YR	03/21/2018	2018-8/154
R436-16	Violation of Rules	42718	5YR	03/21/2018	2018-8/155
R436-17	Review and Approval of Research Requests	42719	5YR	03/21/2018	2018-8/155
Child Care Center Licensing Committee					
R381-60	Hourly Child Care Centers	42727	AMD	08/10/2018	2018-8/4
R381-70	Out of School Time Child Care Programs	42726	AMD	08/10/2018	2018-8/19
R381-100	Child Care Centers	42725	AMD	08/10/2018	2018-8/33
Children's Health Insurance Program					
R382-1	Benefits and Administration	42790	5YR	04/11/2018	2018-9/70
R382-10	Eligibility	42791	5YR	04/11/2018	2018-9/70
Disease Control and Prevention, Environmental Services					
R392-100	Food Service Sanitation	42684	AMD	05/18/2018	2018-7/93
R392-102	Food Truck Sanitation	42685	NEW	05/18/2018	2018-7/97
R392-103	Food Handler Training and Certificate	43077	5YR	07/12/2018	2018-15/103
R392-200	Design, Construction, Operation, Sanitation, and Safety of Schools	42732	AMD	05/31/2018	2018-8/51
R392-300	Recreation Camp Sanitation	42516	R&R	03/26/2018	2018-4/4
R392-301	Recreational Vehicle Park Sanitation	43076	R&R	09/10/2018	2018-15/84
R392-302	Design, Construction and Operation of Public Pools	42744	AMD	05/24/2018	2018-8/66
R392-401	Roadway Rest Stop Sanitation	42514	R&R	03/26/2018	2018-4/27
R392-402	Mobile Home Park Sanitation	42731	R&R	05/24/2018	2018-8/89
R392-501	Labor Camp Sanitation	43014	R&R	09/10/2018	2018-14/25
R392-502	Hotel, Motel and Resort Sanitation	42515	R&R	03/26/2018	2018-4/31
R392-600	Illegal Drug Operations Decontamination Standards	43037	AMD	08/24/2018	2018-14/34
R392-700	Indoor Tanning Bed Sanitation	42491	5YR	01/19/2018	2018-4/97
Disease Control and Prevention, Epidemiology					
R386-702	Communicable Disease Rule	42285	AMD	01/02/2018	2017-22/31
Disease Control and Prevention, Health Promotion					
R384-201	School-Based Vision Screening for Students in Public Schools	42569	EXT	02/08/2018	2018-5/161
R384-201	School-Based Vision Screening for Students in Public Schools	42951	5YR	06/07/2018	2018-13/141
R384-210	Co-prescription Guidelines -- Reporting	42283	NEW	06/07/2018	2017-22/30
R384-210	Co-prescription Guidelines -- Reporting	42283	CPR	06/07/2018	2018-4/70
R384-324	Tobacco Retailer Permit Process	42870	NEW	07/09/2018	2018-10/42
Disease Control and Prevention, Immunization					
R396-100	Immunization Rule for Students	42947	5YR	06/07/2018	2018-13/141
Disease Control and Prevention, Laboratory Services					
R438-13	Rules for the Certification of Institutions to Obtain Impounded Animals in the State of Utah	43078	EXT	07/12/2018	2018-15/109
R438-15	Newborn Screening	42282	NEW	01/29/2018	2017-22/60
Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health					
R388-805	Ryan White Part B Program	42328	AMD	02/01/2018	2017-23/28

Family Health and Preparedness, Child Care Licensing

R430-1	General Licensing, Certificate, and Enforcement Provisions, Child Care Facilities	43107	REP	10/15/2018	2018-16/14
R430-6	Background Screening	43106	REP	10/15/2018	2018-16/18
R430-8	Exemptions From Child Care Licensing	42745	R&R	08/10/2018	2018-8/106
R430-50	Residential Certificate Child Care	42877	5YR	05/09/2018	2018-11/58
R430-50	Residential Certificate Child Care	42734	AMD	08/10/2018	2018-8/112
R430-90	Licensed Family Child Care	42876	5YR	05/09/2018	2018-11/59
R430-90	Licensed Family Child Care	42733	AMD	08/10/2018	2018-8/125

Family Health and Preparedness, Children with Special Health Care Needs

R398-1	Newborn Screening	42279	REP	01/29/2018	2017-22/46
R398-2	Newborn Hearing Screening	43013	5YR	06/19/2018	2018-14/51
R398-3	Children's Hearing Aid Program	43205	5YR	09/14/2018	2018-19/99
R398-10	Autism Spectrum Disorders and Intellectual Disability Reporting	43105	AMD	09/24/2018	2018-16/12
R398-20	Early Intervention	43054	5YR	07/02/2018	2018-14/51

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R426-1	General Definitions	42554	AMD	04/19/2018	2018-4/43
R426-1	General Definitions	43242	5YR	10/09/2018	2018-21/144
R426-2	Emergency Medical Services Provider Designations for Pre-Hospital Providers, Critical Incident Stress Management and Quality Assurance Reviews	42555	AMD	04/19/2018	2018-4/46
R426-2	Emergency Medical Services Provider Designations for Pre-Hospital Providers, Critical Incident Stress Management and Quality Assurance Reviews	43243	5YR	10/09/2018	2018-21/144
R426-3	Licensure	42556	AMD	04/19/2018	2018-4/50
R426-3	Licensure	42964	EMR	06/11/2018	2018-13/133
R426-3	Licensure	43244	5YR	10/09/2018	2018-21/145
R426-4	Operations	43245	5YR	10/09/2018	2018-21/145
R426-6	Emergency Medical Services Per Capita and Competitive Grant Programs Rules	42724	5YR	03/28/2018	2018-8/148
R426-8	Emergency Medical Services Ground Ambulance Rates and Charges	42826	AMD	07/01/2018	2018-10/49
R426-9	Trauma and EMS System Facility Designations	43246	5YR	10/09/2018	2018-21/146

Family Health and Preparedness, Licensing

R432-1	General Health Care Facility Rules	42520	5YR	01/29/2018	2018-4/98
R432-1	General Health Care Facility Rules	43006	AMD	08/20/2018	2018-13/37
R432-2	General Licensing Provisions	42521	5YR	01/29/2018	2018-4/98
R432-2	General Licensing Provisions	43005	AMD	08/27/2018	2018-13/43
R432-2-5	Requirements for a Satellite Service Operation	42397	AMD	03/22/2018	2018-2/9
R432-2-13	New License Required	42396	AMD	03/22/2018	2018-2/11
R432-3	General Health Care Facility Rules Inspection and Enforcement	42522	5YR	01/29/2018	2018-4/99
R432-3	General Health Care Facility Rules Inspection and Enforcement	43004	AMD	08/27/2018	2018-13/45
R432-4	General Construction	42523	5YR	01/29/2018	2018-4/99
R432-5	Nursing Facility Construction	42524	5YR	01/29/2018	2018-4/100
R432-6	Assisted Living Facility General Construction	42525	5YR	01/29/2018	2018-4/100
R432-6-16	Parking	42937	AMD	08/20/2018	2018-12/20
R432-16	Hospice Inpatient Facility Construction	42518	5YR	01/29/2018	2018-4/101
R432-35	Background Screening -- Health Facilities	42519	5YR	01/29/2018	2018-4/101
R432-35	Background Screening -- Health Facilities	43003	AMD	10/01/2018	2018-13/50
R432-150-8	Administrator	42201	AMD	01/11/2018	2017-21/108
R432-270	Assisted Living Facilities	43002	AMD	08/27/2018	2018-13/53
R432-270-19	Medication Administration	42200	AMD	01/11/2018	2017-21/109
R432-950	Mammography Quality Assurance	43136	AMD	10/23/2018	2018-17/59

Family Health and Preparedness, Primary Care and Rural Health

R434-150	Adverse Events from the Administration of Sedation or Anesthesia; Recording and Reporting	42334	NEW	04/14/2018	2017-24/18

R434-150	Adverse Events from the Administration of Sedation or Anesthesia; Recording and Reporting	42671	NSC	04/14/2018	Not Printed

Health Care Financing

R410-14	Administrative Hearing Procedures	42517	EMR	01/29/2018	2018-4/81
R410-14	Administrative Hearing Procedures	42746	AMD	05/29/2018	2018-8/95

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R414-1-5	Incorporations by Reference	42631	AMD	05/08/2018	2018-6/6
R414-2A-7	Limitations	42625	AMD	05/08/2018	2018-6/11
R414-3A	Outpatient Hospital Services	42180	AMD	03/05/2018	2017-20/26
R414-3A	Outpatient Hospital Services	42180	CPR	03/05/2018	2018-2/42
R414-3A-5	Services	42594	AMD	05/08/2018	2018-5/42
R414-4x	Policy Statement on Denial of Payment to Medicaid Provider When Client Fails to Keep Scheduled Appointment	42306	REP	01/19/2018	2017-23/49
R414-9	Federally Qualified Health Centers and Rural Health Clinics	43122	5YR	07/27/2018	2018-16/33
R414-27	Medicaid Enrollment Process for Nursing Care Facilities	42427	5YR	01/02/2018	2018-2/54
R414-42	Telemedicine	42871	AMD	07/01/2018	2018-10/45
R414-42	Telemedicine	43053	5YR	07/02/2018	2018-14/52
R414-52	Optometry Services	42782	5YR	04/10/2018	2018-9/71
R414-53	Eyeglasses Services	42783	5YR	04/10/2018	2018-9/71
R414-55	Medicaid Policy for Hospital Emergency Department Copayment Procedures	43036	REP	09/04/2018	2018-14/43
R414-60	Medicaid Policy for Pharmacy Program	42626	AMD	05/01/2018	2018-6/13
R414-60A	Drug Utilization Review Board	42787	AMD	06/27/2018	2018-9/61
R414-60B	Preferred Drug List	42788	AMD	06/27/2018	2018-9/63
R414-61-2	Incorporation by Reference	42936	AMD	07/27/2018	2018-12/14
R414-301	Medicaid General Provisions	42440	5YR	01/08/2018	2018-3/83
R414-302	Eligibility Requirements	42441	5YR	01/08/2018	2018-3/84
R414-302-6	Residents of Institutions	42487	EMR	01/19/2018	2018-4/85
R414-302-6	Residents of Institutions	42627	AMD	05/08/2018	2018-6/15
R414-303	Coverage Groups	42442	5YR	01/08/2018	2018-3/84
R414-304	Income and Budgeting	42443	5YR	01/08/2018	2018-3/85
R414-305	Resources	42444	5YR	01/08/2018	2018-3/85
R414-306	Program Benefits and Date of Eligibility	42445	5YR	01/08/2018	2018-3/86
R414-308	Application, Eligibility Determinations and Improper Medical Assistance	42446	5YR	01/08/2018	2018-3/86
R414-308-3	Application and Signature	42488	EMR	01/19/2018	2018-4/87
R414-308-3	Application and Signature	42628	AMD	05/08/2018	2018-6/17
R414-311	Targeted Adult Medicaid	42489	EMR	01/19/2018	2018-4/90
R414-311	Targeted Adult Medicaid	42629	NEW	05/08/2018	2018-6/20
R414-401-3	Assessment	42851	AMD	07/01/2018	2018-10/47
R414-508	Requirements for Transfer of Bed Licenses	42935	5YR	05/25/2018	2018-12/46
R414-509	Medicaid Autism Waiver Open Enrollment Process	42490	REP	04/11/2018	2018-4/41
R414-510	Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program	42941	R&R	07/27/2018	2018-12/16
R414-511	Medicaid Accountable Care Organization Incentives to Appropriately Use Emergency Room Services	43204	5YR	09/14/2018	2018-19/100
R414-517	Inpatient Hospital Provider Assessments	42353	AMD	01/29/2018	2017-24/16
R414-519	Settings for Home and Community-Based Services	42635	NEW	05/25/2018	2018-7/112

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R477-1	Definitions	42810	AMD	07/01/2018	2018-10/51
R477-2	Administration	42811	AMD	07/01/2018	2018-10/57
R477-4	Filling Positions	42812	AMD	07/01/2018	2018-10/60
R477-5	Employee Status and Probation	42813	AMD	07/01/2018	2018-10/63
R477-6	Compensation	42814	AMD	07/01/2018	2018-10/65
R477-7	Leave	42815	AMD	07/01/2018	2018-10/71

R477-8	Working Conditions	42816	AMD	07/01/2018	2018-10/79
R477-9	Employee Conduct	42817	AMD	07/01/2018	2018-10/84
R477-10	Employee Development	42818	AMD	07/01/2018	2018-10/87
R477-11	Discipline	42819	AMD	07/01/2018	2018-10/89
R477-12	Separations	42820	AMD	07/01/2018	2018-10/92
R477-16	Abusive Conduct Prevention	42821	AMD	07/01/2018	2018-10/94
R477-101	Administrative Law Judge Conduct Committee	42822	AMD	07/01/2018	2018-10/96

HUMAN SERVICES

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R495-879	Parental Support for Children in Care	43094	5YR	07/17/2018	2018-16/33
R495-881	Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Implementation	42766	5YR	04/02/2018	2018-8/156
R495-885	Employee Background Screenings	42417	AMD	02/23/2018	2018-2/13
R495-885	Employee Background Screenings	42845	EMR	04/23/2018	2018-10/149
R495-885	Employee Background Screenings	42630	AMD	07/18/2018	2018-6/23
R495-885	Employee Background Screenings	42630	CPR	07/18/2018	2018-11/50

Administration, Administrative Services, Licensing

R501-1	General Provisions for Licensing	42216	AMD	02/23/2018	2017-21/111
R501-7	Child Placing Adoption Agencies	42317	R&R	05/02/2018	2017-23/50
R501-7	Child Placing Adoption Agencies	42317	CPR	05/02/2018	2018-6/34
R501-12	Foster Care Services	42217	AMD	02/23/2018	2017-21/120
R501-12	Foster Care Services	42862	AMD	07/01/2018	2018-10/101
R501-14	Human Service Program Background Screening	42233	AMD	02/23/2018	2017-21/130
R501-18	Recovery Residence Services	42234	AMD	02/07/2018	2017-21/136

Aging and Adult Services

R510-105	"Out and About" Homebound Transportation Assistance Fund Rules	42485	5YR	01/17/2018	2018-4/102
R510-200	Long-Term Care Ombudsman Program Policy	42636	R&R	05/30/2018	2018-7/114

Child and Family Services

R512-41	Qualifying Adoptive Families and Adoption Placement	43269	5YR	10/15/2018	2018-21/147
R512-75	Rules Governing Adjudication of Consumer Complaints	43270	5YR	10/15/2018	2018-21/147
R512-76	Expungement of DCFS Allegations	42829	NEW	06/21/2018	2018-10/110
R512-100	In-Home Services	42596	5YR	02/15/2018	2018-5/143
R512-200	Child Protective Services, Intake Services	42597	5YR	02/15/2018	2018-5/143
R512-201	Child Protective Services, Investigation Services	42598	5YR	02/15/2018	2018-5/144
R512-202	Child Protective Services, General Allegation Categories	42599	5YR	02/15/2018	2018-5/144
R512-300	Out-of-Home Services	42600	5YR	02/15/2018	2018-5/145
R512-301	Out-of-Home Services, Responsibilities Pertaining to a Parent or Guardian	42601	5YR	02/15/2018	2018-5/145
R512-302	Out-of-Home Services, Responsibilities Pertaining to an Out-of-Home Caregiver	42602	5YR	02/15/2018	2018-5/146
R512-305	Out-of-Home Services, Transition to Adult Living Services	42603	5YR	02/15/2018	2018-5/146
R512-306	Out-of-Home Services, Transition to Adult Living Services, Education and Training Voucher Program	43320	5YR	10/19/2018	Not Printed
R512-309	Out-of-Home Services, Foster Parent Reimbursement of Motor Vehicle Insurance Coverage for Youth in Foster Care	42604	5YR	02/15/2018	2018-5/147
R512-500	Kinship Services, Placement and Background Screening	42605	5YR	02/15/2018	2018-5/147

Recovery Services

R527-201	Medical Support Services	43166	NSC	09/07/2018	Not Printed
R527-303	Automatic Payment Withdrawal	42638	NEW	05/08/2018	2018-7/134
R527-920	Mandatory Disbursement to Obligee Through Electronic Funds Transfer	42720	5YR	03/23/2018	2018-8/156

Services for People with Disabilities					
R539-1	Eligibility	42560	NSC	03/01/2018	Not Printed
R539-1	Eligibility	42926	NSC	06/01/2018	Not Printed
Substance Abuse and Mental Health, State Hospital					
R525-2	Patient Rights	42473	5YR	01/16/2018	2018-3/87
R525-3	Medication Treatment of Patients	42474	5YR	01/16/2018	2018-3/87
R525-3	Medication Treatment of Patients	42558	NSC	03/01/2018	Not Printed
R525-3	Medication Treatment of Patients	43128	NSC	08/09/2018	Not Printed
R525-4	Visitors	42475	5YR	01/16/2018	2018-3/88
R525-5	Background Checks	42476	5YR	01/16/2018	2018-3/88
R525-6	Prohibited Items and Devices	42477	5YR	01/16/2018	2018-3/89
R525-6	Prohibited Items and Devices	42557	NSC	03/01/2018	Not Printed
R525-7	Complaints/Suggestions/Concerns	42478	5YR	01/16/2018	2018-3/89
INSURANCE					
Administration					
R590-94	Rule Permitting Smoker/Nonsmoker Mortality Tables For Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	42686	5YR	03/14/2018	2018-7/179
R590-102	Insurance Department Fee Payment Rule	42395	AMD	02/08/2018	2018-1/11
R590-154	Unfair Marketing Practices Rule; Misleading Names	42687	5YR	03/14/2018	2018-7/180
R590-157	Surplus Lines Insurance Premium Tax and Stamping Fee	42438	5YR	01/04/2018	2018-3/90
R590-160	Administrative Proceedings	43000	R&R	08/14/2018	2018-13/56
R590-160	Adjudicative Proceedings	43221	5YR	09/21/2018	2018-20/32
R590-161	Disability Income Policy Disclosure	43219	5YR	09/21/2018	2018-20/33
R590-162	Actuarial Opinion and Memorandum Rule	43220	5YR	09/21/2018	2018-20/33
R590-164	Uniform Health Billing Rule	43007	AMD	08/14/2018	2018-13/66
R590-186	Bail Bond Surety Business	43067	5YR	07/10/2018	2018-15/104
R590-218	Permitted Language for Reservation of Discretion Clauses	42437	5YR	01/04/2018	2018-3/90
R590-219	Credit Scoring	42875	5YR	05/04/2018	2018-11/59
R590-222	Life Settlements	42874	5YR	05/04/2018	2018-11/60
R590-223	Rule to Recognize the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	42873	5YR	05/04/2018	2018-11/60
R590-238	Captive Insurance Companies	43009	NSC	07/03/2018	Not Printed
R590-243	Commercial Motor Vehicle Insurance Coverage	42436	5YR	01/04/2018	2018-3/91
R590-245	Self-Service Storage Insurance	43222	5YR	09/21/2018	2018-20/34
R590-246	Professional Employer Organization (PEO) License Application Rule	43133	5YR	08/03/2018	2018-17/72
R590-247	Universal Health Insurance Application Rule	42984	5YR	06/13/2018	2018-13/142
R590-250	PEO Assurance Organization Designation	43134	5YR	08/03/2018	2018-17/73
R590-251	Preneed Life Insurance Minimum Standards For Determining Reserve Liabilities And Nonforfeiture Values Rule	43135	5YR	08/03/2018	2018-17/73
R590-266-1	Authority	42319	AMD	01/10/2018	2017-23/66
R590-266-4	Utah Essential Health Benefits	42856	NSC	05/14/2018	Not Printed
R590-267	Personal Injury Protection Relative Value Study Rule	43323	5YR	10/24/2018	Not Printed
R590-276	Record Retention for Foreign, Alien, Commercially Domiciled, Foreign Title and Foreign Fraternals	42214	NEW	04/23/2018	2017-21/165
R590-276	Record Retention for Foreign, Alien, Commercially Domiciled, Foreign Title and Foreign Fraternals	42214	CPR	04/23/2018	2018-6/44
Title and Escrow Commission					
R592-7	Title Insurance Continuing Education Program	42711	R&R	07/30/2018	2018-8/138
R592-10	Title Insurance Regulation Assessment for Agency Title Insurance Producers and Title Insurers	43068	5YR	07/10/2018	2018-15/105

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Administration					
R597-5	Electronic Meetings	42262	NEW	01/02/2018	2017-22/68

LABOR COMMISSION

Adjudication					
R602-4	Procedures for Termination of Temporary Total Disability Compensation Pursuant to Reemployment Under Section 34A-2-410.5	43127	5YR	08/01/2018	2018-16/34
R602-5	Procedures for Resolving Disputes Regarding "Cooperation" and "Diligent Pursuit" Under Subsection 34A-2-413(6)(e)(iii) and Subsection 34A-2-413(9) Consistent with Utah Administrative Code Subsection R612-200-7(D)(4)	43126	5YR	08/01/2018	2018-16/35
R602-6	Procedures Applicable for Approval of Settlement Agreements in Workers' Compensation	43125	5YR	08/01/2018	2018-16/35
Administration					
R600-1	Declaratory Orders	42622	5YR	02/26/2018	2018-6/49
Boiler, Elevator and Coal Mine Safety					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	42565	AMD	04/09/2018	2018-5/49
R616-3-3	Safety Codes for Elevators	42566	AMD	04/09/2018	2018-5/51
R616-3-4	Inspector Qualification	43164	AMD	10/22/2018	2018-18/23
Industrial Accidents					
R612-100	Workers' Compensation Rules - General Provisions	42561	5YR	02/08/2018	2018-5/148
R612-100-4	Designation as Informal Proceedings	42786	AMD	06/07/2018	2018-9/66
R612-200	Workers' Compensation Rules - Filing and Paying Claims	42562	5YR	02/08/2018	2018-5/149
R612-300	Workers' Compensation Rules - Medical Care	42563	5YR	02/08/2018	2018-5/149
R612-300-4	General Method for Computing Medical Fees	42567	AMD	04/09/2018	2018-5/46
R612-400	Workers' Compensation Insurance, Self-Insurance and Waivers	42564	5YR	02/08/2018	2018-5/150
Occupational Safety and Health					
R614-1-4	Incorporation of Federal Standards	43121	AMD	10/15/2018	2018-16/22

LIEUTENANT GOVERNOR

Administration					
R622-1	Adjudicative Proceedings	43157	5YR	08/20/2018	2018-18/35

NATURAL RESOURCES

Administration					
R634-3	Compensatory Mitigation Program	42309	NEW	03/26/2018	2017-23/67
R634-3	Compensatory Mitigation Program	42309	CPR	03/26/2018	2018-4/71
Forestry, Fire and State Lands					
R652-7	Public Petitions for Declaratory Orders	42977	5YR	06/11/2018	2018-13/152
R652-110	Off-Highway Vehicle Designations	42978	5YR	06/11/2018	2018-13/153
R652-123	Wildland Fire Suppression Cost Recovery Procedure	42928	NEW	07/23/2018	2018-12/22
Oil, Gas and Mining; Administration					
R642-200	Applicability	42495	5YR	01/24/2018	2018-4/102
Oil, Gas and Mining; Coal					
R645-101	Restrictions on State Employees	42496	5YR	01/24/2018	2018-4/103

R645-102	Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction	42497	5YR	01/24/2018	2018-4/103
R645-104	Protection of Employees	42498	5YR	01/24/2018	2018-4/104
R645-401	Inspection and Enforcement: Civil Penalties	42499	5YR	01/24/2018	2018-4/104
Oil, Gas and Mining; Non-Coal					
R647-1	Minerals Regulatory Program	42500	5YR	01/24/2018	2018-4/105
R647-2	Exploration	42501	5YR	01/24/2018	2018-4/105
R647-3	Small Mining Operations	42502	5YR	01/24/2018	2018-4/106
R647-4	Large Mining Operations	42503	5YR	01/24/2018	2018-4/106
R647-5	Administrative Procedures	42504	5YR	01/24/2018	2018-4/107
R647-6	Inspection and Enforcement: Division Authority and Procedures	42505	5YR	01/24/2018	2018-4/108
R647-7	Inspection and Enforcement: Civil Penalties	42506	5YR	01/24/2018	2018-4/108
R647-8	Inspection and Enforcement: Individual Civil Penalties	42507	5YR	01/24/2018	2018-4/109
Oil, Gas and Mining; Oil and Gas					
R649-6	Gas Processing and Waste Crude Oil Treatment	42508	5YR	01/24/2018	2018-4/109
Parks and Recreation					
R651-103	Electronic Meetings	42723	NEW	05/22/2018	2018-8/142
R651-406	Off-Highway Vehicle Registration Fees	42431	AMD	02/21/2018	2018-2/16
R651-407	Off-Highway Vehicle Advisory Council	42682	5YR	03/13/2018	2018-7/181
R651-601	Definitions as Used in These Rules	42989	5YR	06/13/2018	2018-13/143
R651-602	Aircraft and Powerless Flight	42990	5YR	06/13/2018	2018-13/143
R651-603	Animals	42946	5YR	06/07/2018	2018-13/144
R651-604	Audio Devices	42948	5YR	06/07/2018	2018-13/144
R651-605	Begging and Soliciting	42949	5YR	06/07/2018	2018-13/145
R651-606	Camping	42950	5YR	06/07/2018	2018-13/145
R651-607	Disorderly Conduct	42952	5YR	06/07/2018	2018-13/146
R651-608	Events of Special Uses	42953	5YR	06/07/2018	2018-13/146
R651-609	Explosives and Fireworks	42954	5YR	06/07/2018	2018-13/147
R651-610	Expulsion	42955	5YR	06/07/2018	2018-13/147
R651-613	Fires	42959	5YR	06/07/2018	2018-13/147
R651-614	Fishing, Hunting and Trapping	42960	5YR	06/07/2018	2018-13/148
R651-615	Motor Vehicle Use	42961	5YR	06/07/2018	2018-13/148
R651-616	Organized Sports	42981	5YR	06/13/2018	2018-13/149
R651-617	Permit Violation	42982	5YR	06/13/2018	2018-13/149
R651-618	Picnicking	42983	5YR	06/13/2018	2018-13/150
R651-619	Possession of Alcoholic Beverages or Controlled Substances	42985	5YR	06/13/2018	2018-13/150
R651-620	Protection of Resources Park System Property	42986	5YR	06/13/2018	2018-13/151
R651-621	Reports of Injury or Damage	42987	5YR	06/13/2018	2018-13/151
R651-622	Rock Climbing	43048	5YR	06/28/2018	2018-14/52
R651-623	Sale or Distribution of Printed Material	43047	5YR	06/28/2018	2018-14/53
R651-624	Sanitation	43046	5YR	06/28/2018	2018-14/53
R651-625	Shirts and Shoes	43045	5YR	06/28/2018	2018-14/54
R651-626	Skating, Skateboards and Motorized Transportation Devices	43044	5YR	06/28/2018	2018-14/54
R651-627	Swimming	43043	5YR	06/28/2018	2018-14/55
R651-628	Trails and Walks	43042	5YR	06/28/2018	2018-14/55
R651-629	Unattended Property	43041	5YR	06/28/2018	2018-14/56
R651-630	Unsupervised Children	42988	5YR	06/13/2018	2018-13/152
R651-631	Winter Sports	43040	5YR	06/28/2018	2018-14/56
R651-632	Enforcement	43039	5YR	06/28/2018	2018-14/57
R651-633	Special Closures or Restrictions	43038	5YR	06/28/2018	2018-14/57
Water Resources					
R653-9	Electronic Meetings	42257	NEW	03/02/2018	2017-22/74
Water Rights					
R655-1	Wells Used for the Discovery and Production of Geothermal Energy in the State of Utah	42606	R&R	04/09/2018	2018-5/53
R655-4	Water Wells	42607	R&R	04/09/2018	2018-5/67

<u>Wildlife Resources</u>					
R657-3	Collection, Importation, Transportation, and Possession of Animals	42624	5YR	02/27/2018	2018-6/49
R657-3	Collection, Importation, Transportation, and Possession of Animals	42965	AMD	08/09/2018	2018-13/69
R657-5	Taking Big Game	42371	AMD	02/07/2018	2018-1/19
R657-5	Taking Big Game	42920	AMD	07/09/2018	2018-11/40
R657-9	Taking Waterfowl, Wilson's Snipe and Coot	42376	AMD	02/07/2018	2018-1/33
R657-10	Taking Cougar	42919	AMD	07/09/2018	2018-11/42
R657-12	Hunting and Fishing Accommodations for People With Disabilities	42375	NSC	02/13/2018	Not Printed
R657-19	Taking Nongame Mammals	42377	AMD	02/07/2018	2018-1/35
R657-19	Taking Nongame Mammals	43099	5YR	07/19/2018	2018-16/36
R657-33	Taking Bear	42492	AMD	03/26/2018	2018-4/55
R657-34	Procedures for Confirmation of Ordinances on Hunting Closures	42796	5YR	04/12/2018	2018-9/72
R657-37	Cooperative Wildlife Management Units for Big Game or Turkey	42795	5YR	04/12/2018	2018-9/72
R657-41	Conservation and Sportsman Permits	42379	AMD	02/07/2018	2018-1/38
R657-41	Conservation and Sportsman Permits	42966	AMD	08/09/2018	2018-13/72
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	42794	5YR	04/12/2018	2018-9/73
R657-45	Wildlife License, Permit, and Certificate of Registration Forms and Terms	42793	5YR	04/12/2018	2018-9/73
R657-50	Error Remedy	42967	AMD	08/09/2018	2018-13/82
R657-51	Poaching-Reported Reward Permits	42913	NEW	07/09/2018	2018-11/44
R657-53	Amphibian and Reptile Collection, Importation, Transportation and Possession	42792	5YR	04/12/2018	2018-9/74
R657-53	Amphibian and Reptile Collection, Importation, Transportation and Possession	42968	AMD	08/09/2018	2018-13/86
R657-54	Taking Wild Turkey	42969	AMD	08/09/2018	2018-13/89
R657-55	Wildlife Expo Permits	42970	AMD	08/09/2018	2018-13/92
R657-56	Recreational Lease of Private Lands for Free Public Walk-in Access	42971	AMD	08/09/2018	2018-13/97
R657-57	Division Variance Rule	43100	5YR	07/19/2018	2018-16/36
R657-57	Division Variance Rule	42972	AMD	08/09/2018	2018-13/99
R657-58	Fishing Contests and Clinics	42449	5YR	01/09/2018	2018-3/91
R657-59	Private Fish Ponds, Short Term Fishing Events, Private Fish Stocking, and Institutional Aquaculture	43101	5YR	07/19/2018	2018-16/37
R657-60	Aquatic Invasive Species Interdiction	43098	5YR	07/19/2018	2018-16/37
R657-61	Valuation of Real Property Interests for Purposes of Acquisition or Disposal	43231	5YR	10/04/2018	2018-21/148
R657-62	Drawing Application Procedures	42374	AMD	02/07/2018	2018-1/41
R657-62	Drawing Application Procedures	42493	AMD	03/26/2018	2018-4/57
R657-62	Drawing Application Procedures	42973	AMD	08/09/2018	2018-13/101
R657-64	Predator Control Incentives	42974	AMD	08/09/2018	2018-13/107
R657-65	Urban Deer Control	43097	5YR	07/19/2018	2018-16/38
R657-66	Military Installation Permit Program	43232	5YR	10/04/2018	2018-21/148
R657-67	Utah Hunter Mentoring Program	42372	AMD	02/07/2018	2018-1/44
R657-69	Turkey Depredation	42975	AMD	08/09/2018	2018-13/112
R657-70	Taking Utah Prairie Dogs	42378	REP	02/07/2018	2018-1/46
R657-71	Removal of Wild Deer from Domesticated Elk Facilities	42373	NEW	02/07/2018	2018-1/52

PARDONS (BOARD OF)

<u>Administration</u>					
R671-201	Original Hearing Schedule and Notice	42295	AMD	01/08/2018	2017-22/75
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RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment (Proposed Rule)
CPR = Change in Proposed Rule
EMR = 120-Day (Emergency) Rule
EXD = Expired Rule
EXP = Expedited Rule
EXT = Five-Year Review Extension
GEX = Governor's Extension
LNR = Legislative Nonreauthorization
NEW = New Rule (Proposed Rule)
NSC = Nonsubstantive Rule Change
R&R = Repeal and Reenact (Proposed Rule)
REP = Repeal (Proposed Rule)
5YR = Five-Year Notice of Review and Statement of Continuation

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42108	R307-401	AMD	03/05/2018	2017-19/58
42108	R307-401	CPR	03/05/2018	2018-3/49
42574	R307-401	NSC	03/05/2018	Not Printed
42109	R307-504	AMD	03/05/2018	2017-19/70
42109	R307-504	CPR	03/05/2018	2018-3/56
42110	R307-505	NEW	01/26/2018	2017-19/71
42111	R307-506	NEW	03/05/2018	2017-19/73
42111	R307-506	CPR	03/05/2018	2018-3/58
42112	R307-507	NEW	03/05/2018	2017-19/75
42112	R307-507	CPR	03/05/2018	2018-3/60
42113	R307-508	NEW	03/05/2018	2017-19/77
42113	R307-508	CPR	03/05/2018	2018-3/62
42114	R307-509	NEW	03/05/2018	2017-19/79
42114	R307-509	CPR	03/05/2018	2018-3/63

	42115	R307-510	NEW	03/05/2018	2017-19/81
	42115	R307-510	CPR	03/05/2018	2018-3/65
	42858	R307-510	NSC	05/14/2018	Not Printed
	42551	R307-801	EXT	01/31/2018	2018-4/115
	42669	R307-801	5YR	03/08/2018	2018-7/179
air quality					
Environmental Quality, Air Quality	42675	R307-403	AMD	08/02/2018	2018-7/50
	42675	R307-403	CPR	08/02/2018	2018-13/126
air travel					
Administrative Services, Finance	42572	R25-7	5YR	02/08/2018	2018-5/142
	42854	R25-7	AMD	06/21/2018	2018-10/9
	43095	R25-7	AMD	09/21/2018	2018-16/6
	43008	R25-7-6	NSC	07/03/2018	Not Printed
airports of regional significance					
Transportation Commission, Administration	43175	R940-4	5YR	08/30/2018	2018-18/39
Alaskan Natives					
Education, Administration	43115	R277-923	NSC	08/01/2018	Not Printed
alcoholic beverages					
Alcoholic Beverage Control, Administration	43057	R81-4C	5YR	07/03/2018	2018-15/100
	43058	R81-4D	5YR	07/03/2018	2018-15/101
	42931	R81-10	5YR	05/23/2018	2018-12/44
allegations					
Pardons (Board Of), Administration	42580	R671-514	5YR	02/13/2018	2018-5/153
allowance					
Administrative Services, Finance	42573	R25-8	5YR	02/08/2018	2018-5/142
alternative district of residency					
Education, Administration	42326	R277-621	NEW	01/09/2018	2017-23/17
alternative fuels					
Environmental Quality, Administration	42979	R305-4	5YR	06/13/2018	2018-13/140
Environmental Quality, Air Quality	42642	R307-123	5YR	03/08/2018	2018-7/163
alternative language services					
Education, Administration	43289	R277-716	NSC	10/25/2018	Not Printed
alternative licensing					
Education, Administration	43297	R277-503	NSC	10/25/2018	Not Printed
amendments					
Health, Center for Health Data, Vital Records and Statistics	42707	R436-3	5YR	03/20/2018	2018-8/150
amphibians					
Natural Resources, Wildlife Resources	42792	R657-53	5YR	04/12/2018	2018-9/74
	42968	R657-53	AMD	08/09/2018	2018-13/86
anesthesia adverse events					
Health, Family Health and Preparedness, Primary Care and Rural Health	42334	R434-150	NEW	04/14/2018	2017-24/18
	42671	R434-150	NSC	04/14/2018	Not Printed
animal protection					
Natural Resources, Wildlife Resources	42624	R657-3	5YR	02/27/2018	2018-6/49
	42965	R657-3	AMD	08/09/2018	2018-13/69
animals					
Health, Disease Control and Prevention, Laboratory Services	43078	R438-13	EXT	07/12/2018	2018-15/109

APCD					
Health, Center for Health Data, Health Care Statistics	42728	R428-1	AMD	05/25/2018	2018-8/104
appeals					
Education, Administration	43083	R277-481	5YR	07/13/2018	2018-15/102
	42992	R277-481	AMD	08/07/2018	2018-13/16
appellate procedures					
Administrative Services, Administration	43059	R13-1	5YR	07/05/2018	2018-15/99
Technology Services, Administration	42528	R895-12	EXD	01/30/2018	2018-4/117
Workforce Services, Unemployment Insurance	42743	R994-508	5YR	03/29/2018	2018-8/161
application procedures					
Education, Administration	43139	R277-718	NEW	10/16/2018	2018-17/49
application requirements					
Commerce, Consumer Protection	42840	R152-34a	NSC	04/26/2018	Not Printed
applications					
Health, Health Care Financing, Coverage and Reimbursement Policy	42446	R414-308	5YR	01/08/2018	2018-3/86
	42488	R414-308-3	EMR	01/19/2018	2018-4/87
	42628	R414-308-3	AMD	05/08/2018	2018-6/17
appointment to office					
Health, Center for Health Data, Vital Records and Statistics	42704	R436-1	5YR	03/19/2018	2018-8/149
appraisals					
Tax Commission, Property Tax	43206	R884-24P-5	NSC	09/20/2018	Not Printed
approval orders					
Environmental Quality, Air Quality	42108	R307-401	AMD	03/05/2018	2017-19/58
	42108	R307-401	CPR	03/05/2018	2018-3/49
	42574	R307-401	NSC	03/05/2018	Not Printed
aquaculture					
Natural Resources, Wildlife Resources	43101	R657-59	5YR	07/19/2018	2018-16/37
architectural coatings					
Environmental Quality, Air Quality	43238	R307-361	5YR	10/04/2018	2018-21/143
armored car company					
Commerce, Occupational and Professional Licensing	42924	R156-63b	5YR	05/15/2018	2018-11/56
armored car security officers					
Commerce, Occupational and Professional Licensing	42924	R156-63b	5YR	05/15/2018	2018-11/56
arts					
Education, Administration	42898	R277-444	NSC	05/17/2018	Not Printed
arts programs					
Education, Administration	42471	R277-490	5YR	01/12/2018	2018-3/70
	42481	R277-490	AMD	03/14/2018	2018-3/13
	43030	R277-490	NSC	07/06/2018	Not Printed
asbestos					
Environmental Quality, Air Quality	42551	R307-801	EXT	01/31/2018	2018-4/115
	42669	R307-801	5YR	03/08/2018	2018-7/179
asbestos hazard emergency response					
Environmental Quality, Air Quality	42551	R307-801	EXT	01/31/2018	2018-4/115
	42669	R307-801	5YR	03/08/2018	2018-7/179
asphalt					
Environmental Quality, Air Quality	42536	R307-312	EXT	01/31/2018	2018-4/113
	42652	R307-312	5YR	03/08/2018	2018-7/169

assessment					
Education, Administration	42479	R277-404	AMD	03/14/2018	2018-3/5
assessments					
Education, Administration	43139	R277-718	NEW	10/16/2018	2018-17/49
assignments					
Education, Administration	43310	R277-520	NSC	10/25/2018	Not Printed
assistive devices and technology					
Public Service Commission, Administration	42424	R746-8	NEW	02/21/2018	2018-2/18
	42850	R746-8	AMD	06/21/2018	2018-10/118
	42425	R746-343	REP	02/21/2018	2018-2/28
associations					
Education, Administration	42884	R277-409	NSC	05/17/2018	Not Printed
assurance organization designation					
Insurance, Administration	43134	R590-250	5YR	08/03/2018	2018-17/73
athletes					
Education, Administration	42908	R277-614	5YR	05/11/2018	2018-11/58
	42917	R277-614	AMD	07/09/2018	2018-11/34
audit committee					
Education, Administration	42849	R277-113	EXD	04/24/2018	2018-10/159
	42857	R277-113	NEW	06/22/2018	2018-10/28
autism awareness					
Education, Administration	43063	R277-603	NSC	07/26/2018	Not Printed
autism spectrum					
Health, Family Health and Preparedness, Children with Special Health Care Needs	43105	R398-10	AMD	09/24/2018	2018-16/12
automatic fire sprinklers					
Public Safety, Fire Marshal	42683	R710-5	5YR	03/14/2018	2018-7/181
automatic payment withdrawal					
Human Services, Recovery Services	42638	R527-303	NEW	05/08/2018	2018-7/134
automobile repair					
Commerce, Consumer Protection	42833	R152-20	NSC	04/26/2018	Not Printed
automobiles					
Commerce, Consumer Protection	42833	R152-20	NSC	04/26/2018	Not Printed
automotive refinishing					
Environmental Quality, Air Quality	42547	R307-354	EXT	01/31/2018	2018-4/115
	42665	R307-354	5YR	03/08/2018	2018-7/176
awarding					
Education, Administration	42480	R277-415	NEW	03/14/2018	2018-3/11
awards					
Education, Administration	43315	R277-528	NSC	10/25/2018	Not Printed
background					
Human Services, Administration	42417	R495-885	AMD	02/23/2018	2018-2/13
	42845	R495-885	EMR	04/23/2018	2018-10/149
	42630	R495-885	AMD	07/18/2018	2018-6/23
	42630	R495-885	CPR	07/18/2018	2018-11/50
background checks					
Education, Administration	42775	R277-214	NSC	04/13/2018	Not Printed
	43306	R277-516	NSC	10/25/2018	Not Printed

Human Services, Substance Abuse and Mental Health, State Hospital	42476	R525-5	5YR	01/16/2018	2018-3/88
background reviews					
Education, Administration	42775	R277-214	NSC	04/13/2018	Not Printed
background screening					
Health, Family Health and Preparedness, Child Care Licensing	43106	R430-6	REP	10/15/2018	2018-16/18
Health, Family Health and Preparedness, Licensing	43003	R432-35	AMD	10/01/2018	2018-13/50
Human Services, Administration, Administrative Services, Licensing	42233	R501-14	AMD	02/23/2018	2017-21/130
background screenings					
Health, Administration	43144	R380-300	NEW	10/22/2018	2018-17/56
bail bond enforcement agents					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42808	R722-310	AMD	07/11/2018	2018-10/113
bail bond recovery agents					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42808	R722-310	AMD	07/11/2018	2018-10/113
bail bond recovery apprentices					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42808	R722-310	AMD	07/11/2018	2018-10/113
bear					
Natural Resources, Wildlife Resources	42492	R657-33	AMD	03/26/2018	2018-4/55
bicycles					
Regents (Board Of), University of Utah, Administration	42617	R805-1	5YR	02/22/2018	2018-6/50
bids					
Transportation, Operations, Construction	42690	R916-2	AMD	05/09/2018	2018-7/148
big game					
Natural Resources, Wildlife Resources	42913	R657-51	NEW	07/09/2018	2018-11/44
big game seasons					
Natural Resources, Wildlife Resources	42371	R657-5	AMD	02/07/2018	2018-1/19
	42920	R657-5	AMD	07/09/2018	2018-11/40
	42373	R657-71	NEW	02/07/2018	2018-1/52
biliteracy					
Education, Administration	43035	R277-499	NSC	07/06/2018	Not Printed
birds					
Natural Resources, Wildlife Resources	42376	R657-9	AMD	02/07/2018	2018-1/33
birth registration					
Health, Center for Health Data, Vital Records and Statistics	42339	R436-6	REP	04/03/2018	2017-24/20
blind					
Education, Administration	42801	R277-801	AMD	06/07/2018	2018-9/35
Board of Education rules					
Education, Administration	42749	R277-100	NSC	04/12/2018	Not Printed
boards					
Administrative Services, Finance	42570	R25-5	5YR	02/08/2018	2018-5/141

boilers					
Labor Commission, Boiler, Elevator and Coal Mine Safety	42565	R616-2-3	AMD	04/09/2018	2018-5/49
brachytherapy					
Environmental Quality, Waste Management and Radiation Control, Radiation	43158	R313-32-2	NSC	08/31/2018	Not Printed
breaks					
Human Resource Management, Administration	42816	R477-8	AMD	07/01/2018	2018-10/79
budgeting					
Health, Health Care Financing, Coverage and Reimbursement Policy	42443	R414-304	5YR	01/08/2018	2018-3/85
buildings					
Administrative Services, Facilities Construction and Management	42347	R23-5	AMD	01/23/2018	2017-24/8
bullying					
Education, Administration	42921	R277-613	R&R	07/09/2018	2018-11/27
	43131	R277-613	5YR	08/02/2018	2018-17/71
business expansion and retention					
Governor, Economic Development	43149	R357-23	NEW	10/11/2018	2018-17/54
	43208	R357-23	NSC	10/11/2018	Not Printed
buyer beware list					
Commerce, Consumer Protection	42827	R152-1	NSC	04/26/2018	Not Printed
campgrounds					
Health, Disease Control and Prevention, Environmental Services	42516	R392-300	R&R	03/26/2018	2018-4/4
camps					
Health, Disease Control and Prevention, Environmental Services	42516	R392-300	R&R	03/26/2018	2018-4/4
cannabidiol					
Agriculture and Food, Plant Industry	43146	R68-25	NEW	10/31/2018	2018-17/9
capital punishment					
Pardons (Board Of), Administration	42575	R671-312	5YR	02/13/2018	2018-5/150
	42905	R671-312A	5YR	05/11/2018	2018-11/61
	42906	R671-312B	5YR	05/11/2018	2018-11/62
captive insurance					
Insurance, Administration	43009	R590-238	NSC	07/03/2018	Not Printed
carbon monoxide detectors					
Education, Administration	43138	R277-400	AMD	10/16/2018	2018-17/32
career and technical education					
Education, Administration	42618	R277-518	5YR	02/26/2018	2018-6/47
	43308	R277-518	NSC	10/25/2018	Not Printed
	43108	R277-911	NSC	08/01/2018	Not Printed
	43109	R277-914	NSC	08/01/2018	Not Printed
UTech Board of Trustees, Administration	43093	R945-1	NEW	09/07/2018	2018-15/92
CBD labeling					
Agriculture and Food, Plant Industry	43147	R68-26	NEW	10/31/2018	2018-17/14
CBD products					
Agriculture and Food, Plant Industry	43147	R68-26	NEW	10/31/2018	2018-17/14

certificate of eligibility					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42259	R722-350	AMD	01/10/2018	2017-22/94
	42912	R722-350	NSC	05/17/2018	Not Printed
certificate of registration					
Natural Resources, Wildlife Resources	42793	R657-45	5YR	04/12/2018	2018-9/73
	43097	R657-65	5YR	07/19/2018	2018-16/38
certificate of state authorization					
Commerce, Consumer Protection	42840	R152-34a	NSC	04/26/2018	Not Printed
certification					
Labor Commission, Boiler, Elevator and Coal Mine Safety	42565	R616-2-3	AMD	04/09/2018	2018-5/49
	42566	R616-3-3	AMD	04/09/2018	2018-5/51
	43164	R616-3-4	AMD	10/22/2018	2018-18/23
certifications					
Transportation, Motor Carrier	42336	R909-19	AMD	01/24/2018	2017-24/60
certified foster care					
Human Services, Administration, Administrative Services, Licensing	42217	R501-12	AMD	02/23/2018	2017-21/120
	42862	R501-12	AMD	07/01/2018	2018-10/101
certified nurse midwife					
Commerce, Occupational and Professional Licensing	43171	R156-44a	5YR	08/28/2018	2018-18/33
character education					
Education, Administration	43022	R277-475	NSC	07/06/2018	Not Printed
charbroilers					
Environmental Quality, Air Quality	42651	R307-303	5YR	03/08/2018	2018-7/168
charities					
Commerce, Consumer Protection	42835	R152-22	NSC	04/26/2018	Not Printed
charter schools					
Education, Administration	43082	R277-470	5YR	07/13/2018	2018-15/101
	42991	R277-470	AMD	08/07/2018	2018-13/13
	43020	R277-472	NSC	07/06/2018	Not Printed
	43023	R277-479	NSC	07/06/2018	Not Printed
	43025	R277-480	NSC	07/06/2018	Not Printed
	43083	R277-481	5YR	07/13/2018	2018-15/102
	42992	R277-481	AMD	08/07/2018	2018-13/16
child abuse					
Education, Administration	42879	R277-401	NSC	05/17/2018	Not Printed
Human Services, Child and Family Services	42829	R512-76	NEW	06/21/2018	2018-10/110
	42597	R512-200	5YR	02/15/2018	2018-5/143
	42598	R512-201	5YR	02/15/2018	2018-5/144
	42599	R512-202	5YR	02/15/2018	2018-5/144
	42600	R512-300	5YR	02/15/2018	2018-5/145
	42601	R512-301	5YR	02/15/2018	2018-5/145
child care					
Health, Child Care Center Licensing Committee	42727	R381-60	AMD	08/10/2018	2018-8/4
	42726	R381-70	AMD	08/10/2018	2018-8/19
	42725	R381-100	AMD	08/10/2018	2018-8/33
Workforce Services, Employment Development	42855	R986-700	AMD	07/01/2018	2018-10/130
	43086	R986-700-779	AMD	09/07/2018	2018-15/95
child care centers					
Health, Child Care Center Licensing Committee	42726	R381-70	AMD	08/10/2018	2018-8/19
	42725	R381-100	AMD	08/10/2018	2018-8/33

child care facilities					
Health, Child Care Center Licensing Committee	42727	R381-60	AMD	08/10/2018	2018-8/4
	42726	R381-70	AMD	08/10/2018	2018-8/19
	42725	R381-100	AMD	08/10/2018	2018-8/33
Health, Family Health and Preparedness, Child Care Licensing	43107	R430-1	REP	10/15/2018	2018-16/14
	43106	R430-6	REP	10/15/2018	2018-16/18
	42745	R430-8	R&R	08/10/2018	2018-8/106
	42877	R430-50	5YR	05/09/2018	2018-11/58
	42734	R430-50	AMD	08/10/2018	2018-8/112
	42876	R430-90	5YR	05/09/2018	2018-11/59
	42733	R430-90	AMD	08/10/2018	2018-8/125
child placing					
Human Services, Administration, Administrative Services, Licensing	42317	R501-7	R&R	05/02/2018	2017-23/50
	42317	R501-7	CPR	05/02/2018	2018-6/34
child support					
Human Services, Administration	43094	R495-879	5YR	07/17/2018	2018-16/33
Human Services, Recovery Services	43166	R527-201	NSC	09/07/2018	Not Printed
	42638	R527-303	NEW	05/08/2018	2018-7/134
	42720	R527-920	5YR	03/23/2018	2018-8/156
child welfare					
Human Services, Child and Family Services	43269	R512-41	5YR	10/15/2018	2018-21/147
	42596	R512-100	5YR	02/15/2018	2018-5/143
	42597	R512-200	5YR	02/15/2018	2018-5/143
	42598	R512-201	5YR	02/15/2018	2018-5/144
	42599	R512-202	5YR	02/15/2018	2018-5/144
	42600	R512-300	5YR	02/15/2018	2018-5/145
	42601	R512-301	5YR	02/15/2018	2018-5/145
	42602	R512-302	5YR	02/15/2018	2018-5/146
	42603	R512-305	5YR	02/15/2018	2018-5/146
	42604	R512-309	5YR	02/15/2018	2018-5/147
	42605	R512-500	5YR	02/15/2018	2018-5/147
children's health benefits					
Health, Children's Health Insurance Program	42790	R382-1	5YR	04/11/2018	2018-9/70
	42791	R382-10	5YR	04/11/2018	2018-9/70
chronically ill					
Corrections, Administration	42637	R251-114	5YR	03/07/2018	2018-7/161
citizenship					
Health, Health Care Financing, Coverage and Reimbursement Policy	42441	R414-302	5YR	01/08/2018	2018-3/84
	42487	R414-302-6	EMR	01/19/2018	2018-4/85
	42627	R414-302-6	AMD	05/08/2018	2018-6/15
civic education					
Education, Administration	43022	R277-475	NSC	07/06/2018	Not Printed
class size average reporting					
Education, Administration	42996	R277-463	AMD	08/07/2018	2018-13/10
Clean Water Act					
Environmental Quality, Water Quality	43130	R317-15	5YR	08/02/2018	2018-17/71
client rights					
Health, Health Care Financing, Coverage and Reimbursement Policy	42440	R414-301	5YR	01/08/2018	2018-3/83
co-curricular					
Education, Administration	43031	R277-494	NSC	07/06/2018	Not Printed

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co-prescribing					
Health, Disease Control and Prevention, Health Promotion	42283	R384-210	NEW	06/07/2018	2017-22/30
	42283	R384-210	CPR	06/07/2018	2018-4/70
coal mines					
Natural Resources, Oil, Gas and Mining; Coal	42496	R645-101	5YR	01/24/2018	2018-4/103
	42497	R645-102	5YR	01/24/2018	2018-4/103
	42498	R645-104	5YR	01/24/2018	2018-4/104
	42499	R645-401	5YR	01/24/2018	2018-4/104
coatings					
Environmental Quality, Air Quality	42938	R307-343-4	NSC	06/12/2018	Not Printed
	42540	R307-349	EXT	01/31/2018	2018-4/114
	42660	R307-349	5YR	03/08/2018	2018-7/173
	42542	R307-350	EXT	01/31/2018	2018-4/114
	42661	R307-350	5YR	03/08/2018	2018-7/174
	42664	R307-353	5YR	03/08/2018	2018-7/176
	42547	R307-354	EXT	01/31/2018	2018-4/115
	42665	R307-354	5YR	03/08/2018	2018-7/176
	42549	R307-355	EXT	01/31/2018	2018-4/115
	42666	R307-355	5YR	03/08/2018	2018-7/177
	42370	R307-355-3	AMD	03/08/2018	2018-1/10
codes of conduct					
Education, Administration	43307	R277-517	NSC	10/25/2018	Not Printed
coil coatings					
Environmental Quality, Air Quality	42545	R307-352	EXT	01/31/2018	2018-4/115
	42663	R307-352	5YR	03/08/2018	2018-7/175
collections					
Natural Resources, Forestry, Fire and State Lands	42928	R652-123	NEW	07/23/2018	2018-12/22
college and career awareness					
Education, Administration	43111	R277-916	NSC	08/01/2018	Not Printed
college and career readiness					
Education, Administration	43113	R277-921	NSC	08/01/2018	Not Printed
colleges					
Regents (Board Of), Administration	42868	R765-555	EXD	05/01/2018	2018-10/159
commercial cooking					
Environmental Quality, Air Quality	42651	R307-303	5YR	03/08/2018	2018-7/168
commercial motor vehicle insurance					
Insurance, Administration	42436	R590-243	5YR	01/04/2018	2018-3/91
committees					
Education, Administration	42904	R277-468	NSC	05/17/2018	Not Printed
communicable disease					
Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
community					
Education, Administration	43116	R277-924	NSC	08/01/2018	Not Printed
commutation					
Pardons (Board Of), Administration	42905	R671-312A	5YR	05/11/2018	2018-11/61
	42906	R671-312B	5YR	05/11/2018	2018-11/62
Compensatory Mitigation Program					
Natural Resources, Administration	42309	R634-3	NEW	03/26/2018	2017-23/67

<u>competency</u>					
Education, Administration	42881	R277-403	NSC	05/17/2018	Not Printed
	42963	R277-403	REP	08/07/2018	2018-13/3
<u>competency-based instruction</u>					
Education, Administration	43285	R277-712	NSC	10/25/2018	Not Printed
<u>complaints</u>					
Education, Administration	42909	R277-104	5YR	05/11/2018	2018-11/56
	42914	R277-104	AMD	07/09/2018	2018-11/9
	42904	R277-468	NSC	05/17/2018	Not Printed
Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	2018-3/89
Public Service Commission, Administration	43090	R746-500	5YR	07/16/2018	2018-15/107
<u>compliance</u>					
Education, Administration	42754	R277-108	NSC	04/12/2018	Not Printed
<u>compulsory education</u>					
Education, Administration	43065	R277-607	NSC	07/26/2018	Not Printed
	43073	R277-616	NSC	07/26/2018	Not Printed
<u>concealed firearm permit instructors</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42258	R722-300	AMD	01/10/2018	2017-22/89
<u>concealed firearm permits</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42258	R722-300	AMD	01/10/2018	2017-22/89
<u>concerns</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	2018-3/89
<u>concrete</u>					
Environmental Quality, Air Quality	42536	R307-312	EXT	01/31/2018	2018-4/113
	42652	R307-312	5YR	03/08/2018	2018-7/169
<u>conduct</u>					
Education, Administration	42772	R277-211	NSC	04/13/2018	Not Printed
<u>conduct committee</u>					
Human Resource Management, Administration	42822	R477-101	AMD	07/01/2018	2018-10/96
<u>confidential information</u>					
Public Service Commission, Administration	42670	R746-1-201	AMD	05/10/2018	2018-7/136
<u>confidential testimony</u>					
Pardons (Board Of), Administration	42587	R671-520	5YR	02/13/2018	2018-5/156
<u>confidentiality</u>					
Education, Administration	42758	R277-117	NSC	04/12/2018	Not Printed
<u>confidentiality of information</u>					
Environmental Quality, Air Quality	42546	R307-102	EXT	01/31/2018	2018-4/111
	42639	R307-102	5YR	03/08/2018	2018-7/161
Human Resource Management, Administration	42811	R477-2	AMD	07/01/2018	2018-10/57
<u>conflict of interest</u>					
Governor, Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission	42351	R364-1	NEW	01/29/2018	2017-24/14
Human Resource Management, Administration	42817	R477-9	AMD	07/01/2018	2018-10/84
<u>conservation permits</u>					
Natural Resources, Wildlife Resources	42379	R657-41	AMD	02/07/2018	2018-1/38
	42966	R657-41	AMD	08/09/2018	2018-13/72

construction					
Administrative Services, Facilities Construction and Management	42348	R23-9	AMD	01/23/2018	2017-24/9
Transportation, Operations, Construction	42616	R916-4	AMD	04/23/2018	2018-6/28
consumer					
Commerce, Consumer Protection	43280	R152-21	5YR	10/16/2018	Not Printed
consumer health					
Governor, Economic Development, Consumer Health Exchange	43179	R358-1	REP	10/25/2018	2018-18/14
consumer hearing panel					
Human Services, Child and Family Services	43270	R512-75	5YR	10/15/2018	2018-21/147
consumer products					
Environmental Quality, Air Quality	42668	R307-357	5YR	03/08/2018	2018-7/178
consumer protection					
Commerce, Consumer Protection	42827	R152-1	NSC	04/26/2018	Not Printed
	42828	R152-1a	NSC	04/26/2018	Not Printed
	43196	R152-1a-1	NSC	09/27/2018	Not Printed
	42830	R152-6	NSC	04/26/2018	Not Printed
	42831	R152-11	NSC	04/26/2018	Not Printed
	42832	R152-15	NSC	04/26/2018	Not Printed
	42833	R152-20	NSC	04/26/2018	Not Printed
	42834	R152-21	NSC	04/26/2018	Not Printed
	42835	R152-22	NSC	04/26/2018	Not Printed
	42836	R152-23	NSC	04/26/2018	Not Printed
	42838	R152-32a	NSC	04/26/2018	Not Printed
	42929	R152-32a	5YR	05/17/2018	2018-12/45
	42839	R152-34	NSC	04/26/2018	Not Printed
	42840	R152-34a	NSC	04/26/2018	Not Printed
	42841	R152-39	NSC	04/26/2018	Not Printed
	42842	R152-42	NSC	04/26/2018	Not Printed
	42843	R152-49	NSC	04/26/2018	Not Printed
consumers					
Commerce, Consumer Protection	42837	R152-26	NSC	04/26/2018	Not Printed
contingency fund					
Administrative Services, Facilities Construction and Management	42347	R23-5	AMD	01/23/2018	2017-24/8
continuing					
Pardons (Board Of), Administration	42588	R671-522	5YR	02/13/2018	2018-5/156
continuous monitoring					
Environmental Quality, Air Quality	42550	R307-170	EXT	01/31/2018	2018-4/111
	42643	R307-170	5YR	03/08/2018	2018-7/164
contract requirements					
Administrative Services, Facilities Construction and Management	42846	R23-23	AMD	06/26/2018	2018-10/6
contractor rating					
Transportation, Operations, Construction	42690	R916-2	AMD	05/09/2018	2018-7/148
contractors					
Administrative Services, Facilities Construction and Management	42846	R23-23	AMD	06/26/2018	2018-10/6
Commerce, Occupational and Professional Licensing	43015	R156-38a	AMD	08/21/2018	2018-14/6
	42429	R156-55b-102	NSC	01/18/2018	Not Printed
Transportation, Administration	43169	R907-67	5YR	08/27/2018	2018-18/37

contracts					
Administrative Services, Facilities Construction and Management	42846	R23-23	AMD	06/26/2018	2018-10/6
Transportation, Operations, Construction	42690	R916-2	AMD	05/09/2018	2018-7/148
	42616	R916-4	AMD	04/23/2018	2018-6/28
controlled substances					
Commerce, Occupational and Professional Licensing	42848	R156-37c	5YR	04/24/2018	2018-10/155
conviction					
Pardons (Board Of), Administration	42585	R671-518	5YR	02/13/2018	2018-5/155
cooperative wildlife management unit					
Natural Resources, Wildlife Resources	42795	R657-37	5YR	04/12/2018	2018-9/72
copying process					
Health, Center for Health Data, Vital Records and Statistics	42716	R436-14	5YR	03/21/2018	2018-8/154
copying processes					
Health, Center for Health Data, Vital Records and Statistics	42715	R436-13	5YR	03/21/2018	2018-8/153
core standards					
Education, Administration	42898	R277-444	NSC	05/17/2018	Not Printed
corrections					
Corrections, Administration	43186	R251-103	5YR	09/12/2018	2018-19/97
	43217	R251-105	5YR	09/19/2018	2018-20/32
corrective action					
Education, Administration	42757	R277-114	NSC	04/12/2018	Not Printed
cosmetologists/barbers					
Commerce, Occupational and Professional Licensing	42778	R156-11a	AMD	06/07/2018	2018-9/4
cost recovery					
Natural Resources, Forestry, Fire and State Lands	42928	R652-123	NEW	07/23/2018	2018-12/22
costs					
Administrative Services, Finance	42571	R25-6	5YR	02/08/2018	2018-5/141
cougar					
Natural Resources, Wildlife Resources	42919	R657-10	AMD	07/09/2018	2018-11/42
counseling					
Education, Administration	43113	R277-921	NSC	08/01/2018	Not Printed
counselors					
Education, Administration	42903	R277-462	NSC	05/17/2018	Not Printed
court reporting					
Commerce, Occupational and Professional Licensing	42847	R156-74	5YR	04/24/2018	2018-10/156
coverage groups					
Health, Health Care Financing, Coverage and Reimbursement Policy	42442	R414-303	5YR	01/08/2018	2018-3/84
credit					
Education, Administration	42484	R277-717	AMD	03/14/2018	2018-3/26
credit for time served					
Pardons (Board Of), Administration	42227	R671-205	AMD	01/08/2018	2017-21/169
credit scoring					
Insurance, Administration	42875	R590-219	5YR	05/04/2018	2018-11/59

credit services

Commerce, Consumer Protection	42834	R152-21	NSC	04/26/2018	Not Printed
	43280	R152-21	5YR	10/16/2018	Not Printed

credits

Education, Administration	43290	R277-717	NSC	10/25/2018	Not Printed

criminal charges

Pardons (Board Of), Administration	42585	R671-518	5YR	02/13/2018	2018-5/155

criminal competency

Pardons (Board Of), Administration	42296	R671-206	NEW	01/08/2018	2017-22/81

critical languages

Education, Administration	43028	R277-488	NSC	07/06/2018	Not Printed

curricula

Education, Administration	43022	R277-475	NSC	07/06/2018	Not Printed
	43153	R277-703	NSC	08/31/2018	Not Printed
	43286	R277-713	NSC	10/25/2018	Not Printed

curriculum

Education, Administration	42904	R277-468	NSC	05/17/2018	Not Printed

custody

Education, Administration	43295	R277-735	NSC	10/25/2018	Not Printed

custody of children

Health, Center for Health Data, Vital Records and Statistics	42704	R436-1	5YR	03/19/2018	2018-8/149
	42706	R436-2	5YR	03/20/2018	2018-8/149
Human Services, Administration	43094	R495-879	5YR	07/17/2018	2018-16/33

cyber-bullying

Education, Administration	43131	R277-613	5YR	08/02/2018	2018-17/71

data processing

Technology Services, Administration	42528	R895-12	EXD	01/30/2018	2018-4/117

data research requests

Workforce Services, Administration	42421	R982-800	NEW	03/01/2018	2018-2/38

data standards

Governor, Economic Development, Consumer Health Exchange	43179	R358-1	REP	10/25/2018	2018-18/14

deaf

Education, Administration	42801	R277-801	AMD	06/07/2018	2018-9/35

deaf education

Education, Administration	43304	R277-514	NSC	10/25/2018	Not Printed

death

Health, Center for Health Data, Vital Records and Statistics	42713	R436-7	5YR	03/21/2018	2018-8/151

debt cancellation

Financial Institutions, Administration	43248	R331-25	5YR	10/11/2018	2018-21/143

debt suspension

Financial Institutions, Administration	43248	R331-25	5YR	10/11/2018	2018-21/143

debt-management

Commerce, Consumer Protection	42842	R152-42	NSC	04/26/2018	Not Printed

declaratory orders

Administrative Services, Inspector General of Medicaid Services (Office of)	42696	R30-3	NEW	06/01/2018	2018-7/17
Labor Commission, Administration	42622	R600-1	5YR	02/26/2018	2018-6/49

deferred deposit lenders

Financial Institutions, Nondepository Lenders	43176	R343-9	REP	10/22/2018	2018-18/9

definitions

Education, Administration	42749	R277-100	NSC	04/12/2018	Not Printed
	42771	R277-210	NSC	04/13/2018	Not Printed
Environmental Quality, Air Quality	42676	R307-101-2	AMD	08/02/2018	2018-7/41
	42676	R307-101-2	CPR	08/02/2018	2018-13/118
	42433	R307-101-3	AMD	05/23/2018	2018-3/28
Human Resource Management, Administration	42810	R477-1	AMD	07/01/2018	2018-10/51
Workforce Services, Unemployment Insurance	42735	R994-201	5YR	03/29/2018	2018-8/157

depleted uranium

Environmental Quality, Waste Management and Radiation Control, Radiation	42204	R313-25	AMD	04/09/2018	2017-21/83
	42204	R313-25	CPR	04/16/2018	2018-5/128

depredation

Natural Resources, Wildlife Resources	42975	R657-69	AMD	08/09/2018	2018-13/112

designated highways

Transportation, Operations, Traffic and Safety	42689	R920-6	AMD	05/08/2018	2018-7/151

developmental disabilities

Tax Commission, Administration	42823	R861-1A-31	AMD	09/10/2018	2018-10/126

digital media

Governor, Economic Development	42922	R357-5	AMD	07/09/2018	2018-11/37

digital teaching and learning

Education, Administration	43114	R277-922	NSC	08/01/2018	Not Printed

disabilities

Health, Family Health and Preparedness, Children with Special Health Care Needs	43054	R398-20	5YR	07/02/2018	2018-14/51
Human Services, Services for People with Disabilities	42560	R539-1	NSC	03/01/2018	Not Printed
	42926	R539-1	NSC	06/01/2018	Not Printed

disabled

Human Services, Aging and Adult Services	42485	R510-105	5YR	01/17/2018	2018-4/102

disabled persons

Administrative Services, Administration	42634	R13-3	AMD	04/23/2018	2018-6/4
Education, Administration	42909	R277-104	5YR	05/11/2018	2018-11/56
	42914	R277-104	AMD	07/09/2018	2018-11/9
Natural Resources, Wildlife Resources	42375	R657-12	NSC	02/13/2018	Not Printed
Public Service Commission, Administration	43090	R746-500	5YR	07/16/2018	2018-15/107

disasters

Education, Administration	42878	R277-400	NSC	05/17/2018	Not Printed
	43138	R277-400	AMD	10/16/2018	2018-17/32

discharge

Environmental Quality, Water Quality	42511	R317-14	5YR	01/24/2018	2018-4/96

disciplinary actions

Education, Administration	42701	R277-609	AMD	05/08/2018	2018-7/31

disciplinary presumptions

Education, Administration	42776	R277-215	NSC	04/13/2018	Not Printed

disciplinary problems					
Education, Administration	42907	R277-436	5YR	05/11/2018	2018-11/57
	42916	R277-436	AMD	07/09/2018	2018-11/21
	43066	R277-608	NSC	07/26/2018	Not Printed
discipline of employees					
Human Resource Management, Administration	42819	R477-11	AMD	07/01/2018	2018-10/89
disclosure requirements					
Tax Commission, Administration	42823	R861-1A-31	AMD	09/10/2018	2018-10/126
discretionary funds					
Education, Administration	42759	R277-119	NSC	04/12/2018	Not Printed
dismissal of employees					
Human Resource Management, Administration	42819	R477-11	AMD	07/01/2018	2018-10/89
disruptive students					
Education, Administration	42701	R277-609	AMD	05/08/2018	2018-7/31
dissemination of information					
Education, Administration	43287	R277-714	NSC	10/25/2018	Not Printed
diversion programs					
Commerce, Occupational and Professional Licensing	42582	R156-1	AMD	04/09/2018	2018-5/7
domestic violence					
Human Services, Child and Family Services	42597	R512-200	5YR	02/15/2018	2018-5/143
	42598	R512-201	5YR	02/15/2018	2018-5/144
	42599	R512-202	5YR	02/15/2018	2018-5/144
	42600	R512-300	5YR	02/15/2018	2018-5/145
	42601	R512-301	5YR	02/15/2018	2018-5/145
driver education					
Education, Administration	43049	R277-507	NSC	07/06/2018	Not Printed
	42764	R277-746	5YR	04/02/2018	2018-8/146
	42702	R277-746	AMD	05/08/2018	2018-7/36
dual employment					
Human Resource Management, Administration	42816	R477-8	AMD	07/01/2018	2018-10/79
dual enrollment					
Education, Administration	42897	R277-438	NSC	05/17/2018	Not Printed
dual language immersion					
Education, Administration	43028	R277-488	NSC	07/06/2018	Not Printed
e-mail					
Commerce, Consumer Protection	42841	R152-39	NSC	04/26/2018	Not Printed
early graduation					
Education, Administration	43153	R277-703	NSC	08/31/2018	Not Printed
early intervention					
Education, Administration	43029	R277-489	NSC	07/06/2018	Not Printed
Health, Family Health and Preparedness, Children with Special Health Care Needs	43054	R398-20	5YR	07/02/2018	2018-14/51
economic development					
Governor, Economic Development	42940	R357-3	EXD	05/31/2018	2018-12/47
	42922	R357-5	AMD	07/09/2018	2018-11/37
	43152	R357-22	NEW	10/11/2018	2018-17/52
	43149	R357-23	NEW	10/11/2018	2018-17/54
	43208	R357-23	NSC	10/11/2018	Not Printed
economics					
Education, Administration	43154	R277-704	NSC	08/31/2018	Not Printed

education					
Commerce, Consumer Protection	42839	R152-34	NSC	04/26/2018	Not Printed
Education, Administration	42883	R277-407	NSC	05/17/2018	Not Printed
	42892	R277-422	NSC	05/17/2018	Not Printed
	43082	R277-470	5YR	07/13/2018	2018-15/101
	42991	R277-470	AMD	08/07/2018	2018-13/13
	42619	R277-709	5YR	02/26/2018	2018-6/48
	42613	R277-709	AMD	04/09/2018	2018-5/34
Health, Family Health and Preparedness, Children with Special Health Care Needs	43054	R398-20	5YR	07/02/2018	2018-14/51
education finance					
Education, Administration	42889	R277-419	NSC	05/17/2018	Not Printed
	43132	R277-419-2	AMD	10/16/2018	2018-17/38
	42890	R277-420	NSC	05/17/2018	Not Printed
	42893	R277-424	NSC	05/17/2018	Not Printed
	42894	R277-426	NSC	05/17/2018	Not Printed
	42900	R277-454	NSC	05/17/2018	Not Printed
education options					
Commerce, Real Estate	43011	R162-2g	AMD	09/04/2018	2018-14/16
educational administration					
Education, Administration	42609	R277-116	AMD	04/09/2018	2018-5/14
	43117	R277-800	NSC	08/01/2018	Not Printed
educational facilities					
Education, Administration	42899	R277-445	NSC	05/17/2018	Not Printed
	42900	R277-454	NSC	05/17/2018	Not Printed
	43019	R277-471	NSC	07/06/2018	Not Printed
educational policy					
Regents (Board Of), Administration	42868	R765-555	EXD	05/01/2018	2018-10/159
educational program evaluations					
Education, Administration	43051	R277-506	NSC	07/06/2018	Not Printed
educational testing					
Education, Administration	43074	R277-702	NSC	07/26/2018	Not Printed
educational tuition					
Human Resource Management, Administration	42818	R477-10	AMD	07/01/2018	2018-10/87
educator license renewal					
Education, Administration	43296	R277-500	NSC	10/25/2018	Not Printed
educator licenses					
Education, Administration	42775	R277-214	NSC	04/13/2018	Not Printed
educator licensing					
Education, Administration	42697	R277-502	AMD	05/08/2018	2018-7/19
	43051	R277-506	NSC	07/06/2018	Not Printed
	42618	R277-518	5YR	02/26/2018	2018-6/47
	43308	R277-518	NSC	10/25/2018	Not Printed
educator licensure					
Education, Administration	43049	R277-507	NSC	07/06/2018	Not Printed
	43301	R277-511	NSC	10/25/2018	Not Printed
educators					
Education, Administration	42756	R277-110	NSC	04/12/2018	Not Printed
	42771	R277-210	NSC	04/13/2018	Not Printed
	42773	R277-212	NSC	04/13/2018	Not Printed
	42776	R277-215	NSC	04/13/2018	Not Printed
	42777	R277-216	NSC	04/13/2018	Not Printed
	43034	R277-498	NSC	07/06/2018	Not Printed

	43300	R277-510	NSC	10/25/2018	Not Printed
	42324	R277-515	AMD	01/09/2018	2017-23/11
	43305	R277-515	NSC	10/25/2018	Not Printed
	43310	R277-520	NSC	10/25/2018	Not Printed
	43315	R277-528	NSC	10/25/2018	Not Printed
	43316	R277-530	NSC	10/25/2018	Not Printed
	42439	R277-530-3	NSC	01/25/2018	Not Printed
	43317	R277-531	NSC	10/25/2018	Not Printed
	42806	R277-533	AMD	06/07/2018	2018-9/23
effective date					
Health, Health Care Financing, Coverage and Reimbursement Policy	42445	R414-306	5YR	01/08/2018	2018-3/86
effectiveness					
Education, Administration	43316	R277-530	NSC	10/25/2018	Not Printed
	42439	R277-530-3	NSC	01/25/2018	Not Printed
efficiency					
Administrative Services, Facilities Construction and Management	43069	R23-30	5YR	07/11/2018	2018-15/99
Education, Administration	42608	R277-122	AMD	04/09/2018	2018-5/19
	42780	R277-122	NSC	04/13/2018	Not Printed
effluent standards					
Environmental Quality, Water Quality	42510	R317-13	5YR	01/24/2018	2018-4/96
elderly					
Human Services, Aging and Adult Services	42636	R510-200	R&R	05/30/2018	2018-7/114
electric generating unit					
Environmental Quality, Air Quality	42534	R307-224	EXT	01/31/2018	2018-4/112
	42649	R307-224	5YR	03/08/2018	2018-7/167
electric generating units					
Environmental Quality, Air Quality	42553	R307-220	EXT	01/31/2018	2018-4/111
	42645	R307-220	5YR	03/08/2018	2018-7/165
electric utility industries					
Public Service Commission, Administration	42767	R746-210	5YR	04/05/2018	2018-9/75
electricians					
Commerce, Occupational and Professional Licensing	42429	R156-55b-102	NSC	01/18/2018	Not Printed
electrologists					
Commerce, Occupational and Professional Licensing	42778	R156-11a	AMD	06/07/2018	2018-9/4
electronic devices					
Education, Administration	43032	R277-495	NSC	07/06/2018	Not Printed
electronic filings and meetings					
Public Service Commission, Administration	42670	R746-1-201	AMD	05/10/2018	2018-7/136
electronic funds transfer					
Human Services, Recovery Services	42638	R527-303	NEW	05/08/2018	2018-7/134
	42720	R527-920	5YR	03/23/2018	2018-8/156
electronic high school					
Education, Administration	42805	R277-725	REP	06/07/2018	2018-9/33
electronic logging devices					
Transportation, Motor Carrier	42494	R909-1	AMD	03/28/2018	2018-4/63
electronic meetings					
Agriculture and Food, Administration	42472	R51-6	NEW	03/23/2018	2018-3/4
Agriculture and Food, Conservation Commission	42944	R64-2	5YR	06/01/2018	2018-12/43

Judicial Performance Evaluation Commission, Administration	42262	R597-5	NEW	01/02/2018	2017-22/68
Natural Resources, Parks and Recreation	42723	R651-103	NEW	05/22/2018	2018-8/142
Natural Resources, Water Resources	42257	R653-9	NEW	03/02/2018	2017-22/74
elevators					
Labor Commission, Boiler, Elevator and Coal Mine Safety	42566	R616-3-3	AMD	04/09/2018	2018-5/51
	43164	R616-3-4	AMD	10/22/2018	2018-18/23
eligibility					
Health, Health Care Financing, Coverage and Reimbursement Policy	42446	R414-308	5YR	01/08/2018	2018-3/86
	42488	R414-308-3	EMR	01/19/2018	2018-4/87
	42628	R414-308-3	AMD	05/08/2018	2018-6/17
	42489	R414-311	EMR	01/19/2018	2018-4/90
	42629	R414-311	NEW	05/08/2018	2018-6/20
eligible educators					
Education, Administration	42699	R277-521	AMD	05/08/2018	2018-7/26
eligible regional service centers					
Education, Administration	43156	R277-706	NSC	08/31/2018	Not Printed
	43291	R277-706	NSC	10/25/2018	Not Printed
emergency medical services					
Health, Family Health and Preparedness, Emergency Medical Services	42554	R426-1	AMD	04/19/2018	2018-4/43
	43242	R426-1	5YR	10/09/2018	2018-21/144
	42555	R426-2	AMD	04/19/2018	2018-4/46
	43243	R426-2	5YR	10/09/2018	2018-21/144
	42556	R426-3	AMD	04/19/2018	2018-4/50
	43244	R426-3	5YR	10/09/2018	2018-21/145
	43245	R426-4	5YR	10/09/2018	2018-21/145
	42826	R426-8	AMD	07/01/2018	2018-10/49
	43246	R426-9	5YR	10/09/2018	2018-21/146
emergency medical services grants					
Health, Family Health and Preparedness, Emergency Medical Services	42724	R426-6	5YR	03/28/2018	2018-8/148
emergency medical services licensure					
Health, Family Health and Preparedness, Emergency Medical Services	42964	R426-3	EMR	06/11/2018	2018-13/133
emergency preparedness					
Education, Administration	42878	R277-400	NSC	05/17/2018	Not Printed
	43138	R277-400	AMD	10/16/2018	2018-17/32
emergency safety interventions					
Education, Administration	42701	R277-609	AMD	05/08/2018	2018-7/31
emergency vehicles					
Public Safety, Administration	42797	R698-7	5YR	04/12/2018	2018-9/74
emission controls					
Environmental Quality, Air Quality	42538	R307-345	EXT	01/31/2018	2018-4/113
	42655	R307-345	5YR	03/08/2018	2018-7/171
	42539	R307-346	EXT	01/31/2018	2018-4/114
	42656	R307-346	5YR	03/08/2018	2018-7/171
	42541	R307-347	EXT	01/31/2018	2018-4/114
	42657	R307-347	5YR	03/08/2018	2018-7/172
	42543	R307-348	EXT	01/31/2018	2018-4/114
	42659	R307-348	5YR	03/08/2018	2018-7/172
	42540	R307-349	EXT	01/31/2018	2018-4/114
	42660	R307-349	5YR	03/08/2018	2018-7/173
	42542	R307-350	EXT	01/31/2018	2018-4/114

	42661	R307-350	5YR	03/08/2018	2018-7/174
	42545	R307-352	EXT	01/31/2018	2018-4/115
	42663	R307-352	5YR	03/08/2018	2018-7/175
	42664	R307-353	5YR	03/08/2018	2018-7/176
	43238	R307-361	5YR	10/04/2018	2018-21/143
<u>employee benefit plans</u>					
Human Resource Management, Administration	42814	R477-6	AMD	07/01/2018	2018-10/65
<u>employee performance evaluations</u>					
Human Resource Management, Administration	42818	R477-10	AMD	07/01/2018	2018-10/87
<u>employee productivity</u>					
Human Resource Management, Administration	42818	R477-10	AMD	07/01/2018	2018-10/87
<u>employee termination</u>					
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<u>employee terminations</u>					
Workforce Services, Unemployment Insurance	42861	R994-405	AMD	06/21/2018	2018-10/144
<u>employee's rights</u>					
Workforce Services, Unemployment Insurance	42742	R994-405	5YR	03/29/2018	2018-8/161
	42861	R994-405	AMD	06/21/2018	2018-10/144
<u>employees</u>					
Education, Administration	42879	R277-401	NSC	05/17/2018	Not Printed
Health, Administration	43144	R380-300	NEW	10/22/2018	2018-17/56
Human Services, Administration	42417	R495-885	AMD	02/23/2018	2018-2/13
	42845	R495-885	EMR	04/23/2018	2018-10/149
	42630	R495-885	AMD	07/18/2018	2018-6/23
	42630	R495-885	CPR	07/18/2018	2018-11/50
<u>employees' rights</u>					
Human Resource Management, Administration	42820	R477-12	AMD	07/01/2018	2018-10/92
<u>employment</u>					
Corrections, Administration	43217	R251-105	5YR	09/19/2018	2018-20/32
Human Resource Management, Administration	42812	R477-4	AMD	07/01/2018	2018-10/60
	42813	R477-5	AMD	07/01/2018	2018-10/63
Workforce Services, Unemployment Insurance	42736	R994-202	5YR	03/29/2018	2018-8/157
	42742	R994-405	5YR	03/29/2018	2018-8/161
	42861	R994-405	AMD	06/21/2018	2018-10/144
<u>employment support procedures</u>					
Workforce Services, Employment Development	42927	R986-100	AMD	07/23/2018	2018-12/23
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Education, Administration	42471	R277-490	5YR	01/12/2018	2018-3/70
	42481	R277-490	AMD	03/14/2018	2018-3/13
	43030	R277-490	NSC	07/06/2018	Not Printed
<u>energy</u>					
Administrative Services, Facilities Construction and Management	43069	R23-30	5YR	07/11/2018	2018-15/99
<u>Energy Research Triangle Professors Grant (ERT-P)</u>					
Science Technology and Research Governing Authority, Administration	42356	R856-5	R&R	01/23/2018	2017-24/48
<u>Energy Research Triangle Scholars Grant (ERT-S)</u>					
Science Technology and Research Governing Authority, Administration	42355	R856-6	R&R	01/23/2018	2017-24/54
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Commerce, Real Estate	42809	R162-2c	AMD	07/13/2018	2018-10/27

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Lieutenant Governor, Administration	43157	R622-1	5YR	08/20/2018	2018-18/35
English proficiency					
Regents (Board Of), Administration	42866	R765-136	EXD	05/01/2018	2018-10/159
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Education, Administration	42803	R277-493	AMD	06/07/2018	2018-9/18
enrollment					
Education, Administration	42887	R277-417	NSC	05/17/2018	Not Printed
	42888	R277-418	NSC	05/17/2018	Not Printed
	43026	R277-485	NSC	07/06/2018	Not Printed
	43071	R277-612	NSC	07/26/2018	Not Printed
enrollment options					
Education, Administration	42896	R277-437	NSC	05/17/2018	Not Printed
	43240	R277-437	5YR	10/05/2018	2018-21/142
enrollment reporting					
Education, Administration	42996	R277-463	AMD	08/07/2018	2018-13/10
environmental protection					
Environmental Quality, Air Quality	42548	R307-115	EXT	01/31/2018	2018-4/111
	42641	R307-115	5YR	03/08/2018	2018-7/163
essential health benefit					
Insurance, Administration	42856	R590-266-4	NSC	05/14/2018	Not Printed
essential health benefit insurance					
Insurance, Administration	42319	R590-266-1	AMD	01/10/2018	2017-23/66
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Commerce, Occupational and Professional Licensing	42778	R156-11a	AMD	06/07/2018	2018-9/4
evaluations					
Education, Administration	43317	R277-531	NSC	10/25/2018	Not Printed
	42763	R277-532	5YR	04/02/2018	2018-8/146
	42700	R277-532	AMD	05/08/2018	2018-7/29
	42806	R277-533	AMD	06/07/2018	2018-9/23
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Health, Center for Health Data, Vital Records and Statistics	42708	R436-4	5YR	03/20/2018	2018-8/150
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Pardons (Board Of), Administration	42584	R671-517	5YR	02/13/2018	2018-5/154
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Commerce, Occupational and Professional Licensing	42582	R156-1	AMD	04/09/2018	2018-5/7
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Education, Administration	42765	R277-751	5YR	04/02/2018	2018-8/147
	42703	R277-751	AMD	05/08/2018	2018-7/38
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Environmental Quality, Air Quality	42640	R307-107	5YR	03/08/2018	2018-7/162
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expungement					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42259	R722-350	AMD	01/10/2018	2017-22/94
	42912	R722-350	NSC	05/17/2018	Not Printed

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Human Services, Child and Family Services	42829	R512-76	NEW	06/21/2018	2018-10/110

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Public Service Commission, Administration	42589	R746-347	5YR	02/14/2018	2018-5/158

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Education, Administration	42765	R277-751	5YR	04/02/2018	2018-8/147
	42703	R277-751	AMD	05/08/2018	2018-7/38

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Education, Administration	43031	R277-494	NSC	07/06/2018	Not Printed

extracurricular activities

Education, Administration	43064	R277-605	NSC	07/26/2018	Not Printed

eye exams

Health, Disease Control and Prevention, Health Promotion	42569	R384-201	EXT	02/08/2018	2018-5/161
	42951	R384-201	5YR	06/07/2018	2018-13/141

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Health, Health Care Financing, Coverage and Reimbursement Policy	42783	R414-53	5YR	04/10/2018	2018-9/71

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Environmental Quality, Air Quality	42538	R307-345	EXT	01/31/2018	2018-4/113
	42655	R307-345	5YR	03/08/2018	2018-7/171

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Education, Administration	43293	R277-724	NSC	10/25/2018	Not Printed

facility

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Human Resource Management, Administration	42811	R477-2	AMD	07/01/2018	2018-10/57
	42812	R477-4	AMD	07/01/2018	2018-10/60

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Health, Children's Health Insurance Program	42790	R382-1	5YR	04/11/2018	2018-9/70

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Workforce Services, Employment Development	42853	R986-200-236	AMD	08/31/2018	2018-10/128

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Health, Center for Health Data, Vital Records and Statistics	42707	R436-3	5YR	03/20/2018	2018-8/150

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Financial Institutions, Nondepository Lenders	43176	R343-9	REP	10/22/2018	2018-18/9
Health, Center for Health Data, Vital Records and Statistics	42717	R436-15	5YR	03/21/2018	2018-8/154
Labor Commission, Industrial Accidents	42563	R612-300	5YR	02/08/2018	2018-5/149
	42567	R612-300-4	AMD	04/09/2018	2018-5/46
Natural Resources, Parks and Recreation	42955	R651-610	5YR	06/07/2018	2018-13/147

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Labor Commission, Industrial Accidents	42562	R612-200	5YR	02/08/2018	2018-5/149
Workforce Services, Unemployment Insurance	42741	R994-403	5YR	03/29/2018	2018-8/160

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Environmental Quality, Air Quality	42537	R307-344	EXT	01/31/2018	2018-4/113

	42654	R307-344	5YR	03/08/2018	2018-7/170
finance					
Administrative Services, Finance	42571	R25-6	5YR	02/08/2018	2018-5/141
	42573	R25-8	5YR	02/08/2018	2018-5/142
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financial					
Education, Administration	43154	R277-704	NSC	08/31/2018	Not Printed
financial aid					
Regents (Board Of), Administration	42789	R765-605	5YR	04/11/2018	2018-9/77
	42722	R765-605	NSC	04/12/2018	Not Printed
	42860	R765-611	AMD	08/31/2018	2018-10/123
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Environmental Quality, Waste Management and Radiation Control, Waste Management	42451	R315-15	AMD	04/19/2018	2018-3/35
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Health, Health Care Financing, Coverage and Reimbursement Policy	42443	R414-304	5YR	01/08/2018	2018-3/85
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Financial Institutions, Administration	43161	R331-20	5YR	08/23/2018	2018-18/33
	43163	R331-21	5YR	08/23/2018	2018-18/34
	43162	R331-24	5YR	08/23/2018	2018-18/35
	43248	R331-25	5YR	10/11/2018	2018-21/143
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Education, Administration	43296	R277-500	NSC	10/25/2018	Not Printed
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Human Services, Administration, Administrative Services, Licensing	42233	R501-14	AMD	02/23/2018	2017-21/130
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Public Safety, Fire Marshal	43172	R710-13	5YR	08/28/2018	2018-18/36
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Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42260	R722-380	AMD	01/10/2018	2017-22/96
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Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42260	R722-380	AMD	01/10/2018	2017-22/96
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Education, Administration	43070	R277-611	NSC	07/26/2018	Not Printed
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	42667	R307-356	5YR	03/08/2018	2018-7/177
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Education, Administration	42849	R277-113	EXD	04/24/2018	2018-10/159
	42857	R277-113	NEW	06/22/2018	2018-10/28

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| 42449 | R657-58 | 5YR | 01/09/2018 | 2018-3/91
| 43101 | R657-59 | 5YR | 07/19/2018 | 2018-16/37
| 43098 | R657-60 | 5YR | 07/19/2018 | 2018-16/37

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| 42972 | R657-57 | AMD | 08/09/2018 | 2018-13/99
| 42449 | R657-58 | 5YR | 01/09/2018 | 2018-3/91

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| 42660 | R307-349 | 5YR | 03/08/2018 | 2018-7/173

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Health, Disease Control and Prevention, Environmental Services | 42684 | R392-100 | AMD | 05/18/2018 | 2018-7/93

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Health, Disease Control and Prevention, Environmental Services | 42685 | R392-102 | NEW | 05/18/2018 | 2018-7/97

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Education, Administration | 42620 | R277-719 | 5YR | 02/26/2018 | 2018-6/48
| 42614 | R277-719 | AMD | 04/09/2018 | 2018-5/39

foreign exchange students
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former foster care youth
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| 42862 | R501-12 | AMD | 07/01/2018 | 2018-10/101
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Education, Administration	42480	R277-415	NEW	03/14/2018	2018-3/11
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Commerce, Occupational and Professional Licensing	43092	R156-9	AMD	09/10/2018	2018-15/53
Health, Center for Health Data, Vital Records and Statistics	42713	R436-7	5YR	03/21/2018	2018-8/151
	42709	R436-8	5YR	03/20/2018	2018-8/151
	42712	R436-9	5YR	03/21/2018	2018-8/152
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Commerce, Occupational and Professional Licensing	43092	R156-9	AMD	09/10/2018	2018-15/53
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	42667	R307-356	5YR	03/08/2018	2018-7/177
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	42920	R657-5	AMD	07/09/2018	2018-11/40
	42919	R657-10	AMD	07/09/2018	2018-11/42
	42377	R657-19	AMD	02/07/2018	2018-1/35
	43099	R657-19	5YR	07/19/2018	2018-16/36
	42492	R657-33	AMD	03/26/2018	2018-4/55
	42796	R657-34	5YR	04/12/2018	2018-9/72
	42913	R657-51	NEW	07/09/2018	2018-11/44
	42969	R657-54	AMD	08/09/2018	2018-13/89
	42372	R657-67	AMD	02/07/2018	2018-1/44
	42378	R657-70	REP	02/07/2018	2018-1/46
	42373	R657-71	NEW	02/07/2018	2018-1/52
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	42916	R277-436	AMD	07/09/2018	2018-11/21
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	42109	R307-504	CPR	03/05/2018	2018-3/56
	42110	R307-505	NEW	01/26/2018	2017-19/71
	42111	R307-506	NEW	03/05/2018	2017-19/73
	42111	R307-506	CPR	03/05/2018	2018-3/58
	42112	R307-507	NEW	03/05/2018	2017-19/75
	42112	R307-507	CPR	03/05/2018	2018-3/60
	42113	R307-508	NEW	03/05/2018	2017-19/77
	42113	R307-508	CPR	03/05/2018	2018-3/62
	42114	R307-509	NEW	03/05/2018	2017-19/79
	42114	R307-509	CPR	03/05/2018	2018-3/63
	42115	R307-510	NEW	03/05/2018	2017-19/81
	42115	R307-510	CPR	03/05/2018	2018-3/65
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	43290	R277-717	NSC	10/25/2018	Not Printed
graduation requirements					
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	43155	R277-705	NSC	08/31/2018	Not Printed
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	43139	R277-718	NEW	10/16/2018	2018-17/49
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	43113	R277-921	NSC	08/01/2018	Not Printed

	43114	R277-922	NSC	08/01/2018	Not Printed
	43115	R277-923	NSC	08/01/2018	Not Printed
	43116	R277-924	NSC	08/01/2018	Not Printed
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	42880	R277-402	NSC	05/17/2018	Not Printed
	42471	R277-490	5YR	01/12/2018	2018-3/70
	42481	R277-490	AMD	03/14/2018	2018-3/13
	43030	R277-490	NSC	07/06/2018	Not Printed
	43034	R277-498	NSC	07/06/2018	Not Printed
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Environmental Quality, Waste Management and Radiation Control, Waste Management	43081	R315-15-16	AMD	09/14/2018	2018-15/57
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	42844	R137-1	CPR	09/28/2018	2018-12/36
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	42820	R477-12	AMD	07/01/2018	2018-10/92
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Education, Administration	43131	R277-613	5YR	08/02/2018	2018-17/71
Hatch Act					
Human Resource Management, Administration	42817	R477-9	AMD	07/01/2018	2018-10/84
hazardous air pollutant					
Environmental Quality, Air Quality	42435	R307-214	AMD	05/23/2018	2018-3/30
hazardous materials					
Public Safety, Fire Marshal	42674	R710-12	EXD	03/12/2018	2018-7/183
hazardous waste					
Environmental Quality, Waste Management and Radiation Control, Waste Management	42451	R315-15	AMD	04/19/2018	2018-3/35
	42615	R315-15-5	NSC	03/14/2018	Not Printed
	43079	R315-260	AMD	09/14/2018	2018-15/61
	43080	R315-261	AMD	09/14/2018	2018-15/65
	43129	R315-261	NSC	09/20/2018	Not Printed
	42672	R315-262-17	NSC	03/30/2018	Not Printed
	42824	R315-262-17	NSC	05/03/2018	Not Printed
	43159	R315-270-61	NSC	08/31/2018	Not Printed

hazing

Education, Administration	42921	R277-613	R&R	07/09/2018	2018-11/27
	43131	R277-613	5YR	08/02/2018	2018-17/71

head injuries

Education, Administration	42908	R277-614	5YR	05/11/2018	2018-11/58
	42917	R277-614	AMD	07/09/2018	2018-11/34

health

Health, Administration	42852	R380-50	AMD	07/03/2018	2018-10/39
Health, Center for Health Data, Health Care Statistics	42728	R428-1	AMD	05/25/2018	2018-8/104

health care facilities

Health, Family Health and Preparedness, Licensing	42520	R432-1	5YR	01/29/2018	2018-4/98
	43006	R432-1	AMD	08/20/2018	2018-13/37
	42521	R432-2	5YR	01/29/2018	2018-4/98
	43005	R432-2	AMD	08/27/2018	2018-13/43
	42397	R432-2-5	AMD	03/22/2018	2018-2/9
	42396	R432-2-13	AMD	03/22/2018	2018-2/11
	42522	R432-3	5YR	01/29/2018	2018-4/99
	43004	R432-3	AMD	08/27/2018	2018-13/45
	42523	R432-4	5YR	01/29/2018	2018-4/99
	42524	R432-5	5YR	01/29/2018	2018-4/100
	42525	R432-6	5YR	01/29/2018	2018-4/100
	42937	R432-6-16	AMD	08/20/2018	2018-12/20
	42518	R432-16	5YR	01/29/2018	2018-4/101
	42519	R432-35	5YR	01/29/2018	2018-4/101
	43003	R432-35	AMD	10/01/2018	2018-13/50
	42201	R432-150-8	AMD	01/11/2018	2017-21/108
	43002	R432-270	AMD	08/27/2018	2018-13/53
	42200	R432-270-19	AMD	01/11/2018	2017-21/109
	43136	R432-950	AMD	10/23/2018	2018-17/59

health education

Education, Administration	43021	R277-474	NSC	07/06/2018	Not Printed

health facilities

Health, Center for Health Data, Vital Records and Statistics	42712	R436-9	5YR	03/21/2018	2018-8/152

health insurance

Administrative Services, Facilities Construction and Management	42846	R23-23	AMD	06/26/2018	2018-10/6
Governor, Economic Development, Consumer Health Exchange	43179	R358-1	REP	10/25/2018	2018-18/14
Human Services, Recovery Services	43166	R527-201	NSC	09/07/2018	Not Printed

Health Insurance Exchange

Governor, Economic Development, Consumer Health Exchange	43179	R358-1	REP	10/25/2018	2018-18/14

health planning

Health, Center for Health Data, Health Care Statistics	42728	R428-1	AMD	05/25/2018	2018-8/104

health policy

Health, Center for Health Data, Health Care Statistics	42728	R428-1	AMD	05/25/2018	2018-8/104

health spas

Commerce, Consumer Protection	42836	R152-23	NSC	04/26/2018	Not Printed

hearing aids

Health, Family Health and Preparedness, Children with Special Health Care Needs	43205	R398-3	5YR	09/14/2018	2018-19/99

hearing procedures

Workforce Services, Employment Development	42927	R986-100	AMD	07/23/2018	2018-12/23

hearings					
Education, Administration	42772	R277-211	NSC	04/13/2018	Not Printed
	42773	R277-212	NSC	04/13/2018	Not Printed
	42774	R277-213	NSC	04/13/2018	Not Printed
Environmental Quality, Administration	42781	R305-7	AMD	11/01/2018	2018-9/40
	42781	R305-7	CPR	11/01/2018	2018-17/66
Environmental Quality, Water Quality	42509	R317-9	5YR	01/24/2018	2018-4/95
Health, Health Care Financing, Coverage and Reimbursement Policy	42440	R414-301	5YR	01/08/2018	2018-3/83
Labor Commission, Adjudication	43127	R602-4	5YR	08/01/2018	2018-16/34
	43126	R602-5	5YR	08/01/2018	2018-16/35
	43125	R602-6	5YR	08/01/2018	2018-16/35
Pardons (Board Of), Administration	42295	R671-201	AMD	01/08/2018	2017-22/75
	42579	R671-513	5YR	02/13/2018	2018-5/152
	42584	R671-517	5YR	02/13/2018	2018-5/154
	42586	R671-519	5YR	02/13/2018	2018-5/155
	42587	R671-520	5YR	02/13/2018	2018-5/156
	42588	R671-522	5YR	02/13/2018	2018-5/156
hemp extraction					
Agriculture and Food, Plant Industry	43146	R68-25	NEW	10/31/2018	2018-17/9
hemp oil					
Agriculture and Food, Plant Industry	43146	R68-25	NEW	10/31/2018	2018-17/9
hemp product registration					
Agriculture and Food, Plant Industry	43147	R68-26	NEW	10/31/2018	2018-17/14
hemp products					
Agriculture and Food, Plant Industry	43146	R68-25	NEW	10/31/2018	2018-17/9
high school credits					
Education, Administration	42394	R277-705	AMD	02/28/2018	2018-1/5
	43155	R277-705	NSC	08/31/2018	Not Printed
higher education					
Education, Administration	43286	R277-713	NSC	10/25/2018	Not Printed
Regents (Board Of), Administration	42866	R765-136	EXD	05/01/2018	2018-10/159
	42868	R765-555	EXD	05/01/2018	2018-10/159
	42789	R765-605	5YR	04/11/2018	2018-9/77
	42722	R765-605	NSC	04/12/2018	Not Printed
	42860	R765-611	AMD	08/31/2018	2018-10/123
Regents (Board Of), University of Utah, Administration	43024	R805-2	5YR	06/26/2018	2018-14/58
highly qualified					
Education, Administration	43300	R277-510	NSC	10/25/2018	Not Printed
highways					
Transportation, Administration	43169	R907-67	5YR	08/27/2018	2018-18/37
Transportation, Operations, Construction	42616	R916-4	AMD	04/23/2018	2018-6/28
Transportation, Program Development	43170	R926-10	5YR	08/27/2018	2018-18/38
	43160	R926-13	AMD	10/23/2018	2018-18/27
HIPAA					
Health, Administration	42784	R380-250	5YR	04/10/2018	2018-9/69
Human Services, Administration	42766	R495-881	5YR	04/02/2018	2018-8/156
hiring practices					
Human Resource Management, Administration	42812	R477-4	AMD	07/01/2018	2018-10/60
HIV/AIDS					
Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	42328	R388-805	AMD	02/01/2018	2017-23/28
holidays					
Human Resource Management, Administration	42815	R477-7	AMD	07/01/2018	2018-10/71

Homeless Shelter Cities Mitigation Restricted Account					
Workforce Services, Housing and Community Development	42939	R990-102	NEW	07/23/2018	2018-12/31
hospitals					
Environmental Quality, Air Quality	42532	R307-222	EXT	01/31/2018	2018-4/112
	42647	R307-222	5YR	03/08/2018	2018-7/166
hostile work environment					
Human Resource Management, Administration	42821	R477-16	AMD	07/01/2018	2018-10/94
hotels					
Health, Disease Control and Prevention, Environmental Services	42515	R392-502	R&R	03/26/2018	2018-4/31
hourly child care centers					
Health, Child Care Center Licensing Committee	42727	R381-60	AMD	08/10/2018	2018-8/4
human services					
Human Services, Administration	42417	R495-885	AMD	02/23/2018	2018-2/13
	42845	R495-885	EMR	04/23/2018	2018-10/149
	42630	R495-885	AMD	07/18/2018	2018-6/23
	42630	R495-885	CPR	07/18/2018	2018-11/50
Human Services, Administration, Administrative Services, Licensing	42216	R501-1	AMD	02/23/2018	2017-21/111
	42317	R501-7	R&R	05/02/2018	2017-23/50
	42317	R501-7	CPR	05/02/2018	2018-6/34
	42217	R501-12	AMD	02/23/2018	2017-21/120
	42862	R501-12	AMD	07/01/2018	2018-10/101
	42233	R501-14	AMD	02/23/2018	2017-21/130
	42234	R501-18	AMD	02/07/2018	2017-21/136
Human Services, Services for People with Disabilities	42560	R539-1	NSC	03/01/2018	Not Printed
	42926	R539-1	NSC	06/01/2018	Not Printed
human sexuality education					
Education, Administration	43021	R277-474	NSC	07/06/2018	Not Printed
hunter education					
Natural Resources, Wildlife Resources	42372	R657-67	AMD	02/07/2018	2018-1/44
hunting closures					
Natural Resources, Wildlife Resources	42796	R657-34	5YR	04/12/2018	2018-9/72
illegal drug operations					
Health, Disease Control and Prevention, Environmental Services	43037	R392-600	AMD	08/24/2018	2018-14/34
immigration consultant					
Commerce, Consumer Protection	42843	R152-49	NSC	04/26/2018	Not Printed
immunizations					
Health, Disease Control and Prevention, Immunization	42947	R396-100	5YR	06/07/2018	2018-13/141
implements of husbandry					
Transportation, Motor Carrier	42494	R909-1	AMD	03/28/2018	2018-4/63
import restrictions					
Natural Resources, Wildlife Resources	42624	R657-3	5YR	02/27/2018	2018-6/49
	42965	R657-3	AMD	08/09/2018	2018-13/69
	42792	R657-53	5YR	04/12/2018	2018-9/74
	42968	R657-53	AMD	08/09/2018	2018-13/86
improvement					
Education, Administration	42882	R277-406	NSC	05/17/2018	Not Printed
	42956	R277-406	5YR	06/07/2018	2018-13/139

	42997	R277-406	AMD	08/07/2018	2018-13/5
<u>incentives</u>					
Education, Administration	42887	R277-417	NSC	05/17/2018	Not Printed
<u>incidents</u>					
Pardons (Board Of), Administration	42576	R671-509	5YR	02/13/2018	2018-5/151
<u>incinerators</u>					
Environmental Quality, Air Quality	42553	R307-220	EXT	01/31/2018	2018-4/111
	42645	R307-220	5YR	03/08/2018	2018-7/165
<u>income</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	42443	R414-304	5YR	01/08/2018	2018-3/85
<u>industrial hemp cultivation</u>					
Agriculture and Food, Plant Industry	43145	R68-24	NEW	10/31/2018	2018-17/6
<u>industrial waste</u>					
Environmental Quality, Water Quality	42510	R317-13	5YR	01/24/2018	2018-4/96
<u>Industry Partnership Program (IPP)</u>					
Science Technology and Research Governing Authority, Administration	42357	R856-2	R&R	01/23/2018	2017-24/28
<u>infectious waste</u>					
Environmental Quality, Air Quality	42532	R307-222	EXT	01/31/2018	2018-4/112
	42647	R307-222	5YR	03/08/2018	2018-7/166
<u>initiatives</u>					
Education, Administration	42880	R277-402	NSC	05/17/2018	Not Printed
<u>inmates</u>					
Education, Administration	43295	R277-735	NSC	10/25/2018	Not Printed
Pardons (Board Of), Administration	42295	R671-201	AMD	01/08/2018	2017-22/75
	42294	R671-202	AMD	01/08/2018	2017-22/77
<u>inspections</u>					
Agriculture and Food, Plant Industry	42530	R68-5	5YR	01/30/2018	2018-4/95
	42531	R68-5	NSC	02/27/2018	Not Printed
	42872	R68-20	AMD	07/09/2018	2018-11/6
Agriculture and Food, Regulatory Services	42422	R70-940	R&R	02/22/2018	2018-2/6
<u>instruction</u>					
Education, Administration	43070	R277-611	NSC	07/26/2018	Not Printed
<u>instructional materials</u>					
Education, Administration	42322	R277-469	AMD	01/09/2018	2017-23/4
	43018	R277-469	NSC	07/06/2018	Not Printed
<u>instructor certification</u>					
Commerce, Real Estate	43011	R162-2g	AMD	09/04/2018	2018-14/16
<u>insurance</u>					
Human Resource Management, Administration	42814	R477-6	AMD	07/01/2018	2018-10/65
Insurance, Administration	42687	R590-154	5YR	03/14/2018	2018-7/180
	43000	R590-160	R&R	08/14/2018	2018-13/56
	43221	R590-160	5YR	09/21/2018	2018-20/32
	43219	R590-161	5YR	09/21/2018	2018-20/33
	43220	R590-162	5YR	09/21/2018	2018-20/33
	43067	R590-186	5YR	07/10/2018	2018-15/104
	42875	R590-219	5YR	05/04/2018	2018-11/59
	42874	R590-222	5YR	05/04/2018	2018-11/60
	43222	R590-245	5YR	09/21/2018	2018-20/34
	43134	R590-250	5YR	08/03/2018	2018-17/73
	42856	R590-266-4	NSC	05/14/2018	Not Printed

	42214	R590-276	NEW	04/23/2018	2017-21/165
	42214	R590-276	CPR	04/23/2018	2018-6/44
Labor Commission, Industrial Accidents	42564	R612-400	5YR	02/08/2018	2018-5/150
insurance discretion clauses					
Insurance, Administration	42437	R590-218	5YR	01/04/2018	2018-3/90
insurance fee					
Insurance, Administration	42438	R590-157	5YR	01/04/2018	2018-3/90
insurance fees					
Insurance, Administration	42395	R590-102	AMD	02/08/2018	2018-1/11
insurance law					
Insurance, Administration	42686	R590-94	5YR	03/14/2018	2018-7/179
	43007	R590-164	AMD	08/14/2018	2018-13/66
insurance reserves and nonforfeitures					
Insurance, Administration	42873	R590-223	5YR	05/04/2018	2018-11/60
intellectual disability					
Health, Family Health and Preparedness, Children with Special Health Care Needs	43105	R398-10	AMD	09/24/2018	2018-16/12
intensive services fund					
Education, Administration	43119	R277-752	NSC	08/01/2018	Not Printed
interchanges					
Transportation, Operations, Maintenance	42392	R918-6	AMD	02/07/2018	2018-1/53
international guest teachers					
Education, Administration	43195	R277-527	5YR	09/13/2018	2018-19/98
	43314	R277-527	NSC	10/25/2018	Not Printed
Internet ratings					
Commerce, Consumer Protection	42828	R152-1a	NSC	04/26/2018	Not Printed
internet ratings					
Commerce, Consumer Protection	43196	R152-1a-1	NSC	09/27/2018	Not Printed
interns					
Education, Administration	43052	R277-509	NSC	07/06/2018	Not Printed
intersections					
Transportation, Operations, Maintenance	42392	R918-6	AMD	02/07/2018	2018-1/53
interstate highway system					
Transportation, Administration	43167	R907-64	5YR	08/27/2018	2018-18/36
	43168	R907-65	5YR	08/27/2018	2018-18/37
intervention					
Education, Administration	43283	R277-710	NSC	10/25/2018	Not Printed
inventories					
Environmental Quality, Air Quality	42107	R307-150	AMD	03/05/2018	2017-19/55
	42107	R307-150	CPR	03/05/2018	2018-3/46
IT planning					
Technology Services, Administration	43229	R895-6	5YR	10/03/2018	2018-21/149
jobs					
Governor, Economic Development	42940	R357-3	EXD	05/31/2018	2018-12/47
judges					
Governor, Criminal and Juvenile Justice (State Commission on)	42337	R356-2-10	AMD	04/02/2018	2017-24/13

judicial nominating commissions					
Governor, Criminal and Juvenile Justice (State Commission on)	42337	R356-2-10	AMD	04/02/2018	2017-24/13
juvenile confinement in adult jails					
Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26
juvenile confinement in lockups					
Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26
juvenile courts					
Education, Administration	42619	R277-709	5YR	02/26/2018	2018-6/48
	42613	R277-709	AMD	04/09/2018	2018-5/34
juvenile detention in adult jails					
Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26
juvenile detention in lockups					
Governor, Criminal and Juvenile Justice (State Commission on)	42055	R356-4	NEW	01/02/2018	2017-18/26
juvenile offenders					
Education, Administration	43287	R277-714	NSC	10/25/2018	Not Printed
kindergarten					
Education, Administration	42803	R277-493	AMD	06/07/2018	2018-9/18
kinship					
Human Services, Child and Family Services	42605	R512-500	5YR	02/15/2018	2018-5/147
labor camp					
Health, Disease Control and Prevention, Environmental Services	43014	R392-501	R&R	09/10/2018	2018-14/25
Labor Commission					
Labor Commission, Administration	42622	R600-1	5YR	02/26/2018	2018-6/49
laboratories					
Health, Disease Control and Prevention, Laboratory Services	43078	R438-13	EXT	07/12/2018	2018-15/109
laboratory animals					
Health, Disease Control and Prevention, Laboratory Services	43078	R438-13	EXT	07/12/2018	2018-15/109
land sales					
Natural Resources, Wildlife Resources	43231	R657-61	5YR	10/04/2018	2018-21/148
land use					
Natural Resources, Forestry, Fire and State Lands	42978	R652-110	5YR	06/11/2018	2018-13/153
landfills					
Environmental Quality, Air Quality	42553	R307-220	EXT	01/31/2018	2018-4/111
	42645	R307-220	5YR	03/08/2018	2018-7/165
language proficiency					
Regents (Board Of), Administration	42866	R765-136	EXD	05/01/2018	2018-10/159
large appliance					
Environmental Quality, Air Quality	42541	R307-347	EXT	01/31/2018	2018-4/114
	42657	R307-347	5YR	03/08/2018	2018-7/172
leaders					
Education, Administration	43303	R277-513	NSC	10/25/2018	Not Printed

<u>leadership</u>					
Education, Administration	43316	R277-530	NSC	10/25/2018	Not Printed
	42439	R277-530-3	NSC	01/25/2018	Not Printed
<u>leadership skills</u>					
Education, Administration	43085	R277-619	5YR	07/13/2018	2018-15/103
	42995	R277-619	AMD	08/07/2018	2018-13/33
<u>leases</u>					
Natural Resources, Forestry, Fire and State Lands	42978	R652-110	5YR	06/11/2018	2018-13/153
<u>leave benefits</u>					
Human Resource Management, Administration	42815	R477-7	AMD	07/01/2018	2018-10/71
<u>license</u>					
Natural Resources, Wildlife Resources	42793	R657-45	5YR	04/12/2018	2018-9/73
<u>license surrender</u>					
Education, Administration	42777	R277-216	NSC	04/13/2018	Not Printed
<u>licensed family child care</u>					
Health, Family Health and Preparedness, Child Care Licensing	42876	R430-90	5YR	05/09/2018	2018-11/59
	42733	R430-90	AMD	08/10/2018	2018-8/125
<u>licenses</u>					
Education, Administration	43033	R277-496	NSC	07/06/2018	Not Printed
	43310	R277-520	NSC	10/25/2018	Not Printed
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42808	R722-310	AMD	07/11/2018	2018-10/113
<u>licensing</u>					
Commerce, Occupational and Professional Licensing	42582	R156-1	AMD	04/09/2018	2018-5/7
	42869	R156-5a	5YR	05/01/2018	2018-10/155
	43092	R156-9	AMD	09/10/2018	2018-15/53
	42623	R156-24b-102	NSC	03/14/2018	Not Printed
	42448	R156-31b	5YR	01/08/2018	2018-3/69
	42848	R156-37c	5YR	04/24/2018	2018-10/155
	43015	R156-38a	AMD	08/21/2018	2018-14/6
	43017	R156-42a	AMD	08/23/2018	2018-14/9
	43247	R156-42a	5YR	10/09/2018	2018-21/141
	43171	R156-44a	5YR	08/28/2018	2018-18/33
	43150	R156-47b-102	AMD	10/11/2018	2018-17/22
	42429	R156-55b-102	NSC	01/18/2018	Not Printed
	43216	R156-61	5YR	09/18/2018	2018-20/31
	42925	R156-63a	5YR	05/15/2018	2018-11/55
	42924	R156-63b	5YR	05/15/2018	2018-11/56
	43137	R156-67	AMD	10/09/2018	2018-17/24
	42447	R156-68	5YR	01/08/2018	2018-3/70
	43142	R156-68	AMD	10/09/2018	2018-17/28
	42807	R156-70a	AMD	06/21/2018	2018-10/24
	42785	R156-71	AMD	06/07/2018	2018-9/8
	42338	R156-72	AMD	01/23/2018	2017-24/11
	42847	R156-74	5YR	04/24/2018	2018-10/156
	42243	R156-78-502	AMD	01/02/2018	2017-22/28
Commerce, Real Estate	42809	R162-2c	AMD	07/13/2018	2018-10/27
Education, Administration	42760	R277-120	NSC	04/12/2018	Not Printed
	43304	R277-514	NSC	10/25/2018	Not Printed
Human Services, Administration, Administrative Services, Licensing	42216	R501-1	AMD	02/23/2018	2017-21/111
	42317	R501-7	R&R	05/02/2018	2017-23/50
	42317	R501-7	CPR	05/02/2018	2018-6/34
	42217	R501-12	AMD	02/23/2018	2017-21/120
	42862	R501-12	AMD	07/01/2018	2018-10/101
	42233	R501-14	AMD	02/23/2018	2017-21/130
	42234	R501-18	AMD	02/07/2018	2017-21/136

licensure
Education, Administration | 42774 | R277-213 | NSC | 04/13/2018 | Not Printed
| 43302 | R277-512 | NSC | 10/25/2018 | Not Printed
Health, Family Health and Preparedness, Emergency Medical Services | 43244 | R426-3 | 5YR | 10/09/2018 | 2018-21/145

liens
Commerce, Occupational and Professional Licensing | 43015 | R156-38a | AMD | 08/21/2018 | 2018-14/6

life settlement
Insurance, Administration | 42874 | R590-222 | 5YR | 05/04/2018 | 2018-11/60

lifeline rates
Public Service Commission, Administration | 42423 | R746-341 | REP | 02/21/2018 | 2018-2/24

lifeline support
Public Service Commission, Administration | 42632 | R746-8-403 | AMD | 04/24/2018 | 2018-6/26

limitation on judgments
Administrative Services, Risk Management | 43236 | R37-4 | EMR | 10/29/2018 | 2018-21/137

limitations on judgments
Administrative Services, Risk Management | 42934 | R37-4 | EMR | 07/01/2018 | 2018-12/39

literacy
Education, Administration | 43154 | R277-704 | NSC | 08/31/2018 | Not Printed

litter
Transportation, Operations, Maintenance | 43124 | R918-4 | EXT | 07/31/2018 | 2018-16/39
| 43241 | R918-4 | 5YR | 10/08/2018 | 2018-21/150

loan origination
Commerce, Real Estate | 42809 | R162-2c | AMD | 07/13/2018 | 2018-10/27

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	42659	R307-348	5YR	03/08/2018	2018-7/172
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	42746	R410-14	AMD	05/29/2018	2018-8/95
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	42625	R414-2A-7	AMD	05/08/2018	2018-6/11
	42180	R414-3A	AMD	03/05/2018	2017-20/26
	42180	R414-3A	CPR	03/05/2018	2018-2/42
	42594	R414-3A-5	AMD	05/08/2018	2018-5/42
	42306	R414-4x	REP	01/19/2018	2017-23/49
	43122	R414-9	5YR	07/27/2018	2018-16/33
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	42871	R414-42	AMD	07/01/2018	2018-10/45
	43053	R414-42	5YR	07/02/2018	2018-14/52
	42782	R414-52	5YR	04/10/2018	2018-9/71
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	42788	R414-60B	AMD	06/27/2018	2018-9/63

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	42487	R414-302-6	EMR	01/19/2018	2018-4/85
	42627	R414-302-6	AMD	05/08/2018	2018-6/15
	42444	R414-305	5YR	01/08/2018	2018-3/85
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	42488	R414-308-3	EMR	01/19/2018	2018-4/87
	42628	R414-308-3	AMD	05/08/2018	2018-6/17
	42489	R414-311	EMR	01/19/2018	2018-4/90
	42629	R414-311	NEW	05/08/2018	2018-6/20
	42851	R414-401-3	AMD	07/01/2018	2018-10/47
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	43204	R414-511	5YR	09/14/2018	2018-19/100
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	42694	R30-1	NEW	06/01/2018	2018-7/10
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	42992	R277-481	AMD	08/07/2018	2018-13/16
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	42429	R156-55b-102	NSC	01/18/2018	Not Printed
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	42111	R307-506	NEW	03/05/2018	2017-19/73
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	42112	R307-507	NEW	03/05/2018	2017-19/75
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	42113	R307-508	NEW	03/05/2018	2017-19/77
	42113	R307-508	CPR	03/05/2018	2018-3/62
	42114	R307-509	NEW	03/05/2018	2017-19/79
	42114	R307-509	CPR	03/05/2018	2018-3/63
	42115	R307-510	NEW	03/05/2018	2017-19/81
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outdoor recreation					
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	42577	R671-510	5YR	02/13/2018	2018-5/151
	42578	R671-512	5YR	02/13/2018	2018-5/152
	42579	R671-513	5YR	02/13/2018	2018-5/152
	42580	R671-514	5YR	02/13/2018	2018-5/153
	42581	R671-515	5YR	02/13/2018	2018-5/153
	42583	R671-516	5YR	02/13/2018	2018-5/154
	42584	R671-517	5YR	02/13/2018	2018-5/154
	42585	R671-518	5YR	02/13/2018	2018-5/155
	42586	R671-519	5YR	02/13/2018	2018-5/155
	42587	R671-520	5YR	02/13/2018	2018-5/156
	42588	R671-522	5YR	02/13/2018	2018-5/156
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Corrections, Administration	43186	R251-103	5YR	09/12/2018	2018-19/97
partnerships for student success					
Education, Administration	43116	R277-924	NSC	08/01/2018	Not Printed
patient rights					
Human Services, Substance Abuse and Mental Health, State Hospital	42473	R525-2	5YR	01/16/2018	2018-3/87
patient safety					
Health, Family Health and Preparedness, Primary Care and Rural Health	42334	R434-150	NEW	04/14/2018	2017-24/18
	42671	R434-150	NSC	04/14/2018	Not Printed
patriotic education					
Education, Administration	43022	R277-475	NSC	07/06/2018	Not Printed

<u>pawnshops</u>					
Commerce, Consumer Protection	42838	R152-32a	NSC	04/26/2018	Not Printed
	42929	R152-32a	5YR	05/17/2018	2018-12/45
<u>penalties</u>					
Health, Center for Health Data, Vital Records and Statistics	42718	R436-16	5YR	03/21/2018	2018-8/155
<u>per diem allowances</u>					
Administrative Services, Finance	42570	R25-5	5YR	02/08/2018	2018-5/141
	42572	R25-7	5YR	02/08/2018	2018-5/142
	42854	R25-7	AMD	06/21/2018	2018-10/9
	43095	R25-7	AMD	09/21/2018	2018-16/6
	43008	R25-7-6	NSC	07/03/2018	Not Printed
<u>performance standards</u>					
Health, Administration	42863	R380-40	AMD	07/03/2018	2018-10/34
<u>permit</u>					
Natural Resources, Wildlife Resources	42793	R657-45	5YR	04/12/2018	2018-9/73
<u>permits</u>					
Environmental Quality, Air Quality	42108	R307-401	AMD	03/05/2018	2017-19/58
	42108	R307-401	CPR	03/05/2018	2018-3/49
	42574	R307-401	NSC	03/05/2018	Not Printed
Health, Center for Health Data, Vital Records and Statistics	42709	R436-8	5YR	03/20/2018	2018-8/151
Health, Disease Control and Prevention, Health Promotion	42870	R384-324	NEW	07/09/2018	2018-10/42
Natural Resources, Forestry, Fire and State Lands	42978	R652-110	5YR	06/11/2018	2018-13/153
Natural Resources, Wildlife Resources	42794	R657-42	5YR	04/12/2018	2018-9/73
	42967	R657-50	AMD	08/09/2018	2018-13/82
	43100	R657-57	5YR	07/19/2018	2018-16/36
	42374	R657-62	AMD	02/07/2018	2018-1/41
	42493	R657-62	AMD	03/26/2018	2018-4/57
	42973	R657-62	AMD	08/09/2018	2018-13/101
	42974	R657-64	AMD	08/09/2018	2018-13/107
<u>personal property</u>					
Tax Commission, Property Tax	43206	R884-24P-5	NSC	09/20/2018	Not Printed
<u>personnel management</u>					
Human Resource Management, Administration	42810	R477-1	AMD	07/01/2018	2018-10/51
	42813	R477-5	AMD	07/01/2018	2018-10/63
	42814	R477-6	AMD	07/01/2018	2018-10/65
	42817	R477-9	AMD	07/01/2018	2018-10/84
<u>physical therapist</u>					
Commerce, Occupational and Professional Licensing	42623	R156-24b-102	NSC	03/14/2018	Not Printed
<u>physical therapist assistant</u>					
Commerce, Occupational and Professional Licensing	42623	R156-24b-102	NSC	03/14/2018	Not Printed
<u>physical therapy</u>					
Commerce, Occupational and Professional Licensing	42623	R156-24b-102	NSC	03/14/2018	Not Printed
<u>physician assistants</u>					
Commerce, Occupational and Professional Licensing	42807	R156-70a	AMD	06/21/2018	2018-10/24
<u>physicians</u>					
Commerce, Occupational and Professional Licensing	43137	R156-67	AMD	10/09/2018	2018-17/24
<u>pilot lights</u>					
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	42667	R307-356	5YR	03/08/2018	2018-7/177

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	42651	R307-303	5YR	03/08/2018	2018-7/168

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Commerce, Occupational and Professional Licensing	42869	R156-5a	5YR	05/01/2018	2018-10/155

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	42700	R277-532	AMD	05/08/2018	2018-7/29

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Education, Administration	43032	R277-495	NSC	07/06/2018	Not Printed

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Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66

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Commerce, Consumer Protection	42839	R152-34	NSC	04/26/2018	Not Printed

postsecondary schools

Commerce, Consumer Protection	42840	R152-34a	NSC	04/26/2018	Not Printed

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Environmental Quality, Water Quality	42511	R317-14	5YR	01/24/2018	2018-4/96

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	43112	R277-920	NSC	08/01/2018	Not Printed
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	42662	R307-351	5YR	03/08/2018	2018-7/174
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Public Service Commission, Administration	42767	R746-210	5YR	04/05/2018	2018-9/75
	42769	R746-240	5YR	04/05/2018	2018-9/76
	42770	R746-340	5YR	04/05/2018	2018-9/77
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	42780	R277-122	NSC	04/13/2018	Not Printed
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	42697	R277-502	AMD	05/08/2018	2018-7/19
	43050	R277-505	NSC	07/06/2018	Not Printed
	43051	R277-506	NSC	07/06/2018	Not Printed
	42762	R277-508	5YR	04/02/2018	2018-8/145
	42698	R277-508	AMD	05/08/2018	2018-7/24
	43299	R277-508	NSC	10/25/2018	Not Printed
	42325	R277-519	AMD	01/09/2018	2017-23/16
	43309	R277-519	NSC	10/25/2018	Not Printed

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	43049	R277-507	NSC	07/06/2018	Not Printed
	42618	R277-518	5YR	02/26/2018	2018-6/47
	43308	R277-518	NSC	10/25/2018	Not Printed
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Insurance, Administration	43133	R590-246	5YR	08/03/2018	2018-17/72
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	42771	R277-210	NSC	04/13/2018	Not Printed
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	43288	R277-715	NSC	10/25/2018	Not Printed
Public Service Commission, Administration	43088	R746-404	5YR	07/16/2018	2018-15/106
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Human Services, Substance Abuse and Mental Health, State Hospital	42477	R525-6	5YR	01/16/2018	2018-3/89
	42557	R525-6	NSC	03/01/2018	Not Printed
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	42488	R414-308-3	EMR	01/19/2018	2018-4/87
	42628	R414-308-3	AMD	05/08/2018	2018-6/17
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	42896	R277-437	NSC	05/17/2018	Not Printed
	43240	R277-437	5YR	10/05/2018	2018-21/142

	42897	R277-438	NSC	05/17/2018	Not Printed
	42903	R277-462	NSC	05/17/2018	Not Printed
	43287	R277-714	NSC	10/25/2018	Not Printed
	43295	R277-735	NSC	10/25/2018	Not Printed
<u>public funds</u>					
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	42857	R277-113	NEW	06/22/2018	2018-10/28
<u>public health</u>					
Health, Disease Control and Prevention, Environmental Services	42684	R392-100	AMD	05/18/2018	2018-7/93
	42685	R392-102	NEW	05/18/2018	2018-7/97
	42732	R392-200	AMD	05/31/2018	2018-8/51
	42516	R392-300	R&R	03/26/2018	2018-4/4
	43076	R392-301	R&R	09/10/2018	2018-15/84
	42514	R392-401	R&R	03/26/2018	2018-4/27
	42731	R392-402	R&R	05/24/2018	2018-8/89
	43014	R392-501	R&R	09/10/2018	2018-14/25
	42515	R392-502	R&R	03/26/2018	2018-4/31
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<u>public lodging</u>					
Health, Disease Control and Prevention, Environmental Services	42515	R392-502	R&R	03/26/2018	2018-4/31
<u>public petitions</u>					
Natural Resources, Forestry, Fire and State Lands	42977	R652-7	5YR	06/11/2018	2018-13/152
School and Institutional Trust Lands, Administration	43102	R850-8	NSC	08/01/2018	Not Printed
<u>public records</u>					
Attorney General, Administration	42367	R105-2	AMD	02/07/2018	2018-1/2
	43075	R105-2	AMD	09/07/2018	2018-15/52
Career Service Review Office, Administration	42779	R137-2	5YR	04/09/2018	2018-9/69
Natural Resources, Oil, Gas and Mining; Administration	42495	R642-200	5YR	01/24/2018	2018-4/102
School and Institutional Trust Lands, Administration	42945	R850-6-200	AMD	08/07/2018	2018-13/114
<u>public sales auctions</u>					
Transportation, Administration	42688	R907-80	AMD	05/09/2018	2018-7/142
<u>public schools</u>					
Education, Administration	42885	R277-410	NSC	05/17/2018	Not Printed
	42886	R277-412	NSC	05/17/2018	Not Printed
	43194	R277-412	5YR	09/13/2018	2018-19/98
	42907	R277-436	5YR	05/11/2018	2018-11/57
	42916	R277-436	AMD	07/09/2018	2018-11/21
	42902	R277-460	NSC	05/17/2018	Not Printed
	42996	R277-463	AMD	08/07/2018	2018-13/10
	42471	R277-490	5YR	01/12/2018	2018-3/70
	42481	R277-490	AMD	03/14/2018	2018-3/13
	43030	R277-490	NSC	07/06/2018	Not Printed
	43239	R277-620	5YR	10/05/2018	2018-21/142
	43283	R277-710	NSC	10/25/2018	Not Printed
	43110	R277-915	NSC	08/01/2018	Not Printed
	43111	R277-916	NSC	08/01/2018	Not Printed
<u>public utilities</u>					
Public Service Commission, Administration	42670	R746-1-201	AMD	05/10/2018	2018-7/136
	42768	R746-110	5YR	04/05/2018	2018-9/75
	42590	R746-330	5YR	02/14/2018	2018-5/157
	42593	R746-332	5YR	02/14/2018	2018-5/157
	43056	R746-344	5YR	07/03/2018	2018-15/105
	43087	R746-345	5YR	07/16/2018	2018-15/106
	42589	R746-347	5YR	02/14/2018	2018-5/158

	42426	R746-360	REP	02/21/2018	2018-2/31
	42592	R746-402	5YR	02/14/2018	2018-5/158
	43088	R746-404	5YR	07/16/2018	2018-15/106
	42591	R746-405	5YR	02/14/2018	2018-5/159
	43089	R746-406	5YR	07/16/2018	2018-15/107
	43091	R746-600	5YR	07/16/2018	2018-15/108
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Transportation, Program Development	43170	R926-10	5YR	08/27/2018	2018-18/38
pump installers					
Natural Resources, Water Rights	42607	R655-4	R&R	04/09/2018	2018-5/67
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Education, Administration	42889	R277-419	NSC	05/17/2018	Not Printed
	43132	R277-419-2	AMD	10/16/2018	2018-17/38
pupil-teacher ratio reporting					
Education, Administration	42996	R277-463	AMD	08/07/2018	2018-13/10
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Governor, Economic Development	43180	R357-4	REP	10/24/2018	2018-18/11
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	42930	R68-16	5YR	05/23/2018	2018-12/44
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Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
radiation					
Environmental Quality, Waste Management and Radiation Control, Radiation	42204	R313-25	AMD	04/09/2018	2017-21/83
	42204	R313-25	CPR	04/16/2018	2018-5/128
radioactive materials					
Environmental Quality, Waste Management and Radiation Control, Radiation	43158	R313-32-2	NSC	08/31/2018	Not Printed
	42798	R313-37-3	AMD	07/13/2018	2018-9/59
radioactive waste disposal					
Environmental Quality, Waste Management and Radiation Control, Radiation	42204	R313-25	AMD	04/09/2018	2017-21/83
	42204	R313-25	CPR	04/16/2018	2018-5/128
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Environmental Quality, Waste Management and Radiation Control, Radiation	43158	R313-32-2	NSC	08/31/2018	Not Printed
range management					
School and Institutional Trust Lands, Administration	42677	R850-50	AMD	05/08/2018	2018-7/139
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	42573	R25-8	5YR	02/08/2018	2018-5/142
Health, Family Health and Preparedness, Emergency Medical Services	42826	R426-8	AMD	07/01/2018	2018-10/49
Labor Commission, Industrial Accidents	42564	R612-400	5YR	02/08/2018	2018-5/150
Public Service Commission, Administration	43091	R746-600	5YR	07/16/2018	2018-15/108
Workforce Services, Unemployment Insurance	42738	R994-306	5YR	03/29/2018	2018-8/158
	42739	R994-307	5YR	03/29/2018	2018-8/159

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Education, Administration	42880	R277-402	NSC	05/17/2018	Not Printed
reading					
Education, Administration	42881	R277-403	NSC	05/17/2018	Not Printed
	42963	R277-403	REP	08/07/2018	2018-13/3
	42882	R277-406	NSC	05/17/2018	Not Printed
	42956	R277-406	5YR	06/07/2018	2018-13/139
	42997	R277-406	AMD	08/07/2018	2018-13/5
	43033	R277-496	NSC	07/06/2018	Not Printed
real estate appraisals					
Commerce, Real Estate	43011	R162-2g	AMD	09/04/2018	2018-14/16
real estate business					
Commerce, Real Estate	43012	R162-2f	AMD	08/21/2018	2018-14/12
reclamation					
Natural Resources, Oil, Gas and Mining; Coal	42496	R645-101	5YR	01/24/2018	2018-4/103
	42497	R645-102	5YR	01/24/2018	2018-4/103
	42498	R645-104	5YR	01/24/2018	2018-4/104
	42499	R645-401	5YR	01/24/2018	2018-4/104
reconsiderations					
Career Service Review Office, Administration	42844	R137-1	AMD	09/28/2018	2018-10/15
	42844	R137-1	CPR	09/28/2018	2018-12/36
record retention					
Insurance, Administration	42214	R590-276	NEW	04/23/2018	2017-21/165
	42214	R590-276	CPR	04/23/2018	2018-6/44
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Regents (Board Of), University of Utah, Administration	43024	R805-2	5YR	06/26/2018	2018-14/58
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Attorney General, Administration	42367	R105-2	AMD	02/07/2018	2018-1/2
	43075	R105-2	AMD	09/07/2018	2018-15/52
Career Service Review Office, Administration	42779	R137-2	5YR	04/09/2018	2018-9/69
recovery residence					
Human Services, Administration, Administrative Services, Licensing	42234	R501-18	AMD	02/07/2018	2017-21/136
recreation areas					
Health, Disease Control and Prevention, Environmental Services	42516	R392-300	R&R	03/26/2018	2018-4/4
	43076	R392-301	R&R	09/10/2018	2018-15/84
	42514	R392-401	R&R	03/26/2018	2018-4/27
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Health, Disease Control and Prevention, Environmental Services	43076	R392-301	R&R	09/10/2018	2018-15/84
recycling					
Environmental Quality, Waste Management and Radiation Control, Waste Management	43081	R315-15-16	AMD	09/14/2018	2018-15/57
registration					
Commerce, Consumer Protection	42835	R152-22	NSC	04/26/2018	Not Printed
	42839	R152-34	NSC	04/26/2018	Not Printed
	42843	R152-49	NSC	04/26/2018	Not Printed
Environmental Quality, Waste Management and Radiation Control, Waste Management	42451	R315-15	AMD	04/19/2018	2018-3/35
	43081	R315-15-16	AMD	09/14/2018	2018-15/57
Workforce Services, Unemployment Insurance	42741	R994-403	5YR	03/29/2018	2018-8/160

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reimbursements					
Administrative Services, Finance	42571	R25-6	5YR	02/08/2018	2018-5/141
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reinstatement					
Education, Administration	42774	R277-213	NSC	04/13/2018	Not Printed
relative value study					
Insurance, Administration	43323	R590-267	5YR	10/24/2018	Not Printed
released-time classes					
Education, Administration	42621	R277-610	5YR	02/26/2018	2018-6/47
	42611	R277-610	AMD	04/09/2018	2018-5/26
relocation benefits					
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renewals					
Environmental Quality, Water Quality	42274	R317-10-10	AMD	01/24/2018	2017-22/29
reporting					
Education, Administration	42755	R277-109	NSC	04/12/2018	Not Printed
	42879	R277-401	NSC	05/17/2018	Not Printed
	43139	R277-718	NEW	10/16/2018	2018-17/49
	43118	R277-753	NSC	08/01/2018	Not Printed
Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
Health, Family Health and Preparedness, Children with Special Health Care Needs	43105	R398-10	AMD	09/24/2018	2018-16/12
Health, Family Health and Preparedness, Emergency Medical Services	43246	R426-9	5YR	10/09/2018	2018-21/146
reports					
Education, Administration	42773	R277-212	NSC	04/13/2018	Not Printed
Environmental Quality, Air Quality	42107	R307-150	AMD	03/05/2018	2017-19/55
	42107	R307-150	CPR	03/05/2018	2018-3/46
reptiles					
Natural Resources, Wildlife Resources	42792	R657-53	5YR	04/12/2018	2018-9/74
	42968	R657-53	AMD	08/09/2018	2018-13/86
request for proposals					
Administrative Services, Purchasing and General Services	42932	R33-7	AMD	07/26/2018	2018-12/6
requirements					
Education, Administration	43317	R277-531	NSC	10/25/2018	Not Printed
	43118	R277-753	NSC	08/01/2018	Not Printed
research					
Education, Administration	43084	R277-492	5YR	07/13/2018	2018-15/102
	42998	R277-492	AMD	08/07/2018	2018-13/20
Health, Center for Health Data, Vital Records and Statistics	42719	R436-17	5YR	03/21/2018	2018-8/155
residential certification					
Health, Family Health and Preparedness, Child Care Licensing	42877	R430-50	5YR	05/09/2018	2018-11/58
	42734	R430-50	AMD	08/10/2018	2018-8/112
residential mortgage					
Commerce, Real Estate	42809	R162-2c	AMD	07/13/2018	2018-10/27

resources					
Health, Health Care Financing, Coverage and Reimbursement Policy	42444	R414-305	5YR	01/08/2018	2018-3/85
rest areas					
Health, Disease Control and Prevention, Environmental Services	42514	R392-401	R&R	03/26/2018	2018-4/27
restricted account					
Education, Administration	43063	R277-603	NSC	07/26/2018	Not Printed
restrooms					
Health, Disease Control and Prevention, Environmental Services	42514	R392-401	R&R	03/26/2018	2018-4/27
retirement					
Human Resource Management, Administration	42820	R477-12	AMD	07/01/2018	2018-10/92
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Public Service Commission, Administration	43091	R746-600	5YR	07/16/2018	2018-15/108
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Pardons (Board Of), Administration	42583	R671-516	5YR	02/13/2018	2018-5/154
revolving account					
Education, Administration	43025	R277-480	NSC	07/06/2018	Not Printed
RFPs					
Education, Administration	42758	R277-117	NSC	04/12/2018	Not Printed
right of petition					
School and Institutional Trust Lands, Administration	43102	R850-8	NSC	08/01/2018	Not Printed
right-of-way					
Transportation, Administration	43167	R907-64	5YR	08/27/2018	2018-18/36
	43168	R907-65	5YR	08/27/2018	2018-18/37
Transportation, Preconstruction	43096	R930-8	AMD	09/28/2018	2018-16/28
risk management					
Administrative Services, Risk Management	42934	R37-4	EMR	07/01/2018	2018-12/39
	43236	R37-4	EMR	10/29/2018	2018-21/137
roads					
Natural Resources, Forestry, Fire and State Lands	42978	R652-110	5YR	06/11/2018	2018-13/153
rules					
Public Service Commission, Administration	42767	R746-210	5YR	04/05/2018	2018-9/75
rules and procedures					
Education, Administration	42751	R277-102	NSC	04/12/2018	Not Printed
Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
Health, Disease Control and Prevention, Immunization	42947	R396-100	5YR	06/07/2018	2018-13/141
Human Resource Management, Administration	42810	R477-1	AMD	07/01/2018	2018-10/51
Public Service Commission, Administration	42768	R746-110	5YR	04/05/2018	2018-9/75
	42593	R746-332	5YR	02/14/2018	2018-5/157
	42423	R746-341	REP	02/21/2018	2018-2/24
	43056	R746-344	5YR	07/03/2018	2018-15/105
	43087	R746-345	5YR	07/16/2018	2018-15/106
	42592	R746-402	5YR	02/14/2018	2018-5/158
	43088	R746-404	5YR	07/16/2018	2018-15/106
	42591	R746-405	5YR	02/14/2018	2018-5/159
	42331	R746-409-1	AMD	01/09/2018	2017-23/75
rural employment expansion					
Governor, Economic Development	43152	R357-22	NEW	10/11/2018	2018-17/52

Rural Rehabilitation Loans
Agriculture and Food, Administration 42559 R51-5 NEW 05/02/2018 2018-5/4

RV parks
Health, Disease Control and Prevention, Environmental Services 43076 R392-301 R&R 09/10/2018 2018-15/84

Ryan White Part B Program
Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health 42328 R388-805 AMD 02/01/2018 2017-23/28

safety
Education, Administration 42878 R277-400 NSC 05/17/2018 Not Printed
Labor Commission, Boiler, Elevator and Coal Mine Safety 42565 R616-2-3 AMD 04/09/2018 2018-5/49
42566 R616-3-3 AMD 04/09/2018 2018-5/51
43164 R616-3-4 AMD 10/22/2018 2018-18/23
Labor Commission, Occupational Safety and Health 43121 R614-1-4 AMD 10/15/2018 2018-16/22
Public Service Commission, Administration 42331 R746-409-1 AMD 01/09/2018 2017-23/75
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safety education
Education, Administration 42878 R277-400 NSC 05/17/2018 Not Printed
43138 R277-400 AMD 10/16/2018 2018-17/32

safety regulations
Transportation, Motor Carrier 42336 R909-19 AMD 01/24/2018 2017-24/60

Sage Grouse
Natural Resources, Administration 42309 R634-3 CPR 03/26/2018 2018-4/71

sage-grouse
Natural Resources, Administration 42309 R634-3 NEW 03/26/2018 2017-23/67

salary
Education, Administration 42804 R277-523 NEW 06/07/2018 2018-9/21

salary adjustments
Education, Administration 42756 R277-110 NSC 04/12/2018 Not Printed

salons
Health, Disease Control and Prevention, Environmental Services 42491 R392-700 5YR 01/19/2018 2018-4/97

sanitation
Health, Disease Control and Prevention, Environmental Services 42684 R392-100 AMD 05/18/2018 2018-7/93
42685 R392-102 NEW 05/18/2018 2018-7/97
42491 R392-700 5YR 01/19/2018 2018-4/97

satellite
Education, Administration 42610 R277-482 AMD 04/09/2018 2018-5/22

scenic byways
Transportation, Program Development 43160 R926-13 AMD 10/23/2018 2018-18/27

scholarships
Education, Administration 43313 R277-526 NSC 10/25/2018 Not Printed
43062 R277-602 NSC 07/26/2018 Not Printed
43140 R277-602 AMD 10/16/2018 2018-17/42
43153 R277-703 NSC 08/31/2018 Not Printed
UTech Board of Trustees, Administration 43093 R945-1 NEW 09/07/2018 2018-15/92

school boards
Education, Administration 42750 R277-101 NSC 04/12/2018 Not Printed

school buses

Education, Administration	43060	R277-600	NSC	07/26/2018	Not Printed
	43061	R277-601	NSC	07/26/2018	Not Printed

school certification

Commerce, Real Estate	43011	R162-2g	AMD	09/04/2018	2018-14/16

school community councils

Education, Administration	42800	R277-477	AMD	06/07/2018	2018-9/13
	42323	R277-491-4	AMD	01/09/2018	2017-23/9

school counselors

Education, Administration	42923	R277-461	NEW	07/09/2018	2018-11/25

school employees

Education, Administration	43306	R277-516	NSC	10/25/2018	Not Printed

school enrollment

Education, Administration	42889	R277-419	NSC	05/17/2018	Not Printed
	43132	R277-419-2	AMD	10/16/2018	2018-17/38
	42899	R277-445	NSC	05/17/2018	Not Printed

school fees

Education, Administration	42883	R277-407	NSC	05/17/2018	Not Printed

school grading accountability

Education, Administration	42999	R277-497	AMD	08/07/2018	2018-13/24

school improvements

Education, Administration	42327	R277-920	AMD	01/09/2018	2017-23/19
	43112	R277-920	NSC	08/01/2018	Not Printed

school leaders

Education, Administration	42327	R277-920	AMD	01/09/2018	2017-23/19
	43112	R277-920	NSC	08/01/2018	Not Printed

school nurses

Education, Administration	42480	R277-415	NEW	03/14/2018	2018-3/11

school personnel

Education, Administration	42910	R277-107	5YR	05/11/2018	2018-11/57
	42915	R277-107	AMD	07/09/2018	2018-11/12
	42762	R277-508	5YR	04/02/2018	2018-8/145
	42698	R277-508	AMD	05/08/2018	2018-7/24
	43299	R277-508	NSC	10/25/2018	Not Printed

school readiness program

Education, Administration	43284	R277-711	NSC	10/25/2018	Not Printed

school reports

Education, Administration	42999	R277-497	AMD	08/07/2018	2018-13/24

school sponsored activities

Education, Administration	42849	R277-113	EXD	04/24/2018	2018-10/159
	42857	R277-113	NEW	06/22/2018	2018-10/28

school transportation

Education, Administration	43060	R277-600	NSC	07/26/2018	Not Printed
	43061	R277-601	NSC	07/26/2018	Not Printed

school vision

Health, Disease Control and Prevention, Health Promotion	42569	R384-201	EXT	02/08/2018	2018-5/161
	42951	R384-201	5YR	06/07/2018	2018-13/141

schools					
Education, Administration	42880	R277-402	NSC	05/17/2018	Not Printed
	42884	R277-409	NSC	05/17/2018	Not Printed
	43021	R277-474	NSC	07/06/2018	Not Printed
	42800	R277-477	AMD	06/07/2018	2018-9/13
	42958	R277-617	5YR	06/07/2018	2018-13/140
	42994	R277-617	AMD	08/07/2018	2018-13/30
	42620	R277-719	5YR	02/26/2018	2018-6/48
	42614	R277-719	AMD	04/09/2018	2018-5/39
Environmental Quality, Air Quality	42551	R307-801	EXT	01/31/2018	2018-4/115
	42669	R307-801	5YR	03/08/2018	2018-7/179
Health, Disease Control and Prevention, Environmental Services	42732	R392-200	AMD	05/31/2018	2018-8/51
science					
Education, Administration	42898	R277-444	NSC	05/17/2018	Not Printed
	43084	R277-492	5YR	07/13/2018	2018-15/102
	42998	R277-492	AMD	08/07/2018	2018-13/20
Science Technology Initiation Grant (STIG)					
Science Technology and Research Governing Authority, Administration	42358	R856-4	R&R	01/23/2018	2017-24/41
scooters					
Regents (Board Of), University of Utah, Administration	42617	R805-1	5YR	02/22/2018	2018-6/50
screening					
Health, Disease Control and Prevention, Laboratory Services	42282	R438-15	NEW	01/29/2018	2017-22/60
screenings					
Human Services, Administration	42417	R495-885	AMD	02/23/2018	2018-2/13
	42845	R495-885	EMR	04/23/2018	2018-10/149
	42630	R495-885	AMD	07/18/2018	2018-6/23
	42630	R495-885	CPR	07/18/2018	2018-11/50
seal					
Education, Administration	43035	R277-499	NSC	07/06/2018	Not Printed
sealants					
Environmental Quality, Air Quality	42653	R307-342	5YR	03/08/2018	2018-7/170
searches					
Education, Administration	43072	R277-615	NSC	07/26/2018	Not Printed
secondary education					
Education, Administration	43109	R277-914	NSC	08/01/2018	Not Printed
UTech Board of Trustees, Administration	43093	R945-1	NEW	09/07/2018	2018-15/92
secondhand merchandise dealers					
Commerce, Consumer Protection	42838	R152-32a	NSC	04/26/2018	Not Printed
	42929	R152-32a	5YR	05/17/2018	2018-12/45
Section 401					
Environmental Quality, Water Quality	43130	R317-15	5YR	08/02/2018	2018-17/71
Section 504					
Education, Administration	43118	R277-753	NSC	08/01/2018	Not Printed
secure area hearing rooms					
Regents (Board Of), Administration	42867	R765-254	EXD	05/01/2018	2018-10/159
secure areas					
Human Services, Substance Abuse and Mental Health, State Hospital	42477	R525-6	5YR	01/16/2018	2018-3/89
	42557	R525-6	NSC	03/01/2018	Not Printed

security					
Environmental Quality, Waste Management and Radiation Control, Radiation	42798	R313-37-3	AMD	07/13/2018	2018-9/59
security guards					
Commerce, Occupational and Professional Licensing	42925	R156-63a	5YR	05/15/2018	2018-11/55
	42924	R156-63b	5YR	05/15/2018	2018-11/56
sedation related events					
Health, Family Health and Preparedness, Primary Care and Rural Health	42334	R434-150	NEW	04/14/2018	2017-24/18
	42671	R434-150	NSC	04/14/2018	Not Printed
self reporting					
Education, Administration	43306	R277-516	NSC	10/25/2018	Not Printed
self-service storage					
Insurance, Administration	43222	R590-245	5YR	09/21/2018	2018-20/34
seminars					
Education, Administration	42962	R277-411	REP	08/07/2018	2018-13/8
	43239	R277-620	5YR	10/05/2018	2018-21/142
seniors					
Human Services, Aging and Adult Services	42485	R510-105	5YR	01/17/2018	2018-4/102
services					
Education, Administration	42801	R277-801	AMD	06/07/2018	2018-9/35
settlements					
Labor Commission, Adjudication	43127	R602-4	5YR	08/01/2018	2018-16/34
	43125	R602-6	5YR	08/01/2018	2018-16/35
sewage treatment					
Environmental Quality, Water Quality	42705	R317-101	5YR	03/20/2018	2018-8/147
sewerage					
Public Service Commission, Administration	42590	R746-330	5YR	02/14/2018	2018-5/157
sexual assault kit analysis					
Public Safety, Administration	42269	R698-11	NEW	01/10/2018	2017-22/82
sexual assault kits					
Public Safety, Administration	42269	R698-11	NEW	01/10/2018	2017-22/82
shorthand reporter					
Commerce, Occupational and Professional Licensing	42847	R156-74	5YR	04/24/2018	2018-10/156
skateboards					
Regents (Board Of), University of Utah, Administration	42617	R805-1	5YR	02/22/2018	2018-6/50
SNAP					
Workforce Services, Employment Development	42927	R986-100	AMD	07/23/2018	2018-12/23
	42853	R986-200-236	AMD	08/31/2018	2018-10/128
	42693	R986-600	AMD	05/08/2018	2018-7/154
snow					
Transportation, Operations, Traffic and Safety	42689	R920-6	AMD	05/08/2018	2018-7/151
sober living					
Human Services, Administration, Administrative Services, Licensing	42234	R501-18	AMD	02/07/2018	2017-21/136
social security numbers					
Human Services, Services for People with Disabilities	42560	R539-1	NSC	03/01/2018	Not Printed

	42926	R539-1	NSC	06/01/2018	Not Printed
social services					
Human Services, Child and Family Services	42597	R512-200	5YR	02/15/2018	2018-5/143
	42598	R512-201	5YR	02/15/2018	2018-5/144
	42599	R512-202	5YR	02/15/2018	2018-5/144
	42600	R512-300	5YR	02/15/2018	2018-5/145
	42601	R512-301	5YR	02/15/2018	2018-5/145
	42603	R512-305	5YR	02/15/2018	2018-5/146
software					
Education, Administration	43033	R277-496	NSC	07/06/2018	Not Printed
solicitations					
Commerce, Consumer Protection	42835	R152-22	NSC	04/26/2018	Not Printed
solid waste disposal					
Environmental Quality, Waste Management and Radiation Control, Waste Management	42452	R315-301	5YR	01/12/2018	2018-3/71
	42455	R315-304	5YR	01/12/2018	2018-3/73
	42456	R315-305	5YR	01/12/2018	2018-3/74
solid waste management					
Environmental Quality, Waste Management and Radiation Control, Waste Management	42452	R315-301	5YR	01/12/2018	2018-3/71
	42453	R315-302	5YR	01/12/2018	2018-3/72
	42454	R315-303	5YR	01/12/2018	2018-3/72
	42455	R315-304	5YR	01/12/2018	2018-3/73
	42456	R315-305	5YR	01/12/2018	2018-3/74
	42457	R315-306	5YR	01/12/2018	2018-3/74
	42458	R315-307	5YR	01/12/2018	2018-3/75
	42459	R315-308	5YR	01/12/2018	2018-3/75
	42460	R315-309	5YR	01/12/2018	2018-3/76
	42461	R315-310	5YR	01/12/2018	2018-3/77
	42462	R315-311	5YR	01/12/2018	2018-3/77
	42463	R315-312	5YR	01/12/2018	2018-3/78
	42464	R315-313	5YR	01/12/2018	2018-3/79
	42465	R315-314	5YR	01/12/2018	2018-3/79
	42466	R315-315	5YR	01/12/2018	2018-3/80
	42467	R315-316	5YR	01/12/2018	2018-3/80
	42468	R315-317	5YR	01/12/2018	2018-3/81
	42469	R315-318	5YR	01/12/2018	2018-3/82
	42470	R315-320	5YR	01/12/2018	2018-3/82
solid waste permit					
Environmental Quality, Waste Management and Radiation Control, Waste Management	42453	R315-302	5YR	01/12/2018	2018-3/72
spas					
Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66
special education					
Education, Administration	43120	R277-750	NSC	08/01/2018	Not Printed
	43119	R277-752	NSC	08/01/2018	Not Printed
special educators					
Education, Administration	42957	R277-525	5YR	06/07/2018	2018-13/139
	42993	R277-525	AMD	08/07/2018	2018-13/28
special needs students					
Education, Administration	43062	R277-602	NSC	07/26/2018	Not Printed
	43140	R277-602	AMD	10/16/2018	2018-17/42
speech/hearing assistance					
Public Service Commission, Administration	42425	R746-343	REP	02/21/2018	2018-2/28

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speech/hearing challenges					
Public Service Commission, Administration	42424	R746-8	NEW	02/21/2018	2018-2/18
	42850	R746-8	AMD	06/21/2018	2018-10/118
sponsor-a-highway					
Transportation, Operations, Maintenance	43124	R918-4	EXT	07/31/2018	2018-16/39
	43241	R918-4	5YR	10/08/2018	2018-21/150
sportsmen					
Natural Resources, Wildlife Resources	42379	R657-41	AMD	02/07/2018	2018-1/38
	42966	R657-41	AMD	08/09/2018	2018-13/72
standard procurement process					
Administrative Services, Purchasing and General Services	42932	R33-7	AMD	07/26/2018	2018-12/6
standards					
Education, Administration	42324	R277-515	AMD	01/09/2018	2017-23/11
	43305	R277-515	NSC	10/25/2018	Not Printed
	43316	R277-530	NSC	10/25/2018	Not Printed
	42439	R277-530-3	NSC	01/25/2018	Not Printed
	42482	R277-700	AMD	03/14/2018	2018-3/16
	43288	R277-715	NSC	10/25/2018	Not Printed
Health, Center for Health Data, Vital Records and Statistics	42704	R436-1	5YR	03/19/2018	2018-8/149
	42710	R436-10	5YR	03/20/2018	2018-8/152
	42714	R436-12	5YR	03/21/2018	2018-8/153
	42715	R436-13	5YR	03/21/2018	2018-8/153
State Board of Education					
Education, Administration	42759	R277-119	NSC	04/12/2018	Not Printed
State Capitol visits					
Education, Administration	42886	R277-412	NSC	05/17/2018	Not Printed
	43194	R277-412	5YR	09/13/2018	2018-19/98
state employees					
Administrative Services, Finance	42570	R25-5	5YR	02/08/2018	2018-5/141
	42572	R25-7	5YR	02/08/2018	2018-5/142
	42854	R25-7	AMD	06/21/2018	2018-10/9
	43095	R25-7	AMD	09/21/2018	2018-16/6
	43008	R25-7-6	NSC	07/03/2018	Not Printed
	42573	R25-8	5YR	02/08/2018	2018-5/142
Human Resource Management, Administration	42813	R477-5	AMD	07/01/2018	2018-10/63
state hospital					
Human Services, Substance Abuse and Mental Health, State Hospital	42477	R525-6	5YR	01/16/2018	2018-3/89
	42557	R525-6	NSC	03/01/2018	Not Printed
state residency					
Health, Health Care Financing, Coverage and Reimbursement Policy	42441	R414-302	5YR	01/08/2018	2018-3/84
	42487	R414-302-6	EMR	01/19/2018	2018-4/85
	42627	R414-302-6	AMD	05/08/2018	2018-6/15
stationary sources					
Environmental Quality, Air Quality	42434	R307-210	AMD	05/23/2018	2018-3/29
stipends					
Education, Administration	42957	R277-525	5YR	06/07/2018	2018-13/139
	42993	R277-525	AMD	08/07/2018	2018-13/28
stoves					
Environmental Quality, Air Quality	42430	R307-356	EXT	01/02/2018	2018-2/59
	42667	R307-356	5YR	03/08/2018	2018-7/177

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structures					
Transportation, Operations, Maintenance	42392	R918-6	AMD	02/07/2018	2018-1/53
student					
Education, Administration	42888	R277-418	NSC	05/17/2018	Not Printed
student achievements					
Education, Administration	42479	R277-404	AMD	03/14/2018	2018-3/5
student competency					
Education, Administration	43074	R277-702	NSC	07/26/2018	Not Printed
student eligibility					
Workforce Services, Unemployment Insurance	42741	R994-403	5YR	03/29/2018	2018-8/160
student participation					
Education, Administration	43031	R277-494	NSC	07/06/2018	Not Printed
student teachers					
Education, Administration	43052	R277-509	NSC	07/06/2018	Not Printed
students					
Education, Administration	42879	R277-401	NSC	05/17/2018	Not Printed
	42881	R277-403	NSC	05/17/2018	Not Printed
	42963	R277-403	REP	08/07/2018	2018-13/3
	42962	R277-411	REP	08/07/2018	2018-13/8
	42887	R277-417	NSC	05/17/2018	Not Printed
	43020	R277-472	NSC	07/06/2018	Not Printed
	43026	R277-485	NSC	07/06/2018	Not Printed
	43072	R277-615	NSC	07/26/2018	Not Printed
	43085	R277-619	5YR	07/13/2018	2018-15/103
	42995	R277-619	AMD	08/07/2018	2018-13/33
	42326	R277-621	NEW	01/09/2018	2017-23/17
	42619	R277-709	5YR	02/26/2018	2018-6/48
	42613	R277-709	AMD	04/09/2018	2018-5/34
	43286	R277-713	NSC	10/25/2018	Not Printed
	43288	R277-715	NSC	10/25/2018	Not Printed
	42484	R277-717	AMD	03/14/2018	2018-3/26
	43290	R277-717	NSC	10/25/2018	Not Printed
	42801	R277-801	AMD	06/07/2018	2018-9/35
students at risk					
Education, Administration	42907	R277-436	5YR	05/11/2018	2018-11/57
	42916	R277-436	AMD	07/09/2018	2018-11/21
	42483	R277-708	AMD	03/14/2018	2018-3/23
	43292	R277-708	NSC	10/25/2018	Not Printed
students with disabilities					
Education, Administration	43023	R277-479	NSC	07/06/2018	Not Printed
students' rights					
Education, Administration	43066	R277-608	NSC	07/26/2018	Not Printed
	43073	R277-616	NSC	07/26/2018	Not Printed
substance abuse prevention					
Education, Administration	42902	R277-460	NSC	05/17/2018	Not Printed
suggestions					
Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	2018-3/89
suicide prevention programs					
Education, Administration	43239	R277-620	5YR	10/05/2018	2018-21/142
sulfur dioxide					
Environmental Quality, Air Quality	42535	R307-250	EXT	01/31/2018	2018-4/113
	42650	R307-250	5YR	03/08/2018	2018-7/168

supervision					
Commerce, Occupational and Professional Licensing	42582	R156-1	AMD	04/09/2018	2018-5/7
supplementals					
Education, Administration	42803	R277-493	AMD	06/07/2018	2018-9/18
supplies					
Education, Administration	42901	R277-459	NSC	05/17/2018	Not Printed
surcharges and disbursements					
Public Service Commission, Administration	42424	R746-8	NEW	02/21/2018	2018-2/18
	42850	R746-8	AMD	06/21/2018	2018-10/118
surface coating					
Environmental Quality, Air Quality	42539	R307-346	EXT	01/31/2018	2018-4/114
	42656	R307-346	5YR	03/08/2018	2018-7/171
	42541	R307-347	EXT	01/31/2018	2018-4/114
	42657	R307-347	5YR	03/08/2018	2018-7/172
	42543	R307-348	EXT	01/31/2018	2018-4/114
	42659	R307-348	5YR	03/08/2018	2018-7/172
surplus land					
Transportation, Administration	42688	R907-80	AMD	05/09/2018	2018-7/142
surveys					
School and Institutional Trust Lands, Administration	42678	R850-40	AMD	05/08/2018	2018-7/137
suspension					
Transportation, Administration	43169	R907-67	5YR	08/27/2018	2018-18/37
swimming					
Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66
tanning beds					
Health, Disease Control and Prevention, Environmental Services	42491	R392-700	5YR	01/19/2018	2018-4/97
Targeted Adult Medicaid					
Health, Health Care Financing, Coverage and Reimbursement Policy	42489	R414-311	EMR	01/19/2018	2018-4/90
	42629	R414-311	NEW	05/08/2018	2018-6/20
tariffs					
Public Service Commission, Administration	42591	R746-405	5YR	02/14/2018	2018-5/159
tax credit					
Governor, Economic Development	42940	R357-3	EXD	05/31/2018	2018-12/47
taxation					
Tax Commission, Administration	42823	R861-1A-31	AMD	09/10/2018	2018-10/126
Tax Commission, Property Tax	43206	R884-24P-5	NSC	09/20/2018	Not Printed
taxes					
Insurance, Administration	42438	R590-157	5YR	01/04/2018	2018-3/90
teacher certification					
Education, Administration	43050	R277-505	NSC	07/06/2018	Not Printed
	42325	R277-519	AMD	01/09/2018	2017-23/16
	43309	R277-519	NSC	10/25/2018	Not Printed
teacher licensing					
Education, Administration	42772	R277-211	NSC	04/13/2018	Not Printed
	43298	R277-504	NSC	10/25/2018	Not Printed

teacher preparation programs					
Education, Administration	43052	R277-509	NSC	07/06/2018	Not Printed
teacher retention					
Education, Administration	43115	R277-923	NSC	08/01/2018	Not Printed
teachers					
Education, Administration	42901	R277-459	NSC	05/17/2018	Not Printed
	43297	R277-503	NSC	10/25/2018	Not Printed
	42762	R277-508	5YR	04/02/2018	2018-8/145
	42698	R277-508	AMD	05/08/2018	2018-7/24
	43299	R277-508	NSC	10/25/2018	Not Printed
	43303	R277-513	NSC	10/25/2018	Not Printed
	43311	R277-522	NSC	10/25/2018	Not Printed
	43066	R277-608	NSC	07/26/2018	Not Printed
technical college					
UTech Board of Trustees, Administration	43093	R945-1	NEW	09/07/2018	2018-15/92
technology					
Education, Administration	43084	R277-492	5YR	07/13/2018	2018-15/102
	42998	R277-492	AMD	08/07/2018	2018-13/20
	42958	R277-617	5YR	06/07/2018	2018-13/140
	42994	R277-617	AMD	08/07/2018	2018-13/30
Technology Acceleration Program (TAP) grants					
Science Technology and Research Governing Authority, Administration	42360	R856-1	R&R	01/23/2018	2017-24/22
technology readiness level (TRL)					
Science Technology and Research Governing Authority, Administration	42360	R856-1	R&R	01/23/2018	2017-24/22
	42357	R856-2	R&R	01/23/2018	2017-24/28
	42359	R856-3	R&R	01/23/2018	2017-24/36
	42358	R856-4	R&R	01/23/2018	2017-24/41
	42356	R856-5	R&R	01/23/2018	2017-24/48
	42355	R856-6	R&R	01/23/2018	2017-24/54
telecommunications					
Public Service Commission, Administration	42769	R746-240	5YR	04/05/2018	2018-9/76
	42770	R746-340	5YR	04/05/2018	2018-9/77
	42423	R746-341	REP	02/21/2018	2018-2/24
	42425	R746-343	REP	02/21/2018	2018-2/28
	43056	R746-344	5YR	07/03/2018	2018-15/105
	43087	R746-345	5YR	07/16/2018	2018-15/106
	42589	R746-347	5YR	02/14/2018	2018-5/158
	42426	R746-360	REP	02/21/2018	2018-2/31
Technology Services, Administration	42528	R895-12	EXD	01/30/2018	2018-4/117
	42529	R895-12	EMR	01/30/2018	2018-4/92
Transportation, Administration	43167	R907-64	5YR	08/27/2018	2018-18/36
telecommuting					
Human Resource Management, Administration	42816	R477-8	AMD	07/01/2018	2018-10/79
telephone utility regulation					
Public Service Commission, Administration	43087	R746-345	5YR	07/16/2018	2018-15/106
telephone utility regulations					
Public Service Commission, Administration	42770	R746-340	5YR	04/05/2018	2018-9/77
telephones					
Commerce, Consumer Protection	42837	R152-26	NSC	04/26/2018	Not Printed
Public Service Commission, Administration	42769	R746-240	5YR	04/05/2018	2018-9/76
	42423	R746-341	REP	02/21/2018	2018-2/24
temporary identification card					
Public Safety, Driver License	42980	R708-49	5YR	06/13/2018	2018-13/153

terminally ill					
Corrections, Administration	42637	R251-114	5YR	03/07/2018	2018-7/161
textbooks					
Education, Administration	42895	R277-433	NSC	05/17/2018	Not Printed
third party liability					
Health, Health Care Financing, Coverage and Reimbursement Policy	42441	R414-302	5YR	01/08/2018	2018-3/84
	42487	R414-302-6	EMR	01/19/2018	2018-4/85
	42627	R414-302-6	AMD	05/08/2018	2018-6/15
time					
Labor Commission, Industrial Accidents	42562	R612-200	5YR	02/08/2018	2018-5/149
timelines					
Education, Administration	42610	R277-482	AMD	04/09/2018	2018-5/22
timeliness					
Pardons (Board Of), Administration	42581	R671-515	5YR	02/13/2018	2018-5/153
tires					
Transportation, Operations, Traffic and Safety	42689	R920-6	AMD	05/08/2018	2018-7/151
title insurance					
Insurance, Title and Escrow Commission	43068	R592-10	5YR	07/10/2018	2018-15/105
title insurance continuing education					
Insurance, Title and Escrow Commission	42711	R592-7	R&R	07/30/2018	2018-8/138
TMDL					
Environmental Quality, Water Quality	42692	R317-1-7	AMD	05/24/2018	2018-7/56
tobacco					
Health, Disease Control and Prevention, Health Promotion	42870	R384-324	NEW	07/09/2018	2018-10/42
tobacco retailers					
Health, Disease Control and Prevention, Health Promotion	42870	R384-324	NEW	07/09/2018	2018-10/42
tolls					
Transportation, Program Development	43170	R926-10	5YR	08/27/2018	2018-18/38
tollway development					
Transportation Commission, Administration	43174	R940-2	5YR	08/30/2018	2018-18/38
tollways					
Transportation Commission, Administration	43174	R940-2	5YR	08/30/2018	2018-18/38
tow trucks					
Transportation, Motor Carrier	42336	R909-19	AMD	01/24/2018	2017-24/60
towing					
Transportation, Motor Carrier	42336	R909-19	AMD	01/24/2018	2017-24/60
traction devices					
Transportation, Operations, Traffic and Safety	42689	R920-6	AMD	05/08/2018	2018-7/151
training					
Education, Administration	42610	R277-482	AMD	04/09/2018	2018-5/22
	42921	R277-613	R&R	07/09/2018	2018-11/27
training programs					
Human Resource Management, Administration	42818	R477-10	AMD	07/01/2018	2018-10/87

transfers					
Education, Administration	43020	R277-472	NSC	07/06/2018	Not Printed
Transition to Adult Living					
Human Services, Child and Family Services	42603	R512-305	5YR	02/15/2018	2018-5/146
	43320	R512-306	5YR	10/19/2018	Not Printed
transportation					
Administrative Services, Finance	42572	R25-7	5YR	02/08/2018	2018-5/142
	42854	R25-7	AMD	06/21/2018	2018-10/9
	43095	R25-7	AMD	09/21/2018	2018-16/6
Environmental Quality, Waste Management and Radiation Control, Radiation	42798	R313-37-3	AMD	07/13/2018	2018-9/59
Human Services, Aging and Adult Services	42485	R510-105	5YR	01/17/2018	2018-4/102
Transportation, Administration	43169	R907-67	5YR	08/27/2018	2018-18/37
Transportation, Operations, Construction	42616	R916-4	AMD	04/23/2018	2018-6/28
Transportation, Program Development	43170	R926-10	5YR	08/27/2018	2018-18/38
	43160	R926-13	AMD	10/23/2018	2018-18/27
transportation safety					
Transportation, Motor Carrier	42494	R909-1	AMD	03/28/2018	2018-4/63
trauma					
Health, Family Health and Preparedness, Emergency Medical Services	43246	R426-9	5YR	10/09/2018	2018-21/146
trauma center designation					
Health, Family Health and Preparedness, Emergency Medical Services	43246	R426-9	5YR	10/09/2018	2018-21/146
trauma-informed practice					
Education, Administration	42923	R277-461	NEW	07/09/2018	2018-11/25
treatment and care					
Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	42328	R388-805	AMD	02/01/2018	2017-23/28
trespass					
Natural Resources, Parks and Recreation	42986	R651-620	5YR	06/13/2018	2018-13/151
truancy					
Education, Administration	43065	R277-607	NSC	07/26/2018	Not Printed
trucks					
Transportation, Motor Carrier	42494	R909-1	AMD	03/28/2018	2018-4/63
trust account records					
Commerce, Real Estate	43012	R162-2f	AMD	08/21/2018	2018-14/12
trust lands funds					
Education, Administration	42800	R277-477	AMD	06/07/2018	2018-9/13
trusts					
Financial Institutions, Administration	43163	R331-21	5YR	08/23/2018	2018-18/34
TSSP					
Education, Administration	42804	R277-523	NEW	06/07/2018	2018-9/21
tuition					
Education, Administration	42891	R277-421	NSC	05/17/2018	Not Printed
turkey					
Natural Resources, Wildlife Resources	42975	R657-69	AMD	08/09/2018	2018-13/112
ultraviolet light safety					
Health, Disease Control and Prevention, Environmental Services	42491	R392-700	5YR	01/19/2018	2018-4/97

unavoidable breakdown					
Environmental Quality, Air Quality	42640	R307-107	5YR	03/08/2018	2018-7/162
unemployment compensation					
Workforce Services, Unemployment Insurance	42735	R994-201	5YR	03/29/2018	2018-8/157
	42736	R994-202	5YR	03/29/2018	2018-8/157
	42737	R994-208	5YR	03/29/2018	2018-8/158
	42738	R994-306	5YR	03/29/2018	2018-8/158
	42739	R994-307	5YR	03/29/2018	2018-8/159
	42741	R994-403	5YR	03/29/2018	2018-8/160
	42742	R994-405	5YR	03/29/2018	2018-8/161
	42861	R994-405	AMD	06/21/2018	2018-10/144
	42743	R994-508	5YR	03/29/2018	2018-8/161
unfair marketing practices					
Insurance, Administration	42687	R590-154	5YR	03/14/2018	2018-7/180
universal health insurance application					
Insurance, Administration	42984	R590-247	5YR	06/13/2018	2018-13/142
universal service fund					
Public Service Commission, Administration	42426	R746-360	REP	02/21/2018	2018-2/31
University Technology Acceleration Grants (UTAG)					
Science Technology and Research Governing Authority, Administration	42359	R856-3	R&R	01/23/2018	2017-24/36
UPPAC					
Education, Administration	42777	R277-216	NSC	04/13/2018	Not Printed
used oil					
Environmental Quality, Waste Management and Radiation Control, Waste Management	42451	R315-15	AMD	04/19/2018	2018-3/35
	42615	R315-15-5	NSC	03/14/2018	Not Printed
	43081	R315-15-16	AMD	09/14/2018	2018-15/57
USTAR					
Education, Administration	43084	R277-492	5YR	07/13/2018	2018-15/102
	42998	R277-492	AMD	08/07/2018	2018-13/20
Utah Data Research Center					
Workforce Services, Administration	42421	R982-800	NEW	03/01/2018	2018-2/38
Utah Indigent Defense Commission					
Governor, Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission	42351	R364-1	NEW	01/29/2018	2017-24/14
Utah Science Technology and Research (USTAR)					
Science Technology and Research Governing Authority, Administration	42360	R856-1	R&R	01/23/2018	2017-24/22
	42357	R856-2	R&R	01/23/2018	2017-24/28
	42359	R856-3	R&R	01/23/2018	2017-24/36
	42358	R856-4	R&R	01/23/2018	2017-24/41
	42356	R856-5	R&R	01/23/2018	2017-24/48
	42355	R856-6	R&R	01/23/2018	2017-24/54
Utah State Board of Education					
Education, Administration	42761	R277-121	NSC	04/12/2018	Not Printed
Utah universal service fund					
Public Service Commission, Administration	42424	R746-8	NEW	02/21/2018	2018-2/18
	42850	R746-8	AMD	06/21/2018	2018-10/118
utah.gov					
Technology Services, Administration	43228	R895-4	5YR	10/03/2018	2018-21/149

utilities					
Transportation, Preconstruction	43096	R930-8	AMD	09/28/2018	2018-16/28
utility accommodation					
Transportation, Preconstruction	43096	R930-8	AMD	09/28/2018	2018-16/28
utility facilities					
Transportation, Preconstruction	43096	R930-8	AMD	09/28/2018	2018-16/28
utility regulations					
Public Service Commission, Administration	42591	R746-405	5YR	02/14/2018	2018-5/159
vacations					
Human Resource Management, Administration	42815	R477-7	AMD	07/01/2018	2018-10/71
variances					
Environmental Quality, Air Quality	42546	R307-102	EXT	01/31/2018	2018-4/111
	42639	R307-102	5YR	03/08/2018	2018-7/161
vending machines					
Education, Administration	42620	R277-719	5YR	02/26/2018	2018-6/48
	42614	R277-719	AMD	04/09/2018	2018-5/39
veterans benefits					
Regents (Board Of), Administration	42860	R765-611	AMD	08/31/2018	2018-10/123
victims of crimes					
Pardons (Board Of), Administration	42297	R671-203	AMD	01/08/2018	2017-22/78
vinyl coating					
Environmental Quality, Air Quality	42538	R307-345	EXT	01/31/2018	2018-4/113
	42655	R307-345	5YR	03/08/2018	2018-7/171
vision evaluations					
Health, Disease Control and Prevention, Health Promotion	42569	R384-201	EXT	02/08/2018	2018-5/161
	42951	R384-201	5YR	06/07/2018	2018-13/141
visitors					
Human Services, Substance Abuse and Mental Health, State Hospital	42475	R525-4	5YR	01/16/2018	2018-3/88
vital statistics					
Health, Center for Health Data, Vital Records and Statistics	42704	R436-1	5YR	03/19/2018	2018-8/149
	42706	R436-2	5YR	03/20/2018	2018-8/149
	42707	R436-3	5YR	03/20/2018	2018-8/150
	42708	R436-4	5YR	03/20/2018	2018-8/150
	42713	R436-7	5YR	03/21/2018	2018-8/151
	42709	R436-8	5YR	03/20/2018	2018-8/151
	42712	R436-9	5YR	03/21/2018	2018-8/152
	42710	R436-10	5YR	03/20/2018	2018-8/152
	42714	R436-12	5YR	03/21/2018	2018-8/153
	42715	R436-13	5YR	03/21/2018	2018-8/153
	42716	R436-14	5YR	03/21/2018	2018-8/154
	42717	R436-15	5YR	03/21/2018	2018-8/154
	42718	R436-16	5YR	03/21/2018	2018-8/155
	42719	R436-17	5YR	03/21/2018	2018-8/155
VOC					
Environmental Quality, Air Quality	42651	R307-303	5YR	03/08/2018	2018-7/168
	42544	R307-351	EXT	01/31/2018	2018-4/115
	42662	R307-351	5YR	03/08/2018	2018-7/174
	42547	R307-354	EXT	01/31/2018	2018-4/115
	42665	R307-354	5YR	03/08/2018	2018-7/176

VOC emission					
Environmental Quality, Air Quality	42537	R307-344	EXT	01/31/2018	2018-4/113
	42654	R307-344	5YR	03/08/2018	2018-7/170
vocational rehabilitation counselor					
Commerce, Occupational and Professional Licensing	42243	R156-78-502	AMD	01/02/2018	2017-22/28
volunteer					
Transportation, Operations, Maintenance	43124	R918-4	EXT	07/31/2018	2018-16/39
	43241	R918-4	5YR	10/08/2018	2018-21/150
wages					
Human Resource Management, Administration	42814	R477-6	AMD	07/01/2018	2018-10/65
Workforce Services, Unemployment Insurance	42737	R994-208	5YR	03/29/2018	2018-8/158
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Education, Administration	42761	R277-121	NSC	04/12/2018	Not Printed
Labor Commission, Industrial Accidents	42564	R612-400	5YR	02/08/2018	2018-5/150
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Pardons (Board Of), Administration	42577	R671-510	5YR	02/13/2018	2018-5/151
	42578	R671-512	5YR	02/13/2018	2018-5/152
	42579	R671-513	5YR	02/13/2018	2018-5/152
waste disposal					
Environmental Quality, Waste Management and Radiation Control, Waste Management	42453	R315-302	5YR	01/12/2018	2018-3/72
	42454	R315-303	5YR	01/12/2018	2018-3/72
	42457	R315-306	5YR	01/12/2018	2018-3/74
	42458	R315-307	5YR	01/12/2018	2018-3/75
	42459	R315-308	5YR	01/12/2018	2018-3/75
	42460	R315-309	5YR	01/12/2018	2018-3/76
	42461	R315-310	5YR	01/12/2018	2018-3/77
	42462	R315-311	5YR	01/12/2018	2018-3/77
	42463	R315-312	5YR	01/12/2018	2018-3/78
	42464	R315-313	5YR	01/12/2018	2018-3/79
	42465	R315-314	5YR	01/12/2018	2018-3/79
	42466	R315-315	5YR	01/12/2018	2018-3/80
	42467	R315-316	5YR	01/12/2018	2018-3/80
	42468	R315-317	5YR	01/12/2018	2018-3/81
	42469	R315-318	5YR	01/12/2018	2018-3/82
	42470	R315-320	5YR	01/12/2018	2018-3/82
Environmental Quality, Water Quality	42510	R317-13	5YR	01/24/2018	2018-4/96
waste to energy plant					
Environmental Quality, Air Quality	42533	R307-223	EXT	01/31/2018	2018-4/112
	42648	R307-223	5YR	03/08/2018	2018-7/167
wastewater					
Environmental Quality, Water Quality	42511	R317-14	5YR	01/24/2018	2018-4/96
	42705	R317-101	5YR	03/20/2018	2018-8/147
wastewater treatment					
Environmental Quality, Water Quality	42274	R317-10-10	AMD	01/24/2018	2017-22/29
water					
Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66
Public Service Commission, Administration	42590	R746-330	5YR	02/14/2018	2018-5/157
	42593	R746-332	5YR	02/14/2018	2018-5/157
water pollution					
Environmental Quality, Water Quality	42692	R317-1-7	AMD	05/24/2018	2018-7/56
	42691	R317-2	AMD	07/02/2018	2018-7/58
	42274	R317-10-10	AMD	01/24/2018	2017-22/29
	42510	R317-13	5YR	01/24/2018	2018-4/96

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Environmental Quality, Water Quality 42705 R317-101 5YR 03/20/2018 2018-8/147
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Water Quality Certification
Environmental Quality, Water Quality 43130 R317-15 5YR 08/02/2018 2018-17/71

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42557 R525-6 NSC 03/01/2018 Not Printed

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Agriculture and Food, Plant Industry 42943 R68-9 5YR 06/01/2018 2018-12/43

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Agriculture and Food, Plant Industry 42943 R68-9 5YR 06/01/2018 2018-12/43

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Natural Resources, Wildlife Resources 42969 R657-54 AMD 08/09/2018 2018-13/89

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Natural Resources, Forestry, Fire and State Lands 42928 R652-123 NEW 07/23/2018 2018-12/22

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Natural Resources, Forestry, Fire and State Lands 42928 R652-123 NEW 07/23/2018 2018-12/22

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42965 R657-3 AMD 08/09/2018 2018-13/69
42371 R657-5 AMD 02/07/2018 2018-1/19
42920 R657-5 AMD 07/09/2018 2018-11/40
42376 R657-9 AMD 02/07/2018 2018-1/33
42919 R657-10 AMD 07/09/2018 2018-11/42
42375 R657-12 NSC 02/13/2018 Not Printed
42377 R657-19 AMD 02/07/2018 2018-1/35
43099 R657-19 5YR 07/19/2018 2018-16/36
42492 R657-33 AMD 03/26/2018 2018-4/55
42796 R657-34 5YR 04/12/2018 2018-9/72
42795 R657-37 5YR 04/12/2018 2018-9/72
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42966 R657-41 AMD 08/09/2018 2018-13/72
42794 R657-42 5YR 04/12/2018 2018-9/73
42967 R657-50 AMD 08/09/2018 2018-13/82
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42792 R657-53 5YR 04/12/2018 2018-9/74
42968 R657-53 AMD 08/09/2018 2018-13/86
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42970 R657-55 AMD 08/09/2018 2018-13/92
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