

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed September 04, 2019, 12:00 a.m. through September 16, 2019, 11:59 p.m.

Number 2019-19
October 01, 2019

Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Administrative Services, produces the *Bulletin* under authority of Section 63G-3-402.

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

Unless otherwise noted, all information presented in this publication is in the public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

TABLE OF CONTENTS

NOTICES OF PROPOSED RULES	1
Auditor	
Administration	
No. 44048 (Repeal): R123-3 State Auditor Adjudicative Proceedings.....	2
No. 44047 (Repeal): R123-4 Public Petitions for Declaratory Orders.....	3
No. 44049 (Amendment): R123-5 Audit Requirements for Audits of Political Subdivisions and Governmental Nonprofit Corporations.....	5
Career Service Review Office	
Administration	
No. 44059 (Amendment): R137-1 Grievance Procedure Rules.....	8
Commerce	
Occupational and Professional Licensing	
No. 44081 (Amendment): R156-26a Certified Public Accountant Licensing Act Rule.....	11
Education	
Administration	
No. 44064 (New Rule): R277-317 Incentives for National Board Certification.....	25
No. 44069 (Amendment): R277-404 Requirements for Assessments of Student Achievement.....	28
No. 44067 (New Rule): R277-464 School Counselor Direct and Indirect Services.....	33
No. 44065 (New Rule): R277-473 Utah Computer Science Grant.....	35
No. 44063 (Amendment): R277-475 Patriotic, Civic and Character Education.....	38
No. 44068 (Amendment): R277-487 Public School Data Confidentiality and Disclosure.....	41
No. 44066 (Repeal): R277-521 National Board Certification Reimbursement.....	47
Environmental Quality	
Air Quality	
No. 44042 (Amendment): R307-110-10 Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.....	49
No. 44043 (Amendment): R307-110-17 Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.....	50
Health	
Disease Control and Prevention, Environmental Services	
No. 44056 (Amendment): R392-100 Food Service Sanitation.....	52
No. 44033 (Amendment): R392-510 Utah Indoor Clean Air Act.....	56
Human Resource Management	
Administration	
No. 44060 (Amendment): R477-8 Working Conditions.....	61
Human Services	
Administration, Administrative Services, Licensing	
No. 44034 (Repeal and Reenact): R501-22 Residential Support Programs.....	66
Child and Family Services	
No. 44079 (Amendment): R512-76 Expungement of DCFS Allegations.....	75
Natural Resources	
Wildlife Resources	
No. 44078 (Repeal and Reenact): R657-53 Amphibian and Reptile Collection, Importation, Transportation and Possession.....	78
Public Safety	
Criminal Investigations and Technical Services, Criminal Identification	
No. 44054 (Repeal): R722-370 Firearm Safety Program.....	101
Tax Commission	
Administration	
No. 44061 (Amendment): R861-1A-9 State Board of Equalization Procedures Pursuant to Utah Code Ann. Sections 59-2-212, 59-2-1004, and 59-2-1006.....	103

TABLE OF CONTENTS

Transportation
Administration
No. 44058 (New Rule): R907-33 Department of Transportation
Procurement Rules..... 105

NOTICES 120-DAY (EMERGENCY) RULES..... 109

Health
Disease Control and Prevention, Immunization
No. 44062: R396-100 Immunization Rule for Students..... 109

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION..... 113

Commerce
Occupational and Professional Licensing
No. 44045: R156-17b Pharmacy Practice Act Rule..... 113
No. 44051: R156-38a Residence Lien Restriction and Lien Recovery
Fund Act Rule..... 114
No. 44052: R156-38b State Construction Registry Rule..... 114
No. 44044: R156-60c Clinical Mental Health Counselor Licensing Act
Rule..... 115
No. 44053: R156-84 State Certification of Music Therapists Act Rule..... 115

Education
Administration
No. 44057: R277-475 Patriotic, Civic and Character Education..... 116
No. 44055: R277-487 Public School Data Confidentiality and Disclosure..... 117

Environmental Quality
Air Quality
No. 44037: R307-125 Clean Air Retrofit, Replacement, and Off-Road
Technology Program..... 117
No. 44038: R307-501 Oil and Gas Industry: General Provisions..... 118
No. 44039: R307-502 Oil and Gas Industry: Pneumatic Controllers..... 118
No. 44040: R307-503 Oil and Gas Industry: Flares..... 119
No. 44041: R307-504 Oil and Gas Industry: Tank Trunk Loading..... 120

Public Safety
Driver License
No. 44035: R708-45 Renewal or Duplicate License for Utah Residents
Temporarily Residing Out of State..... 121
Peace Officer Standards and Training
No. 44036: R728-205 Council Resolution of Public Safety Retirement
Eligibility..... 121

NOTICES OF RULE EFFECTIVE DATES..... 123

**RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)..... 125**

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 September 04, 2019, 12:00 a.m., and September 16, 2019, 11:59 p.m. are included in this, the October 01, 2019, 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 October 31, 2019. 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 January 29, 2020, 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 OF 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

Auditor, Administration
R123-3
State Auditor Adjudicative Proceedings

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 44048
FILED: 09/06/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is not necessary because Section 63G-4-102 is sufficient for adjudicative proceedings.

SUMMARY OF THE RULE OR CHANGE: This rule related to adjudicative proceedings for the Office of the State Auditor has not been enacted for six years or longer, and there is no expectation that it would be enacted at any future point. The detail in Section 63G-4-102 is sufficient for adjudicative proceedings. As such, this rule can be repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-4-102

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The repeal of this rule is not expected to have any fiscal impact on state government revenues or expenditures because it is a rule that has not been enacted for more than six years and there is no expectation that it would be enacted at any future point.
- ◆ **LOCAL GOVERNMENTS:** The repeal of this rule is not expected to have any fiscal impact on local governments' revenues or expenditures because it is a rule that has not been enacted for more than six years and there is no expectation that it would be enacted at any future point.
- ◆ **SMALL BUSINESSES:** The repeal of this rule is not expected to have any fiscal impact on small businesses' revenues or expenditures because it is a rule that has not been enacted for more than six years and there is no expectation that it would be enacted at any future point.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The repeal of this rule is not expected to have any fiscal impact on revenues or expenditures of persons other than small businesses, businesses, or local government entities because it is a rule that has not been enacted for more than six years and there is no expectation that it would be enacted at any future point.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with the repeal of this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses.

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

AUDITOR
ADMINISTRATION
ROOM E310 EAST BUILDING
420 N STATE ST
SALT LAKE CITY, UT 84114-2310
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Linda Siebenhaar by phone at 801-538-1383, or by Internet E-mail at lsiebenhaar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Tauna MacPherson, Administrative Assistant

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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
 The repeal of Rule R123-3 is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because it is a rule that has not been enacted for more than six years and there is no expectation that it would be enacted at any future point.

State Auditor, John Dougall, has reviewed and approved this fiscal analysis.

R123. Auditor, Administration.
[R123-3. State Auditor Adjudicative Proceedings.

R123-3-1. Definitions:

- A. The terms used in this rule are defined in Section 63G-4-103, U.C.A.
- B. Agency means the Utah State Auditor's Office.

R123-3-2. Designation:

- A. The agency designates all agency action subject to the scope and applicability of the Utah Administrative Procedures Act, Utah Code Ann. Section 63G-4-102 et seq. as informal proceedings.

R123-3-3. Adjudicative Proceedings:

- A. The following categories of proceedings are hereby designated as informal proceedings under Utah Administrative Procedures Act, Utah Code Annotated Section 63G-4-202:
 - 1. All agency actions with respect to local government accounting, budgeting and financial reporting procedures.
 - 2. All agency actions with respect to audits or special projects performed by the agency or audits under their jurisdiction.
- B. Procedures for all categories of informal adjudicative proceedings shall comply with applicable provisions of U.C.A. 63G-4-203.
 - 1. No response need be filed to the notice of agency action or request for agency action.
 - 2. The agency shall hold a hearing only if a hearing is required by statute, or is permitted by statute and a request for hearing is made within ten working days after receipt of the notice of agency action or request for agency action, otherwise, at the discretion of the State Auditor no hearing will be held.
 - 3. Only the parties named in the notice of agency action or request for agency action will be permitted to testify, present evidence, and comment on the issues.
 - 4. A hearing will not be held before ten working days after notice of the hearing has been given.
 - 5. No discovery, either compulsory or voluntary, will be permitted except that all parties to the action shall have access to information contained in the agency's files and investigatory information and materials not restricted by law.

- 6. Intervention is prohibited unless a federal statute or rule requires that a state permit intervention.
- 7. Any hearing held under this rule is open to all parties.
- 8. Within thirty days after the close of any hearing held under this rule, or after the failure of a party to request a hearing, the agency shall issue a written decision and the reasons for the decision; notice of any right of judicial review available to the parties and the time limits for filing an appeal to the appropriate District Court.
- 9. The State Auditor's decision shall be based on the facts in the agency file and if a hearing is held, the facts based on evidence presented at the hearing.
- 10. The agency shall notify the parties of the agency's order by promptly mailing copy thereof to each at the address indicated in the file.
- 11. All hearings recorded, shall be at the agency's expense. Any party, at his own expense, may have a reporter approved by the agency prepare a transcript from the agency's record of the hearing.
- 12. Nothing in this section restricts or precludes any investigative right or power given to the agency by another statute.

KEY: administrative procedures, appellate procedures, auditing
Date of Enactment or Last Substantive Amendment: 1990
Notice of Continuation: June 7, 2017
Authorizing, and Implemented or Interpreted Law: 63G-4]

Auditor, Administration
R123-4
Public Petitions for Declaratory Orders

NOTICE OF PROPOSED RULE
 (Repeal)
 DAR FILE NO.: 44047
 FILED: 09/06/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is unnecessary because Section 63G-4-503 is sufficient for declaratory orders.

SUMMARY OF THE RULE OR CHANGE: This rule related to Public Petitions for Declaratory Orders for the Office of the State Auditor has not been enacted for over six years and there is no expectation that it would be enacted at any future point. Also, the detail in Section 63G-4-503 is sufficient directive. As such, this rule can be repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-4-503

ANTICIPATED COST OR SAVINGS TO:
 ♦ **THE STATE BUDGET:** The repeal of this rule is not expected to have any fiscal impact on state government revenues or expenditures because there have been no public petitions for declaratory orders from the Office of the State Auditor in the past six years and there is no expectation of such petitions in the future.

◆ LOCAL GOVERNMENTS: The repeal of this rule is not expected to have any fiscal impact on local governments' revenues or expenditures because there have been no public petitions for declaratory orders from the Office of the State Auditor in the past six years and there is no expectation of such petitions in the future.

◆ SMALL BUSINESSES: The repeal of this rule is not expected to have any fiscal impact on small businesses' revenues or expenditures because there have been no public petitions for declaratory orders from the Office of the State Auditor in the past six years and there is no expectation of such petitions in the future.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The repeal of this rule is not expected to have any fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities because there have been no public petitions for declaratory orders from the Office of the State Auditor in the past six years and there is no expectation of such petitions in the future.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with the repeal of this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact on businesses.

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

AUDITOR
ADMINISTRATION
ROOM E310 EAST BUILDING
420 N STATE ST
SALT LAKE CITY, UT 84114-2310
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Linda Siebenhaar by phone at 801-538-1383, or by Internet E-mail at lsiebenhaar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Tauna MacPherson, Administrative Assistant

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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

The repeal of Rule R123-4 is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there have been no public petitions for declaratory orders from the Office of the State Auditor in the past six years and there is no expectation of such petitions in the future.

State Auditor, John Dougall, has reviewed and approved this fiscal analysis.

R123. Auditor, Administration.

[R123-4. Public Petitions for Declaratory Orders.

R123-4-1. Authority.

A. As required by Section 63G-4-503, this rule provides the procedures for submission, review and disposition of petitions for agency declaratory orders on the applicability of statutes, rules and orders governing or issued by the agency.

R123-4-2. Definitions.

~~Terms used in this rule are defined in Section 63G-4-103, except and in addition:~~

- ~~A. Agency means the Utah State Auditor's Office.~~
~~B. "Applicability" means a determination if a statute, rule, or order should be applied, and if so, how the law stated should be applied to the facts.~~
~~C. "Declaratory Order" means an administrative interpretation or explanation of rights, status, and other legal relations under a statute, rule or order.~~

R123-4-3. Petition Form and Filing.

~~A. The petition shall be addressed and delivered to the State Auditor, who shall mark the petition with the date of receipt.~~

- ~~B. The petition shall:~~
- ~~1. be clearly designated as a request for an agency declaratory order;~~
 - ~~2. identify the statute, rule or order to be reviewed;~~
 - ~~3. describe in detail the situation or circumstances in which applicability is to be reviewed;~~
 - ~~4. describe the reason or need for the applicability review; addressing, in particular, why the review should not be considered frivolous;~~
 - ~~5. include an address and telephone where the petitioner can be contacted during regular work days; and~~
 - ~~6. be signed by the petitioner.~~

R123-4-4. Reviewability.

~~A. The agency may not issue a declaratory order if the subject matter is:~~

- ~~1. not within the jurisdiction and expertise of the agency;~~
- ~~2. frivolous, trivial, irrelevant or immaterial;~~
- ~~3. likely to substantially prejudice the rights of a person who would be a necessary party, unless that person consents in writing to the determination of the matter by a declaratory proceeding;~~
- ~~4. one in which the person requesting the declaratory order has participated in a completed or on-going adjudicative proceeding concerning the same issue within the past 12 months; or~~
- ~~5. otherwise excluded by state and federal law.~~

R123-4-5. Intervention.

~~A. A person may file a petition for intervention in a declaratory proceeding only if they deliver to the State Auditor a petition complying with all of the requirements of Section 63G-4-207 within 20 days of the director's receipt of the petition for a declaratory order filed under Section 63G-4-503(4).~~

~~B. Petitions seeking declaratory orders will be designated as informal adjudicative proceedings.~~

R123-4-6. Petition Review and Disposition.

~~A. The agency will be governed by the provisions of Sections 63G-4-503(6) and (7):~~

R123-4-7. Administrative Review.

~~A. A petitioner may seek review or reconsideration of a declaratory order by petitioning the State Auditor under the procedures of Section 63G-4-302.~~

KEY: declaratory orders

Date of Enactment or Last Substantive Amendment: 1990

Notice of Continuation: June 7, 2017

Authorizing, and Implemented or Interpreted Law: 63G-4]

Auditor, Administration
R123-5
 Audit Requirements for Audits of
 Political Subdivisions and
 Governmental Nonprofit Corporations

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 44049
 FILED: 09/06/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for these changes is to update requirements for procurement of accounting services.

SUMMARY OF THE RULE OR CHANGE: These rule changes redefine "audit services" as "accounting services" so as to include agreed-upon procedures engagements (AUP) required by the Office of the State Auditor (Office). These rule changes also update the requirements related to the procurement of accounting services as follows: 1) adds notification that the auditor is subject to the periodic workpaper review by the Office, 2) specifies the requirement for the entity to re-bid the accounting services at least every five years, 3) updates the items to be contained in the entity's request for proposal, and 4) adds criteria for ensuring competitive and fair procurement processes.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 51-2a-201 and Section 51-2a-301

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** These rule changes are not expected to have any fiscal impact on state government revenues or expenditures, because the only state government entity affected by these rule changes is the Office and the effect would only entail brief telephone conversations, as needed, with local government entities.

♦ **LOCAL GOVERNMENTS:** These rule changes are not expected to have any additional fiscal impact on local governments' revenues or expenditures, because the requirement for local governments to procure accounting services is already in effect.

♦ **SMALL BUSINESSES:** These rule changes are not expected to have any fiscal impact on small businesses' revenues or expenditures, because the procedures for small businesses' submission of proposals for accounting services have not changed.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These rule changes are not expected to have any fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities because the procedures for non-small businesses' submission of proposals for accounting services have not changed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no additional compliance costs associated with these rule changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No additional fiscal impact.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 AUDITOR
 ADMINISTRATION
 ROOM E310 EAST BUILDING
 420 N STATE ST
 SALT LAKE CITY, UT 84114-2310
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Linda Siebenhaar by phone at 801-538-1383, or by Internet E-mail at lsiebenhaar@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Tauna MacPherson, Administrative Assistant

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

The amendment to Rule R123-5 is not expected to have any fiscal impact on non-small businesses' revenues or expenditures, because the procedures for non-small businesses' submission of proposals for accounting services have not changed.

State Auditor, John Dougall, has reviewed and approved this fiscal analysis.

R123. Auditor, Administration.

R123-5. [Audit]Requirements for [Audits]Accounting Services of Political Subdivisions and Governmental Nonprofit Corporations.

R123-5-1. Authority.

1. As required by Section 51-2a-301, this rule provides the guidelines, qualifications criteria, and procurement procedures for [audits]accounting services for those entities required [to be made] by Section 51-2a-201 to report to the Office.

R123-5-2. Definitions.

1. "Office" means the Office of the State Auditor.
- [+]2. "Auditor" means a certified public accountant licensed to conduct audits in the state and includes any certified public accounting firm as defined by Section 58-26a-102.
3. "Accounting services" means a financial audit, a state compliance audit, or an agreed-upon procedures engagement provided by an auditor.
 - a. "Financial audit" means an audit as defined in Section 51-2a-102(2).
 - b. "State compliance audit" means an engagement provided by an auditor in accordance with the compliance audit guide maintained by the Office.
 - c. "Agreed-upon procedures engagement" means an engagement provided by an auditor in accordance with Attestation

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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

Standards established by the AICPA, Government Auditing Standards (GAS) issued by the Comptroller General of the United States, and the guide for agreed-upon procedures for local government entities developed by the Office.

[2]4. "Political subdivision" means all municipalities, counties, school districts, local and special service districts, interlocal organizations, and any other entity established by a local governmental unit that receives tax exempt status for bonding or taxing purposes. "Political subdivision" does not include state entities.

5. "State entity" means any state agency, state office, or any other governmental unit of the state. State entity includes a governmental entity for which the state exercises majority control or for which one or more state officials collectively exercise majority control.

[3]6. "Governmental nonprofit corporation" means any governmental nonprofit corporation as that term is defined by Section 11-13a-102.

R123-5-3. ~~[Audit]~~Reporting Standards and Requirements.

1. The audits of all entities required to have an audit made by Section 51-2a-201 shall be performed in accordance with Government Auditing Standards most recently published and issued by the Comptroller General of the United States.

2. The ~~[State Auditor]~~Office shall adopt and maintain a compliance audit guide containing those fiscal laws and compliance requirements for state funds distributed to, and expended by, political subdivisions and governmental nonprofit corporations. This compliance audit guide may specify:

a. the general compliance requirements applicable to all political subdivisions and governmental nonprofit corporations, and the audit requirements applicable to general compliance requirements,

b. the format for the auditor's statement expressing positive assurance with state fiscal laws identified by the ~~Office~~[State Auditor], and

c. those items related to internal controls and other financial issues which shall be included in the auditor's letter to management that must be filed with the Independent Auditor's Report in accordance with the ~~[State-Compliance]~~[A]audit [G]guide maintained by the Office.

3. ~~[The audits of a]~~All entities required to have an audit made by Section 51-2a-201 shall ~~[be]~~have performed the financial audit and a state compliance audit in accordance with the compliance audit guide maintained by the ~~Office~~[State Auditor].

4. The guidelines, criteria, procedures, and reporting requirements for all accounting and compliance reports required to be submitted to the Office are posted on the Office's website.

R123-5-4. ~~[Audit]~~Procurement of Accounting Services.

1. Unless otherwise specified by the Office, the~~[The]~~ decision to retain an entity's auditor rests with the governing body of the entity. However, the auditor ~~[performing]~~providing the ~~[audit]~~accounting services must meet the peer review and continuing education requirements of Government Auditing Standards issued by the Comptroller General of the United States. In addition, the auditor must satisfy the periodic workpaper review performed by the Office. The entity must competitively procure accounting services through the following matter at least every five years~~[If the governing body rebids the audit of its financial statements, it shall comply with the following audit procurement requirements]:~~

~~[----- a. Proposals will be obtained from any interested and qualified certified public accountant licensed to perform audits in the state, which may include the auditor currently performing the entity's audit. Notice may be given to potential auditors either through invitation or by notice published in a newspaper of general circulation. To promote competition it is recommended that at least three auditors be invited to participate in bidding for the audit.]~~

~~[b]a.~~ The entity shall distribute a "request for proposal" to all auditors who meet the qualification criteria set by the procuring organization and who are interested in ~~[bidding for the audit]~~submitting a proposal for the accounting services. As a minimum, the request for proposal shall contain the following:

(i) the name and address of the entity requesting the ~~[audit]~~accounting services and its designated contact person,

(ii) the entity for which the accounting services are to be performed~~[to be audited]~~, the scope of services to be provided, and specific reports, etc. to be delivered,

(iii) the period(s) pertaining to the accounting services~~[to be audited]~~,

(iv) the format in which the proposals should be prepared,

(v) the date and time proposals are due.~~[and]~~

(vi) the criteria to be used in evaluating the proposal.~~[bid-]~~

(vii) the relative weight to be assigned to each criteria in R123-5-4(a)(vi), and

(viii) The overall weight of the cost criteria in relation to other evaluation criteria.

b. The entity must consider proposals from any interested and qualified auditor in the state, which may include the auditor currently performing the entity's accounting services. Notice shall be given to potential auditors through invitation and by notice as described in Section 63G-6a-112(2). To promote competition, it is recommended that at least three auditors participate in proposing for the accounting services. If the entity fails to receive three qualified proposals, prior to awarding the contract the entity shall notify the Office, and the entity shall provide 5 business days for the submission of additional proposals. The Office may direct the entity to revise and reissue its request for proposal whenever the Office deems the procurement process was not competitive.

~~[----- e. The entity may select the auditor or audit firm that the governing body desires to perform its audit and may reject any bid.]~~

c. The entity may reject any and all competitive proposals but must document the justification for each rejection. The entity may reissue its request for proposal at any time prior to the awarding of a contract for accounting services.

d. Management of the entity may not participate in the evaluation of proposals for accounting services.

R123-5-5. Responsibility for ~~[Audit-]~~Quality of Accounting Services.

1. The governing body of each political subdivision or governmental nonprofit corporation is responsible to ensure that the political subdivision or governmental nonprofit corporation obtains a quality ~~[audit]~~review of its financial records.

2. The governing body may appoint an audit committee with the responsibility of making recommendations to the governing body for selection of an auditor, ensuring that the auditor meets qualification requirements, and ensuring that the auditor complies with professional standards.

3. If the governing body appoints a separate audit committee, then the governing body shall review the recommendations of the audit committee and make the selection of the auditor.
4. The audit committee will report its assessment of the auditor's compliance with professional standards to the governing body.
5. The auditor shall report the results of the ~~audit~~ accounting services to the governing body.
6. The governing body shall respond to the specific recommendations included in the auditor's letter to management. This response shall be remitted with the audited financial statements or agreed-upon procedures report to the Office ~~to the state auditor~~.

KEY: accounting services, accounting reports, auditing, governmental nonprofit corporations
Date of Enactment or Last Substantive Amendment: ~~November 1, 2017~~ **2019**
Notice of Continuation: June 7, 2017
Authorizing, and Implemented or Interpreted Law: 51-2a-201

**Career Service Review Office,
 Administration
 R137-1
 Grievance Procedure Rules**

**NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 44059
 FILED: 09/12/2019**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment updates the procedure for filing documents with the Career Service Review Office (CSRO). Primarily, it provides for electronic filing.

SUMMARY OF THE RULE OR CHANGE: This amendment provides for electronic filing of documents.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 67-19a-203

- ANTICIPATED COST OR SAVINGS TO:**
- ◆ **THE STATE BUDGET:** No costs associated with this procedural change.
 - ◆ **LOCAL GOVERNMENTS:** No costs associated with this procedural change.
 - ◆ **SMALL BUSINESSES:** The CSRO's rules apply only to state agencies and state employees; no small businesses will be affected.
 - ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This rule applies only to state agencies; no other entities are affected.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule does not result in any costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 CAREER SERVICE REVIEW OFFICE
 ADMINISTRATION
 ROOM 1120 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:
 ◆ Akiko Kawamura by phone at 801-538-3047, by FAX at 801-538-3139, or by Internet E-mail at akawamura@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Akiko Kawamura, Administrator

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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 proposed amendments are not expected to have fiscal impact on any non-small businesses' revenues or expenditures because these rules govern the procedure in administrative actions exclusively pertaining to state employees and employer agencies.

The administrator of the Career Service Review office has reviewed and approved this fiscal analysis.

R137. Career Service Review Office, Administration.

R137-1. Grievance Procedure Rules.

R137-1-2. Definitions.

Terms defined in Section 63G-4-103 of the Utah Administrative Procedures Act (UAPA) are incorporated by reference within this rule. In addition, other terms which are used in this rule are defined below:

"Abandonment of Grievance" means either the voluntary withdrawal of a grievance or the failure by an employee to properly pursue a grievance through these grievance procedures.

"Administrative Review of the File" means an informal adjudicative proceeding according to Subsection 67-19a-403(3)(b).

"Administrator" means the person appointed under Subsection 67-19a-201(2)(b).

"Affidavit" means a signed and sworn statement offered for consideration in connection with a grievance proceeding.

"Affirmative Defense" means a responsive answer asserting facts in addition to those alleged that are legally sufficient to rebut asserted allegations.

"Appeal" means a formal request to a higher level of review of a lower level decision.

"Appointing Authority" means the officer, board, commission, person or group of persons authorized to make appointments on personnel/human resource management matters in their respective agency.

"Burden of Moving Forward" means a party's obligation to present evidence on a particular issue at a particular time. The burden of moving forward may shift back and forth between the parties based on certain legal principles.

"Burden of Proof" means the obligation to prove affirmatively a fact or set of facts at issue between two parties.

"CSRO" means the agency of state government that statutorily administers these grievance procedures according to Sections 67-19a-101 through 67-19a-501.

"Closing Argument" means a party's final summation of evidence and argument, which is presented at the conclusion of the hearing.

"Consolidation" means the combining of two or more grievances involving the same controversy for purposes of holding a joint hearing, proceeding, or administrative review.

"Continuance" means an authorized postponement or adjournment of a hearing until a later date, whether the date is specified or not.

"Declaratory Order" means a ruling that is explanatory in purpose; it is designed to clarify what before was uncertain or doubtful. A declaratory order constitutes a declaration of rights between parties to a dispute and is binding as to both present and future rights. It is an administrative interpretation or explanation of a right, statute, order or other legal matter under a statute, rule, or an order.

"Default" means an omission of or untimely failure to take or perform a required act in the processing of a grievance. It is the failure to discharge an obligation which results in a forfeiture.

"Deposition" means a form of discovery in which testimony of a witness is given under oath, subject to cross-examination, and recorded in writing, prior to the hearing.

"Discovery" means the prehearing process whereby one party may obtain from the opposing party, or from other individuals or entities, information regarding the witnesses to be called, the documents and exhibits to be used at the hearing, and the facts and information about the case.

"Evidentiary Hearing" means a proceeding of relative formality, though much less formal than a trial, in which witnesses may be heard and evidence is presented and considered. Specific issues of fact and of law are tried. Afterwards, ultimate conclusions of fact and of law are set forth in a written decision or order.

"Excusable Neglect" means harmless error, mistake, inadvertence, surprise, a failure to discover evidence that, through due diligence, could not have been discovered in time to meet the applicable time period, misrepresentation or misconduct by the employer, or any other reason justifying equitable relief.

"Extraordinary Circumstances" means factors not normally incident to or foreseeable during an administrative proceeding. It includes circumstances beyond a party's control that normal prudence and experience could not foresee, anticipate or provide for.

"File" means to submit a document, grievance, ~~petition,~~ or other written, printed, or electronic information ~~paper~~ to the CSRO as prescribed by these rules. ~~[The term "file" includes faxing and E-mailing.]~~

"Filing Date" means the day that a document, grievance, petition, or other paper is recorded as ~~having been~~ received by the CSRO.

"Grievance Procedures" mean the grievance and appeal procedures codified at Sections 67-19a-101 through 67-19a-501 and promulgated through this rule.

"Grievant" means the person or party advancing one or more issues as a petitioner through these grievance procedures.

"Group Grievance" means a grievance submitted and signed by two or more aggrieved employees. The term does not include "class action."

"Hearing" means the opportunity to be heard or present evidence in an administrative proceeding.

"Hearing Officer" means an impartial trier of facts appointed by the CSRO administrator and assigned to decide a particular grievance.

"Hearsay Evidence" means evidence not based upon a witness's personal knowledge as a direct observer of an event. Rather, hearsay evidence stems from the repetition of what a witness heard another person say. Hearsay's value rests upon the credibility of the declarant. Hearsay is a statement made outside of the hearing that is offered as evidence of the truth of matters asserted in the hearing.

"Initial Hearing" means a hearing conducted by the administrator to make an initial determination regarding timeliness, authority, jurisdiction, direct harm, standing and eligibility to advance a grievance.

"Issuance" means the date on which a decision, order or ruling is signed and dated; it is not the date of mailing, or the date of the mailing certificate, nor the postal date. Date of issuance is the date specified according to Subsection 63G-4-401, of the UAPA.

"Joint Hearing" means the uniting of two or more grievances involving the same, similar, or related circumstances or issues to conduct a single hearing; also see "Consolidation."

"Jurisdiction" means the legal right and authority to hear and decide issues and controversies.

"Management Representative" means a person of managerial or supervisory status who is not subject to exclusion. Legal counsel is not included within the meaning of the term.

"Motion" means a request offered verbally or in writing for a ruling or to take some action.

"Motion to Dismiss" means a motion requesting that a grievance or appeal be dismissed because it does not state a claim for which the CSRO provides a remedy, or is in some other way legally insufficient.

"Notice" and "Notification" mean a proper written notice to the parties involved in a grievance procedural hearing or conference, setting forth date, time, location, and the issue to be considered.

"Pleadings" mean the formal written allegations of the parties that set forth their respective claims and defenses.

"Presiding Hearing Officer" means either the Administrator or designated Level 4 hearing officer.

"Pro Se" means in one's own behalf. A person is represented pro se in an administrative proceeding when acting without legal counsel or other representation.

"Quash" means to cancel, annul, or vacate.

"Relevant" means directly applying to the matter in question; pertinent, germane. It is evidence that tends to make the existence of any facts more probable or certain than they would be without the evidence; and tending to prove the precise fact at issue.

"Remand" means to send back, as for further deliberation and judgment, to the presiding official or other tribunal from which a grievance was appealed.

"Standard of Proof" means the evidentiary standard, which in CSRO adjudications is the substantial evidence standard.

"Stay" means a temporary suspension of a case or of some designated proceeding within the case. A stay is different than a continuance or extension of time and can only be granted when agreed to by the parties and when the administrator or assigned hearing officer finds a stay necessary for judicial economy and the interest of justice.

"Submit" means to commit to the discretion of another; to present for determination.

"Subpoena" means a formal legal document issued under authority to compel the appearance of a witness at an administrative proceeding, the disobedience of which may be punishable as a contempt of court.

"Subpoena Duces Tecum" means a formal legal document issued under authority to compel specific documents, books, writings, papers, or other items.

"Substantial Evidence" means evidence possessing something of substance and relevant consequence, and which furnishes substantial basis of fact from which issues tendered can be reasonably resolved. It is evidence that a reasonable mind might accept as adequate to support a conclusion, but is less than a preponderance.

"Summary Judgment" means a ruling made upon motion by a party or the presiding hearing officer when there is no dispute as to either material fact or inferences to be drawn from undisputed facts, or if only a question of law is involved. The motion may be directed toward all or part of a claim or defense.

"Transcript" means an official verbatim written record of an adjudicative proceeding or any part thereof, which has been recorded and subsequently transcribed by a certified court reporter.

"UAPA" means the Utah Administrative Procedures Act found at Sections 63G-4-102 through 63G-4-601.

"Withdraw" means to recall or retract a grievance from further consideration under these grievance procedures.

"Witness Fee" means an appearance fee and may also include a mileage rate established by statutory provision pursuant to Section 78B-1-119.

"Working Days" means for purposes of the time periods for filing a grievance, advancing an appeal or responding to an employee's grievance or appeal, all days except Saturdays, Sundays and recognized State holidays.

R137-1-6. Filing Procedure.

The submission of correspondence, pleadings, grievance materials, and legal documents is subject to the following provisions:

(1) Filing/Receipt. ~~[Papers to be filed]~~ Filings with the CSRO ~~[or the administrator]~~ are deemed filed on the date actually received. The date on which papers are received ~~[and date stamped]~~ is regarded as the date of filing.

(2) Time Periods. All ~~filings~~ ~~[papers, memoranda, petitions, grievances, pleadings, briefs, exhibits, and written motions to be filed with the administrator]~~ must be electronically submitted to ~~[filed in]~~ the Career Service Review Office, csro@utah.gov [H20 State Office Building, Capitol Hill, Salt Lake City, Utah 84114], within the time limits prescribed either by law, by these rules, or by order of the administrator or by the designated CSRO hearing officer.

(a) All filing dates are based upon the CSRO's working days.

(b) ~~[Papers]~~ Filings must be signed or electronically signed by the ~~[person filing the paper]~~ filing party or by the filing party's ~~[person's]~~ authorized representative.

(c) ~~[Documents being submitted]~~ Filings are to contain the name, business address, ~~[and]~~ telephone number, and email address of the filing party or filing party's representative. ~~[of the representative, if a party or person is being represented.]~~ Notices shall be served upon the party or party's representative at the email address provided by the filing party.

(d) Copies of all ~~[filed papers]~~ filings shall be served upon the ~~[appropriate]~~ opposing party or party's representative ~~[or person to grievance proceedings]~~, with notice of service given to the administrator.

~~[(e) Notice to a designated representative constitutes notice to the representative's client.~~

~~[(f) Notice to an employee who is not represented shall be served at the address specified on the employee's statement of grievance or correspondence, or in the absence of such specification, at the last mailing address shown in the employing agency's personnel file.]~~

KEY: grievance procedures, reconsiderations

Date of Enactment or Last Substantive Amendment: [September 28, 2018]2019

Notice of Continuation: July 11, 2016

Authorizing, and Implemented or Interpreted Law: 34A-5-106; 67-19-16; 67-19-30; 67-19-31; 67-19-32; 67-19a et seq.; 63G-4 et seq.

Commerce, Occupational and Professional Licensing **R156-26a** Certified Public Accountant Licensing Act Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 44081

FILED: 09/16/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule filing is to make changes recommended by the Utah Board of Accountancy, which include adding definitions; clarifying education requirements for licensure; further defining the statutory change enacted by H.B. 159, passed in the 2019 General Session, that allows candidates to sit for the qualifying exams at 120 semester hours or 180 quarter hours, clarifying other exam requirements; updating the previously adopted reference, Standards for Performing and Reporting on Peer Reviews, to the December 2017 edition; adopting, by reference, the AICPA/NASBA Statement on Standards for Continuing Professional Education (CPE); further clarifying CPE reporting requirements; and making nonsubstantive technical changes throughout the rule to reorganize and renumber the rule for clarity.

SUMMARY OF THE RULE OR CHANGE: In Section R156-26a-102, the proposed amendments define CPA mobility, accepted university accreditations, and CPA-related acronyms which are used throughout the rule. In Section R156-26a-201, the proposed amendments update citations and make nonsubstantive formatting changes for clarity. In

Section R156-26a-302a, the proposed amendments in this section delete current education language and insert language with an easier to understand format to clarify the education requirement. The proposed amendments also provide an additional educational pathway, with board approval of each individual case, for candidates who earn undergraduate degrees from universities without an accepted accreditation if they go on to earn a graduate degree from an accredited institution. In Section R156-26a-302b, the proposed amendment updates the reference to the 2007 Uniform Accountancy Act to the Eighth Edition, January 2018. In Section R156-26a-302c, the proposed amendment aligns this rule with the statutory change enacted by H.B. 159 (2019) which took effect May 14, 2019, allowing Utah CPA candidates to sit for the AICPA Uniform Accountancy Exam at 120 semester hours (180 quarter hours). This language defines what those hours must include for eligibility. New language also clarifies other exam requirements required for licensure. In Section R156-26a-303a, the proposed amendment updates the previously adopted reference, Standards for Performing and Reporting on Peer Reviews, to the April 2019 edition. In Section R156-26a-303b, this proposed amendment deletes the current language outlining CPE standards and adopts, by reference, the AICPA/NASBA Statement on Standards for Continuing Professional Education (CPE). The proposed amendments also further clarify the CPE reporting requirements. Section R156-26a-305 is a new section that clarifies, defines, and establishes the mobility practice privilege included in Section 58-26a-305 regarding exemptions from licensure. In Section R156-26a-307, the proposed amendments make nonsubstantive formatting changes for clarity. In Section R156-26a-501, the proposed amendment updates the reference to the AICPA Code of Professional Conduct to the August 31, 2016, edition.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-26a-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates AICPA Code of Professional Conduct, published by AICPA, 08/31/2016
- ◆ Adds AICPA/NASBA Statement on Standards for Continuing Professional Education, published by AICPA/NASBA, August 2016
- ◆ Updates AICPA Standards for Performing and Reporting on Peer Reviews, published by American Institute of Certified Public Accountants (AICPA), 04/01/2019
- ◆ Updates Uniform Accountancy Act, published by National Association of State Boards of Accountancy (NASBA), January 2018

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** These proposed amendments are not expected to directly impact state government revenues or expenditures because the amendments only add new definitions, redefine and clarify the education requirements, clarify the requirements to comply with the statutory change

for examination eligibility, adopt references pertinent to the CPA profession and clarify CPE reporting requirements. State government is not affected by this process. The amendments also make technical, nonsubstantive changes. However, these proposed amendments to Rule R156-26a will necessitate written notification to all licensees. Currently, there are approximately 5,400 CPA licensees and 695 CPA firms. At a printing/mailling cost of approximately \$1 per licensee, this will be a one-time cost of \$6,095. There will also be a minimal cost to the Division of Occupational and Professional Licensing (Division) of approximately \$75 to print and distribute the rule once the proposed amendments are made effective. Any indirect impacts cannot be estimated.

◆ LOCAL GOVERNMENTS: These proposed amendments are not expected to impact local governments' revenues or expenditures because the amendments only add new definitions, redefine and clarify the education requirements, clarify the requirements to comply with the statutory change for examination eligibility, adopt references pertinent to the CPA profession and clarify CPE reporting requirements. Local governments are not affected by this process. The amendments also make technical, nonsubstantive changes.

◆ SMALL BUSINESSES: These proposed amendments are expected to have no fiscal benefit or cost impact to small businesses. Small businesses that provide the services of certified public accountants (NAICS 541211 – Offices of Certified Public Accountants) will not see an increase or a decrease in service costs as a result of these proposed amendments. The Division estimates that this could result in a fiscal neutrality for the approximately 682 small businesses (NAICS 541211 – Offices of Certified Public Accountants) in the state of Utah. Any indirect impact cannot be estimated.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These proposed amendments are expected to have no fiscal benefit or cost impact to other persons utilizing the services of individuals who hold a license as a certified public accountant. Any indirect impact cannot be estimated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments are expected to have no fiscal benefit or cost impact to individuals licensed as a certified public accountant or certified public accounting firms. Any indirect impact cannot be estimated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Small Businesses: The proposed amendments are expected to have no fiscal benefit or cost impact to small businesses. Small businesses that provide the services of certified public accountants (NAICS 541211 – Offices of Certified Public Accountants) will not see an increase or a decrease in service costs as a result of these proposed amendments. The Division estimates that this could result in a fiscal neutrality for the approximately 682 small business (NAICS 541211 – Offices of Certified Public Accountants) in the State of Utah. Any indirect impacts cannot be estimated. Non-Small Businesses: The proposed amendments have no fiscal impact to non-small business. Non-small businesses (NAICS

541211-Offices of Certified Public Accountants) will not see an increase or a decrease in service costs as a result of these proposed amendments. The Division estimates that this could result in a fiscal neutrality for the approximately 13 non-small businesses (NAICS 541-211-Offices of Certified Public Accountants) which employ more than 50 employees within the state of Utah. Any indirect impacts cannot be estimated.

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:

◆ Robyn Barkdull by phone at 801-530-6727, by FAX at 801-530-6511, or by Internet E-mail at rbarkdull@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/09/2019 01:30 PM, Heber Wells Bldg, 160 E 300 S, Conference Room 402 (fourth floor), Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Mark Steinagel, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$6,170	\$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:	\$6,170	\$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:	(\$6,170)	\$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 amendments have no fiscal impact on non-small businesses. Non-small businesses (NAICS 541211-Offices of Certified Public Accountants) will not see an increase or a decrease in service costs as a result of these proposed amendments. The Division estimates that this could result in a fiscal neutrality for the approximately 13 non-small businesses (NAICS 541-211-Offices of Certified Public Accountants) which employ more than 50 employees within the state of Utah. Any indirect impact cannot be estimated.

The head of the Department of Commerce, Francine Giani, has reviewed and approved this fiscal analysis.

**R156. Commerce, Occupational and Professional Licensing.
R156-26a. Certified Public Accountant Licensing Act Rule.
R156-26a-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 26a, as defined or used in this rule:

(1) "Administering organization" means an organization approved by the Division of Occupational and Professional Licensing and the Utah Board of Accountancy which will administer peer reviews in the Peer Review Program.

(2) ~~["AICPA" means American Institute of Certified Public Accountants.]~~ "Accepted university accreditations" mean the following:

~~(a) the Association to Advance Collegiate Schools of Business ("AACSB");~~

~~(b) the Accreditation Council for Business Schools and Programs ("ACBSP"); or~~

~~(c) an institution receiving "regional accreditation", meaning an institution receiving accreditation through:~~

~~(i) the Northwest Accreditation Commission ("NAC");~~

~~(ii) the North Central Association of Colleges and Schools ("NCA");~~

~~(iii) the Middle States Association of Colleges and Schools ("MSA");~~

~~(iv) the New England Association of Schools and Colleges ("NEASC");~~

~~(v) the Southern Association of Colleges and Schools ("SACS"); or~~

~~(vi) the Western Association of Schools and Colleges ("WASC").~~

(3) "Mobility", a practice privilege included in Section 58-26a-305 regarding exemptions from licensure, is defined and further clarified in Section R156-26a-305. ~~["Incidental to regular practice" as defined in Subsection 58-26a-305(1)(b) is further defined to mean:~~

~~(a) An individual or a firm licensed as a certified public accountant or equivalent designation in any other state, district, or territory of the United States or any foreign country may perform services in this state for a client whose principal office or residence is located outside of this state as long as the services are incidental to primary services being performed outside of this state for that client.~~

~~(b) An individual or firm licensed in another jurisdiction, as incidental to their practice in such other jurisdiction, may advertise in this state that their services are available by any means including, but not limited to television, radio, newspaper, magazine or Internet advertising provided such representations are not false,~~

~~misleading or deceptive; and provided that such individual or firm does not establish a CPA/Client relationship to perform services requiring a CPA license or CPA firm registration with any individual, business or other legal entity having its principal office or residence in this state without first obtaining a CPA license and CPA firm registration in this state.~~

~~(c) Incidental to regular practice in another jurisdiction includes a licensed CPA or equivalent designation continuing a CPA/Client relationship with an individual which originated while the client's residence was located outside of this state but thereafter the client moved their residence to this state.]~~

(4) "Qualified continuing professional education (CPE)" as used in this rule means continuing education that meets the standards set forth in Section R156-26a-303b.

(5) "Standard setting bodies" means ~~[the Financial Accounting Standards Board, the Government Accounting Standards Board, the American Institute of Certified Public Accountants, the Securities and Exchange Commission, and the Federal Accounting Standards Advisory Board and other]~~ any generally recognized accounting standard setting bodies.

(6) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 26a, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-26a-501.

(7) "Year of review" means the calendar year during which a peer review is to be conducted.

R156-26a-201. Advisory Peer Committees Created - Membership - Duties.

(1) There is created in accordance with Subsection 58-1-203(1)(f);~~]~~ the Education Advisory Committee to the Utah Board of Accountancy, consisting of one full-time faculty member from each of five or more colleges or universities in Utah which has an accredited program as set forth in ~~[Section]~~ Subsections R156-26a-302a(1)(a) through (c), a majority of which ~~[committee are to]~~ shall be licensed CPAs.

(2) The Education Advisory Committee shall be appointed and serve in accordance with Section R156-1-205. The duties and responsibilities of the Education Advisory Committee shall include assisting the Division in collaboration with the Board in their duties, functions, and responsibilities and shall include:

(a) advising the Board as to the acceptability of an educational institution;

(b) assisting the Board to make a final determination pursuant to R156-26a-302a(~~[4]~~5)(c) of whether an applicant is qualified to sit for the AICPA examination; and

(c) advising the Board regarding proposed changes to rules.

(3) The committee shall consider, when advising the Board of the acceptability of the educational institution, the following:

(a) the institution's accreditation;

(b) the acceptability by other state licensing boards;

(c) the faculty qualifications; and

(d) other educational resources.

(4) There is created in accordance with Subsection 58-1-203(1)(f), the Peer Review Committee to the Utah Board of Accountancy consisting of not more than ten licensed CPAs. The committee shall be appointed and serve in accordance with Section R156-1-205.

(5) The duties and responsibilities of the Peer Review Committee shall be advising the Board on peer reviews matters and shall include:

- (a) reviewing the results of peer reviews administered by approved organizations and requiring corrective action of firms with significant deficiencies noted in the review process when considered necessary in addition to those required by the administering organization;
- (b) evaluating compliance of CPE programs;
- (c) performing random audits to determine compliance with the CPE requirements and the standards for CPE programs;
- (d) reviewing complaints and recommending whether certain acts, practices or omissions violate the ethical standards of the profession;
- (e) providing technical assistance to the Division; and
- (f) serving as expert witnesses at administrative hearings.

R156-26a-302a. Qualifications for CPA Licensure - Education Requirements.

The education requirements for CPA licensure in Subsection 58-26a-302(1)(d) are defined, clarified, or established as follows:

(1) An applicant shall submit transcripts showing completion of course work consisting of a minimum of 150 semester hours (225 quarter hours), and one of the following[~~as follows~~]:

~~(a) [a graduate or undergraduate program within an institution whose business or accounting education program is accredited by the Association of Advanced Collegiate Schools of Business (AACSB), or the Accreditation Council for Business Schools and Programs (ACBSP), from which the applicant received one of the following:] a graduate degree in accounting or taxation from an institution whose business education is accredited by the AACSB or the ACBSP;~~

~~(b) a Master of Business Administration degree from an institution whose business education program is accredited by the AACSB or the ACBSP and which includes no less than:~~

~~(i) 24 semester hours (36 quarter hours) in upper division or graduate level accounting courses covering the following subjects:~~

- ~~(A) financial accounting;~~
- ~~(B) auditing;~~
- ~~(C) taxation; and~~
- ~~(D) management accounting;~~

~~(ii) 15 semester hours (23 quarter hours) graduate level accounting courses covering the following subjects:~~

- ~~(A) financial accounting;~~
- ~~(B) auditing;~~
- ~~(C) taxation; and~~
- ~~(D) management accounting; or~~

~~(iii) an equivalent combination of graduate and upper division accounting courses covering the subjects of financial accounting, auditing, taxation, and management accounting, with one hour of graduate level course work being equivalent to 1.6 hours of upper division course work;~~

~~(c) a baccalaureate degree in business or accounting from an institution whose business education program is accredited by the AACSB or the ACBSP, and which includes no less than:~~

~~(i) 24 semester hours (36 quarter hours) in upper division or graduate level accounting courses covering at least one course in each of the following subjects:~~

- ~~(A) financial accounting;~~
- ~~(B) auditing;~~
- ~~(C) taxation; and~~
- ~~(D) management accounting; and~~

~~(ii) 30 additional hours in graduate or upper division accounting and business courses; or~~

~~(d) A baccalaureate or graduate degree from an institution accredited by a regional accrediting body with no less than:~~

~~(i) 24 semester hours (36 quarter hours) in non-accounting business or related courses providing a minimum of two semester hours (three quarter hours) in each of the following subjects:~~

- ~~(A) business law;~~
- ~~(B) computers;~~
- ~~(C) economics;~~
- ~~(D) business ethics;~~
- ~~(E) finance;~~
- ~~(F) business statistics and quantitative methods;~~
- ~~(G) written and oral business communications;~~

~~(H) business administration such as marketing, production, management, policy or organizational behavior;~~

~~(ii) 24 semester hours (36 quarter hours) in upper division or graduate level accounting courses with a minimum of two semester hours (three quarter hours) in each of the following subjects:~~

- ~~(A) auditing;~~
- ~~(B) finance;~~
- ~~(C) managerial or cost;~~
- ~~(D) systems; and~~
- ~~(E) taxes; and~~

~~(iii) 30 additional hours in graduate or upper division accounting and business courses.~~

~~(2) The Division in collaboration with the Board or the Education Advisory Committee may accept a baccalaureate degree in business or accounting from an institution not having an accepted accreditation as defined in Subsection R156-26a-102(4), if the applicant:~~

~~(a) has obtained a graduate degree in accounting from an institution whose business education program is accredited by the AACSB or the ACBSP;~~

~~(b)(i) has obtained a graduate degree in taxation or a Master of Business Administration from an institution whose business education program is accredited by the AACSB or the ACBSP; and~~

~~(ii) meets the requirements in Subsection R156-26a-302a(1)(b)(i), (ii), or (iii); or~~

~~(c)(i) has obtained a graduate degree in accounting, taxation, or a Master of Business Administration from an institution accredited by a regional accrediting body; and~~

~~(ii) meets the requirements in Subsection R156-26a-302a(1)(d).~~

~~[~~ ~~(i) a graduate degree in accounting;~~

~~(ii) a graduate degree in taxation, or a master of business administration degree which includes not less than:~~

~~(A) 24 semester hours (36 quarter hours) in upper division accounting courses covering the subjects of financial accounting, auditing, taxation, and management accounting;~~

~~(B) 15 semester hours (23 quarter hours) graduate level accounting courses covering the subjects of financial accounting, auditing, taxation, and management accounting;~~

~~(C) an equivalent combination of graduate and upper division accounting courses covering the subjects of financial accounting, auditing, taxation, and management accounting with one hour of graduate level course work being equivalent to 1.6 hours of upper division course work; or~~

~~(iii) a baccalaureate degree in business or accounting and 30 semester hours (45 quarter hours) beyond the requirements for a baccalaureate degree which includes not less than:~~

~~(A) 16 semester hours (24 quarter hours) in upper division accounting courses, which when combined with the accounting courses listed in Subsection (B) below, have at least one course with a minimum of two semester hours (three quarter hours) each covering the subjects of financial accounting, auditing, taxation, and management accounting;~~

~~(B) eight semester hours (12 quarter hours) in graduate level accounting courses, which when combined with the accounting courses listed in Subsection (A) above, have at least one course each covering the subjects of financial accounting, auditing, taxation, and management accounting;~~

~~(C) 12 semester hours (18 quarter hours) in upper division non-accounting business courses;~~

~~(D) 12 semester hours (18 quarter hours) in graduate level business or accounting courses; and~~

~~(E) 10 semester hours (15 quarter hours) of either graduate or upper division accounting or business courses.~~

~~(b) a graduate or undergraduate program from an institution accredited by the Northwest Commission on Colleges and Universities, North Central Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Colleges and Schools, Southern Association of Colleges and Schools and Western Association of Schools and Colleges from which the applicant received a baccalaureate or graduate degree with not less than:~~

~~(i) 30 semester hours (45 quarter hours) in business or related courses providing a minimum of two semester hours (three quarter hours) in each of the following subjects:~~

~~(A) business law;~~

~~(B) computers;~~

~~(C) economics;~~

~~(D) ethics;~~

~~(E) finance;~~

~~(F) statistics and quantitative methods;~~

~~(G) written and oral communications; and~~

~~(H) business administration such as marketing, production, management, policy or organizational behavior;~~

~~(ii) 24 semester hours (36 quarter hours) in upper division accounting courses with a minimum of two semester hours (three quarter hours) in each of the following subjects:~~

~~(A) auditing;~~

~~(B) finance;~~

~~(C) managerial or cost;~~

~~(D) systems; and~~

~~(E) taxes; and~~

~~(iii) 30 semester hours (45 quarter hours) beyond the requirements for a baccalaureate degree of additional business-related course work including not less than:~~

~~(A) eight semester hours (12 quarter hours) in graduate accounting courses;~~

~~(B) 12 semester hours (18 quarter hours) in graduate accounting or graduate business courses; and~~

~~(C) 10 semester hours (15 quarter hours) of additional business related hours shall be taken in upper division undergraduate or graduate level courses.]~~

~~([2]3) The Division in collaboration with the Board or the [education subcommittee of the board] Education Advisory Committee may make a written finding for cause that a particular accredited institution or program is not acceptable.~~

~~([3]4) The Division in collaboration with the Board or the [education subcommittee of the board] Education Advisory Committee may accept education of a person who holds a license as a certified public accountant or equivalent designation in a foreign country, if the applicant has obtained from [the National Association of State Boards of Accountancy (NASBA)] verification of compliance with the terms of an agreement for reciprocal licensure between the foreign country and the International Qualifications Appraisal Board of NASBA, which agreement provides the applicant's examinations, education and experience is determined to be substantially equivalent to the [2007] Eighth Edition, January 2018 Uniform Accountancy Act licensure requirements or a version of the Uniform Accountancy Act having substantially equivalent requirements.]~~

~~(4) In accordance with Section 58-26a-306, the qualifications to sit for the AICPA examination are clarified or supplemented as follows:~~

~~(a) In accordance with Subsection 58-26a-306(1)(a), the form of application approved by the Division shall be the application that CPA Examination Services (CPAES) requires in order to sit for the examination.~~

~~(b) In accordance with Subsection 58-26a-306(1)(b), the fee shall be the fee charged by CPAES. No additional fee shall be due to the Division.~~

~~(c) In accordance with Subsections 58-26a-306(1)(c) and (d), the Board has approved CPAES to make the determination of whether the applicant has met the education requirements, provided however that, if an applicant disputes the finding of CPAES, the Board shall make a final determination of whether the applicant is qualified to sit for the AICPA examination.]~~

R156-26a-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsections 58-1-203(1)(b) and 58-1-301(3), the experience requirements for licensure in Section 58-26a-302 are clarified, or supplemented as follows:

(1) The Division in collaboration with the board may accept experience of a person who holds a license as a certified public accountant or equivalent designation in a foreign country, if the applicant has obtained from [the National Association of State Boards of Accountancy (NASBA)] verification of compliance with the terms of an agreement for reciprocal licensure between the foreign country and the International Qualifications Appraisal Board of NASBA, which agreement provides the applicant's examinations, education and experience is determined to be

substantially equivalent to the ~~[2007]Eighth Edition, January 2018~~ Uniform Accountancy Act licensure requirements or a version of the Uniform Accountancy Act having substantially equivalent requirements.

R156-26a-302c. Qualifications for Licensure - Examinations.

~~The examination requirements in Subsection 58-26a-306 are defines, clarified, or established as follows:~~

~~(1) In accordance with Subsection 58-26a-306(1)(a), the form of application approved by the Division shall be the application that CPA Examination Services ("CPAES") requires to sit for the AICPA Uniform CPA Examination.~~

~~(2) In accordance with Subsection 58-26a-306(1)(b), the fee shall be the fee charged by CPAES. No additional fee shall be due to the Division.~~

~~(3) In accordance with Subsection 58-26a-306(1)(c) and (d), the Board designates CPAES as the organization that shall determine whether an applicant has met the education requirements and is approved to sit for the AICPA examinations. However, if an applicant disputes CPAES's determination, the Board shall make the final determination.~~

~~(4) In accordance with Subsection 58-26a-306(1)(c), the minimum 120 semester hours (180 quarter hours) of the education requirement that an applicant shall complete before sitting for the AICPA Uniform CPA Examination, shall include completion of at least the following requirements as described in Section R156-26a-302a:~~

~~(a) 24 semester hours (36 quarter hours) in upper division or graduate level accounting courses covering the following subjects:~~

~~(i) financial accounting;~~

~~(ii) auditing;~~

~~(iii) taxation; and~~

~~(iv) management accounting; and~~

~~(b) 24 semester hours (36 quarter hours) in non-accounting business or related courses covering the following subjects:~~

~~(i) business law;~~

~~(ii) computers;~~

~~(iii) economics;~~

~~(iv) business ethics;~~

~~(v) finance;~~

~~(vi) business statistics and quantitative methods;~~

~~(vii) written and oral business-related communications;~~

~~and~~
~~(viii) business administration such as marketing, productions, management, policy or organizational behavior.~~

~~(5) An applicant for licensure as a certified public accountant shall also pass:~~

~~(a) the AICPA Examination of Professional Ethics for CPAs with a score of at least 90%; and~~

~~(b) the Utah (CPA) Laws and Rules Examination with a score of at least 75%.~~

~~(6) The Division in collaboration with the Board may accept testing of a person who holds a license as a certified public accountant or equivalent designation in a foreign country, if the applicant has obtained from [the National Association of State Boards of Accountancy (NASBA)] verification of compliance with the terms of an agreement for reciprocal licensure between the~~

foreign country and the International Qualifications Appraisal Board of NASBA, which agreement provides the applicant's examinations, education and experience is determined to be substantially equivalent to the ~~[2007]Eighth Edition, January 2018~~ Uniform Accountancy Act licensure requirements or a version of the Uniform Accountancy Act having substantially equivalent requirements.

R156-26a-303a. Renewal Requirements - Peer Review.

(1) General.

In accordance with Subsections 58-1-308(3)(b) and 58-26a-303(2)(b), there is created a peer review requirement as a condition for renewal of licenses issued under the Certified Public Accountant Licensing Act, providing for review of the work products of CPA and CPA firm licensees.

(a) The purpose of the program is to monitor compliance with professional standards.

(b) The program shall emphasize education and may include other remedial actions when non-compliance is found.

(c) If a licensee is unwilling or unable to comply with or intentionally disregards professional standards, the administering organization shall refer the matter to the Division for consultation and determination of appropriate action.

(2) Scheduling of the Peer Review.

(a) A firm's initial peer review shall be assigned a due date to require that the initial review be started no later than 18 months after the date of the issuance of its initial report as defined in Subsection 58-26a-102(20).

(b) ~~[Not less than]~~ At least once [in each] every three years a firm engaged in the practice of public accounting shall undergo, at its own expense, a peer review commensurate in scope with its practice.

(c) The administering organization ~~[will]~~ shall assign the year of review.

(d) A portion of the peer review may be performed by a regulatory body if the ~~[Utah-]Board [of Accountancy-]~~ approves the regulatory body as an administering organization. This does not by itself satisfy the peer review requirement unless the other standards as specified in this rule are fulfilled by the regulatory body.

(3) Selection of a Peer Reviewer or inspector in the case of inspections mandated by law or regulatory bodies.

A firm scheduled for peer review shall engage a reviewer qualified to conduct the peer review. Regulatory bodies ~~[will]~~ shall assign inspectors.

(4) Qualifications of a Peer Reviewer and inspectors.

(a) Peer reviewers must provide evidence of one of the two following minimum qualifications to the administering organization:

(i) acceptance as a peer reviewer by the AICPA; or

(ii) compliance with the qualifications required by the AICPA to qualify as a peer reviewer.

(b) Peer reviewers ~~[must]~~ shall be licensed or hold a permit to practice as a CPA in ~~[the state of]~~ Utah or another state or jurisdiction of the United States.

(c) The administering organization ~~[will]~~ shall approve reviewers for ~~[those-]~~ reviews not administered by the AICPA.

(d) Regulatory bodies ~~[will]~~ shall determine the qualifications of inspectors.

(5) Conduct of the Peer Review or inspection. Peer reviews shall be conducted as follows:

(a) Peer reviews shall be conducted according to the "Standards for Performing and Reporting on Peer Reviews" promulgated by the AICPA, effective April 2019~~[1, 2017 as amended]~~, which are hereby incorporated by reference and adopted as the minimum standards for peer reviews of all firms. This section shall not require any firm or licensee to become a member of the AICPA or any administering organization.

(b) The ~~[Utah] Board [of Accountancy]~~ may review the standards used by the regulatory body to determine if those standards are sufficient to satisfy all or part of the peer review requirements, or what additional review may be required to meet the peer review requirements under this rule.

(6) If an administering organization finds that a peer review was not performed in accordance with this rule or the peer review results in a pass with deficiencies or fail report, the Peer Review Committee may require remedial action to assure that the review or performance of the CPA or CPA firm being reviewed meets the objectives of the peer review program.

(7) Review of Multi-State Firms.

(a) With respect to a multi-state firm, the Division may accept a peer review based solely upon work conducted outside of this state as satisfying the requirement to undergo peer review under this rule, if:

(i) the peer review is conducted during the year scheduled or rescheduled under R156-26a-303a(2);

(ii) the peer review is performed in accordance with requirements equivalent to those of this state;

(iii) the peer review:

(A) studies, evaluates, and reports on the quality control system of the firm as a whole in the case of system reviews; or

(B) results in an evaluation and report on selected engagements in the case of engagement reviews;

(iv) the firm's internal inspection procedures require that the firm's personnel from another office outside the state perform the inspection of the office located in this state not less than once in each three year period; and

(v) at the conclusion of the peer review, the peer reviewer issues a report equivalent to that required by R156-26a-303a(5) or in the case of an approved regulatory body, a report is issued under their standards.

(b) A multi-state firm seeking approval under R156-26a-303a(7)(a) shall submit an application to the administering organization by February 1 of the year of review establishing that the peer review it proposes to undergo meets all of the requirements of R156-26a-303a(5).

(8) A firm which does not perform services encompassed in the scope of minimum standards as set out in R156-26a-303a(5) (a) or (b) is exempt from peer review and shall notify the Division ~~[of Occupational and Professional Licensing]~~ of the exemption at the time of renewal of its registration. A firm which begins providing these services must commence a peer review within 18 months of the date of the issuance of its initial report as defined in Subsection 58-26a-102(16).

(9) Mergers, Combinations, Dissolutions or Separations.

(a) Mergers or combinations: ~~[In the event that]~~ If two or more firms are merged or sold and combined, the surviving firm shall retain the year of review of the largest firm.

(b) Dissolutions or separations: ~~[In the event that]~~ If a firm is divided, the new firms shall retain the year of review of the former firm. ~~[In the event that]~~ If this period is less than 12 months, a new year shall be assigned so that the review occurs after 12 months of operation.

(c) Upon application to the administering organization and a showing of hardship caused solely by compliance with R156-26a-303a(10), the Division may authorize a change in a firm's year of review.

(10) If ~~[the]~~ a firm can demonstrate that the time established for the conduct of a peer review will create an unreasonable hardship upon the firm, the Division may approve an extension not to exceed 180 days from the date the peer review was originally scheduled~~[-], as follows:~~

~~_____~~ (a) A request for extension shall be addressed in writing by the firm to the Division with a copy to the administering organization responsible for administration of that firm's peer review.

~~_____~~ (b) The written request for extension ~~[must]~~ shall be received by ~~both~~ the Division and the administering organization ~~[not less than]~~ at least 30 days prior to the date of scheduled review or the request will not be considered.

~~_____~~ (c) The Division shall inform the administering organization of the approval of any extension.

(11) Retention of Documents Relating to Peer Reviews.

(a) All documentation necessary to establish that each peer review was performed in conformity with peer review standards adopted by the Board, including the peer review working papers, the peer review report, comment letters and related correspondence indicating the firm's concurrence or nonconcurrence, and any proposed remedial actions and related implementation, shall be ~~maintained:~~

~~_____~~ (b) The documents described in R156-26a-303a(11)(a) ~~shall be~~ retained for ~~[a period of time corresponding to the designated retention period of]~~ the relevant administering organization's designated retention period or 120 days, whichever is longer. ~~[In no event shall the retention period be less than 120 days.]~~

(12) Costs and Fees for Peer Review.

(a) All costs associated with firm-on-firm reviews will be negotiated between the firm and the reviewer and paid directly to the reviewer. All costs associated with committee assigned review team (CART) reviews will be set by the administering organization. The administering organization will collect the fees associated with CART reviews and pay the reviewer.

(b) All costs associated with the administration of the review process ~~[will]~~ shall be paid from fees charged to the firms. The fees ~~[will]~~ shall be collected by the administering organization. The schedule of fees ~~[will]~~ shall be included in the administering organization's proposal. The fee schedule ~~[will]~~ shall specify how much is to be paid each year and ~~[will]~~ shall be based on the firm size.

(13) All financial statements, working papers, or other documents reviewed are confidential. Access to those documents shall be limited to being made available, upon request, to the Peer Review Committee or the technical reviewer for purposes of assuring that peer reviews are performed according to professional standards.

R156-26a-303b. Continuing Professional Education (CPE).

The continuing professional education (CPE) requirements in Section 58-26a-304 are defined, clarified, or established as follows:

(1) A CPA shall complete at least 80 CPE hours in each two-year licensure cycle ending on December 31 of each even-numbered year, except that no CPE hours are required at a first renewal after initial licensure.

(2) CPE hours shall include at least:

(a) one hour of CPE that covers Title 58, Chapter 26a, the Certified Public Accountant Licensing Act, and Rule R156-26a, the Certified Public Accountant Licensing Act Rule; and

(b) three hours of ethics education that cover one or more of the following areas:

(i) the AICPA Code of Professional Conduct;

(ii) case-based instruction focusing on real-life situational learning;

(iii) ethical dilemmas faced by accounting professionals;

or

(iv) business ethics.

(3) A CPA shall maintain current knowledge, skills, and abilities in all areas in which the CPA provides services, in order to provide services in a competent manner. To maintain or to obtain the knowledge, skills, and abilities to competently provide services, a CPA may be required to obtain CPE above and beyond the 80 minimum CPE credits specified in Section 58-26a-304.

(4) The Division incorporates and adopts by reference the AICPA/NASBA Statement on Standards for Continuing Professional Education (CPE) Programs, revised August 2016. These standards have been broadly stated in recognition of the diversity of practice and experience among CPAs. They establish a framework for the development, presentation, measurement, and reporting of CPE programs and thereby help to ensure that CPAs maintain the required knowledge, skills, and abilities necessary to competently provide services and to enable the CPA to provide evidence of meeting the minimum CPE requirements.

(1) All CPAs are required to maintain current knowledge, skills, and abilities in all areas in which they provide services in order to provide services in a competent manner. To maintain or to obtain the knowledge, skills and abilities to competently provide services, a CPA may be required to obtain CPE above and beyond the 80 minimum CPE credits specified in Section 58-26a-304.

The following standards have been broadly stated in recognition of the diversity of practice and experience among CPAs. They establish a framework for the development, presentation, measurement, and reporting of CPE programs and thereby help to ensure that CPAs maintain the required knowledge, skills and abilities necessary to competently provide services and to enable to the CPA to provide evidence of meeting the minimum CPE requirements specified under this rule.

(2) General Standards for CPAs:

(a) Standard No. 1. All CPAs must participate in CPE learning activities that maintain and/or improve their professional competence. This CPE must include a minimum of 80 hours of CPE in each two-year period ending on December 31 of each even-numbered year, except that no CPE hours shall be required at the first renewal after initial licensure and except that 120 hours of CPE shall be required for the extended reporting period ending on December 31, 2018.

(i) The minimum required CPE hours shall include at least:

(A) one hour of education on the Utah Certified Public Accountant Licensing Act and Certified Public Accountant Licensing Act Rule; and

(B) three hours of ethics education covering one or more of the following areas:

(I) the AICPA Code of Professional Conduct;

(II) case-based instruction focusing on real-life situational learning;

(III) ethical dilemmas faced by accounting professionals;

or

(ii) The term "must", as used in these standards, means departure from those specific standards is not permitted. The term "should", as used in these standards, means that CPAs and CPE program sponsors are expected to follow such standards as written and are required to justify any departures from such standards when unusual circumstances warrant such departures.

(iii) Selection of CPE learning activities should be a thoughtful, reflective process addressing the individual CPA's current and future professional plans, current knowledge and skills level, and desired or needed additional competence to meet future opportunities and/or professional responsibilities.

(iv) A CPA's field of employment does not limit the need for CPE. CPAs performing professional services need to have a broad range of knowledge, skills, and abilities. Thus, the concept of professional competence should be interpreted broadly. Accordingly, acceptable continuing education encompasses programs contributing to the development and maintenance of both technical and non-technical professional skills.

(v) Acceptable CPE subjects include accounting, assurance/auditing, consulting services, specialized knowledge and applications, management, taxation, and ethics. Other subjects, including personal development, may also be acceptable if they maintain and/or improve the CPA's professional competence. Such subjects may include, but are not limited to: accounting and auditing, taxation, management advisory services, information technology, communication arts, mathematics, statistics, probability and quantitative analysis, economics, business law and litigation support, functional fields of business such as finance, production, marketing, personnel relations, development and management, business management and organizations, social environment of business, and specialized areas of industry such as film industry, real estate, or farming.

(vi) To help guide their professional development, CPAs may find it useful to develop a learning plan. The learning plan can be used to evaluate learning and professional competence development.

(A) A learning plan means a structured process that helps guide CPAs in their professional development. A learning plan is used to evaluate and document learning and professional competence development. A learning plan should be reviewed regularly and modified as a CPA's professional competence needs change. A learning plan should include:

(I) a self-assessment of the gap between current and needed knowledge, skills, and abilities;

(II) a set of learning objectives arising from this assessment; and

~~(H) learning activities to be undertaken to fulfill the learning plan.~~

~~(b) Standard No. 2. CPAs should comply with all applicable CPE requirements and should claim CPE credit only for CPE programs when the CPE program sponsors have complied with the Standards for CPE Program Presentation (Nos. 8 – 11) and Standard for CPE Program Reporting No. 17.~~

~~(i) In addition to minimum CPE requirements specified in this rule, CPAs are responsible for compliance with all applicable CPE requirements, rules, and regulations of other state licensing bodies, other governmental entities and other professional organizations or bodies who have standard setting authority. CPAs should contact each appropriate entity to which they report to determine its specific requirements or any exceptions it may have to the standards presented herein.~~

~~(ii) Periodically, CPAs may participate in learning activities which do not comply with all applicable CPE requirements, for example specialized industry programs offered through industry sponsors. If CPAs propose to claim credit for such learning activities, they should retain all relevant information regarding the program to provide documentation to the Division, other state licensing bodies, and/or all other professional organizations or bodies showing that the learning activity is equivalent to one which meets all these or other applicable Standards.~~

~~(c) Standard No. 3. CPAs are responsible for accurate reporting of CPE credits earned and should retain appropriate documentation of their participation in learning activities, including: name and contact information of CPE program sponsor, title and description of content, date of program, location and number of CPE credits, all of which should be included in documentation provided by the CPE program sponsor.~~

~~(i) Although CPAs are required to document a minimum level of CPE hours, through periodic reporting of CPE, the objective of CPE must always be maintenance/enhancement of professional competence, not just attainment of minimum credits.~~

~~(ii) Compliance with regulatory and other requirements mandates that CPAs keep documentation of their participation in activities designed to maintain and/or improve professional competence. In the absence of legal or other requirements for longer retention, a CPA must retain documentation for a minimum of five years from the end of the year in which the learning activities were completed.~~

~~(iii) Participants must document their claims of CPE credit. Examples of acceptable evidence of completion include:~~

~~(A) For group and independent study programs, a certificate or other verification supplied by the CPE program sponsor.~~

~~(B) For self-study programs, a certificate supplied by the CPE program sponsor after satisfactory completion of an examination.~~

~~(C) For instruction credit, a certificate or other verification supplied by the CPE program sponsor.~~

~~(D) For a university or college course that is successfully completed for credit, a record or transcript of the grade the participant received.~~

~~(E) For university or college non-credit courses, a certificate of attendance issued by a representative of the university or college.~~

~~(F) For published articles, books, or CPE programs, (1) a copy of the publication (or in the case of a CPE program, course development documentation) that names the writer as author or contributor, (2) a statement from the writer supporting the number of CPE hours claimed, and (3) the name and contact information of the independent reviewer or publisher.~~

~~(d) Standard No. 4. CPAs who complete sponsored learning activities that maintain or improve their professional competence should claim the CPE credits recommended by CPE program sponsors.~~

~~(i) CPAs may participate in a variety of sponsored learning activities, such as workshops, seminars and conferences, self-study courses, Internet-based programs, and independent study. While CPE program sponsors determine credits, CPAs should claim credit only for activities through which they maintained or improved their professional competence. CPAs who participate in only part of a program should claim CPE credit only for the portion they attended or completed.~~

~~(ii) In order to qualify as CPE, an Internet-based program must qualify as a group program as provided in Subsection R156-26a-303b(3)(b)(i) or as a self-study program as provided in Subsection R156-26a-303b(3)(g).~~

~~(e) Standard No. 5. CPAs may engage in independent study under the direction of a CPE program sponsor who has met the applicable standards for CPE program sponsors when the subject matter and level of study maintain or improve their professional competence.~~

~~(i) Independent study is an educational process designed to permit a participant to learn a given subject under the guidance of a CPE program sponsor one-on-one. Participants in an independent study program should:~~

~~(A) Enter into a written learning contract with a CPE program sponsor who must comply with the applicable standards for CPE program sponsors.~~

~~(B) Accept the written recommendation of the CPE program sponsor as to the number of credits to be earned upon successful completion of the proposed learning activities. CPE credits will be awarded only if:~~

~~(I) all the requirements of the independent study as outlined in the learning contract are met;~~

~~(II) the CPE program sponsor reviews and signs the participant's report;~~

~~(III) the CPE program sponsor reports to the participant the actual credits earned; and~~

~~(IV) the CPE program sponsor provides the participant with contact information.~~

~~(ii) The credits to be recommended by an independent study CPE program sponsor should be agreed upon in advance and should be equated to the effort expended to improve professional competence. The credits cannot exceed the time devoted to the learning activities and may be less than the actual time involved.~~

~~(iii) Retain the necessary documentation to satisfy regulatory requirements as to the content, inputs, and outcomes of the independent study.~~

~~(iv) Complete the program of independent study in 15 weeks or less.~~

~~(3) Standards for CPE Program Sponsors (Standard 1); Standards for CPE Program Development (Standards 2-7); Standards for CPE Program Presentation (Standards 8-11);~~

Standards for Program Measurement (Standards 12-16), and Standards for CPE Program Reporting (Standards 17-18). "CPE sponsor", as used herein, means the individual or organization responsible for setting learning objectives, developing the program materials to achieve such objectives, offering a program to participants, and maintaining the documentation required by these standards. The term "CPE program sponsor" may include associations of CPAs, whether formal or informal, as well as employers who offer in-house programs.

(a) Standard No. 1. CPE program sponsors are responsible for compliance with all applicable standards and other CPE requirements.

(i) In addition to the minimum requirements under this rule, CPE program sponsors may have to meet specific CPE requirements of other state licensing bodies, other governmental entities, and/or other professional organizations or bodies. CPE program sponsors should contact the appropriate entity to determine requirements.

(b) Standard No. 2. Sponsored learning activities must be based on relevant learning objectives and outcomes that clearly articulate the knowledge, skills, and abilities that can be achieved by participants in the learning activities.

(i) Learning activities, meaning an educational endeavor that improves or maintains professional competence, provided by CPE program sponsors for the benefit of CPAs, should specify the level, content, and learning objectives so that potential participants can determine if the learning activities are appropriate to their professional competence development needs. Learning activity levels include, for example, basic, intermediate, advanced, update, and overview as defined as follows:

(A) Advanced. Learning activity level most useful for individuals with mastery of the particular topic. This level focuses on the development of in-depth knowledge, a variety of skills, or a broader range of applications. Advanced level programs are often appropriate for seasoned professionals within organizations; however, they may also be beneficial for other professionals with specialized knowledge in a subject area.

(B) Basic. Learning activity level most beneficial to CPAs new to a skill or an attribute. These individuals are often at the staff or entry level in organizations, although such programs may also benefit a seasoned professional with limited exposure to the area.

(C) Intermediate. Learning activity level that builds on a basic program, most appropriate for CPAs with detailed knowledge in an area. Such persons are often at a mid-level within the organization, with operational and/or supervisory responsibilities.

(D) Overview. Learning activity level that provides a general review of a subject area from a broad perspective. These programs may be appropriate for professionals at all organizational levels.

(E) Update. Learning activity level that provides a general review of new developments. This level is for participants with a background in the subject area who desire to keep current.

(c) Standard No. 3. CPE program sponsors should develop and execute learning activities in a manner consistent with the prerequisite education, experience, and/or advance preparation of participants.

(i) To the extent it is possible to do so, CPE program sponsors should make every attempt to equate program content and

level with the backgrounds of intended participants. All programs must clearly identify prerequisite education, experience, and/or advance preparation, if any, in precise language so that potential participants can readily ascertain whether they qualify for the program.

(d) Standard No. 4. CPE program sponsors must use activities, materials, and delivery systems that are current, technically accurate, and effectively designed, and may include discussions of ethical issues that may apply to the subject matter. CPE program sponsors must be qualified in the subject matter.

(i) To best facilitate the learning process, sponsored programs and materials must be prepared, presented and updated in a timely manner. Learning activities must be developed by individuals or teams having expertise in the subject matter. Expertise may be demonstrated through practical experience or education.

(ii) CPE program sponsors must review the course materials periodically to ensure that they are accurate and consistent with currently accepted standards relating to the program's subject matter.

(e) Standard No. 5. CPE program sponsors of group and self-study programs must ensure learning activities are reviewed by qualified persons other than those who developed them to ensure that the program is technically accurate and current and addresses the stated learning objectives. These reviews must occur before the first presentation of these materials and again after each significant revision of the CPE programs.

(i) Individuals or teams qualified in the subject matter must review programs. When it is impractical to review certain programs in advance, such as lectures given only once, greater reliance should be placed on the recognized professional competence of the instructors or presenters. Using independent reviewing organizations familiar with these standards may enhance quality assurance.

(f) Standard No. 6. CPE program sponsors of independent study learning activities must be qualified in the subject matter.

(i) A CPE program sponsor of independent study learning activities must have expertise in the specific subject area related to the independent study. The CPE program sponsor must also:

(A) Review, evaluate, approve and sign the proposed independent study learning contract, including agreeing in advance on the number of credits to be recommended upon successful completion.

(B) Review and sign the written report developed by the participant in independent study.

(C) Retain the necessary documentation to satisfy regulatory requirements as to the content, inputs, and outcomes of the independent study.

(g) Standard No. 7. Self-study programs must employ learning methodologies that clearly define learning objectives, guide the participant through the learning process, and provide evidence of a participant's satisfactory completion of the program.

(i) To guide participants through a learning process, CPE program sponsors of self-study programs must elicit participant responses to test for understanding of the material, offer evaluative feedback to incorrect responses, and provide reinforcement feedback to correct responses. To provide evidence of satisfactory completion of the course, CPE program sponsors of self-study

programs must require participants to successfully complete a final examination with a minimum passing grade of at least 70 percent before issuing CPE credit for the course.

(A) Evaluative feedback, as used in this subsection, means: specific response to incorrect answers to questions in self-study programs. Unique feedback must be provided for each incorrect response, as each one is likely to be wrong for differing reasons:

(B) Reinforcement feedback, as used in this subsection, means: specific responses to correct answers to questions in self-study programs. Such feedback restates why the answer selected was correct.

(ii) Examinations may contain questions of varying format (for example, multiple-choice, essay and simulations.) If objective type questions are used, at least five questions per CPE credit must be included on the final examination. For example, the final examination for a five-credit course must include at least 25 questions:

(iii) Self-study programs must be based on materials specifically developed for instructional use. Self-study programs requiring only the reading of general professional literature, IRS publications, or reference manuals followed by a test will not be acceptable. However, the use of the publications and reference materials in self-study programs as supplements to the instructional materials could qualify if the self-study program complies with each of the CPE standards:

(h) Standard No. 8. CPE program sponsors must provide descriptive materials that enable CPAs to assess the appropriateness of learning activities. To accomplish this, CPE program sponsors must inform participants in advance of: learning objectives, prerequisites, program level, program content, advance preparation, instructional delivery methods, recommended CPE credit, and course registration requirements. Instructional delivery methods, as used in this subsection, means: delivery strategies such as case studies, computer-assisted learning, lectures, group participation, programmed instruction, teleconferencing, use of audiovisual aids, or work groups employed in group, self-study, or independent study programs:

(i) For potential participants to effectively plan their CPE, the program sponsor should disclose the significant features of the program in advance (e.g., through the use of brochures, Internet notices, invitations, direct mail, or other announcements). When CPE programs are offered in conjunction with non-educational activities, or when several CPE programs are offered concurrently, participants should receive an appropriate schedule of events indicating those components that are recommended for CPE credit. The CPE program sponsor's registration policies and procedures should be formalized, published, and made available to participants.

(ii) CPE program sponsors should distribute program materials in a timely manner and encourage participants to complete any advance preparation requirements. All programs should clearly identify prerequisite education, experience, and/or advance preparation requirements, if any, in the descriptive materials. Prerequisites should be written in precise language so that potential participants can readily ascertain whether they qualify for the program:

(i) Standard No. 9. CPE program sponsors must ensure instructors are qualified with respect to both program content and instructional methods used:

(i) Instructors are key ingredients in the learning process for any group program. Therefore, it is imperative that CPE program sponsors exercise great care in selecting qualified instructors for all group programs. Qualified instructors are those who are capable, through training, education, or experience of communicating effectively and providing an environment conducive to learning. They should be competent and current in the subject matter, skilled in the use of the appropriate instructional methods and technology, and prepared in advance. As used in this subsection, Group Program means: An educational process designed to permit a participant to learn a given subject through interaction with an instructor and other participants either in a classroom or conference setting or by using the Internet.

(ii) CPE program sponsors should evaluate the instructor's performance at the conclusion of each program to determine the instructor's suitability to serve in the future.

(j) Standard No. 10. CPE program sponsors must employ an effective means for evaluating learning activity quality with respect to content and presentation, as well as provide a mechanism for participants to assess whether learning objectives were met.

(i) The objectives of evaluation are to assess participant satisfaction with specific programs and to increase subsequent program effectiveness. Evaluations, whether written or electronic, should be solicited from participants and instructors for each program session, including self-study, to determine, among other things, whether:

(A) Stated learning objectives were met.

(B) If applicable, prerequisite requirements were appropriate.

(C) Program materials were accurate.

(D) Program materials were relevant and contributed to the achievement of the learning objectives:

(E) Time allotted to the learning activity was appropriate.

(F) If applicable, individual instructors were effective.

(G) Facilities and/or technological equipment was appropriate.

(H) Handout or advance preparation materials were satisfactory:

(I) Audio and video materials were effective.

(ii) CPE program sponsors should periodically review evaluation results to assess program effectiveness and should inform developers and instructors of evaluation results:

(k) Standard No. 11. CPE program sponsors must ensure instructional methods employed are appropriate for the learning activities. Instructional methods means: delivery strategies such as case studies, computer-assisted learning, lectures, group participation, programmed instruction, teleconferencing, use of audiovisual aids, or work groups employed in group, self-study, or independent study programs. Learning activities should be presented in a manner consistent with the descriptive and technical materials provided:

(i) CPE program sponsors should evaluate the instructional methods employed for the learning activities to determine if the delivery is appropriate and effective. Integral aspects in the learning environment that should be carefully monitored include the number of participants and the facilities and technologies employed in the delivery of the learning activity:

~~(ii) CPE program sponsors are expected to present learning activities that comply with course descriptions and objectives. Appropriate supplemental materials may also be used.~~

~~(l) Standard No. 12. Sponsored learning activities are measured by program length, with one 50-minute period equal to one CPE credit. One-half CPE credit increments (equal to 25 minutes) are permitted after the first credit has been earned in a given learning activity.~~

~~(i) For learning activities in which individual segments are less than 50 minutes, the sum of the segments should be considered one total program. For example, five 30-minute presentations would equal 150 minutes and should be counted as three CPE credits.~~

~~(ii) When the total minutes of a sponsored learning activity are greater than 50, but not equally divisible by 50, the CPE credits granted should be rounded down to the nearest one-half credit. Thus, learning activities with segments totaling 140 minutes should be granted two and one-half CPE credits.~~

~~(iii) While it is the participant's responsibility to report the appropriate number of credits earned, CPE program sponsors must monitor group learning activities to assign the correct number of CPE credits.~~

~~(iv) For university or college credit courses that meet these CPE Standards, each unit of college credit shall equal the following CPE credits: semester system 15 credits; quarter system 10 credits.~~

~~(v) For university or college non-credit courses that meet these CPE standards, CPE credits shall be awarded only for the actual classroom time spent in the non-credit course.~~

~~(vi) Credit is not granted to participants for preparation time.~~

~~(vii) Only the portions of committee or staff meetings that are designed as programs of learning and comply with these standards qualify for CPE credit.~~

~~(m) Standard No. 13. CPE credit for self-study learning activities must be based on a pilot test of the average completion time.~~

~~(i) A sample of intended professional participants should be selected to test program materials in an environment and manner similar to that in which the program is to be presented. The sample group of at least three individuals must be independent of the program development group and possess the appropriate level of knowledge before taking the program.~~

~~(ii) The sample does not have to ensure statistical validity. CPE credits should be recommended based on the average completion time for the sample. If substantive changes are subsequently made to program materials, further pilot tests of the revised program materials should be conducted to affirm or amend, as appropriate, the average completion time.~~

~~(n) Standard No. 14. Instructors or discussion leaders of learning activities should receive CPE credit for both their preparation and presentation time to the extent the activities maintain or improve their professional competence and meet the requirements of these CPE standards.~~

~~(i) Instructors, discussion leaders, or speakers who present a learning activity for the first time should receive CPE credit for actual preparation time up to two times the number of CPE credits to which participants would be entitled, in addition to the time for presentation. For example, for learning activities in~~

~~which participants could receive 8 CPE credits, instructors may receive up to 24 CPE credits (16 for preparation plus 8 for presentation).~~

~~(ii) For repeat presentations, CPE credit can be claimed only if it can be demonstrated that the learning activity content was substantially changed and such change required significant additional study or research.~~

~~(iii) The maximum credit for instructors, discussion leaders or speakers cannot exceed 50 percent of the CPE requirement.~~

~~(o) Standard No. 15. Writers of published articles, books, or CPE programs should receive CPE credit for their research and writing time to the extent it maintains or improves their professional competence.~~

~~(i) Writing articles, books, or CPE programs for publication is a structured activity that involves a process of learning. For the writer to receive CPE credit, the article, book, or CPE program must be formally reviewed by an independent party. CPE credits should be claimed only upon publication.~~

~~(ii) The maximum credit for books or articles cannot exceed 25 percent of the CPE requirement.~~

~~(p) Standard No. 16. CPE credits recommended by a CPE program sponsor of independent study must not exceed the time the participant devoted to complete the learning activities specified in the learning contract.~~

~~(i) The credits to be recommended by an independent study CPE program sponsor should be agreed upon in advance and should be equated to the effort expended to improve professional competence. The credits cannot exceed the time devoted to the learning activities and may be less than the actual time involved.~~

~~(q) Standard No. 17. CPE program sponsors must provide program participants with documentation of their participation, which includes the following: CPE program sponsor name and contact information, participant's name, course title, course field of study, date offered or completed, if applicable, location, the name of the CPE registry issuing approval, and the approval number assigned to that program by the Registry, type of instructional/delivery method used, amount of CPE credit recommended, verification by CPE program sponsor representative.~~

~~(i) CPE program sponsors should provide participants with documentation to support their claims of CPE credit. Acceptable evidence of completion includes:~~

~~(A) For group and independent study programs, a certificate or other verification supplied by the CPE program sponsor.~~

~~(B) For self-study programs, a certificate supplied by the CPE program sponsor after satisfactory completion of an examination.~~

~~(C) For instruction credit, a certificate or other verification supplied by the CPE program sponsor.~~

~~(D) For a university or college course that is successfully completed for credit, a record or transcript of the grade the participant received.~~

~~(E) For university or college non-credit courses, a certificate of attendance issued by a representative of the university or college.~~

~~(F) For published articles, books, or CPE programs: (1) a copy of the publication (or in the case of a CPE program, course development documentation) that names the writer as author or~~

contributor, (2) a statement from the writer supporting the number of CPE hours claimed, and (3) the name and contact information of the independent reviewer(s) or publisher.

(r) Standard No. 18. CPE program sponsors must retain adequate documentation for five years to support their compliance with these standards and the reports that may be required of participants.

(i) Evidence of compliance with responsibilities set forth under these Standards which is to be retained by CPE program sponsors includes, but is not limited to: records of participation, dates and locations, instructor names and credentials, number of CPE credits earned by participants, and results of program evaluations.

(ii) Information to be retained by developers includes copies of program materials, evidence that the program materials were developed and reviewed by qualified parties, and a record of how CPE credits were determined.

(iii) For CPE program sponsors offering self-study programs, appropriate pilot test records must be retained regarding the following:

(A) When the pilot test was conducted.

(B) The intended participant population.

(C) How the sample was determined.

(D) Names and profiles of sample participants.

(E) A summary of participants' actual completion time.

(4) Programs or Activities Which Do Not Qualify. The following activities do not satisfy the standards for programs of this section and are not eligible for satisfaction of CPE requirements:

(a) Personal study: personal study includes reading professional journals and publications, studying and researching matters such as tax code revisions, practicing software programs on a computer and watching video movies of a conference; and

(b) Committee meetings, dinner and luncheon meetings, firm meetings or other activities that do not meet the standards outlined in this section.]

(5) Reporting Requirements.

(a) The license renewal deadling and the CPE reporting period deadline shall have the same date of December 31 of even-numbered years.

(b) Except as otherwise authorized by the Division, CPE shall be reported online on the Division website.

(c) [Each]Δ licensee applying for license renewal shall report[;] by December 31 of each even-[-]numbered year, demonstrating completion of at least the minimum number of [redits]CPE hours required [in]under Section 58-26a-304 and this Section.[for qualified continuing professional education hours completed for the preceding two years.-]

(d) Each person applying for license reinstatement shall [file a-]report to the Division at the time of application, demonstrating completion of the CPE required under S[ubs]ection R156-26a-307.[

(a) Such report shall be by means of one of the following:

(i) certification from an approved continuing professional education registry of the hours of qualified continuing education completed; or

(ii) a report to the Division for review and approval of continuing professional education.

(b) It is the responsibility of the applicant or licensee to demonstrate to the Division that the applicant or licensee successfully completed all CPE reported and meets the requirements of this section or that the CPE has been approved by an approved continuing professional education registry and that reported courses maintained or increased the professional competence of the applicant or licensee.

(6) Continuing Professional Education Registry. To obtain approval as a continuing professional education registry, an organization shall:

(a) be a professional association primarily consisting of individuals licensed as certified public accountants;

(b) be organized and in good standing according to the laws of the state;

(c) enter into a written agreement with the Division under which the organization agrees to:

(i) review and approve only those programs which meet the standards set forth under this section;

(ii) publish and disseminate to their members or other CPAs on request, listings of continuing professional education programs which meet the standards and are approved for qualified continuing professional education credit;

(iii) maintain accurate records of qualified continuing professional education completed by each of its registrants and provide each of its registrants with a certificate on a timely basis to permit the registrant to file that certificate with the registrant's application to the Division for renewal or reinstatement of his license as a certified public accountant. The certificate shall contain the name of the instructor, the date of the program, location of the program, title of the program, the name of the sponsor, the name of the CPE registry issuing approval, and the approval number assigned to that program by the Registry, and the number of CPE hours granted; and

(iv) make records of approved of qualified continuing professional education programs and records of qualified continuing professional education completed by registrants available for audit by representatives of the Division, the Board or peer advisory committees of the board.

(7) Fees. A registry may charge a reasonable fee to registrants for services provided for approval of courses. Sponsors of approved courses may charge a lower fee to members of the sponsoring association for participation as a registrant than it charges to non-members of the association.

(8) Other CPE requirements and failure to complete CPE requirements.

(a) Implementation of CPE reporting and license renewal alignment, effective December 31, 2018.

(i) Effective December 31, 2018, the license renewal deadline and the CPE reporting period deadline shall have the same date of December 31 of even years.]

(e) If a licensee reports required CPE and renews their license prior to December 31 of an even-numbered year, any additional CPE completed by that licensee through the remainder of the even-numbered year may be reported and carried forward toward the next succeeding CPE reporting period.

(ii) For the reporting period ending December 31, 2018, the minimum CPE hour requirement under Subsection R156-26a-303b(2)(a) shall be 120 hours.

~~(iii) The CPE reporting period deadline of December 31, 2017, is extended to December 31, 2018.~~

~~(iv) A licensee may carry forward all CPE hours completed between December 31, 2015, and December 31, 2018, to the reporting period ending December 31, 2018.~~

~~(v) A license expiring September 30, 2018, shall be extended to December 31, 2018.]~~

~~([b]6) Carry Forward Provision.~~

~~([i]a) A licensee who completes more than the required hours of CPE during the reporting period may carry forward up to 40 hours to the next succeeding reporting period.~~

~~([ii]b) CPE taken in the current reporting period and CPE hours carried forward from the previous reporting period shall qualify as general CPE hours only for the current reporting period.~~

~~([e]7) Failure to comply with CPE requirements.~~

~~([i]a) [Failure to meet the minimum hour requirement. An individual holding a current Utah license] A licensee who fails to complete the required minimum CPE by the reporting deadline [will] may not [be allowed to] renew their license until the required CPE hours have been completed and reported.~~

~~([ii]b) [Waiver for Medical Reasons. A] Pursuant to Subsection 58-26-304(4), a licensee may request the Board to waive the requirements or grant an extension for [continuing professional education] CPE on the basis that the licensee was not able to complete the continuing professional education due to medical or related conditions confirmed by a qualified health care provider.~~

~~(i) Such medical confirmation shall include the beginning and ending dates during which the medical condition would have prevented the licensee from completing the [continuing professional education] CPE, the extent of the medical condition and the effect that the medical condition had upon the ability of the licensee to continue to engage in the practice of accountancy.~~

~~(ii) The Board in determining whether the waiver is appropriate shall consider whether or not the licensee continued to be engaged in the practice of accountancy practice on a full or part time basis during the period specified by the medical confirmation.~~

~~(iii) Granting a waiver of meeting the minimum CPE hours [shall] is not [be construed as] a waiver of a CPA being required to provide services in a competent manner with current knowledge, skill and ability. When medical or other conditions prevent the CPA from providing services in a competent manner, the CPA shall refrain from providing such services.]~~

~~(d) Mandatory Online Reporting.~~

~~(i) Except as otherwise authorized by the Division, CPE shall be reported online on the Division website.]~~

R156-26a-305. Exemptions from Licensure - Mobility.

~~The mobility practice privilege included in Section 58-26a-305 is further clarified, defined, and established as follows:~~

~~(1) As used in this section and Section 58-26a-305:~~

~~(a) "Mobility" means a practice privilege that generally permits a licensed CPA in good standing from a substantially equivalent state/jurisdiction where their principal place of business is located, to practice outside of that state/jurisdiction without obtaining another license. CPA mobility is a uniform approach endorsed by the AICPA and NASBA through the AICPA/NASBA Uniform Accountancy Act (UAA), allowing no-notification interstate practice by CPAs whose home jurisdiction or who~~

~~individually are substantially equivalent where they meet the UAA licensure standard. The individual and firm automatically consent to the jurisdiction of the mobility state, and the mobility state's ability to discipline under the provision is based on the performance of services within the mobility state, whether physically, electronically, or otherwise.~~

~~(b) "Individual mobility" means an individual CPA meets the requirements of Subsection 58-26a-305(1)(a) and Section R156-26a-305 to perform services through mobility in Utah. A CPA with individual mobility does not need to obtain a Utah CPA license or otherwise register with the Division.~~

~~(c) "Firm mobility" means a CPA firm meets the requirements of Subsection 58-26a-305(1)(a) and Section R156-26a-305 to perform services through mobility in Utah. A CPA firm with firm mobility does not need to obtain a Utah CPA firm license or register with the Division.~~

~~(d) "Home jurisdiction", for purposes of Section 58-26a-305 and this Section, means the jurisdiction where a CPA or CPA firm is licensed and their principal place of business is located.~~

~~(e) "Mobility tool" means the online tool developed by the AICPA and NASBA to help CPAs and CPA firms understand mobility and determine their eligibility for mobility, available at <https://cpamobility.org>.~~

~~(2) A CPA or CPA firm performing services through mobility in Utah shall hold an active, unrestricted license in good standing in their home jurisdiction. An inactive or restricted CPA or CPA firm license is invalid pursuant to Subsection 58-26a-305(1)(a)(ii)(C).~~

~~(3) A CPA performing services through mobility shall only perform the same level of services (attest or non-attest) in the mobility jurisdiction as they are permitted to perform in their home jurisdiction.~~

~~(4) A CPA firm not licensed in Utah may perform services through mobility in Utah as a person exempt from licensure pursuant to Subsection 58-26a-305(1)(a), if:~~

~~(a) the CPA firm's principal place of business is not in Utah;~~

~~(b) the CPA firm holds an active, unrestricted CPA firm license in good standing in its home jurisdiction; and~~

~~(c) the CPA firm meets the ownership and peer review requirements of the mobility jurisdiction pursuant to Subsection 58-26a-302(3)(a)(iii) and Subsection R156-26a-303a.~~

~~(5) A licensed CPA or CPA firm may obtain information regarding their eligibility for mobility by using the mobility tool at <https://cpamobility.org>.~~

R156-26a-307. Reinstatement of Licenses.

~~(1) An individual [having] who held a Utah license which has expired for failure to renew for nonpayment of fees, or an individual applying for reinstatement from emeritus status, may be relicensed upon satisfactory completion of:~~

~~(a) submission of an application on forms supplied by the Division which shall contain information as to why the [person] individual allowed their license to lapse; and~~

~~(b) 80 hours of [acceptable] qualified CPE[;] completed within the 12 months preceding the submission of [an] the application for reinstatement, which shall include;~~

~~(i) [a minimum of] at least 16 hours in accounting or auditing or both; and~~

~~(ii) [shall include] successful completion of the AICPA Professional Ethics for CPAs [Ethics Self-Study] Examination and the Utah CPA Laws and Rules Examination with [a] minimum scores of at least the minimum score required for initial licensure. [Successful completion of the two examinations will] which shall count as eight hours of CPE towards the 80 hour requirement.~~

~~(i)2) The requirements in Subsection R156-26-307(1)(b) [are] may be waived if the reinstatement applicant;~~

~~(a) has not been practicing within [the state of] Utah since the expiration of the license being reinstated[;];~~

~~(b) [the reinstatement applicant] has continuously since the expiration been licensed and practicing in another state; and~~

~~(c) [the reinstatement applicant] demonstrates that the applicant has met all the CPE requirements that would have been applicable in [the state of] Utah during the time the license was expired in [the state of] Utah.~~

~~(ii)3) The requirements in Subsection R156-26a-307(1) (b) [are] may be waived[;] if;~~

~~(a) the applicant failed to renew because of inadvertent failure to pay the renewal fees, to sign application documents, or to meet similar technical application requirements;~~

~~(b) [and] the application for reinstatement is filed with the Division within 24 months after expiration date of the license; and~~

~~(c) at time of application for reinstatement the applicant demonstrates by proof of attendance at acceptable CPE courses that at all times the applicant was in full compliance with the CPE requirements.~~

~~(2)4) The number of hours required to reinstate a license [shall] may not satisfy in whole or part any of the minimum hours of CPE that may be required for subsequent renewal of the license.~~

R156-26a-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) willfully failing to comply with continuing professional education or fraudulently reporting continuing professional education;

(2) commission of an act or omission that fails to conform to the accepted and recognized standards and ethics of the profession including those stated in the AICPA Code of Professional Conduct, effective December 15, 2014, updated through August 31, 2016, which is hereby incorporated by reference; or

(3) a CPA firm using the name of a person who is not a licensed certified public accountant as part of the CPA firm name, with the exception that a CPA firm may continue to use the name of a former owner who was a CPA but who has retired or is no longer active in the CPA firm.

KEY: accountants, licensing, peer review, continuing professional education

Date of Enactment or Last Substantive Amendment: [November 7, 2017] 2019

Notice of Continuation: October 6, 2016

Authorizing, and Implemented or Interpreted Law: 58-26a-101; 58-1-106(1)(a); 58-1-202(1)(a)

Education, Administration **R277-317** Incentives for National Board Certification

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 44064

FILED: 09/13/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As part of the ongoing Utah State Board of Education (Board) licensing rule updates, the Board has proposed Rule R277-317 to incorporate incentives related to national board certification.

SUMMARY OF THE RULE OR CHANGE: Rule R277-317 includes rules for reimbursement of the costs for obtaining national board certification, as well as a new incentive adopted by the Legislature for a salary supplement for national board certified teachers. Rule R277-317, if adopted, would replace Rule R277-521, National Board Certification Reimbursement. (EDITOR'S NOTE: The proposed repeal of Rule R277-521 is under Filing No. 44066 in this issue, October 1, 2019, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53F-2-521 and Section 53F-5-202 and Subsection 53E-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule is not expected to have any fiscal impact on state government revenues or expenditures. Previously, the rule for the Incentives for National Board Certification was Rule R277-521 which is being repealed. This rule is being renumbered within the new licensing rule numbering system and updated to reflect changes made in S.B. 208, National Certification Teacher Incentive Amendments, passed in the 2019 General Session. This bill moves provisions related to a salary supplement for a teacher who holds a national board certification from the Teacher Salary Supplement Program to a new program, and increases the amount of a salary supplement for a teacher who holds a national board certification, and holds a certification and teaches in a Title I school. This rule will not impact state government revenues or expenditures because the program is funded with a state appropriation, and the program changes are statutory and are covered by the existing legislative appropriation for the program.

◆ **LOCAL GOVERNMENTS:** This rule is not expected to have any fiscal impact on local governments' revenues or expenditures. Previously, the rule for the Incentives for National Board Certification was Rule R277-521 which is

being repealed. This rule is being renumbered within the new licensing rule numbering system and updated to reflect changes made in S.B. 208 (2019). This bill moves provisions related to a salary supplement for a teacher who holds a national board certification from the Teacher Salary Supplement Program to a new program, and increases the amount of a salary supplement for a teacher who holds a national board certification, and holds a certification and teaches in a Title I school. This rule does not have an independent fiscal impact on local governments.

♦ **SMALL BUSINESSES:** This rule is not expected to have any fiscal impact on small businesses' revenues or expenditures. This rule applies to the program incentivizing national board certification which is state funded and thus does not apply to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule is not expected to have any fiscal impact on persons other than small businesses', businesses', or local government entities' revenues or expenditures. S.B. 208 (2019) moves provisions related to a salary supplement for a teacher who holds a national board certification from the Teacher Salary Supplement Program to a new program, and increases the amount of a salary supplement for a teacher who holds a national board certification, and holds a certification and teaches in a Title I school. This rule does not have an independent fiscal impact on other individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenue for non-small businesses. This rule has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either. The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenue for non-small businesses.

The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

R277. Education, Administration.

R277-317. Incentives for National Board Certification.

R277-317-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Section 53F-5-202, which requires the Board to make rules to specify procedures and timelines for reimbursing educators for the cost to attain or renew a National Board certification; and

(d) Section 53F-2-521, which requires the Board to implement a salary supplement for National Board-certified teachers.

(2) The purpose of this rule is to specify procedures and timelines for:

(a) reimbursements to educators under Section 53F-5-202; and

(b) applications for the salary supplement under Section 53F-2-521.

R277-317-2. Definitions.

(1) "Eligible educator" means an educator who holds a current National Board certification attained or renewed:

(a) after July 1, 2016; and

(b) while employed as an educator by an LEA in Utah.

(2) "Local education agency" or "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(3) "National Board certification" means the same as that term is defined in Section 53E-6-102.

(4) "National Board-certified teacher" or "board-certified teacher" has the same meaning as defined in Subsection 53F-2-521(1)(b).

R277-317-3. Salary Supplement for National Board-Certified Teachers.

(1) The Superintendent shall allocate funds for salary supplements to board-certified teachers in accordance with Subsection 53F-2-521(3).

(2) The Superintendent shall maintain an online application system for board-certified teachers and make it available to educators no later than October 1 each school year.

(3) An applicant for the Board-certified salary supplement shall apply to the Superintendent by April 30.

(4)(a) If an applicant is denied funds under this rule, the applicant may submit a written appeal to the Superintendent prior to June 1.

(b) An appeal under Subsection (4)(a) is limited to the following issues:

(i) whether the applicant is a board-certified teacher;

(ii) whether the applicant was assigned to teach at a Title I school during the school year at issue; or

(iii) whether the Superintendent's initial denial was inconsistent with Section 53F-2-521 or this Rule R277-317; or

(iv) whether the Superintendent's initial denial was based on inaccurate or missing information.

(c) The Superintendent may designate a panel of at least two Board staff members to review an appeal made under Subsection (4)(a) and make a recommendation to the Superintendent.

(i) A panel designated in accordance with Subsection (5) (c) shall make a recommendation in accordance with the provisions of Section 53F-2-504 or this Rule R277-318.

(ii) The panel shall make a recommendation on an appeal within 30 days of receipt of the written appeal.

(5) The Superintendent shall issue a ruling on an appeal within 15 days of receipt of the panel's recommendation.

(6) The decision of the Superintendent on an appeal is the final Board administrative action.

R277-317-4. Grants for National Board Certification.

(1) The Superintendent shall establish and maintain an online application system through which an educator may apply for a grant to pay for fees and costs to pursue or renew a National Board certification.

(2) An applicant for a grant under Subsection (1) shall pay a registration fee to the National Board for Professional Teaching Standards or "NBPTS" prior to submitting the application.

(3) The Superintendent shall pay a grant under Subsection (1) directly to NBPTS.

(4)(a) To receive a grant under Subsection (1), an educator shall submit an application through the application system, including all information required by Section 53F-5-202.

(b) The Superintendent shall accept applications from July 1 through December 1 annually.

(c) The Superintendent shall establish an expedited process for educators seeking to begin the National Board certification program in 2020.

(5) The Superintendent may not award a grant under this Section to an educator with a currently suspended license.

(6)(a) The Superintendent shall annually determine the number of new grant awards available based on:

(i) legislative appropriations;

(ii) estimated costs under Section R277-317-3;

(iii) encumbered costs for grants previously awarded under this section; and

(iv) costs associated with obtaining national board certification.

(b) The Superintendent shall publish the number of new grants available by October 15 annually.

(c) If the number of applicants exceeds the number of available grant awards, the Superintendent shall randomly choose grant recipients from all complete applications.

(7) In order for an educator to receive a grant under this section, the Superintendent shall require the educator to attest that the educator will not accept payment of National Board certification costs covered under the grant from any other party.

(8) A grant recipient shall notify the superintendent as soon as possible if:

(a) the individual discontinues pursuit of national board certification;

(b) the individual becomes ineligible to receive a grant under this section;

(c) the individual becomes ineligible to pursue national board certification under rules established by the National Board for Professional Teaching Standards; or

(d) the individual requests approval for an amendment to the individual's application plan.

KEY: national board certification, grants, salary supplements
Date of Enactment of Last Substantive Amendment: 2019
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-5-202; 53F-2-521

Education, Administration
R277-404
 Requirements for Assessments of
 Student Achievement

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 44069
 FILED: 09/13/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah State Board of Education (Board) has proposed updates to Rule R277-404 in accordance with recent legislative changes in H.B. 118, Incentive for Statewide Assessment Performance, passed in the 2019 General Session, which allows for a student's performance on a statewide assessment to be factored into the student's grade.

SUMMARY OF THE RULE OR CHANGE: These rule changes update language to be consistent with H.B. 118 (2019). More specifically allowing a teacher to use a student's score on a statewide assessment in the student's grade.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53E-4-302 and Subsection 53E-3-401(4) and Subsection 53G-6-803(9)(b)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These rule changes are not expected to have any fiscal impact on state government revenues or expenditures. This rule is being updated to reflect H.B. 118 (2019). This bill allows a teacher to use a student's score on certain assessments to improve the student's academic grade or demonstrate the student's competency, and prohibits a local education agency (LEA) from providing a nonacademic reward to a student for taking certain assessments. These rule changes make the corresponding changes to this rule along with technical and formatting changes, and thus will not have a fiscal impact.

◆ **LOCAL GOVERNMENTS:** These rule changes are not expected to have any fiscal impact on local governments' revenues or expenditures. This rule is being updated to reflect H.B. 118 (2019). This bill allows a teacher to use a student's score on certain assessments to improve the student's academic grade or demonstrate the student's competency and prohibits a LEA from providing a nonacademic reward to a student for taking certain assessments. These rule changes make the corresponding changes to this rule along with technical and formatting changes, and thus will not have a fiscal impact.

◆ **SMALL BUSINESSES:** These rule changes are not expected to have any material fiscal impact on small businesses' revenues or expenditures because this rule is about allowable uses by LEAs of a student's score on certain assessments and thus does not apply to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes are not expected to have any fiscal impact on persons other than small businesses', businesses', or local government entities' revenues or expenditures. This rule is being updated to reflect H.B. 118 (2019). This bill allows a teacher to use a student's score on certain assessments to improve the student's academic grade or demonstrate the student's competency and prohibits a LEA from providing a nonacademic reward to a student for taking certain assessments. These rule changes make the corresponding changes to this rule along with technical and formatting changes, and thus will not have a fiscal impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not

expected to receive increased or decreased revenues per year. These rule changes are not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and they do not require any expenditures of or generate revenue for non-small businesses. These rule changes have no fiscal impact on LEAs and will not have a fiscal impact on small businesses either. The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

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, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. These proposed rule changes are not expected to have any fiscal impacts on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenue for non-small businesses.

The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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

R277. Education, Administration.

R277-404. Requirements for Assessments of Student Achievement.

R277-404-1. Authority and Purpose.

(1) This rule is authorized by:
(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

~~(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;~~

~~([b]c) Section 53E-4-302, which directs the Board to adopt rules for the administration of statewide assessments; and~~

~~([e]d) Subsection 53G-6-803(9)(b), which requires the Board to adopt rules to establish a statewide procedure for exempting a student from taking certain assessments; and~~

~~(d) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.]~~

(2) The purpose of this rule is to:

- (a) provide consistent definitions; and
- (b) assign responsibilities and procedures for the administration of statewide assessments, as required by state and federal law.

R277-404-2. Definitions.

(1) "Benchmark reading assessment" means the Board approved literacy assessment that is administered to a student in grade 1, grade 2, and grade 3 at the beginning, middle, and end of year.

(2) "College readiness assessment" means the:

(a) same as that term is ~~defined~~described in Section 53E-4-305; and

(b) American College Testing exam, or ACT.

(3) "English Learner" or "EL student" means a student who is learning in English as a second language.

(4) "English language proficiency assessment" means the World-class Instructional Design and Assessment (WIDA) Assessing Comprehension in English State-to-State (ACCESS), which is designed to measure the acquisition of the academic English language for an English Learner student.

(5) "Family Educational Rights and Privacy Act of 1974" or "FERPA," 20 U.S.C. 1232g, means a federal law designed to protect the privacy of students' education records.

(6) "High school assessment":

(a) means the same as that term is ~~defined~~described in Section 53E-4-304;

(b) means the "Utah Aspire Plus"; and

(c) includes the Utah Aspire Plus assessment of proficiency in:

(i) English;

(ii) math;

(iii) science; and

(iv) reading.

(7) "National Assessment of Education Progress" or "NAEP" means the national achievement assessment administered by the United States Department of Education to measure and track student academic progress.

(8) "State required assessment" means an assessment described in Subsection 53G-6-803(9)(a).

(9) "Standards Assessment":

(a) means the same as that term is ~~defined~~described in ~~Section~~Subsection 53E-4-303(2)(a); and

(b) means the "Readiness Improvement Success Empowerment" or "RISE";

(c) for each school year, includes one writing prompt from the writing portion of the RISE English language arts assessment for grades 5 and 8.

(10) "Statewide assessment" means the:

(a) ~~the same as that term is defined in Subsection 53E-4-301(2);~~~~standards assessment;~~

~~(b) high school assessment;~~

~~(c) college readiness assessment;~~

~~(d) Utah alternative assessment; and~~

~~(e) benchmark reading assessment; and~~

~~(f) English language proficiency assessment.~~

(11) "Section 504 accommodation plan" means a plan:

(a) required by Section 504 of the Rehabilitation Act of 1973; and

(b) designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

(12)(a) "Utah alternate assessment" means an assessment instrument:

(i) for a student in special education with a disability so severe the student is not able to participate in a statewide assessment even with an assessment accommodation or modification; and

(ii) that measures progress on the Utah core instructional goals and objectives in the student's IEP.

(b) "Utah alternate assessment" means:

(i) for science, the Utah Alternate Assessment (UAA); and

(ii) for English language arts and mathematics, the Dynamic Learning Maps (DLM).

(13) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows:

(a) an LEA and the Superintendent to electronically exchange an individual detailed student record; and

(b) electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

R277-404-3. Incorporation of Standard Test Administration and Testing Ethics Policy by Reference.

(1) This rule incorporates by reference the Standard Test Administration and Testing Ethics Policy, ~~June 6, 2019~~~~August 2, 2018~~, which establishes:

(a) the purpose of testing;

(b) the statewide assessments to which the policy applies;

(c) teaching practices before assessment occurs;

(d) required procedures for after an assessment is complete and for providing assessment results;

(e) unethical practices;

(f) accountability for ethical test administration;

(g) procedures related to testing ethics violations; and

(h) additional resources.

(2) A copy of the Standard Test Administration and Testing Ethics Policy is located at:

(a) <https://www.schools.utah.gov/assessment?mid=1104&tid=5>; and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

R277-404-4. Superintendent Responsibilities.

(1) The Superintendent shall facilitate:

(a) administration of statewide assessments; and

(b) participation in NAEP, in accordance with Subsection 53E-4-302(1)(b).

(2) The Superintendent shall provide guidelines, timelines, procedures, and assessment ethics training and requirements for all statewide assessments.

(3) The Superintendent shall designate a testing schedule for each statewide assessment and publish the testing window dates on the Board's website before the beginning of the school year.

R277-404-5. LEA Responsibilities - Time Periods for Assessment Administration.

(1)(a) Except as provided in Section (1)(b)~~[-(1)(e);]~~ and R277-404-7 an LEA shall administer statewide assessments to all students enrolled in the grade level or course to which the assessment applies.

(b) A student's IEP team, English Learner team, or Section 504 accommodation plan team shall determine an individual student's participation in statewide assessments consistent with the Utah Participation and Accommodations Policy.

(2) An LEA shall develop a plan to administer statewide assessments.

(3) The plan shall include:

(a) the dates that the LEA will administer each statewide assessment;

(b) professional development for an educator to fully implement the assessment system;

(c) training for an educator and an appropriate paraprofessional in the requirements of assessment administration ethics; and

(d) training for an educator and an appropriate paraprofessional to use statewide assessment results effectively to inform instruction.

(4) An LEA shall submit the plan to the Superintendent by September 15 annually.

(5) At least once each school year, an LEA shall provide professional development for all educators, administrators, and assessment administrators concerning guidelines and procedures for statewide assessment administration, including educator responsibility for assessment security and proper professional practices.

(6) LEA assessment staff shall use the Standard Test Administration and Testing Ethics Policy in providing training for all assessment administrators and proctors.

(7) An LEA may not release state assessment data publicly until authorized to do so by the Superintendent.

(8) An LEA educator or trained employee shall administer statewide assessments consistent with the testing schedule published on the Board's website.

(9) An LEA educator or trained employee shall complete all required assessment procedures prior to the end of the assessment window defined by the Superintendent.

(10)(a) If an LEA requires an alternative schedule with assessment dates outside of the Superintendent's published schedule, the LEA shall submit the alternative testing plan to the Superintendent by September 15 annually.

(b) The alternative testing plan shall set dates for assessment administration for courses taught face-to-face or online.

R277-404-6. School Responsibilities.

~~[(1)(a) An LEA, school, or educator may not use a student's score on a state required assessment to determine:~~

~~—(i) the student's academic grade, or a portion of the student's academic grade, for the appropriate course; or~~

~~—(ii) whether the student may advance to the next grade level.~~

~~—(b)(i) An LEA may consider, as one of multiple lines of evidence, a student's score on a state required assessment to determine whether a student may enroll in an honors, advanced placement, or International Baccalaureate course.]~~

~~[(ii)(1) An LEA may not prohibit a student from enrolling in an honors, advanced placement, or International Baccalaureate course:~~

~~[(A)(a) based on a student's score on a state required assessment; or~~

~~[(B)(b) because the student was exempted from taking a state required assessment.~~

~~[(e) In accordance with Subsection 53G-6-803(1), an LEA shall reasonably accommodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course.]~~

(2) An LEA and school shall require an educator, assessment administrator, and proctor to individually sign a document provided by the Superintendent acknowledging or assuring that the educator administers statewide assessments consistent with ethics and protocol requirements.

(3) An educator and assessment administrator shall conduct assessment preparation, supervise assessment administration, and certify assessment results before providing results to the Superintendent.

(4) An educator, assessment administrator, and proctor shall securely handle and return all protected assessment materials, where instructed, in strict accordance with the procedures and directions specified in assessment administration manuals, LEA rules and policies, and the Standard Test Administration and Testing Ethics Policy.

R277-404-7. Student and Parent Participation in Student Assessments in Public Schools; Parental Exclusion from Testing and Safe Harbor Provisions.

(1) As used in this section, "penalize" means to put in an unfavorable position or at an unfair disadvantage.

(2)(a) ~~A [P]parent[s] [are]is~~ primarily responsible for ~~their children's~~ a child's education and has~~ve~~ the constitutional right to determine which aspects of public education the child participates in, including assessment systems~~, in which their children participate~~.

(b) Parents may further exercise their inherent rights to exempt their children from a state required assessment without further consequence by an LEA.

(3)(a) A parent may exercise the right to exempt their child from a state required assessment.

(b) Except as provided in Subsection (3)(c), an LEA may not penalize a student who is exempted from a state required assessment under this section.

(c) If a parent exempts the parent's child from the basic civics test required in Sections 53E-4-205 and R277-700-8, the parent's child is not exempt from the graduation requirement in Subsection 53E-4-205(2), and may not graduate without successfully completing the requirements of Sections 53E-4-205 and R277-700-8.

(4)(a) To exercise the right to exempt a child from a state required assessment under this provision and ensure the protections of this provision, a parent shall:

(i) fill out:

(A) the Parental Exclusion from State Assessment Form provided on the Board's website; or

(B) an LEA specific form as described in Subsection (4)(b); and

(ii) submit the form:

(A) to the principal or LEA either by email, mail, or in person; and

(B) on an annual basis; and

(C) except as provided in Subsection (4)(b), at least one day prior to the beginning of the assessment.

(b) An LEA may allow a parent to exempt a student from taking a state required assessment less than one day prior to the beginning of the assessment upon parental request.

(c) An LEA may create an LEA specific form for a parent to fill out as described in Subsection (4)(a)(i)(B) if:

(i) the LEA includes a list of local LEA assessments that a parent may exempt the parent's student from as part of the LEA specific form; and

(ii) the LEA specific form includes all of the information described in the Parental Exclusion from State Assessment Form provided on the Board's website as described in Subsection (4)(a)(i)(A).

(5)(a) A teacher, principal, or other LEA administrator may contact a parent to verify that the parent submitted a parental exclusion form described in Subsection (4)(a)(i).

(b) An LEA may request, but may not require, a parent to meet with a teacher, principal, or other LEA administrator regarding the parent's request to exclude the parent's student from taking a state required assessment.

(6) The administration of any assessment that is not a state required assessment, including consequences associated with taking or failing to take the assessment, is governed by policy adopted by each LEA.

(7) An LEA shall provide a student's individual test results and scores to the student's parent or guardian upon request and consistent with the protection of student privacy.

(8) An LEA may not provide a nonacademic reward to a student for a student's participation in or performance on a state required assessment.

(9) An LEA shall allow an educator to provide an academic incentive for a student's performance on a state required assessment in accordance with Subsections 53E-4-303(4)(b), 304(3), and 305(4).

(9)10 An LEA shall ensure that a student who has been exempted from participating in a state required assessment under this section is provided with an alternative learning experience if the student is in attendance during test administration.

(11)0 An LEA may allow a student who has been exempted from participating in a state required assessment under this section to be physically present in the room during test administration.

R277-404-8. Public Education Employee Compliance with Assessment Requirements, Protocols, and Security.

(1) An educator, test administrator or proctor, administrator, or school employee may not:

(a) provide a student directly or indirectly with a specific question, answer, or the content of any specific item in a statewide assessment prior to assessment administration;

(b) download, copy, print, take a picture of, or make any facsimile of protected assessment material prior to, during, or after assessment administration without express permission of the Superintendent and an LEA administrator;

(c) change, alter, or amend any student online or paper response answer or any other statewide material at any time in a way that alters the student's intended response;

(d) use any prior form of any statewide assessment, including pilot assessment materials, that the Superintendent has not released in assessment preparation without express permission of the Superintendent and an LEA administrator;

(e) violate any specific assessment administrative procedure specified in the assessment administration manual, violate any state or LEA statewide assessment policy or procedure, or violate any procedure specified in the Standard Test Administration and Testing Ethics Policy;

(f) fail to administer a statewide assessment;

(g) fail to administer a statewide assessment within the designated assessment window;

(h) submit falsified data;

(i) allow a student to copy, reproduce, or photograph an assessment item or component; or

(j) knowingly do anything that would affect the security, validity, or reliability of statewide assessment scores of any individual student, class, or school.

(2) A school employee shall promptly report an assessment violation or irregularity to a building administrator, an LEA superintendent or director, or the Superintendent.

(3) An educator who violates this rule or an assessment protocol is subject to Utah Professional Practices Advisory Commission or Board disciplinary action consistent with R277-2[5]15.

(4) All assessment material, questions, and student responses for required assessments is designated protected, consistent with Subsection 63G-2-305(5), until released by the Superintendent.

(5)(a) Each LEA shall ensure that all assessment content is secured so that only authorized personnel have access and that assessment materials are returned to Superintendent following testing, as required by the Superintendent.

(b) An individual educator or school employee may not retain or distribute test materials, in either paper or electronic form, for purposes inconsistent with ethical test administration or beyond the time period allowed for test administration.

R277-404-9. Data Exchanges.

(1) The Board's IT Section shall communicate regularly with an LEA regarding the required format for electronic submission of required data.

(2) An LEA shall update UTREx data using the processes and according to schedules determined by the Superintendent.

(3) An LEA shall ensure that any computer software for maintaining or submitting LEA data is compatible with data reporting requirements established in Rule R277-484.

(4) The Superintendent shall provide direction to an LEA detailing the data exchange requirements for each statewide assessment.

(5) An LEA shall ensure that all statewide assessment data have been collected and certify that the data are ready for accountability purposes no later than July 12.

(6) An LEA shall verify that it has satisfied all the requirements of the Superintendent's directions described in this section.

(7) Consistent with Utah law, the Superintendent shall return assessment results from all statewide assessments to the school before the end of the school year.

KEY: assessments, student achievements

Date of Enactment or Last Substantive Amendment: ~~February 22, 2019~~

Notice of Continuation: November 29, 2016

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-4-302; 53E-3-401(4); 53G-6-803(9)(b)

Education, Administration
R277-464
School Counselor Direct and Indirect Services

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 44067

FILED: 09/13/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Proposed Rule R277-464 is being enacted in response to H.B. 81, School Counselor Services, passed in the 2019 General Session, which requires the Utah State Board of Education (Board) to adopt rules regarding certain services provided by school counselors and prohibiting school counselors from performing certain activities.

SUMMARY OF THE RULE OR CHANGE: Rule R277-464 establishes standards and time limits for direct and indirect services, and includes a list of inappropriate activities provided by a counselor within a local education agency (LEA).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Subsection 53E-3-401(4) and Subsection 53E-3-518

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Adds School Counselor Services, published by Utah State Board of Education, 09/05/2019

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule is not expected to have any fiscal impact on state government revenues or expenditures. This rule is being proposed to reflect H.B. 81 (2019). This bill directs the Board to adopt rules regarding certain services provided by school counselors, and prohibits school counselors from certain activities. This rule implements these statutory requirements regarding school counselors and thus will not have a fiscal impact.

◆ **LOCAL GOVERNMENTS:** This rule is not expected to have any fiscal impact on local governments' revenues or expenditures. H.B. 81 (2019) directs the Board to adopt rules regarding certain services provided by school counselors and

prohibits school counselors from certain activities. This rule implements these statutory requirements regarding school counselors. This rule does specify that LEAs should ensure that school counselors devote 85 percent of their time to direct services and no more than 15 percent to indirect services. However, as per Board Rule R277-462, approved school counseling programs are required to implement the Utah College and Career Readiness School Counseling Model Second Edition, 2016, which has this 85/15 use of time by school counselors already delineated and thus this rule will not have an independent fiscal impact.

◆ **SMALL BUSINESSES:** This rule is not expected to have any material fiscal impact on small businesses' revenues or expenditures because this rule is about school counselors and thus does not apply to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule is not expected to have any fiscal impact on persons other than small businesses', businesses', or local government entities' revenues or expenditures. H.B. 81 directs the Board to adopt rules regarding certain services provided by school counselors, and prohibits school counselors from certain activities. This rule implements these statutory requirements regarding school counselors and thus will not have a fiscal impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenue for non-small businesses. This rule has no fiscal impact on LEAs and will not have a fiscal impact on small businesses either. The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

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

EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY, UT 84111-3272
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenue for non-small businesses.

The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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	FY 2020	FY 2021	FY 2022
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, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for

R277. Education, Administration.
R277-464. School Counselor Direct and Indirect Services.
R277-464-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Subsection 53E-3-518, which directs the Board to make rules specifying:
 - (i) the recommended direct and indirect services a school counselor may provide;
 - (ii) the recommended amount of time a school counselor may spend on direct and indirect services; and
 - (iii) activities for a school counselor.
- (2) The purpose of this rule is to establish standards and time limits for direct and indirect services provided by a counselor within an LEA.

R277-464-2. Definitions.

- (1) "Direct services" means services provided to a student consistent with the School Counselor Services document incorporated by reference in Section R277-464-3.
- (2) "Indirect services" means all other services consistent with the School Counselor Services document incorporated by reference in Section R277-464-3.
- (3) "Non-school counselor activities" means activities inconsistent with direct and indirect services and deemed inappropriate consistent with the School Counselor Services document incorporated by reference in Section R277-464-3.
- (4) "School counselor" means the same as the term is defined in Subsection R277-462-2(3).

R277-464-3. Incorporation of School Counselor Services Document.

- (1) This rule incorporates by reference the School Counselor Services Document, August 2019, which lists approved direct services and indirect services provided by a school's counseling program.
- (2) A copy of the School Counselor Services Document is located at:
 - (a) <https://www.schools.utah.gov/file/d53963de-f5cb-456f-8502-2bc8ca7769cd>; and
 - (b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

R277-464-4. Time Allotment for Direct and Indirect Services.

- (1) An LEA shall ensure the time allotment for implementation of a school's program be allocated in the following ways:

(a) 85% of a school program's aggregate time is devoted to providing direct services to students, including:

- (i) collaborative classroom instruction;
- (ii) assisting in creating a plan for college and career readiness;
- (iii) dropout prevention efforts, including student social and emotional supports; and
- (iv) providing supports for a student's needs consistent with the program; and

(b) no more than 15% of a school program's aggregate time is devoted to indirect services including:

- (i) faculty meetings;
- (ii) administrative duties related to the program;
- (iii) professional development of a school counselor; and
- (iv) leadership meetings.

(2) An LEA shall ensure all direct and indirect services are consistent with the listed appropriate usage of time provided in the School Counselor Services document incorporated by reference in Section R277-464-3.

(3) An LEA shall ensure all appropriate and prohibited inappropriate activities are consistent with the School Counselor Services document incorporated by reference in Section R277-464-3, including the elimination of non-school counseling duties such as test coordination and administration.

(4) An LEA that receives funds pursuant to R277-462 shall be subject to the requirements of this rule and all additional requirements as described in R277-462.

R277-464-5. Annual Assurance and Compliance.

An LEA shall provide an annual assurance of intent to comply with the time allocation described in Section R277-464-4 through the annual assurances document described in R277-108.

KEY: school counselors, services

Date of Enactment or Last Substantive Amendment: 2019
Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-3-518

Education, Administration
R277-473
Utah Computer Science Grant

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 44065

FILED: 09/13/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Utah State Board of Education (Board) Rule R277-473 was enacted due to the passage of H.B. 227, Utah Computer Science Grant Act, passed in the 2019 General Session, which allows the Board to adopt rules regarding certain grant application requirements and the funding distribution.

SUMMARY OF THE RULE OR CHANGE: The summary of this rule is to outline the reporting requirements for a grant recipient; the funding distribution for a grant; and the additional criteria required for a grant recipient to include in the grant recipient's computer science grant plan.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Subsection 53E-3-401(4) and Subsection 63N-12-506(5) and Subsection 63N-12-506(7)

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Adds Utah Master Plan, published by Utah State Board of Education, 09/05/2019

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: This rule is not expected to have an independent fiscal impact on state government revenues and/or expenditures. H.B. 227 (2019) established the Computer Science for Utah Grant Program for eligible local education agencies (LEAs) and funded it with a state appropriation. Thus, this rule does not have an independent fiscal impact on state government revenues and/or expenditures.

◆ LOCAL GOVERNMENTS: This rule is not expected to have an independent fiscal impact on local governments' revenues and/or expenditures. H.B. 227 (2019) established the Computer Science for Utah Grant Program for eligible LEAs and funded the program with a state appropriation. This rule outlines grant application requirements and funding distribution parameters for the program. H.B. 227 (2019) directs the Board to adopt rules for requirements for LEAs to participate in the program.

◆ SMALL BUSINESSES: This rule is not expected to have an independent fiscal impact on small businesses' revenues and/or expenditures. This rule outlines grant application requirements and funding distribution parameters for the Utah Computer Science Grant Program. The program is funded through state appropriated monies. LEAs may contract with small businesses in the state as a result of the program. However, H.B. 227 (2019) directs the Board to adopt rules for requirements for LEAs to participate in the program.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule is not expected to have an independent fiscal impact on revenues and/or expenditures for persons other than small businesses, businesses, or local government entities. This rule outlines grant application requirements and funding distribution parameters for the Utah Computer Science Grant Program. The program is funded through state appropriated monies. LEAs may contract with Utah persons other than small businesses, businesses, or local government entities, as a result of the program. However, H.B. 227 (2019) directs the Board to adopt rules for requirements for LEAs to participate in the program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule is not expected to have an independent fiscal impact on non-small businesses', small business', local government entity' or other persons' revenues and/or expenditures. No non-public schools would qualify for grants under this program. H.B. 227 directs the Board to adopt rules for requirements for LEAs to participate in the program. The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

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, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenue for non-small businesses.

The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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

R277. Education, Administration.

R277-473. Utah Computer Science Grant.

R277-473-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Subsection 63N-12-506(5) which allows the Board, in consultation with the Talent Ready Utah Board, to make rules outlining a grant recipient's reporting requirements; and
 - (d) Subsection 63N-12-506(7) which allows the Board to make rules outlining additional requirements for a grant recipient to include in the grant recipient's computer science grant plan.
- (2) The purpose of this rule is to outline:
 - (a) the reporting requirements for a grant recipient; and
 - (b) the additional criteria required for a grant recipient to include in the grant recipient's computer science grant plan.

R277-473-2. Definitions.

- (1) "Computer science advisory committee" or "advisory committee" means the computer science advisory committee established in Section R277-473-5.

(2) "Talent Ready Board" means the same as the term is defined in Subsection 63N-12-503.

R277-473-3. Incorporation of Utah's Master Plan.

(1) This rule incorporates by reference the Utah Master Plan, August 2019, which

(2) A copy of the Utah Master Plan is located at:

(a) <https://www.schools.utah.gov/cte?mid=3363&tid=5>;
and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 30 84111.

R277-473-4. LEA Planning Grants.

(1) An LEA may apply for a planning grant in preparation for a full LEA plan and receiving a Computer Science Initiative Grant as described in this rule.

(2) A planning grant awarded under Subsection (1) shall be in the amount determined by student enrollment within the USBE state tier system up to \$30,000.

(3) In order to qualify for a planning grant, an LEA shall:

(a) send an LEA representative to a pre-grant submission training conducted by the Superintendent; and

(b) complete a readiness assessment created by the Superintendent that provides an analysis for existing K-12 computer infrastructure in preparation for a grant.

(4)(a) If an LEA receives a planning grant, the LEA shall submit an LEA plan as set forth in Section R277-473-7 and 8 for the subsequent school year.

(b) An LEA that fails to submit an LEA plan in the subsequent year shall reimburse funds awarded under Subsection (2).

R277-473-5. Computer Science Advisory Committee Duties.

(1) The Superintendent shall create a computer science advisory committee.

(2) The advisory committee shall include the following members as non-voting chairs:

(a) the Superintendent; and

(b) the Executive Director of the Governor's Office of Economic Development or designee.

(3) In addition to the chairs described in Subsection (1), the Board, in consultation with the Talent Ready Utah Board, shall appoint five members to the advisory committee as follows:

(a) an industry representative;

(b) one member who represents a school district with expertise in digital teaching and learning;

(c) one member who represents a charter school with expertise in digital teaching and learning;

(d) a member of higher education; and

(e) a non-profit national computer science organization representative.

(3) The advisory committee shall:

(a) oversee review of an LEA plan to determine whether the LEA plan meets the criteria described in Subsection 63N-12-506(7);

(b) make a recommendation to the Superintendent and the Board on whether the Board should approve or deny an LEA plan;

(c) make recommendations to an LEA on how the LEA may improve the LEA's plan; and

(d) perform other duties as directed by:

(i) the Board; or

(ii) the Superintendent.

(4) The advisory committee may select additional LEA plan reviewers to assist the advisory committee with the work described in Subsection (3).

(5) The advisory committee, or the Superintendent on behalf of the advisory committee, shall present the advisory committee's recommendations on whether to approve or deny each LEA plan to the Board for the Board's approval.

R277-473-6. Board Approval or Denial of an LEA's Plan.

(1) The Board shall approve or deny each LEA plan submitted by the advisory committee.

(2) If the Board denies an LEA's plan, the LEA may amend and re-submit the LEA's plan to the advisory committee until the Board approves the LEA plan.

(3) The Board shall submit an approved LEA plan to the Talent Ready Utah Board for final approval as described in Subsection 63N-12-506(4).

R277-473-7. LEA Plan Requirements.

(1) An LEA shall develop a four-year plan in cooperation with educators, paraeducators, and parents.

(2) A plan shall be consistent with Subsection 63N-12-506(7) and include a comprehensive model outlined for each grade level.

R277-473-8. Grant Distribution.

(1) If an LEA's plan is approved by the Board, the Superintendent shall distribute grant money to the participating LEA as described in this section.

(2) An LEA with an approved plan may receive up to the LEA's requested amount.

(3) The Superintendent and advisory committee shall make computer science grant amount recommendations to the Board.

(4) The computer science grant amount recommendations shall be based on:

(a) an LEA's ability to satisfy the requirements of Subsection 63N-12-506(7);

(b) an LEA's completion of all the requirements listed in Subsection R277-473-4;

(c) the quality of an LEA's plan;

(d) the feasibility of an LEA's plan implementation; and

(e) the ability of an LEA to maximize the grant amount to reach the greatest amount of students possible.

(5)(a) If an LEA's plan is not approved during year one of the program, the advisory committee and the Superintendent shall provide additional supports to help the LEA become a qualifying LEA.

(b) The Superintendent shall redistribute the funds an LEA would have been eligible to receive, in accordance with the competitive awards, to other qualifying LEAs if the LEA's plan is not approved after additional support described in Subsection (6)(a) is given.

(6) A non-qualifying LEA may reapply for grant money in subsequent years based on the LEA's plan being approved by the Board.

R277-473-9. Prohibited Uses of Grant Money.

A participating LEA may not use the grant money:

- (1) to fund non-computer science programs;
- (2) to purchase mobile telephones;
- (3) to fund voice or data plans for mobile telephones;
- (4) to supplant local funds; or
- (5) for any expenditure outside of an LEA's budget for the LEA's approved plan.

R277-473-10. Participating LEA Reporting Requirements.

(1) An LEA shall provide a report as described in Subsections 63N-12-506(8)(a),(b), and (c).

KEY: computer science, grants, talent ready, Utah State Board of Education

Date of Enactment or Last Substantive Amendment: 2019 Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63N-12-506(5); 63N-12-506(7)(h); 63N-12-506(8)(d)

Education, Administration
R277-475
Patriotic, Civic and Character
Education

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 44063

FILED: 09/13/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah State Board of Education (Board) has proposed updates to Rule R277-475 in accordance with recent legislative changes in H.B. 387 and H.B. 140, Civic and Character Education Reports Amendments, passed in the 2019 General Session, which eliminates the Commission on Civic and Character Education (Commission).

SUMMARY OF THE RULE OR CHANGE: These rule changes remove provisions related to Commission because the Commission was repealed in H.B. 387 (2019). They also remove the reporting requirement to the Commission that was repealed by H.B. 140 (2019). Other changes are technical changes to bring this rule in like with the rulewriting manual style requirements.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53G-10-304 and Subsection 53E-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** These rule changes are not expected to have any fiscal impact on state government revenues or expenditures. This rule is being updated to reflect H.B. 140 (2019). This bill strikes the requirement for each school district and the State Charter School Board to submit to the Lieutenant Governor and the Commission a report summarizing how civic and character education are achieved in the schools. The Board will continue to report to the Education Interim Committee and now also to the Commission on Civic and Character Education. These rule changes make the corresponding changes to this rule along with technical and formatting changes, and thus will not have a fiscal impact.

♦ **LOCAL GOVERNMENTS:** These rule changes are not expected to have any fiscal impact on local governments' revenues or expenditures. This rule is being updated to reflect H.B. 140 (2019). This bill strikes the requirement for each school district and the State Charter School Board to submit to the Lieutenant Governor and the Commission a report summarizing how civic and character education are achieved in the schools. The Board will continue to report to the Education Interim Committee and now also to the Commission on Civic and Character Education on civic and character education. These rule changes make the corresponding changes to this rule along with technical and formatting changes, and thus will not have a fiscal impact.

♦ **SMALL BUSINESSES:** These rule changes are not expected to have any material fiscal impact on small businesses' revenues or expenditures because this rule provides direction for patriotic, civic, and character education programs in a local education agency (LEA) and thus does not apply to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes are not expected to have any fiscal impact on persons other than small businesses', businesses', or local government entities' revenues or expenditures. This rule is being updated to reflect H.B. 140 (2019). This bill strikes the requirement for each school district and the State Charter School Board to submit to the Lieutenant Governor and the Commission a report summarizing how civic and character education are achieved in the schools. The Board will continue to report to the Education Interim Committee and now also to the Commission on Civic and Character Education. These rule changes make the corresponding changes to this rule along with technical and formatting changes, and thus will not have a fiscal impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and

Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. These rule changes are not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenue for non-small businesses. These rule changes have no fiscal impact on LEAs and will not have a fiscal impact on small businesses either. The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

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, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. These rule changes are not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and they do not require any expenditures of or generate revenue for non-small businesses.

The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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

R277. Education, Administration.

R277-475. Patriotic, Civic and Character Education.

R277-475-1. Authority and Purpose.

(1) This rule is authorized by:
(a) the Utah Constitution Article X, Section 3 which vests general control and supervision of the public school system under the Board;

(b) Subsection 53E-3-401(4) which allows the Board to adopt rules in accordance with its responsibilities; and

(c) Section 53G-10-304 which directs the Board to provide a rule for a program of instruction within the public schools relating to the flag of the United States.

(2) The purpose of this rule is to provide direction for patriotic, civic and character education programs in an LEA.

R277-475-[1]2. Definitions.

[~~_____~~ A. "Board" means the Utah State Board of Education.]

[~~B-](1) "Character education" means the same as that term is defined in Subsection 53G-10-204(1)(a)[reaffirming values and qualities of character which promote an upright and desirable citizenry].~~

[~~C-](2) "Civic education" means the same as that term is defined in Subsection 53G-10-204(1)(b)[cultivation of informed, responsible participation in political life by competent citizens~~

~~committed to the fundamental values and principles of representative democracy in Utah and the United States].~~

~~[D-](3) "LEA" [means a local education agency, including local school boards/public school districts, charter schools, and;]includes for purposes of this rule, the Utah Schools for the Deaf and the Blind.~~

~~[E-](4) "Patriotic" means having love of and dedication to one's country.~~

~~[F-](5) "Patriotic education" means the educational and systematic process to help students identify, acquire, and act upon a dedication to one's country.~~

[R277-475-2. Authority and Purpose.

~~A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public school system under the Board, by Section 53G-10-304, which directs the Board to provide a rule for a program of instruction within the public schools relating to the flag of the United States, and by Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities.~~

~~B. The purpose of this rule is to provide direction for patriotic education programs in the public schools.]~~

R277-475-3. Patriotic, Civic and Character Education.

~~(1) An LEA shall [teach]provide instruction for patriotic, civic and character education in the social studies curricula of kindergarten through grade twelve.~~

~~(2) [AH-educators]An LEA shall ensure an educator [shall have]has responsibility for patriotic, civic and character education taught in an integrated school curriculum and in the regular course of school work.~~

R277-475-4. School Responsibilities and Required Instruction.

~~[A-](1) An LEA shall:~~

~~(a) ensure that all p[P]atriotic, civic and character education programs [shall meet]are consistent with the requirements of Sections 53G-10-302, 53G-10-304, and 53G-10-204;[-~~

~~B. An LEA shall teach students the history of the flag, etiquette, customs pertaining to the display and use of the flag, and other patriotic exercises consistent with Subsection 53G-10-304(2).]~~

~~[C. The school shall](b) provide the setting and opportunities to teach [by example and role modeling]patriotic values associated with the flag of the United States by example; and[-]~~

~~(c) make information about the flag, respect for the flag, and civility toward all during patriotic activities available on the LEA's website.~~

~~[D. The USOE shall, under the direction of the Board, provide guidelines for both elementary age students and secondary students about the flag and patriotic exercises.]~~

~~[E-](2) An LEA shall provide[F]instruction in United States history and government [shall]that includes the following:~~

~~([F]a) a study of forms of government including:~~

~~([a]i) a republic;~~

~~([b]ii) a pure democracy;~~

~~([e]iii) a monarchy; and~~

~~([d]iv) an oligarchy.~~

~~([2]b) political philosophies and economic systems including:~~

~~([a]i) socialism;~~

~~([b]ii) individualism; and~~

~~([e]iii) free market capitalism.~~

~~([3]c) the United States' form of government[-]; a compound constitutional republic; and[-]~~

~~(d) the flag of the United States and the Pledge of Allegiance to the Flag consistent with:~~

~~(i) Subsection 53G-10-304(2);~~

~~(ii) Section 76-9-601;~~

~~(iii) the plan of the social studies Core curriculum in grades kindergarten through six; and~~

~~(iv) Subsection 53G-10-304(3).~~

[R277-475-5. Requirements.

~~A. Education about the flag and the Pledge of Allegiance to the Flag shall be taught and modeled following the plan of the social studies Core Curriculum in grades kindergarten through six.~~

~~B. The Pledge of Allegiance to the Flag shall be recited by students at the beginning of each school day in each public school classroom in the state, consistent with Subsection 53G-10-304(3).~~

~~C. At least once a year students shall be instructed that:~~

~~(1) participation in the Pledge of Allegiance is voluntary and not compulsory;~~

~~(2) it is acceptable for an individual to choose not to participate in the Pledge of Allegiance for religious or other reasons; and~~

~~(3) students should show respect for individuals who participate and individuals who choose not to participate.~~

~~D. A public school teacher shall strive to maintain an atmosphere among students in the classroom that is consistent with the principles described in R277-475-5C.]~~

R277-475-[6]5. [Parental Responsibilities]Parental Notice of Pledge of Allegiance.

~~[A-](1) An LEA shall adequately notify students and parents of lawful exemptions to the requirement to participate in reciting the Pledge of Allegiance.~~

~~[B-](2) An [school]LEA may require an annual written request from a student's parent [or legal guardian]if a student or the student's parent [or legal guardian]requests that the student be excused from reciting the Pledge of Allegiance.~~

[R277-475-7. Civic Engagement.

~~A. A public school shall display IN GOD WE TRUST, the national motto of the United States, in one or more prominent places in each school building, consistent with Subsection 53G-10-302(6).~~

~~B. Civic and character education shall be achieved through an integrated school curriculum and in the regular course of school work.~~

~~C. Instruction in United States history and government shall be taught consistent with the Utah social studies core curriculum and Section 53G-10-302.~~

~~D. An LEA shall make information about the flag, respect for the flag and civility toward all during patriotic activities available on the LEA's website.~~

~~R277-475-8. Reporting Requirements.~~

~~A. The Board shall submit a report to the Education Interim Committee consistent with Subsection 53G-10-204(7).~~

~~B. Each school district and the State Charter School Board shall submit a report to the Lieutenant Governor and the Commission on Civic and Character Education consistent with Subsection 53G-10-204(6).]~~

KEY: curricula, patriotic education, civic education, character education

Date of Enactment or Last Substantive Amendment: [~~June 8, 2015~~2019]

Notice of Continuation: May 1, 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53G-10-304; 53E-3-401(4)

Education, Administration

R277-487

Public School Data Confidentiality and Disclosure

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 44068

FILED: 09/13/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-487 is being amended to remove language which duplicates statute and federal regulation and to make other technical edits.

SUMMARY OF THE RULE OR CHANGE: A summary of these changes includes adding language for data security in third party contracts, plus technical and stylistic updates.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Subsection 53E-3-401(4) and Subsection 53E-9-302(1) and Subsection 53G-11-511(4)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** These rule changes are not expected to have any fiscal impact on state government revenues or expenditures. These rule changes include formatting changes and technical amendments, and staff has stricken language which duplicates statute and federal regulation. Thus, there is no fiscal impact.

♦ **LOCAL GOVERNMENTS:** These rule changes are not expected to have any fiscal impact on local governments' revenues or expenditures. These rule changes include formatting changes and technical amendments, and staff has stricken language which duplicates statute and federal regulation. Thus, there is no fiscal impact.

♦ **SMALL BUSINESSES:** These rule changes are not expected to have any fiscal impact on small businesses' revenues or expenditures. These rule changes include formatting changes and technical amendments, and staff has stricken language which duplicates statute and federal regulation. Thus, there is no fiscal impact.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes are not expected to have any fiscal impact on persons other than small businesses', businesses', or local government entities' revenues or expenditures. These rule changes include formatting changes and technical amendments, and staff has stricken language which duplicates statute and federal regulation. Thus, there is no fiscal impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. These rule changes are not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and they do not require any expenditures of or generate revenue for non-small businesses. These rule changes have no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either. The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenue for non-small businesses.

The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

R277. Education, Administration.

R277-487. Public School Data Confidentiality and Disclosure.

R277-487-1. Authority and Purpose.

(1) This rule is authorized by:
 (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
 (c) Subsection 53E-9-302(1), which directs that the Board may make rules to establish student data protection standards for public education employees, student aides, and volunteers; and
 (d) Subsection 53G-11-511(4), which directs that the Board may make rules to ensure the privacy and protection of individual evaluation data.

(2) The purpose of this rule is to:
 (a) provide for appropriate review and disclosure of student performance data on state administered assessments as required by law;
 (b) provide for adequate and appropriate review of student performance data on state administered assessments to professional education staff and parents of students;
 (c) ensure the privacy of student performance data and personally identifiable student data, as directed by law; ~~and~~
~~[(d) provide an online education survey conducted with public funds for Board review and approval; and]~~
 [(e)d] provide for appropriate protection and maintenance of educator licensing data.

R277-487-2. Definitions.

~~[(1) "Association" has the same meaning as that term is defined in Subsection 53G-7-1101(3).]~~
~~[(2) "Chief Privacy Officer" means a Board employee designated by the Board as primarily responsible to:~~
~~(a) oversee and carry out the responsibilities of this rule; and~~
~~(b) direct the development of materials and training about student and public education employee privacy standards for the Board and LEAs, including:~~
~~(i) FERPA; and~~
~~(ii) the Utah Student Data Protection Act, Title 53E, Chapter 9, Part 3.]~~

[(3)1] "Classroom-level assessment data" means student scores on state-required tests, aggregated in groups of more than 10 students at the classroom level or, if appropriate, at the course level, without individual student identifiers of any kind.

[(4)2] "Comprehensive Administration of Credentials for Teachers in Utah Schools" or "CACTUS" means the electronic file maintained and owned by the Board on all licensed Utah educators, which includes information such as:

- (a) personal directory information;
- (b) educational background;
- (c) endorsements;
- (d) employment history; and
- (e) a record of disciplinary action taken against the educator.

[(5)3] "Confidentiality" refers to an obligation not to disclose or transmit information to unauthorized parties.

([6]4) "Cyber security framework" means:

- (a) the cyber security framework developed by the Center for Internet Security found at <http://www.cisecurity.org/controls/>; or
- (b) a IT security framework that is comparable to the cyber security framework described in Subsection (6)(a).

([7]5) "Data governance plan" has the same meaning as defined in Subsection 53E-9-301([7]6).

~~[(8)]~~ "Data security protections" means ~~protections developed and initiated by the Superintendent that protect, monitor and secure student, public educator and public education employee data as outlined and identified in FERPA and Sections 63G-2-302 through 63G-2-305.~~

([9]6) "Destroy" means to remove data or a record:

- (a) in accordance with current industry best practices; and
- (b) rendering the data or record irretrievable in the normal course of business of an LEA or a third-party contractor.

([10]7) "Disclosure" includes permitting access to, revealing, releasing, transferring, disseminating, or otherwise communicating all or any part of any individual record orally, in writing, electronically, or by any other communication method.

([11]8) "Expunge" means to seal a record so as to limit its availability to all except authorized individuals.

([12]9) "Enrollment verification data" includes:

- (a) a student's birth certificate or other verification of age;
- (b) verification of immunization or exemption from immunization form;
- (c) proof of Utah public school residency;
- (d) family income verification; or
- (e) special education program information, including:
 - (i) an individualized education program;
 - (ii) a Section 504 accommodation plan; or
 - (iii) an English language learner plan.

([13]10) "FERPA" means the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, and its implementing regulations found at 34 C.F.R., Part 99.

([14]11) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

([15]12) "Metadata dictionary" ~~[has the same meaning as defined in]~~ means any tool, document, or display that meets the requirements of Subsection 53E-9-301(1[4]1).

([16]13) "Personally identifiable student data" has the same meaning as defined in Subsection 53E-9-301(14) and 34 CFR 99.3.

([17]14) "Significant data breach" means a data breach where:

- (a) an intentional data breach successfully compromises student records;
- (b) a large number of student records are compromised;
- (c) sensitive records are compromised, regardless of number; or
- (d) a data breach an LEA deems to be significant based on the surrounding circumstances.

~~[(18)]~~ "Student data advisory groups" has the same meaning as described in Subsection 53E-9-302(3).

~~[(19)]~~ "Student data manager" means the individual at the LEA level who:

- ~~(a) is designated as the student data manager by an LEA under Section 53E-9-303;~~
- ~~(b) authorizes and manages the sharing of student data;~~

~~(c) acts as the primary contact for the Chief Privacy Officer;~~

~~(d) maintains a list of persons with access to personally identifiable student data; and~~

~~(e) is in charge of providing annual LEA staff and volunteer training on data privacy.]~~

([20]15) "Student performance data" means data relating to student performance, including:

- (a) data on state, local and national assessments;
- (b) course-taking and completion;
- (c) grade-point average;
- (d) remediation;
- (e) retention;
- (f) degree, diploma, or credential attainment; and
- (g) enrollment and demographic data.

([20]16) "Third party contractor" has the same meaning as defined in Subsection 53E-9-301(23).

R277-487-3. Data Privacy and Security Policies.

~~[(1)]~~ The Superintendent shall develop resource materials for LEAs to train employees, aides, and volunteers of an LEA regarding confidentiality of personally identifiable student data and student performance data.

~~[(2)]~~ The Superintendent shall make the materials developed in accordance with Subsection (1) available to each LEA.

~~[(3)]~~ An LEA or public school may not be a member of or pay dues to an association that is not in compliance with:

- ~~(a) FERPA;~~
- ~~(b) Title 53E, Chapter 9, Part 3, Student Data Protection Act;~~

~~(c) Title 53E, Chapter 9, Part 2, Utah Family Educational Rights and Privacy Act; and~~

~~(d) this Rule R277-487.~~

~~(4) An LEA shall comply with Title 53E, Chapter 9, Part 3, Student Data Protection Act.~~

~~(5) An LEA shall comply with Section 53E-9-204.~~

~~(6) An LEA is responsible for the collection, maintenance, and transmission of student data.]~~

(1) By October 1 annually, each LEA shall provide the Superintendent with the following information:

(a) the name and contact information for the LEA's designated data manager and information security officer;

(b) the LEA's data governance plan;

(c) the LEA's annual notification of FERPA rights, as described in 34 CFR 99.7;

(d) the LEA's directory information notice, as described in 34 CFR 99.37;

(e) the LEA's student data collection notice, as described in Subsection 53E-9-305(2);

(f) the LEA's metadata dictionary; and

(g) evidence that the LEA has implemented a cyber security framework.

([7]2) An LEA shall ensure that school enrollment verification data, student performance data, and personally identifiable student data are collected, maintained, and transmitted:

- (a) in a secure manner; and
- (b) consistent with sound data collection and storage procedures, established by the LEA based on the LEA's cyber security framework.

~~[(8) An LEA may contract with a third party contractor to collect, maintain, and have access to school enrollment verification data or other student data if:~~

~~(a) the third party contractor meets the definition of a school official under 34 C.F.R. 99.31(a)(1)(i)(B); and~~

~~(b) the contract between the LEA and the third party contractor includes the provisions required by Subsection 53E-9-309(2).~~

~~(9) An LEA shall publicly post the LEA's definition of directory information, as defined in FERPA, and describe how a student data manager may share personally identifiable information that is directory information.~~

~~(10) An LEA shall provide the Superintendent with a copy or link to the LEA's directory information definition by October 1 annually.~~

~~(11) By October 1 annually, an LEA shall enter all student data elements shared with third parties into the Board's metadata dictionary.]~~

~~[[12]3) An LEA shall report all significant data breaches of student data either by the LEA or by third parties to the Superintendent within ten business days of the initial discovery of the significant data breach.~~

~~[(13) An LEA shall provide the Superintendent with a copy or link to the LEA's data governance plan by October 1 annually.~~

~~(14) An LEA shall provide the Superintendent with the following information by October 1 annually:~~

~~(a) evidence that the LEA has implemented a cyber-security framework; and~~

~~(b) the name and contact information for the LEA's designated Information Security Officer.~~

~~(15) All public education employees, aides, and volunteers in public schools shall become familiar with federal, state, and local laws regarding the confidentiality of student performance data and personally identifiable student data.]~~

~~[[16]4) All public education employees, aides, and volunteers shall maintain appropriate confidentiality pursuant to federal, state, local laws, and LEA policies created in accordance with this section, with regard to student performance data and personally identifiable student data.~~

~~[[17]5) An employee, aide, or volunteer may not share, disclose, or disseminate passwords for electronic maintenance of:~~

~~(a) student performance data; or~~

~~(b) personally identifiable student data.~~

~~[[18]6) A public education employee licensed under Section 53E-6-201 may only access or use student information and records if the public education employee accesses the student information or records consistent with the educator's obligations under Rule R277-515.~~

~~[[19]7) The Board may discipline a licensed educator in accordance with licensing discipline procedures if the educator violates this Rule R277-487.~~

~~[[20]8) In accordance with the LEA's data governance plan, [An]each LEA shall annually provide a training regarding the confidentiality of student data to any employee with access to education records as defined in FERPA.~~

R277-487-4. Retention of Student Data.

(1) An LEA shall classify all student data collected in accordance with Section 63G-2-604.

(2) An LEA shall retain and dispose of all student data in accordance with an approved retention schedule.

(3) If no existing retention schedule governs student disciplinary records collected by an LEA:

(a) An LEA may propose to the State Records Committee a retention schedule of up to one year if collection of the data is not required by federal or state law or Board rule; or

(b) An LEA may propose to the State Records Committee a retention schedule of up to three years if collection of the data is required by federal or state law or Board rule, unless a longer retention period is prescribed by federal or state law or Board rule.

(4) An LEA's retention schedules shall take into account the LEA's administrative need for the data.

(5) Unless the data requires permanent retention, an LEA's retention schedules shall require destruction or expungement of student data after the administrative need for the data has passed.

(6) A parent or adult student may request that an LEA amend, expunge, or destroy any record not subject to a retention schedule under Section 63G-2-604, and believed to be:

(a) inaccurate;

(b) misleading; or

(c) in violation of the privacy rights of the student.

(7) An LEA shall process a request under Subsection (6) following the same procedures outlined for a request to amend a student record in 34 CFR Part 99, Subpart C.

[R277-487-5. Transparency.

~~(1) The Superintendent shall recommend policies for Board approval and model policies for LEAs regarding student data systems.~~

~~(2) A policy prepared in accordance with Subsection (1) shall include provisions regarding:~~

~~(a) accessibility by parents, students, and the public to student performance data;~~

~~(b) authorized purposes, uses, and disclosures of data maintained by the Superintendent or an LEA;~~

~~(c) the rights of parents and students regarding their personally identifiable information under state and federal law;~~

~~(d) parent, student, and public access to information about student data privacy and the security safeguards that protect the data from unauthorized access and use; and~~

~~(e) contact information for parents and students to request student and public school information from an LEA consistent with the law.~~

R277-487-6. Responsibilities of Chief Privacy Officer.

~~(1) The Chief Privacy Officer:~~

~~(a) may recommend legislation, as approved by the Board, for additional data security protections and the regulation of use of the data;~~

~~(b) shall supervise regular privacy and security compliance audits, following initiation by the Board;~~

~~_____ (c) shall have responsibility for identification of threats to data privacy protections;~~
~~_____ (d) shall develop and recommend policies to the Board and model policies for LEAs for:~~
~~_____ (i) protection of personally identifiable student data;~~
~~_____ (ii) consistent wiping or destruction of devices when devices are discarded by public education entities; and~~
~~_____ (iii) appropriate responses to suspected or known breaches of data security protections;~~
~~_____ (e) shall conduct training for Board staff and LEAs on student privacy; and~~
~~_____ (f) shall develop and maintain a metadata dictionary as required by Section 53E-9-302.~~

~~**R277-487-7. Prohibition of Public Education Data Use for Marketing.**~~

~~_____ Data maintained by the state, a school district, school, or other public education agency or institution in the state, including data provided by contractors, may not be sold or used for marketing purposes, or targeted advertising as defined in Subsection 53E-9-301(22) except with regard to authorized uses of directory information not obtained through a contract with an educational agency or institution.~~

~~**R277-487-8. Public Education Research Data.**~~

~~_____ (1) The Superintendent may provide limited or extensive data sets for research and analysis purposes to qualified researchers or organizations;~~
~~_____ (2) The Superintendent shall use reasonable methods to qualify researchers or organizations to receive data, such as evidence that a research proposal has been approved by a federally recognized Institutional Review Board or "IRB."~~
~~_____ (3) The Superintendent may post aggregate de-identified student assessment data to the Board website.~~
~~_____ (4) The Superintendent shall ensure that personally identifiable student data is protected.~~
~~_____ (5) The Superintendent:~~
~~_____ (a) is not obligated to fill every request for data and shall establish procedures to determine which requests will be filled or to assign priorities to multiple requests;~~
~~_____ (b) may give higher priority to requests that will help improve instruction in Utah's public schools; and~~
~~_____ (c) may charge a fee to prepare data or to deliver data, particularly if the preparation requires original work.~~
~~_____ (6) A researcher or organization shall provide a copy of the report or publication produced using Board data to the Superintendent at least 10 business days prior to the public release.~~
~~_____ (7) Requests for personally identifiable student data that may only be provided in accordance with Section 53E-9-308 and FERPA, and may include:~~
~~_____ (a) student data that are de-identified, meaning that a reasonable person in the school community who does not have personal knowledge of the relevant circumstances could not identify student(s) with reasonable certainty;~~
~~_____ (b) agreements with recipients of student data where recipients agree not to report or publish data in a manner that discloses students' identities; or~~

~~_____ (c) release of student data, with appropriate binding agreements, for state or federal accountability or for the purpose of improving instruction to specific student subgroups.~~
~~_____ (8) Recipients of Board research data shall sign a confidentiality agreement, if required by the Superintendent.~~
~~_____ (9) Either the Board or the Superintendent may commission research or may approve research requests.~~
~~_____ (10) Request for records under Title 63G, Chapter 2, Government Records Access and Management Act, are not subject to this Section R277-487-8.]~~

~~**R277-487-[9]5. CACTUS Data.**~~

~~(1) The Board maintains information on all licensed Utah educators in CACTUS, including information classified as private, controlled, or protected under GRAMA.~~
~~(2) The Superintendent shall open a CACTUS file for a licensed Utah educator when the individual initiates a Board background check.~~
~~(3) Authorized Board staff may update CACTUS data as directed by the Superintendent.~~
~~(4) Authorized LEA staff may change demographic data and update data on educator assignments in CACTUS for the current school year only.~~
~~(5) A licensed individual may view his own personal data, but may not change or add data in CACTUS except under the following circumstances:~~
~~(a) A licensee may change the licensee's contact and demographic information at any time;~~
~~(b) An employing LEA may correct a current educator's assignment data on behalf of a licensee; and~~
~~(c) A licensee may petition the Board for the purpose of correcting any errors in the licensee's CACTUS file.~~
~~(6) The Superintendent shall include an individual currently employed by a public or private school under a letter of authorization or as an intern in CACTUS.~~
~~(7) The Superintendent shall include an individual working in an LEA as a student teacher in CACTUS.~~
~~(8) The Superintendent shall provide training and ongoing support to authorized CACTUS users.~~
~~(9) For employment or assignment purposes only, authorized LEA staff members may:~~
~~(a) access data on individuals employed by the LEA; or~~
~~(b) view specific limited information on job applicants if the applicant has provided the LEA with a CACTUS identification number.~~
~~(10) CACTUS information belongs solely to the Board.~~
~~(g) The Superintendent may release data within CACTUS in accordance with the provisions of Title 63G, Chapter 2, Government Records Access and Management Act.~~

~~**R277-487-[10]6. Educator Evaluation Data.**~~

~~(1)(a) The Superintendent may provide classroom-level assessment data to administrators and teachers in accordance with federal and state privacy laws.~~
~~(b) A school administrator shall share information requested by parents while ensuring the privacy of individual personally identifiable student data and educator evaluation data.~~

(2) A school, LEA, the Superintendent, and the Board shall protect individual educator evaluation data.

(3) An LEA shall designate employees who may have access to educator evaluation records.

(4) An LEA may not release or disclose student assessment information that reveals educator evaluation information or records.

(5) An LEA shall train employees in the confidential nature of employee evaluations and the importance of securing evaluations and records.

R277-487-[H]7. Application to Third Parties.

~~_____ (1) The Board and LEAs shall set policies that govern a third party contractor's access to personally identifiable student data and public school enrollment verification data consistent with Section 53E-9-301, et seq.~~

~~_____ (2) An LEA may release personally identifiable student data and public school enrollment verification data to a third party contractor if:~~

~~_____ (a) the release is allowed by, and released in accordance with, Section 53E-9-308, FERPA, and FERPA's implementing regulations; and~~

~~_____ (b) the LEA complies with the requirements of Subsection R277-487-3(6).~~

~~_____ (4) All Board contracts shall include sanctions for contractors or third party providers who violate provisions of state policies regarding unauthorized use and release of student and employee data.~~

~~_____ (5) The Superintendent shall recommend that LEA policies include sanctions for contractors who violate provisions of federal or state privacy law and LEA policies regarding unauthorized use and release of student and employee data.]~~

(1) A third-party contractor shall protect student personally identifiable information against unauthorized access and redisclosure, both physical and digital.

(2) A third-party contractor shall have policies in place that follow reasonably industry best practices and adequately address the protection of student personally identifiable information.

(3) A third-party contractor shall develop and document an information security program.

(4) A third-party contract shall inform an LEA or the Superintendent of the precautions taken regarding the maintenance and protection of student personally identifiable information.

(5) For the purposes of meeting the audit requirements of a contract subject to Subsection 53E-9-309(2)(e), a third-party contractor may:

(a) provide an LEA or the Superintendent a self-assessment of their compliance with the contract and the effectiveness of the information security program described in Subsection (3);

(b) provide responses to a questionnaire provided by the LEA or Superintendent;

(c) provide a report of an industry-recognized privacy and security audit, such as an SOC2 or SOC3; or

(d) submit to an onsite audit, if agreed upon by the third-party contract and the LEA or Superintendent.

R277-487-[H]8. Sharing Data With the Utah Registry of Autism and Developmental Disabilities.

(1) The Superintendent shall share personally identifiable student data with the Utah Registry of Autism and Developmental Disabilities as required by Subsection 53E-9-308(6)(b) through a written agreement designating the Utah Registry of Autism and Developmental Disabilities as the authorized representative of the Board for the purpose of auditing and evaluating federal and state supported education programs that serve students with autism and other developmental disabilities.

(2) The agreement required by Subsection (1) shall include a provision that:

(a) the Utah Registry of Autism and Developmental Disabilities may not use personally identifiable student data for any purpose not specified in the agreement;

(b) the Utah Registry of Autism and Developmental Disabilities shall flag all student personally identifiable data received from the Board to:

(i) ensure that the data is not used for purposes not covered by the agreement; and

(ii) allow the Superintendent access to the data for auditing purposes;

(c) the Utah Registry of Autism and Developmental Disabilities may redisclose de-identified data if:

(i) the de-identification is in accordance with [HIPPA's]HIPAA's safe harbor standard;

(ii) the de-identification is in accordance with Board rule; and

(iii) the Utah Registry of Autism and Development Disabilities annually provides the Superintendent with a description and the results of all projects and research undertaken using de-identified student data; and

(d) the Utah Registry of Autism and Developmental Disabilities shall allow an ~~[on-site]~~audit that meets the requirements of Subsection R277-487-7(5) conducted by the Superintendent to monitor for compliance with this rule no less than once per year.

(3) The Superintendent shall maintain a record of all personally identifiable student data shared with the Utah Registry of Autism and Developmental Disabilities in accordance with 34 C.F.R. 99.32.

(4)(a) A parent of a child whose personally identifiable student data was shared with the Utah Registry of Autism and Developmental Disabilities has the right to access the exact records disclosed.

(b) A parent identified in Subsection (4)(a) has the right to contest and seek to amend, expunge, or destroy any data that is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.

[R277-487-13. Annual Reports by Chief Privacy Officer.

~~_____ (1) The Chief Privacy Officer shall submit to the Board an annual report regarding student data.~~

~~_____ (2) The public report shall include:~~

~~_____ (a) information about the implementation of this rule;~~

~~_____ (b) information about the approved research studies using personally identifiable student information and data;~~

~~(c) identification of significant threats to student data privacy and security;~~
~~(d) a summary of data system audits; and~~
~~(e) recommendations for further improvements specific to student data security and the systems that are necessary for accountability in Board rules or legislation.]~~

R277-487-[14]9. Data Security and Privacy Training for Educators.

(1) The Superintendent shall develop a student and data security and privacy training for educators.
~~[(2) The Superintendent shall make the training developed in accordance with Subsection (1) available through UEN.]~~
 ([3]2) Beginning in the 2018-19 school year, an educator shall complete the training developed in accordance with Subsection (1) as a condition of re-licensure.

KEY: students, records, confidentiality, privacy
Date of Enactment or Last Substantive Amendment: [March 13, 2019]
Notice of Continuation: November 14, 2014
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-9-302; 53E-3-401; 53G-11-511

Education, Administration
R277-521
National Board Certification
Reimbursement

NOTICE OF PROPOSED RULE
 (Repeal)

DAR FILE NO.: 44066
 FILED: 09/13/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: A proposed new Rule R277-317, National Board Certification, which reflects recent legislative changes for National Board Certification has been proposed under the updated numbering plan for licensing rules; therefore, the Utah State Board of Education (Board) recommends the repeal of Rule R277-521. (EDITOR'S NOTE: The proposed new Rule R277-317 is under Filing No. 44064 in this issue, October 1, 2019, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: The pertinent language from this rule has been implemented into the new proposed Board Rule R277-317. Therefore, the Board is repealing this rule in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53F-5-202 and Subsection 53E-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule repeal is not expected to have any fiscal impact on state government revenues or expenditures. While this rule is being repealed, the rule for the Incentives for National Board Certification is being renumbered to Rule R277-317 within the new licensing rule numbering system, and updated to reflect changes made in S.B. 208, National Certification Teacher Incentive Amendments, passed in the 2019 General Session. This rule repeal will not impact state government revenues or expenditures because the program is funded with a state appropriation, and the program changes are statutory and are covered by the existing legislative appropriation for the program.

◆ **LOCAL GOVERNMENTS:** This rule repeal is not expected to have any fiscal impact on local governments' revenues or expenditures. While this rule is being repealed, the rule for the Incentives for National Board Certification is being renumbered to Rule R277-317 within the new licensing rule numbering system and updated to reflect changes made in S.B. 208 (2019). This rule repeal will not impact local governments' revenues or expenditures because the program is funded with a state appropriation and will continue to be state-funded.

◆ **SMALL BUSINESSES:** This rule repeal is not expected to have any fiscal impact on small businesses' revenues or expenditures. While this rule is being repealed, the rule for the Incentives for National Board Certification is being renumbered to Rule R277-317 within the new licensing rule numbering system. This rule applies to the program incentivizing national board certification which is state funded and thus does not apply to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule repeal is not expected to have any fiscal impact on persons other than small businesses', businesses', or local government entities' revenues or expenditures. While this rule is being repealed, the rule for the Incentives for national board Certification is being renumbered to Rule R277-317 within the new licensing rule numbering system. This rule applies to the program incentivizing national board certification which is state funded and thus does not apply to other individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures

because there are no applicable non-small businesses and it does not require any expenditures of or generate revenue for non-small businesses. This rule repeal has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either. The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

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, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenue for non-small businesses.

The Program Analyst at the Utah State Board of Education, Jill Curry, has reviewed and approved this fiscal analysis.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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

R277. Education, Administration.

[R277-521. National Board Certification Reimbursement.

R277-521-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Section 53F-5-202, which requires the Board to make rules to specify procedures and timelines for reimbursing educators for the cost to attain or renew a National Board certification.
- (2) The purpose of this rule is to specify procedures and timelines for reimbursing educators for the cost to attain or renew a National Board certification.

R277-521-2. Definitions.

- (1) "Eligible educator" means an educator who holds a current National Board certification attained or renewed:
 - (a) after July 1, 2016; and
 - (b) while employed as an educator by an LEA in Utah.
- (2) "Local education agency" or "LEA" means:
 - (a) a school district;
 - (b) a charter school; or
 - (c) the Utah Schools for the Deaf and the Blind.
- (3) "National Board certification" means the same as that term is defined in Section 53E-6-102.

~~R277-521-3. Application Procedures:~~

~~_____ (1) The Superintendent shall establish and maintain an online application system for National Board certification reimbursements.~~

~~_____ (2) To receive reimbursement for the costs an eligible educator paid to attain or renew a National Board certification, an eligible educator shall submit an application through the application system established under Subsection (1).~~

~~_____ (3)(a) The Superintendent shall annually determine the number of eligible educators based on legislative appropriations and costs associated with obtaining national board certification.~~

~~_____ (b) The Superintendent shall reimburse eligible educators on a first come, first served basis.~~

~~_____ (4) The Superintendent may not reimburse an eligible educator for costs incurred in obtaining or renewing national board certification that were previously paid or reimbursed to the educator by a third party.~~

KEY: ~~eligible educators, National Board certification~~

~~Date of Enactment or Last Substantive Amendment: May 8, 2018~~

~~Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-5-202]~~

Environmental Quality, Air Quality
R307-110-10

Section IX, Control Measures for Area
and Point Sources, Part A, Fine
Particulate Matter

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 44042

FILED: 09/05/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Air Quality Board (Board) has proposed for public comment amendments to Utah State Implementation Plan (SIP), Section IX, Part A. The amendments to the SIP add plans that demonstrate maintenance of the 24-hour PM2.5 National Ambient Air Quality Standard (NAAQS) through the year 2035 for the 3 nonattainment areas. The nonattainment areas are Logan, UT-ID, Provo, and Salt Lake City. Section R307-110-10 incorporates Section IX, Part A into this rule, and must be amended to change the Board adoption date to the anticipated adoption date of the amended plan.

SUMMARY OF THE RULE OR CHANGE: Section R307-110-10 is amended by changing the date of the last adoption by the Air Quality Board to December 4, 2019. The Maintenance Plans for Logan, Provo, and Salt Lake City will be open for public comment and found at <https://deq.utah.gov/air-quality/air-quality-rule-plan-changes-open-public-comment>.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates Utah State Implementation Plan Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter., published by Utah Division of Air Quality, 12/04/2019

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: This rule change is not expected to have any fiscal impact on the state budget because the plan being incorporated into this rule shows how already existing regulations will lead to attainment of the PM2.5 air quality standard.
- ◆ LOCAL GOVERNMENTS: This rule change is not expected to have any fiscal impact on local governments because the plan being incorporated into this rule shows how already existing regulations will lead to attainment of the PM2.5 air quality standard.
- ◆ SMALL BUSINESSES: This rule change is not expected to have any fiscal impact on small businesses because the plan being incorporated into this rule shows how already existing regulations will lead to attainment of the PM2.5 air quality standard.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule change is not expected to have any fiscal impact on persons other than small businesses, businesses, or local government entities because the plan being incorporated into this rule shows how already existing regulations will lead to attainment of the PM2.5 air quality standard.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change will not have a compliance cost for affected persons because the plan being incorporated into this rule shows how already existing regulations will lead to attainment of the PM2.5 air quality standard.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it is determined that this proposed rule change will not result in a fiscal impact to businesses due to the plan being incorporated into this rule showing how existing regulations will lead to the attainment of the PM2.5 air quality standard.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Liam Thrailkill by phone at 801-536-4419, or by Internet E-mail at lthrailkill@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 12/05/2019

AUTHORIZED BY: Bryce Bird, Director

KEY: air pollution, PM10, PM2.5, ozone
Date of Enactment or Last Substantive Amendment: [March 5,] 2019
Notice of Continuation: January 27, 2017
Authorizing, and Implemented or Interpreted Law: 19-2-104

Environmental Quality, Air Quality
R307-110-17
Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 44043
 FILED: 09/05/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Air Quality Board (Board) has proposed for public comment amendments to Utah State Implementation Plan (SIP), Section IX, Part H. The revision of the SIP is to meet the commitment that the state made to address this portion of the SIP. Section R307-110-17 incorporates Section IX, Part H into this rule, and must be amended to change the Board adoption date to the anticipated adoption date of the amended plan.

SUMMARY OF THE RULE OR CHANGE: Section R307-110-17 is amended by changing the date of the last adoption by the Air Quality Board to December 4, 2019. The revision to Section IX, Part H will be open for public comment and found at <https://deq.utah.gov/air-quality/air-quality-rule-plan-changes-open-public-comment>.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates Utah State Implementation Plan Section IX, Control Measures for Area and Point Sources, Part H., published by Utah Division of Air Quality, 12/04/2019

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This rule change is not expected to have any fiscal impact on the state budget because the requirements set forth in the SIP are already found in the permit conditions.
- ◆ **LOCAL GOVERNMENTS:** This rule change is not expected to have any fiscal impact on local governments because the requirements set forth in the SIP are already found in the permit conditions.

Appendix 1: Regulatory Impact Summary Table

Fiscal Costs	FY 2020	FY 2021	FY 2022
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 any fiscal impact on non-small businesses' revenues or expenditures, because the plan being incorporated into the rule shows how existing regulations will lead to the attainment of the PM2.5 air quality standard.

The Interim Executive Director of the Department of Environmental Quality, Scott Baird, has reviewed and approved this fiscal analysis.

R307. Environmental Quality, Air Quality.
R307-110. General Requirements: State Implementation Plan.
R307-110-10. Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter, as most recently amended by the Utah Air Quality Board on [January 2]December 4, 2019, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

♦ **SMALL BUSINESSES:** This rule change is not expected to have any fiscal impact on small businesses because the requirements set forth in the SIP are already found in the permit conditions.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule change is not expected to have any fiscal impact on persons other than small businesses, businesses, or local government entities because the requirements set forth in the SIP are already found in the permit conditions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change will not have a compliance cost for affected persons because the requirements set forth in the SIP are already found in the permit conditions.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Upon completion of a thorough analysis, it is determined that this proposed rule change will not result in a fiscal impact to businesses because the requirements set forth in the SIP are already found in the New Source Review (NSR) and Operating Permit conditions. Due to the conditions already being in place in the permits, no further fiscal impact is anticipated.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Liam Thraikill by phone at 801-536-4419, or by Internet E-mail at lthraikill@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 12/05/2019

AUTHORIZED BY: Bryce Bird, Director

Appendix 1: Regulatory Impact Summary Table

Fiscal Costs	FY 2020	FY 2021	FY 2022
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 any fiscal impacts on non-small businesses' revenues or expenditures because the requirements added to the State Implementation Plan (SIP) being incorporated into the rule are already found in the existing permit conditions.

The Interim Executive Director of the Department of Environmental Quality, Scott Baird, has reviewed and approved this fiscal analysis.

R307. Environmental Quality, Air Quality.

R307-110. General Requirements: State Implementation Plan.

R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits and Operating Practices, as most recently amended by the Utah Air Quality Board on [January 2] December 4, 2019, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone

Date of Enactment or Last Substantive Amendment: [March 5,-] 2019

Notice of Continuation: January 27, 2017

Authorizing, and Implemented or Interpreted Law: 19-2-104

**Health, Disease Control and
Prevention, Environmental Services
R392-100
Food Service Sanitation**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 44056
FILED: 09/10/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule requires an amendment in order to define "recovery residence", "residential support", and "residential treatment", and to exempt them from this rule along with certified or licensed child care facilities, including residences, that provide care for 16 or fewer children. Rather, food service in these residence-based establishments is regulated according to the requirements of Rule R392-110, Food Service Sanitation in Residential Care Facilities.

SUMMARY OF THE RULE OR CHANGE: In Section R392-100-2, added definitions for "recovery residence", "residential support", and "residential treatment" have been added. In Section R392-100-3, a statement that certified or licensed child care facilities, including residences, that provide care for 16 or fewer children; and residential treatment programs, residential support programs, and recovery residences are exempt from the requirements of this rule has been included.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-30 and Section 26-1-5 and Section 26-15-2

ANTICIPATED COST OR SAVINGS TO:
 ♦ **THE STATE BUDGET:** Amending Rule R392-100 will likely not result in a cost or benefit to the state budget because, aside from an exemption for food service sanitation in residential care facilities, there are no changes to any of the current regulatory provisions.
 ♦ **LOCAL GOVERNMENTS:** Amending Rule R392-100 will likely not result in a cost or benefit to local governments because, aside from an exemption for food service sanitation in residential care facilities, there are no changes to any of the regulatory provisions.
 ♦ **SMALL BUSINESSES:** Amending Rule R392-100 will likely not result in a cost or benefit to small businesses because, aside from an exemption for food service sanitation in residential care facilities, there are no changes to any of the regulatory provisions.
 ♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Amending Rule R392-100 will likely not result in a cost or benefit to other persons because, aside from an exemption

for food service sanitation in residential care facilities, there are no changes to any of the regulatory provisions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No specific person will be affected by these rule changes. There are no compliance costs associated with these rule changes for any one specific person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact to businesses because there are no changes to the provisions regulating these entities.

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

HEALTH
DISEASE CONTROL AND PREVENTION,
ENVIRONMENTAL SERVICES
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:
 ♦ Chris Nelson by phone at 801-538-6739, or by Internet E-mail at chrisonelson@utah.gov or mail at PO Box 142104, Salt Lake City, UT 84114-2104

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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

There are 68 non-small businesses in the industry in question operating in Utah under the NAICS codes of 621420, 623210, 623220, and 624120. These businesses will likely not experience a direct cost or benefit because, aside from an exemption for food service sanitation in residential care facilities, there are no changes to any of the regulatory provisions.

The head of the Department of Health, Joseph Miner, MD, has reviewed and approved this fiscal analysis.

R392. Health, Disease Control and Prevention, Environmental Services.

R392-100. Food Service Sanitation.

R392-100-1. Authority and Purpose.

(1) This rule is authorized by Sections 26-1-5, 26-1-30, and 26-15-2.

(2) This rule establishes definitions; sets standards for management and personnel, food operations, and equipment and facilities; and provides for food establishment plan review, permit issuance, inspection, employee restriction, and permit suspension to safeguard public health and provide consumers food that is safe, unadulterated, and honestly presented.

R392-100-2. Definitions.

(1) "Food Cart" means a cart:
 (a) that is not motorized; and
 (b) that a vendor, standing outside of the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.

(2)(a) "Food Truck" means a fully encased food service establishment:

- (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
- (ii) from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.

(b) "Food Truck" does not include a food cart or an ice cream truck.

(3) "Ice Cream Truck" means a fully encased food service establishment:

(a) on a motor vehicle or on a trailer that a motor vehicle pulls to transport;

(b) from which a vendor, from within the frame of the vehicle, serves prepackaged ice cream products;

(c) that attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and

(d) that may stop the vehicle to serve packaged ice cream products at the signal of a patron.

(4) "Recovery residence" has the same meaning as provided in Subsection 62A-2-101(33)(a).

(5) "Residential support" has the same meaning as provided in Subsection 62A-2-101(35).

(6) "Residential treatment" has the same meaning as provided in Subsection 62A-2-101(36).

R392-100-3. General Requirements.

(1) The following food service establishments are exempt from the requirements of this rule:

(a) Food trucks as defined in this rule and in Rule R392-102[are exempt from this rule. Food Trucks shall abide by R392-102.];

(b) Certified or licensed child care facilities, including residences, that provide care for 16 or fewer children; and

(c) Residential treatment programs, residential support programs, and recovery residences as defined in this rule and in Rule R392-110.

(2) Food trucks shall abide by the requirements of Rule R392-102.

(3) Certified or licensed childcare facilities, including residences, that provide care for 16 or fewer children; residential treatment programs; residential support programs; and recovery residences shall abide by the requirements of Rule R392-110.

R392-100-4. Incorporation by Reference.

(1) The Department incorporates by reference the following:

(a) Section 402 of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 342.

(b) The 2013 version of the U.S. Public Health Service, Food and Drug Administration, Model Food Code ("Model Code"), Chapters 1 through 8, Annex 1 Parts 8-6 through 8-9, with the stated exceptions and amendments set out below.

(2) Exceptions to Incorporation. The following subsections of the Model Code are not incorporated into this rule:

- (a) Subsection 5-203.15(B);
- (b) Subsections 5-402.11(B), (C) and (D);
- (c) Subsections 8-302.14(D) and (E);
- (d) Subsection 8-304.11(K);
- (e) Annex 1, Section 8-905.40;
- (f) Annex 1, Subparagraphs 8-905.90(A)(1) and (2);
- (g) Annex 1, Section 8-909-20;
- (h) Annex 1, Subparagraphs 8-911.10(B)(1) and (2).

(3) The following amendments and additions to the Model Code shall be made. All other incorporated provisions remain the same.

(a) In section 1-201.10(B), Terms Defined, a specified definition is added or the definitions or its specific subsections set out in the definition are amended as follows:

(i) Core Item(1) is amended to read:

"(1) "Core Item" also referred to as "non-critical" means a provision in the Model Code that is not designated as a Priority Item or a Priority Foundation Item."

(ii) Food Establishment(2) is amended to add paragraph (C) to read:

"(2)(c) Catering operation which is a business entity that operates from a permitted food establishment that contracts with a client for food service to be provided to a client, the client's guests and/or customers at a different location. A catering operation may cook or perform final preparation of food at the service location. A catering operation does not include routine services offered at the same location, or meal that are individually purchased with the exception of cash bars."

(iii) A definition of Potentially Hazardous Food is added to read:

"Potentially Hazardous Food means the same as Time/Temperature Control for Safety Food."

(iv) Priority Item(1) is amended to read:

"(1) "Priority Item" also referred to as "critical 1" means a provision in the Model Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with food borne illness or injury and there is no provision that more directly controls the hazard."

(v) Priority Foundation Item(1) is amended to read:

"(1) "Priority Foundation Item" also referred to as "critical 2" means a provision in the Model Code whose application supports, facilitates or enables one or more Priority Items."

(b) After section 2-102.12, a new section is added to read: "2-102.13 Food Employee Training. Food managers shall be trained and certified as required under Chapter 26-15a, UCA and R392-101. Food employees shall be trained in food safety as required under Section 26-15-5 and shall hold a valid food handler's card issued by a local health department."

(c) Paragraph 3-201.16(A) is amended to read:

"(A) Except as specified in paragraph (B) of this section, mushroom species picked in the wild shall not be offered for sale or service by a food establishment."

(d) Section 3-501.17 is amended to include additional paragraph (H):

"(H) A date marking system that meets the criteria stated in paragraph (A) of this section shall use one of two types of date marks, and that date mark must be used consistently throughout the food establishment. The date mark will either be of the date:

(1) before which food must be used as specified in paragraph (A) or this section; or

(2) be the date of Day 1."

(e) Subparagraph 3-501.19(B)(2) is amended to read:

"(2) Only one time marking scheme may be used, and it must be used consistently throughout the food establishment. The food shall be marked with either:

(a) the time food is removed from temperature control; or

(b) the time before which the food shall be cooked and served at any temperature if ready-to-eat, or discarded."

(f) After Section 4-204-123 a new section is added to read:

"4-204.124 Restraint of Pressurized Containers.

Carbon dioxide, helium or other similar pressurized containers must be restrained or secured to prevent the tanks from falling over."

(g) Section 5-101.12, shall be amended to add: "The process shall be in accordance with the American Water Works Association (AWWA) C651-2005 for disinfection and testing."

(h) Section 5-202.13 is deleted and replaced to read:

"(A) Where the horizontal distance from the water supply inlet to an adjacent single wall or obstruction is greater than three times the diameter of the inlet, or greater than four times for intersecting walls, an air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than 25 millimeters (1 inch).

(B) Where the horizontal distance from the water supply inlet to an adjacent single wall or obstruction is less than three times the diameter of the inlet, or less than four times for intersecting walls, and air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least three times the diameter of the water supply inlet and may not be less than 38 millimeters (1.5 inches)."

(i) Paragraph 5-203.15(A) is amended to read:

"(A) If not provided with an air gap as specified under Section 5-202.13, an American Society of Safety Engineers (ASSE) 1022 dual check valve with an intermediate vent shall be installed upstream from a carbonating device and downstream from any copper in the water supply."

(j) Paragraph 5-402.11(A) is amended to read:

"(A) A direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed."

(k) Section 8-103.10 Modifications and Waivers is amended to read:

"(A) The regulatory authority may grant a variance by modifying or waiving the requirements of this Code if in the opinion of the regulatory authority a health hazard or nuisance will not result from the variance. If a variance is granted, the regulatory authority shall retain the information specified under section 8-103.11 in its records for the food establishment.

(B) A copy of the variance or waiver issued by the regulatory authority and the documentation required in section 8-103.11 shall be provided to the Utah Department of Health, Office of Epidemiology, Environmental Sanitation Program within 5 working days of issuance.

(C) A variance or waiver intended for a food establishment which is of a chain with stores in more than one local health jurisdiction in the State must be approved by the Utah Department of Health prior to issuance."

(l) Section 8-103.11 is amended to add paragraph (D) to read:

"(D) In addition, a variance from section 3-301.11 may be issued only when:

(1) the variance is limited to a specific task or work station;

(2) the applicant has demonstrated good cause why section 3-301.11 cannot be met;

(3) suitable utensils are used to the fullest extent possible with ready-to-eat foods in the rest of the establishment; and

(4) the applicant can demonstrate active managerial control of this risk factor at all times."

(m) Paragraph 8-302.14(C) is amended to read:

"A statement specifying whether the food establishment is mobile or stationary and temporary or permanent."

(n) Paragraph 8-304.10(A) is amended to read:

"(A) Upon request, the regulatory authority shall provide a copy of the food service sanitation rule according to the policy of the local regulatory agency."

(o) Paragraph 8-401.10(A) is amended to read:

"(A) Except as specified in paragraphs (B) and (C) of this section, the regulatory authority shall inspect a food establishment at least once every 6 months and twice in a season for seasonal operations."

(p) Subparagraph 8-401.10(B)(2) is amended to read:

"(2) The food establishment is assigned a less frequent inspection frequency based on a written risk-based inspection schedule that is being uniformly applied throughout the jurisdiction; or"

(q) Section 8-501.10 is amended to read:

"(B) Requiring appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected food employee or conditional employee; and

(C) Meeting reporting requirements under Communicable Disease Rule R386-702 and Injury Reporting Rule R386-703."

(r) Annex 1, Section 8-601.10 is amended to read:

"Due process and equal protection shall be afforded as required by law in all enforcement and regulatory actions."

(s) Annex 1, Section 8-801.30 is amended to read:

"Service is effective at the time the notice is served or when service is made as specified in Paragraph 8-801-20(B)."

(t) Annex 1, Section 8-903.10 is amended to read:

"8-903.10 Impoundment of Adulterated Food Products Authorized.

(A) The impoundment of adulterated food is authorized under Section 26-15-9, UCA.

(B) The regulatory authority may impound, by use of a hold order, any food product found in places where food or drink is handled, sold, or served to the public, but is found or is suspected of being adulterated and unfit for human consumption.

(C) Upon five days notice and a reasonable opportunity for a hearing to the interested parties, to condemn and destroy the same if deemed necessary for the protection of the public health.

(D) If the regulatory authority has reasonable cause to believe that the hold order will be violated, or finds that the order is violated, the regulatory authority may remove the food that is subject to the hold order to a place of safekeeping.

(E) Within the limits set in paragraphs (B), (C), and (D) of this section, the regulatory authority may impound, by use of a hold order, molluscan shellfish that are not tagged or labeled according to Paragraph 3-202.18(A) of this code. Other actions may be taken in accordance with Paragraph 3-202.18(B) of this code."

(u) Annex 1, Section 8-903.60 is amended to read:

"The regulatory authority may examine, sample, and test food in order to determine its compliance with this Code in section 8-402.11."

(v) Annex 1, Section 8-903.90 is amended to read:

"The regulatory authority shall issue a notice of release from a hold order and shall physically remove the hold tags, labels, or other identification from the food if the hold order is vacated."

(w) Annex 1 Section 8-904.30 heading is amended to read:

"8-904.30 Contents of the Summary Suspension Notice."

(x) Annex 1, Paragraph 8-905.10(A) is amended to read:

"(A) A person who receives a notice of hearing shall file a response within 10 calendar days from the date of service. Failure to respond may result in license suspension, license revocation, or other administrative penalties."

(y) Annex 1, Section 8-905.20 is amended to read:

"A response to a hearing notice or a request for a hearing as specified in section 8-905.10 shall be in written form and contain the following:

(A) Response to a notice of hearing must include:

(1) An admission or denial of each allegation of fact;

(2) A statement as to whether the respondent waives the right to a hearing;

(3) A statement of defense, mitigation, or explanation concerning all claims; and

(4) A statement as to whether the respondent wishes to settle some or all of the claims made by the regulatory authority.

(B) A request for hearing must include:

(1) A statement of the issues of fact specified in section 8-905.30 paragraph (B) for which a hearing is requested; and

(2) A statement of defense, mitigation, denial, or explanation concerning each allegation of fact.

(C) Witnesses - In addition to the above requirements, if witnesses are requested, the response to a notice of hearing and a request for hearing must include the name, address, telephone number, and a brief statement of the expected testimony for each witness.

(D) Legal Representation - Legal counsel is allowed, but not required. All documents filed by the respondent must include the name, address, and telephone number of the respondent's legal counsel, if any."

(z) Annex 1, Subparagraph 8-905.50(A)(1) is amended to read:

"(1) Except as provided in paragraph (B) of this section, within 5 calendar days after receiving a written request for an appeal hearing from:"

(aa) Annex 1, Subparagraph 8-905.50(A)(2) is amended to read:

"(2) Within 30 calendar days after the service of a hearing notice to consider administrative remedies for other matters as specified in section 8-905.10(C) or for matters as determined necessary by the regulatory authority."

(ab) Annex 1, Section 8-905.60 heading is amended to read:

"8-905.60 Notice of Hearing Contents."

(ac) Annex 1, Section 8-905.80 heading is amended to read:

"8-905.80 Expedient and Impartial Hearing."

(ad) Annex 1, Section 8-905.90 heading is amended to read:

"8-905.90 Confidentiality of Hearing and Proceedings."

(ae) Annex 1, Paragraph 8-905.90(A) is amended to read:

"(A) Hearings will be open to the public unless compelling circumstances, such as the need to discuss a person's medical or mental health condition, a food establishment's trade secrets, or any other matter private or protected under federal or state law."

(af) Amend section 8-906.30 paragraph (B) to read:

"(B) Unless a party appeals to the head of the regulatory authority within 10 calendar days of the hearing or a lesser number of days specified by the hearing officer."

(ag) Annex 1, Section 8-907.60 is amended to read:

"Documentary evidence may be received in the form of a copy or excerpt if provided to the hearing officer and opposing party prior to the hearing as ordered by the hearing officer."

(ah) Annex 1, Section 8-908.20 is amended to read:

"Respondents accepting a consent agreement waive their rights to a hearing on the matter, including judicial review."

(ai) Annex 1, Subparagraphs(B)(1) and (2) are deleted and Paragraph 8-911.10(B) is amended to read:

"(B) Any person who violates any provision of this rule may be assessed a civil penalty as provided in section 26-23-6, UCA."

(aj) Annex 1, Section 8-913.10 headline is amended to read:

"8-913.10 Petitions, Penalties, Contempt, and Continuing Violations."

(ak) Annex 1, Paragraph 8-913.10(B) is amended to read:

"In addition to any criminal fines and sentences imposed as specified in Paragraph 8-911.10, or to being enjoined as specified in Paragraph 8-912.10, a person who violates a provision of this code, any rule or regulation adopted in accordance with law related to food establishments within the scope of this code, or to any term, condition, or limitation of a permit issued as specified in Paragraphs 8-303.10 and 8-303.20 is subject to a civil penalty not exceeding \$5,000."

(al) Annex 1, Section 8-913.10 is amended to add the paragraph (D) to read:

"(D) The adjudicative body, upon proper findings, shall assess violators a fee for each day the violation remains in contempt of its order."

R392-100-5. Construction Standards.

(1) All parts of the food establishment shall be designed, constructed, maintained, and operated to meet the requirements of Title 15A, State Construction and Fire Codes Act.

KEY: public health, food services, sanitation

Date of Enactment or Last Substantive Amendment: [~~May 18, 2018~~]**2019**

Notice of Continuation: November 7, 2016

Authorizing, and Implemented or Interpreted Law: 26-1-30(2); 26-15-2

Health, Disease Control and Prevention, Environmental Services **R392-510**

Utah Indoor Clean Air Act

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 44033

FILED: 09/04/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 324, from the 2018 General Session, made changes to Section 26-38-2 of the Utah Indoor Clean Air Act. H.B. 245, from the 2012 General Session, added specific exemptions to Title 26, Chapter 38 (Sections 26-38-2.5, 26-38-2.6 and 26-38-2.3) which sunset on July 1, 2017, in accordance with Section 631-1-226, Repeal Dates, Title 26. Changes are proposed to this rule to match the changes to the statutes.

SUMMARY OF THE RULE OR CHANGE: These amendments change the definitions and add some to match Section 26-38-2 of the Utah Indoor Clean Air Act. Language was deleted for an exemption which sunset on July 1, 2017.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 631-1-226 and Sections 26-15-12 and Subsection 26-1-30(2) and Title 26 Chapter 38

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Enacting these proposed changes to Rule R392-510 will not result in a cost or benefit to the state budget because these proposed rule changes do not require a change to current state operations or programs, and they do not include requirements for the payment of fines or fees.

◆ **LOCAL GOVERNMENTS:** Enacting these proposed changes to Rule R392-510 will not result in a direct cost or benefit to local governments because these proposed rule changes do not require a change to current government operation or programs. These proposed rule changes do not include requirements for permit or inspection fees.

◆ **SMALL BUSINESSES:** Enacting these proposed changes to Rule R392-510 will not result in a direct cost or benefit to small businesses because no additional construction, equipment, or operational requirements are included in these rule changes.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Enacting these proposed changes to Rule R392-510 will not result in a direct cost or benefit to any one specific person, as defined, because no additional construction, equipment, or operational requirements are included in these rule changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No specific person will be affected by these rule changes. There are no compliance costs associated with these rule changes for any one specific person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes are proposed in order to comply with H.B. 324 (2018) and the sunset of specific exemptions in H.B. 245 (2012). Definitions are changed and added to match Section 26-38-2 of the Utah Indoor Clean Air Act and language is deleted in accordance with the sunset of certain exemptions. There is no fiscal impact to businesses.

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

HEALTH
DISEASE CONTROL AND PREVENTION,
ENVIRONMENTAL SERVICES
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:
♦ Chris Nelson by phone at 801-538-6739, or by Internet E-mail at chrisonelson@utah.gov or mail at PO Box 142104, Salt Lake City, UT 84114-2104

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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	FY 2020	FY 2021	FY 2022
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 proposed rule amendments will likely not result in a cost or benefit to non-small businesses because there is no change to the requirements set in the rule.

The head of the Utah Department of Health, Joseph Miner, MD, has reviewed and approved this fiscal analysis.

R392. Health, Disease Control and Prevention, Environmental Services.

R392-510. Utah Indoor Clean Air Act.

R392-510-1. Authority.

(1) This rule is authorized by Sections 26-1-30(2), 26-15-12, and Title 26 Chapter 38.

(2) This rule does not preempt other restrictions on smoking that are otherwise allowed by law.

R392-510-2. Definitions.

[~~_____ The definitions in Section 26-38-2 apply to this rule in addition to the following:~~]

(1) "Agent" means the person to whom a building owner has delegated the maintenance and care of the building.

(2) "Area" means a three dimensional space.

(3) "Building" means an entire free standing structure enclosed by exterior walls.

(4) "Building owner" means the person(s) who has an ownership interest in any public or private building.

(5) "E-cigarette" means any electronic oral device that provides a vapor of nicotine or other substance and which simulates smoking through its use or through inhalation of [~~the vapor through~~] the device; and includes an oral device that is composed of a heating element, battery, or electronic circuit and marketed, manufactured, distributed, or sold as an e-cigarette, e-cigar, e-pipe, or any other product name or descriptor, if the function of the product meets the definition of an electronic oral device.

(6) "Employer" means any individual, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons.

(7) "Enclosed" means space between a floor and ceiling which is designed to be surrounded on all sides at any time by solid walls, screens, windows or similar structures (exclusive of doors and passageways) which extend from the floor to the ceiling.

(8) "Executive Director" means the Executive Director of the Utah Department of Health or his designee.

(9) "Facility" means any part of a building, or an entire building.

(10) "HVAC system" means the collective components of a heating, ventilation and air conditioning system.

(11) "Lighted Tobacco" means both tobacco that is under self sustained combustion and tobacco that is heated to a point of smoking or vaporizing.

(12) "Local Health Officer" means the director of the jurisdictional local health department as defined in Title 26A, Chapter 1, or his designee.

(13) "Nonsmoker" means a person who has not smoked a tobacco product in the preceding 30 days.

(14) "Non-tobacco shisha" means any product that does not contain tobacco or nicotine and is smoked or intended to be smoked in a hookah or water pipe.

(15) "Operator" means a person who leases a place from a building owner or controls, operates or supervises a place.

(16) ["Place" means any "place of public access", or "publicly owned building or office", as defined in Title 26, Chapter 38.] "Place of public access" or "Place" means any enclosed indoor place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which persons not employed at the place of public access have general and regular access or which the public uses, including:

(a) buildings, offices, shops, elevators, or restrooms;

(b) means of transportation or common carrier waiting rooms;

(c) restaurants, cafes, or cafeterias;

(d) taverns as defined in Section 32B-1-102, or cabarets;

(e) shopping malls, retail stores, grocery stores, or arcades;

(f) libraries, theaters, concert halls, museums, art galleries, planetariums, historical sites, auditoriums, or arenas;

(g) barber shops, hair salons, or laundromats;

(h) sports or fitness facilities;

(i) common areas of nursing homes, hospitals, resorts, hotels, motels, "bed and breakfast" lodging facilities, and other similar lodging facilities, including the lobbies, hallways, elevators, restaurants, cafeterias, other designated dining areas, and restrooms of any of these;

(j)(i) any child care facility or program subject to licensure or certification under this title, including those operated in private homes, when any child cared for under that license is present; and

(ii) any child care, other than child care as defined in Section 26-39-102, that is not subject to licensure or certification under this title, when any child cared for by the provider, other than the child of the provider, is present;

(k) public or private elementary or secondary school buildings and educational facilities or the property on which those facilities are located;

(l) any building owned, rented, leased, or otherwise operated by a social, fraternal, or religious organization when used solely by the organization members or their guests or families;

(m) any facility rented or leased for private functions from which the general public is excluded and arrangements for the function are under the control of the function sponsor;

(n) any workplace that is not a place of public access or a publicly owned building or office but has one or more employees who are not owner-operators of the business;

(o) any area where the proprietor or manager of the area has posted a conspicuous sign stating "no smoking", "thank you for not smoking", or similar statement; and

(p) a holder of a bar establishment license, as defined in Section 32B-1-102.

(17) "Publicly owned building or office" means any enclosed indoor place or portion of a place owned, leased, or rented by any state, county, or municipal government, or by any agency supported by appropriation of, or by contracts or grants from, funds derived from the collection of federal, state, county, or municipal taxes.

(18) "Shisha" means any product that contains tobacco or nicotine and is smoked or intended to be smoked in a hookah or water pipe.

(19) "Smoking" means:

(a) the possession of any lighted or heated tobacco product in any form;

(b) inhaling, exhaling, burning, or [heating a substance containing tobacco or nicotine intended for inhalation through a cigar, cigarette, pipe, or hookah.] carrying any lighted or heated cigar, cigarette, pipe, or hookah that contains:

(i) tobacco or any plant product intended for inhalation;

(ii) shisha or non-tobacco shisha;

(iii) nicotine;

(iv) a natural or synthetic tobacco substitute; or

(v) a natural or synthetic flavored tobacco product;

(c) using an e-cigarette; or

(d) using an oral smoking device intended to circumvent the prohibition of smoking in this rule.

(20) "Workplace" means any enclosed space, including a vehicle, in which one or more individuals perform any type of service or labor for consideration of payment under any type of employment relationship. This includes such places wherein individuals gratuitously perform services for which individuals are ordinarily paid.

R392-510-3. Responsibility for Compliance.

Where this rule imposes a duty on a building owner, agent, or operator, each is independently responsible to assure compliance and each may be held liable for noncompliance.

R392-510-4. Proprietor Right to Prohibit Smoking.

(1) The owner, agent or operator of a place may prohibit smoking anywhere on the premises.

(2) The owner, agent or operator of a place may also prohibit smoking anywhere outdoors on the premises.

R392-510-5. Smoking Prohibited Entirely in Places of Public Access and Publicly Owned Buildings and Offices.

(1) Places listed in Section 26-38-2(2)(3)(a) through (p) are places of public access and smoking is prohibited in them except as provided for in Section 26-38-3(2).

(2) It is the responsibility of the owner or operator to provide evidence to the local health department upon request that the facility is in compliance with this rule.

R392-510-6. Requirements for Smoking Permitted Areas.

(1) Any enclosed area where smoking is permitted must be designed and operated to prevent exposure of persons outside the area to tobacco smoke generated in the area.

(2) If a lodging facility permits smoking as provided in Section 26-38-3(2)(b) in designated smoking-allowed guest rooms, or if a nursing home, assisted living facility, small health care facility, or hospital with a certified swing-bed program permits smoking as provided in Section 26-38-3(2)(b) in designated smoking-allowed private residential sleeping rooms, the facility's air handling system or systems must not allow air from any smoking-allowed area to mix with air in or to be used in:

(a) any part of the facility defined as a place of public access in Section 26-38-2(1)(3);

(b) another room designated as a non-smoking room; or

(c) common areas of the facility, including dining areas, lobby areas and hallways.

(d) If an operator of a lodging facility chooses to modify the status of a room from a smoking to a non-smoking room, then the operator shall perform a full deep cleaning of the room. The deep cleaning shall include cleaning of carpets, bedding, drapes, walls, and any other object in the room which absorbs smoking particles or smoking fumes.

R392-510-7. HVAC System Documentation.

(1) If a building has a smoking-permitted area under Section 26-38-3(2), the building owner must obtain and keep on file a signed statement from an air balancing firm certified by the Associated Air Balance Council or the National Environmental Balancing Bureau, or an industrial hygienist certified by the American Board of Industrial Hygiene that the smoking permitted area meets the requirements of Subsections R392-510-6(1). If a building's HVAC System is altered in any way, the building owner must obtain new certification on the system.

(2) The building owner must provide the information required in Subsection R392-510-7(1) within three working days upon request from the operator, executive director or local health officer.

(3) The operator must provide the information required in Subsection R392-510-7(1) within five working days upon the request of the executive director or local health officer.

(4) The building owner must provide the HVAC operation specifications and maintenance guidelines to the HVAC operation and maintenance personnel or contractor. The maintenance guidelines must include the manufacturer's recommended procedures and time lines for maintenance of HVAC system components. If the manufacturer's recommended procedures for operation and maintenance of the HVAC system are not available, the building owner must obtain and use guidelines developed by a mechanical engineer licensed by the State of Utah who has expertise in the design and evaluation of HVAC systems or by a mechanical contractor licensed by the State of Utah who has expertise in the repair and maintenance of HVAC systems.

(5) The building owner must maintain HVAC inspection and maintenance records or logs for the three previous years and must make them available to the operator, executive director or local health officer within three working days of a request.

(6) The operator must make the record or logs required in Subsection R392-510-7(5) available to the executive director or local health officer within five working days of a request.

(7) The records or logs required in Subsection R392-510-7(5) must include:

(a) The specific maintenance and repair action taken, and reasons for actions taken;

(b) The name and affiliation of the individual performing the work; and

(c) The date of the inspection or maintenance activity.

R392-510-8. Operation and Maintenance of HVAC Systems.

(1) The building owner, agent, or operator of a place where smoking is permitted under Section 26-38-3(2) shall identify a person responsible for the operation and maintenance of the HVAC system.

(2) The building owner, agent, or operator of a place where smoking is permitted under Section 26-38-3(2) must maintain and operate the HVAC system to meet the requirements of Subsections R392-510-6.

(3) The building owner, agent, or operator of a place where smoking is permitted under Section 26-38-3(2) must cause the HVAC system components to be inspected, adjusted, cleaned, and calibrated according to the manufacturer's recommendations, or replaced as specified in the maintenance guidelines required in Subsection R392-510-7(4). The building owner, agent, or operator's experience with the HVAC system may establish that more frequent maintenance activities are required.

(4) Visual or olfactory observation is sufficient to determine whether a smoking-permitted area meets the requirements of Section R392-510-6.

R392-510-9. Protection of Air Used for Ventilation.

(1) Smoking is not permitted within 25 feet of any entrance-way, exit, open window, or air intake of a building where smoking is prohibited.

(2) Ashtrays may be placed near entrances only if they have durable and easily readable signage indicating that the ashtray is provided for convenience only and the area around it is not a smoking area. The sign shall include a reference to the 25 foot prohibition.

(3) An employer shall establish a policy to prohibit employee smoking within 25 feet of any entrance-way, exit, open window, or air intake of a building where smoking is prohibited.

R392-510-10. Educational and Cultural Activities Not Exempted.

(1) Educational facilities, as used in the Utah Indoor Clean Air Act, means any facility used for instruction of people, including preschools, elementary and middle schools, junior and senior high schools.

(2) Smoking is prohibited in facilities used by, vocational schools, colleges and universities, and any other facility or educational institution operated by a commercial enterprise or nonprofit entity, including hotel, motel, and convention center rooms, for the purpose of providing academic classroom instruction, trade, craft, computer or other technical or professional training, or instruction in dancing, artistic, musical or other cultural skills as well as all areas supportive of instruction including classrooms, lounges, lecture halls, study areas and libraries.

R392-510-11. Private Dwellings Which Are Places of Employment.

(1) A private dwelling is subject to these rules while an individual who does not reside in the dwelling is engaged to perform services in the dwelling on a regular basis is present. This includes situations where an individual performs services such as, but not limited to:

(a) domestic services;

- (b) secretarial services for a home-based business; or
- (c) bookkeeping services for a home-based business.

(2) In a private dwelling in which a business or service is operated and into which the public enters for purposes related to the business or service smoking is prohibited in the business or service area during hours when the dwelling is open to the public.

(3) A private dwelling in which an individual is employed on a nonregular basis only is not subject to these rules. This includes situations where individuals perform services such as:

- (a) baby-sitting services;
- (b) trade services for the owner of the dwelling or individuals residing in the dwelling such as those services performed by plumbers, electricians and remodelers;
- (c) emergency medical services;
- (d) home health services; and
- (e) part-time housekeeping services.

R392-510-12. Signs and Public Announcements.

Signs required in this section must be easily readable and must not be obscured in any way. The words "No Smoking" must be not less than 1.5 inches in height. If the international "No Smoking" symbol is used alone, it must be at least 4 inches in diameter.

(1) In a place where smoking is prohibited entirely, the building owner, agent, or operator must conspicuously post a sign using the words, "No smoking is permitted in this establishment" or a similar statement, which shall also include the international no-smoking symbol, on all entrances or in a position clearly visible on entry into the place.

(2) In a place where smoking is partially allowed, the building owner, agent, or operator must conspicuously post a sign using the words, "No smoking is permitted except in designated areas" or a similar statement, which shall also include the international no-smoking symbol, on all entrances or in a position clearly visible on entry into the place.

(3) In a place where smoking is allowed in its entirety, the building owner, agent, or operator must conspicuously post a sign using the words, "This establishment is a smoking area in its entirety" or similar statement.

(4) The building owner, agent, or operator must post a sign at all smoking-permitted areas provided for under Section 26-38-3(2) (a), (b), and (c). The sign must have the words, "smoking permitted" or similar wording and include the international smoking symbol.

(5) The building owner, agent, or operator must post a sign inside the exit of all smoking-permitted areas, if the exit leads to a smoking-prohibited area. The sign must have the words, "smoking not permitted beyond this point" or similar wording and include the international no-smoking symbol.

(6) In public lodging facilities that designate guest rooms as smoking allowed, the building owner, agent, or operator must conspicuously post a permanent sign on the smoking-allowed guest room door and meet the requirements of R392-510-6(1) and (2).

(7) In nursing homes, assisted living facilities, small health care facilities and hospitals with a certified swing-bed program that designate private residential sleeping rooms as "smoking allowed," the building owner, agent, or operator must conspicuously post a permanent sign on the door and meet the requirements of R392-510-6(1) and (2).

(8) The building owner, agent, or operator of an airport terminal, bus station, train station, or similar place must provide

announcements on a public address system as often as necessary but not less than four times per hour during the hours that the place is open to the public, as follows:

(a) If smoking is not permitted, the announcements shall convey that the Utah Indoor Clean Air Act prohibits smoking in the place.

(b) If smoking is partially permitted, the announcements shall convey that the Utah Indoor Clean Air Act requires smokers to smoke only in those areas specifically designated for smoking.

(9) The building owner, agent, or operator of a sports arena, convention center, special events center, concert hall or other similar place must provide announcements on a public address system prior to the beginning of any event, at intermissions, at the conclusion of the event and any other break in the program or event, as follows:

(a) If smoking is not permitted, the announcements shall convey that the Utah Indoor Clean Air Act prohibits smoking in the place.

(b) If smoking is partially permitted, the announcements shall convey that the Utah Indoor Clean Air Act requires smokers to smoke only in those areas specifically designated for smoking.

(10) The building owner, agent, or operator of a large place, such as an airport, university, hotel or motel, or sports arena may, in writing, request the assistance of the local health officer to establish an effective signage and public announcements plan. The local health officer may cause the plan to be modified at any time to protect nonsmokers from being exposed to tobacco smoke.

(11) Buildings that are places of worship operated by a religious organization are not required to post signs.

(12) In a place of public access where the smoking of non-tobacco products is allowed and smoking of tobacco is prohibited, a sign shall be posted indicating that tobacco products may not be smoked.

R392-510-13. Discrimination.

An employer may not discriminate or take any adverse action against an employee or applicant because that person has sought enforcement of the provisions of Title 26, Chapter 38, Rule R392-510, the smoking policy of the workplace or otherwise protests the smoking of others.

[R392-510-14. Temporary Exemption-

~~(1) The definition of smoking, which prohibits heated tobacco inhaled or exhaled through a hookah does not apply to a place of public access if it meets the requirements outlined by statute in 26-38-2.5, and action was required prior to July 1, 2012. The department or local health department shall certify that the exemption requirements are met as directed by 26-38-2.5 and a reasonable fee may be imposed to recover the cost of certification of exemption. In addition, penalties may be imposed for violation of the exemption as defined in 26-23-6. The exemption will sunset, in accordance with 631-1-226, July 1, 2017. Additionally, as required by statute, the place of public access must provide through written notice on menus, or conspicuously located signage that only tobacco products sold at this place of public access may be heated, inhaled, and exhaled and that only those 21 years of age and older may be admitted. Any change in exemption status must be reported to the local health department.~~

~~(2) The place of public access shall allow the local health department and State Health Department to inspect the facility to verify ongoing compliance with the rule and statute during the 5 year~~

exemption period. To maintain the exemption, the place of public access must:

- ~~(a) Maintain its class C or D liquor license.~~
 - ~~(b) Admit only individuals 21 years of age and older into the place of public access.~~
 - ~~(c) Prominently display signs on the premises and in advertisements that disclose the dangers of second hand smoke and inhaling tobacco.~~
 - ~~(d) Require that only tobacco products sold by the place of public access may be heated, inhaled, and exhaled in the place of public access.~~
 - ~~(e) Not sell a product for use in a hookah that contains more than 30% tobacco or more than .05% nicotine.~~
 - ~~(f) Sell a mixture of tobacco and other flavors for the purpose of heating, inhaling, and exhaling the tobacco mixture through a hookah pipe~~
 - ~~(g) Be able to demonstrate that the sale of the mixture of tobacco and other flavors for use in a hookah pipe in the place of public access constitutes at least 10% of the establishment's gross annual sales (January 1 to December 31 during the exemption period).~~
- ~~(3) If the place of public access does not meet the requirements of the exemption as determined by inspection of the local health department and/or State Health Department, the certification of exemption shall be suspended, and the place of public access shall go through the appeals process as outlined in 26a-1-121 (2) to determine if the permit should be permanently revoked or if corrections have been made, renewed for the balance of the 5 year period.~~

R392-510-15. Signs Required for Temporary Exemption.

- ~~(1) The building owner, agent or operator must conspicuously post signs that are easily readable and not obscured in any way as outlined in R392-510-12. The words must not be less than 1.5 inches in height. The signs shall state "WARNING: There is no risk-free level of inhaling tobacco smoke or exposure to secondhand tobacco smoke. U.S. Surgeon General".~~
- ~~(2) The sign shall be posted at all entrances or in a position clearly visible on entry into the place.~~
- ~~(3) Any advertisements to the public must include the statement "WARNING: There is no risk-free level of inhaling tobacco smoke or exposure to secondhand tobacco smoke. U.S. Surgeon General".~~

R392-510-16. Restriction on Use of e-Cigarette in Place of Public Access.

The prohibition against the use of an e-cigarette in a place of public access does not apply if:

- ~~(1) the use of the e-cigarette occurs in the place of public access that is a retail establishment that sells e-cigarettes and the use is for the purpose of:

 - ~~(a) the retailer of an e-cigarette demonstrating to the purchaser of the e-cigarette how to use the e-cigarette; or~~
 - ~~(b) the customer sampling a product sold by the retailer for use in an e-cigarette; and the retailer of e-cigarettes:

 - ~~(i) has all required licenses for the possession and sale of e-cigarettes in a place of business;~~
 - ~~(ii) does not permit a person under the age of 19 to enter any part of the premises of the retail establishment in which the e-cigarettes are sold; and~~~~~~

~~(iii) the sale of e-cigarettes and substances for use in e-cigarettes constitutes at least 75% of the establishment's gross sales.~~

~~(2) this section sunsets, in accordance with 631-1-226, July 1, 2017.]~~

R392-510-14. Enforcement action by Proprietors.

An owner, agent, or employee of the owner of a place where smoking is prohibited by this rule who observes a person smoking in apparent violation of this rule shall request the person to stop smoking. If the person fails to comply, the proprietor, agent, or employee shall ask the person to leave the premises.

KEY: public health, indoor air pollution, smoking, ventilation
Date of Enactment or Last Substantive Amendment: [July 1, 2013]2019
Notice of Continuation: March 15, 2017
Authorizing, and Implemented or Interpreted Law: 26-1-30(2); 26-15-1 et seq.; 26-38-1

**Human Resource Management,
 Administration
 R477-8
 Working Conditions**

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 44060
 FILED: 09/12/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to correct an unintentional rule change caused by a typographical error.

SUMMARY OF THE RULE OR CHANGE: This amendment revises Subsection R477-8-1(1) so that the definition of the state's workweek ends on 11:59 p.m. on Friday rather than 11:29 p.m.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 20A-3-103 and Section 34A-2-114 and Section 67-19-6 and Section 67-19-6.7

- ANTICIPATED COST OR SAVINGS TO:**
- ◆ **THE STATE BUDGET:** This amendment is not expected to have any fiscal impact on state government revenues or expenditures because these changes are administrative in nature and do not impact budgets.
 - ◆ **LOCAL GOVERNMENTS:** This amendment is not expected to have any fiscal impact on local governments because this rule only applies to the executive branch of state government.
 - ◆ **SMALL BUSINESSES:** This amendment is not expected to have any fiscal impact on small businesses because this rule only applies to the executive branch of state government.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This amendment is not expected to have any fiscal impact on other individuals because this rule only applies to the executive branch of state government.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no direct compliance costs for these amendments. This rule only affects the executive branch of state government and will have no impact on other persons. This rule has no financial impact on state employees.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After the matter was identified to the Department of Human Resource Management (DHRM), it was determined that this proposed rule change will not result in a fiscal impact to businesses. Rules published by DHRM have no direct affect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the "Utah Personnel Management Act," Title 67, Chapter 19. This act limits the provisions of career service and this rule to employees of the executive branch of state government.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN RESOURCE MANAGEMENT
 ADMINISTRATION
 ROOM 2120 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:
 ◆ Bryan Embley by phone at 801-538-3069, or by Internet E-mail at bkembley@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Paul Garver, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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 amendment is not expected to have any fiscal impact on non-small businesses' revenues or expenditures, because this rule only applies to the executive branch of state government.

Paul Garver, Executive Director, has approved this analysis.

R477. Human Resource Management, Administration.

R477-8. Working Conditions.

R477-8-1. Workweek.

(1) The state's standard workweek begins Saturday at 12:00 a.m. and ends the following Friday at ~~[4:29]~~11:59 p.m. FLSA nonexempt employees may not deviate from this ~~[workweek]~~workweek.

(2) State offices are typically open Monday through Friday from 8:00 a.m. to 5:00 p.m. Agencies may adopt alternative business hours under Section 67-25-201.

(3) Agency management shall establish work schedules and may approve a flexible starting and ending time for an employee as long as scheduling is consistent with overtime provisions of Section R477-8-4.

(4) An employee is required to work the assigned schedule and be at work on time. An employee who is late, regardless of the reason, including inclement weather, shall, with management approval, account for the lost time by using accrued leave, leave without pay, or adjusting their work schedule.

(5) An employee's time worked shall be calculated in increments of 15 minutes. This rule incorporates by reference 29 CFR 785.48 (2012) for rounding practices when calculating time worked.

R477-8-2. Telecommuting.

(1) Telecommuting is an agency option, not a universal employee benefit. Agencies utilizing a telecommuting program shall:

- (a) establish a written policy governing telecommuting;
- (b) enter into a written agreement with each participating employee to specify conditions, such as use of state or personal equipment, protecting confidential information, and results such as identifiable benefits to the state and how customer needs are being met;
- (c) not allow participating employees to violate overtime rules;
- (d) not compensate for normal commute time; and
- (e) document telecommuting authorization.

R477-8-3. Lunch, Break and Exercise Release Periods.

(1) Each full time work day may include a minimum of 30 minutes non-compensated lunch period, at the discretion of agency management.

- (a) Lunch periods may not be used to shorten a work day.
- (2) An employee may take a 15 minute compensated break period for every four hours worked.
 - (a) Break periods may not be accumulated to accommodate a shorter work day or longer lunch period.
- (3) Compensated exercise release time may be allowed at agency discretion for up to three days per week for 30 minutes.
 - (a) Participating agencies shall have a written policy regarding exercise release time.
 - (b) Work time exercise that is a bona fide job requirement is not subject to this section.
 - (4) Authorization for exercise time shall be documented in the Utah Performance Management system.
 - (5) As requested and after consultation with an employee, reasonable, daily break periods shall be granted for the first year following the birth of a child to allow an employee to express breast milk for her child.
 - (a) A private location, other than a restroom, shall be provided.
 - (b) Appropriate temporary storage shall be provided for expressed milk.

R477-8-4. Overtime Standards.

The state's policy for overtime is adopted and incorporated from the Fair Labor Standards Act, 29 CFR Parts 500 to 899(2002) and Section 67-19-6.7.

- (1) Management may direct an employee to work overtime. Each agency shall develop internal rules and procedures to ensure overtime usage is efficient and economical. These policies and procedures shall include:
- (a) prior supervisory approval for all overtime worked;
 - (b) recordkeeping guidelines for all overtime worked;
 - (c) verification that there are sufficient funds in the budget to compensate for overtime worked.
- (2) Overtime compensation designations are identified for each job title in HRE as either FLSA nonexempt, or FLSA exempt.

(a) An employee may appeal the FLSA designation to the agency human resource field office. Further appeals may be filed directly with the United States Department of Labor, Wage and Hour Division. Sections 67-19-31, 67-19a-301 and Title 63G, Chapter 4 may not be applied for FLSA appeals purposes.

(3) An FLSA nonexempt employee may not work more than 40 hours a week without management approval. Overtime shall accrue when the employee actually works more than 40 hours a week. Leave and holiday time taken within the work period may not be counted as hours worked when calculating overtime accrual. Hours worked over two or more weeks may not be averaged with the exception of certain types of law enforcement, fire protection, and correctional employees.

(4) Agency management shall arrange for an employee's use of compensatory time as soon as possible without unduly disrupting agency operations or endangering public health, safety or property.

R477-8-5. Compensatory Time for FLSA Nonexempt Employees.

(1) An FLSA nonexempt employee shall sign a prior overtime agreement authorizing management to compensate the employee for overtime worked by actual payment or accrual of compensatory time at time and one half.

(a) An FLSA nonexempt employee may receive compensatory time for overtime up to a maximum of 80 hours. Only with prior approval of the Executive Director, DHRM, may compensatory time accrue up to 240 hours for regular employees or up to 480 hours for peace or correctional officers, emergency or seasonal employees. Once an employee reaches the maximum, additional overtime shall be paid on the payday for the period in which it was earned.

(b) Compensatory time balances for an FLSA nonexempt employee shall be paid down to zero at the rate of pay in the old position in the same pay period that the employee is:

- (i) transferred from one agency to a different agency; or
- (ii) promoted, reclassified, reassigned or transferred to an FLSA exempt position.

R477-8-6. Compensatory Time for FLSA Exempt Employees.

(1) An FLSA exempt employee may not work more than 80 hours in a pay period without management approval. Compensatory time shall accrue when the employee actually works more than 80 hours in a work period. Leave and holiday time taken within the work period may not count as hours worked when calculating compensatory time. Each agency shall compensate an FLSA exempt employee who works overtime by granting time off. For each hour of overtime worked, an FLSA exempt employee shall accrue an hour of compensatory time.

(a) Agencies shall establish in written policy a uniform overtime year either for the agency as a whole or by unit number and communicate it to employees. Overtime years shall be set at one of the following pay periods: Five, Ten, Fifteen, Twenty, or the last pay period of the calendar year. If an agency fails to establish a uniform overtime year, the Executive Director, DHRM, and the Director of Finance, Department of Administrative Services, will establish the date for the agency at the last pay period of the calendar year. An agency may change the established overtime year only after the current overtime year has lapsed, unless justifiable reasons exist and the Executive Director, DHRM, has granted a written exception.

(b) The limit on compensatory time accrued by an FLSA exempt employee may not be less than 80 hours.

(i) Any compensatory time earned by an FLSA exempt employee over the limit shall be paid out in the pay period it is earned.

(c) Any compensatory time earned by an FLSA exempt employee is not an entitlement, a benefit, nor a vested right.

(d) Any compensatory time earned by an FLSA exempt employee shall lapse upon occurrence of any one of the following events:

- (i) at the end of the employee's established overtime year;
- (ii) upon assignment to another agency;
- (iii) changes FLSA status to nonexempt; or
- (iv) when an employee terminates, retires, or otherwise does not return to work before the end of the overtime year.

R477-8-7. Nonexempt Public Safety Personnel.

(1) To be considered for overtime compensation under this rule, a law enforcement or correctional officer shall meet the following criteria:

- (a) be a uniformed or plain clothes sworn officer;
- (b) be empowered by statute or local ordinance to enforce laws designed to maintain public peace and order, to protect life and property from accidental or willful injury, and to prevent and detect crimes;
- (c) have the power to arrest;
- (d) be POST certified or scheduled for POST training; and
- (e) perform over 80% law enforcement duties.

(2) Agencies shall select one of the following maximum work hour thresholds to determine when overtime compensation is granted to law enforcement or correctional officers designated FLSA nonexempt and covered under this rule.

- (a) 171 hours in a work period of 28 consecutive days; or
- (b) 86 hours in a work period of 14 consecutive days.

(3) Agencies shall select one of the following maximum work hour thresholds to determine when overtime compensation is granted to fire protection employees.

- (a) 212 hours in a work period of 28 consecutive days; or
- (b) 106 hours in a work period of 14 consecutive days.

(4) Agencies may designate a lesser threshold in a 14 day or 28 day consecutive work period as long as it conforms to the following:

- (a) the Fair Labor Standards Act, Section 207(k);
- (b) 29 CFR 553.230;
- (c) the state's payroll period; and
- (d) the approval of the Executive Director, DHRM.

R477-8-8. Time Reporting.

(1) Employees shall complete and submit a state approved biweekly time record that accurately reflects the hours actually worked, including:

- (a) approved and unapproved overtime;
- (b) on-call time;
- (c) stand-by time;
- (d) meal periods of public safety and correctional officers who are on duty more than 24 consecutive hours; and
- (e) approved leave time.

(2) An employee who fails to accurately record time may be disciplined.

(3) Time records developed by the agency shall have the same elements of the state approved time record and be approved by the Department of Administrative Services, Division of Finance.

(4) A Supervisor who directs an employee to submit an inaccurate time record or knowingly approves an inaccurate time record may be disciplined.

(5) A Non-exempt employee who believes FLSA rights have been violated may submit a complaint directly to the Executive Director, DHRM or designee.

R477-8-9. Hours Worked.

(1) An FLSA nonexempt employee shall be compensated for all hours worked. An employee who works unauthorized overtime may be disciplined.

(a) All time that an FLSA nonexempt employee is required to wait for an assignment while on duty, before reporting to duty, or before performing activities is counted towards hours worked.

(b) Time spent waiting after being relieved from duty is not counted as hours worked if one or more of the following conditions apply:

- (i) the employee arrives voluntarily before their scheduled shift and waits before starting duties;
- (ii) the employee is completely relieved from duty and allowed to leave the job;
- (iii) the employee is relieved until a definite specified time;

or

(iv) the relief period is long enough for the employee to use as the employee sees fit.

R477-8-10. On-call Time.

(1) An FLSA non-exempt employee required by agency management to be available for on-call work shall be compensated for on-call time at a rate of one hour for every 12 hours the employee is on-call. A FLSA exempt employee required by agency management to be available for on-call work may be compensated at agency discretion, not to exceed a rate of one hour for every 12 hours the employee is on-call.

(a) Time is considered on-call time when the employee has freedom of movement in personal matters as long as the employee is available for a call to duty. An employee may not be in on-call status while using leave or while otherwise unable to respond to a call to duty.

(b) Agencies who enter into on-call agreements with employees shall have an agency policy consistent with this rule and finance policy.

(c) On-call status shall be designated by a supervisor and shall be in writing and documented in the Utah Performance Management system on an annual basis. Carrying a pager or cell phone shall not constitute on-call time without this written agreement.

(d) The employee shall record the hours spent in on-call status, and any actual hours worked, on the official time record, for the specific date the hours were incurred, in order to be paid.

(e) An employee may not record on-call hours and actual hours worked for the same period of time. On-call hours, actual hours worked, and leave hours cannot exceed 24 hours in a day.

(f) An employee shall round on-call hours to the nearest two decimal places. Hours of on-call pay shall be calculated by subtracting the number of hours worked in the on-call period from the number of hours in the on-call period then dividing the result by 12.

R477-8-11. Stand-by Time.

(1) An employee restricted to stand-by at a specified location ready for work shall be paid full-time or overtime, as appropriate. An employee shall be paid for stand-by time if required to stand by the post ready for duty, even during lunch periods, equipment breakdowns, or other temporary work shutdowns.

(2) The meal periods of police, and other public safety or correctional officers and firefighters who are on duty more than 24 consecutive hours shall be counted as working time, unless an express agreement excludes the time.

R477-8-12. Commuting and Travel Time.

(1) Normal commuting time from home to work and back may not count towards hours worked.

(2) Time an employee spends traveling from one job site to another during the normal work schedule shall count towards hours worked.

(3) Time an employee spends traveling on a special one-day assignment shall count towards hours worked except meal time and ordinary home to work travel.

(4) Travel that keeps an employee away from home overnight does not count towards hours worked if it is time spent outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

(5) Travel as a passenger counts toward hours worked if it is time spent during regular working hours. This applies to non-working days, as well as regular working days. However, regular meal period time is not counted.

(6) Management may compensate employees for travel and meal period not required by federal law as implemented in Sections (4) and (5).

R477-8-13. Excess Hours.

(1) An employee may use excess hours the same way as annual leave.

(a) An employee may not work hours which would lead to the accrual of excess hours without prior management approval.

(b) An employee may not use any leave time, other than holiday and jury leave, that results in the accrual of excess hours.

(c) An employee may not accumulate more than 80 excess hours.

(d) Agency management shall pay out excess hours:

(i) for all hours accrued above the limit set by DHRM;

(ii) when an employee is assigned from one agency to another; and

(iii) upon separation.

(e) Agency management may pay out excess hours:

(i) automatically in the same pay period accrued;

(ii) at any time during the year as determined appropriate by a state agency or division; or

(iii) upon request of the employee and approval by the agency head or designee.

R477-8-14. Dual State Employment.

An employee who has more than one position within state government, regardless of schedule is considered to be in a dual employment situation. The following conditions apply to dual employment status.

(1) An employee may work in up to four different positions in state government.

(2) An employee's benefit status for any secondary position(s), regardless of schedule of any of the positions, shall be the same as the primary position.

(3) An employee's FLSA status (exempt or nonexempt) for any secondary position(s) shall be the same as the primary position.

(4) Leave accrual shall be based on all hours worked in all positions and may not exceed the maximum amount allowed in the primary position.

(5) As a condition of dual employment, an employee in dual employment status is prohibited from accruing excess hours in either the primary or secondary positions. All excess hours earned shall be paid at straight time in the pay period in which the excess hours are earned.

(6) As a condition of dual employment, the Overtime or Comp selection shall be as overtime paid regardless of FLSA status. An employee may not accrue comp hours while in dual employment status.

(7) Overtime shall be calculated at straight time or time and one half depending on the FLSA status of the primary position. Time and a half overtime rates shall be calculated based on the weighted average rate of the multiple positions. Refer to Division of Finance's payroll policies, dual employment section.

(8) The Accepting Terms of Dual Employment form shall be completed, signed by the employee and supervisor, and placed in the employee's personnel file with a copy sent to the Division of Finance.

(9) Secondary positions may not interfere with the efficient performance of the employee's primary position or create a conflict of interest. An employee in dual employment status shall comply with conditions under Subsection R477-9-2(1).

R477-8-15. Reasonable Accommodation.

Employees and applicants seeking reasonable accommodation shall be evaluated under state and federal law. This shall be done in conjunction with the agency ADA coordinator. The ADA coordinator shall consult with the Division of Risk management prior to denying any accommodation request.

R477-8-16. Fitness For Duty Evaluations.

Fitness for duty medical evaluations may be performed under any of the following circumstances:

(1) return to work from injury or illness except as prohibited by federal law;

(2) when management determines that there is a direct threat to the health or safety of self or others;

(3) in conjunction with corrective action, performance or conduct issues, or discipline; or

(4) when a fitness for duty evaluation is a bona fide occupational qualification for selection, retention, or promotion.

R477-8-17. Temporary Transitional Assignment.

(1) Agency management may place an employee in a temporary transitional assignment when an employee is unable to perform essential job functions due to temporary health restrictions. Time spent on such an assignment may be counted as leave for purposes of R477-7-1(10).

(2) Temporary transitional assignments may also be part of any of the following:

- (a) when management determines that there is a direct threat to the health or safety of self or others;
- (b) in conjunction with an internal investigation, corrective action, performance or conduct issues, or discipline;
- (c) where there is a bona fide occupational qualification for retention in a position;
- (d) while an employee is being evaluated to determine if reasonable accommodation is appropriate.

R477-8-18. Change in Work Location.

(1) An involuntary change in work location shall not be permitted if this requires the employee to commute or relocate 50 miles or more, one way, beyond the current one-way commute, unless:

- (a) the change in work location is communicated to the employee at appointment to the position requiring the change in location; or
- (b) the agency either pays to move the employee consistent with Section R25-6-8 and Finance Policy FIACCT 05-03.03, or reimburses commuting expenses up to the cost of a move.

R477-8-19. Agency Policies and Exemptions.

(1) Each agency may write its own policies for work schedules, overtime, leave usage, and other working conditions consistent with these rules.

R477-8-20. Background Checks.

In order to protect the citizens of the State of Utah and state resources and with the approval of the agency head, agencies may establish background check policies requiring specific employees to submit to a criminal background check through the Department of Public Safety, Bureau of Criminal Identification.

(1) Agencies who have statewide responsibility for confidential information, sensitive financial information, or handle state funds may require employees to submit to a background check, including employees who work in other state agencies.

(2) The cost of the background check will be the responsibility of the employing agency.

R477-8-21. Workers' Compensation Interference Prohibited.

(1) Agency management may not interfere with an employee's effort to make a claim for workers' compensation.

(2) Agency management may not retaliate against an employee who makes or attempts to make a claim for workers' compensation, reports an employer's noncompliance Utah Code Sections 34A-2 or 34A-3, or testifies or intends to testify in a workers' compensation proceeding.

R477-8-22. Policy Exceptions.

The Executive Director, DHRM, may authorize exceptions to this rule, consistent with Subsection R477-2-2(1).

KEY: breaks, telecommuting, overtime, dual employment

Date of Enactment or Last Substantive Amendment: [July 1, 2019]

Notice of Continuation: April 27, 2017

Authorizing, and Implemented or Interpreted Law: 34A-2-114; 67-19-6; 67-19-6.7; 20A-3-103

Human Services, Administration, Administrative Services, Licensing **R501-22** Residential Support Programs

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 44034

FILED: 09/04/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Residential Support is defined in Subsection 62A-2-101(35) as: (a) "Residential Support" means arranging for or providing the necessities of life to individual or families who have a disability to who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families. (b) "Residential Support" includes providing a supervised living environment for persons with dysfunctions or impairments that are: (i) emotional, (ii) psychological; (iii) developmental; (iv) behavioral. (c) treatment is not a necessary component of Residential Support. The Department of Human Services (Department) has a Housing Committee compiled of representatives from all divisions in the Department and participated heavily with the Rio Grande project to address homeless population issues in Salt Lake City. It was determined that the Homeless Shelters do fit into the Office of Licensing's (OL) statutory definition requiring licensure and the Department as a whole moved toward this process. Over the course of a year, OL engaged all stakeholders in shelters, resource centers, domestic violence representatives, Department of Workforce Services (DWS), and Division of Substance Abuse and Mental Health (DSAMH) to develop this rule that addresses the key health and safety needs for individuals in these settings while deferring to other regulatory oversight that might already be in place for these entities. Most of these facilities are already in compliance with safety requirements and ones that cannot meet rule requirements may be granted variances as long as the variances won't interfere with client health and safety.

SUMMARY OF THE RULE OR CHANGE: This is a repeal and reenactment to incorporate homeless shelters into the Residential Support rule category and streamline the rules that govern the licensure of these programs. Once the Housing Committee determined that the Homeless Shelters do fit into the OL's statutory definition requiring licensure and the Department as a whole moved toward this process, it was determined that OL would need to amend this rule. Over the course of a year, OL engaged all stakeholders in shelters, resource centers, domestic violence representatives, DWS, and DSAMH to develop this rule change that addresses the key health and safety needs for individuals in these settings while deferring to other regulatory oversight that might

already be in place for these entities. During this process, it was determined that to meet those needs a repeal and reenactment would be best as the rule had grown quite extensively with these additions.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 62A-2-101(35)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The OL's caseload is being distributed statewide across multiple licensors and the increase to caseloads will be nominal and offset by the licensing fees charged. There are no other anticipated costs or benefits to any entities outside the Department and homeless providers. The gain OL foresees is protected communities, protected clients, and safe providers.

◆ **LOCAL GOVERNMENTS:** The shelters are already in operation in all of their respective jurisdictions, adding licensure to them will not have any fiscal impact on local governments.

◆ **SMALL BUSINESSES:** Fiscal impact was calculated based on the fact that there will be a \$900 initial licensing fee for each of the 30 shelter locations across the state. They will incur \$300 annual renewal fees. Calculation of and a one-time \$38.25 per employee background screening fee is difficult to predict due to the fact that there are non-licensed entities (Community Action/Kane Security) who provide staff to multiple shelter facilities. Community action reports having 6 employees (at a cost of \$229.50) and Kane reports having 50 employees (at a cost of \$1,912.50) so a total of \$2,142 was estimated for screenings for their staff. OL has enlisted a way for them to submit clearances as a non-licensed entity and pay the one time clearance fee and transfer the clearance to all sites they will be affiliated with. Community action incurs the screening cost for these employees, which spares the facilities the cost. It is impossible to estimate how many employees will be hired, renewed, or shared between multiple facilities, as shifts are assigned where the need is and employees are not necessarily linked to just one facility, making any further calculations inestimable.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No person, entity, or public or private organization will be impacted by the implementation of this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for anyone affected by the implementation of this rule.

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 repeal and reenactment will result in a fiscal impact to 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 10/31/2019

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:
 ◆

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Ann Williamson, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$27,000	\$9,000	\$9,000
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$27,000	\$9,000	\$9,000,
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:	\$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

The changes in this rule submission will not have an impact on non-small businesses in Utah, as homeless shelters are small independent businesses distributed throughout the state.

The head of the department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis.

R501. Human Services, Administration, Administrative Services, Licensing.

R501-22. Residential Support Programs.

[R501-22-1. Authority:

Pursuant to Section 62A-2-101 et seq., the Office of Licensing, shall license residential support programs according to the following rules:

R501-22-2. Purpose:

This rule establishes basic health and safety standards for residential support programs:

R501-22-3. Definition:

Residential Support is as defined in section 62A-2-101. Temporary Homeless Youth Shelter is as defined in Section 62A-4a-501.

R501-22-4. Administration:

A. In addition to the following rules, all Residential Support Programs shall comply with R501-2, Core Standards:

B. The program shall ensure that consumers receive direct service from an assigned worker or other appropriate professional:

C. A list of current consumers shall be available and on-site at all times.

R501-22-5. Staffing:

A. The program shall have an employed manager responsible for the day to day resident supervision and operation of the facility. The responsibilities of the manager shall be clearly defined. Whenever the manager is absent there shall be a substitute to assume managerial responsibility. With the exception of Domestic Violence Shelters, adult programs are not required to provide twenty four hour supervision:

B. The program shall make arrangement for medical backup with a medical clinic or physician licensed to practice medicine in the State of Utah:

C. The program shall have at least one person on duty who has completed and remains current in a certified first aid and CPR program:

~~D. Programs which utilize students and volunteers, shall provide screening, training, and evaluation of volunteers. Volunteers providing care in Domestic Violence Shelters, without paid staff present, shall have direct communication access to designated staff at all times. Volunteers shall be informed verbally and in writing of program objectives and scope of service:~~

R501-22-6. Direct Service.

~~This section supersedes core standards, Section R501-2-8.~~

~~A. The program consumer records shall contain the following:~~

~~1. name, address, telephone number, admission date, and personal information required by the program;~~

~~2. emergency information with names, address, and telephone numbers;~~

~~3. a statement indicating that the resident meets the admission criteria;~~

~~4. description of presenting problems;~~

~~5. service plan and services provided, and referral arrangements as required by the program;~~

~~6. discharge date;~~

~~7. signature of person or persons, or designee providing services; and~~

~~8. crisis intervention and incident reports.~~

~~B. The program's consumer service plan shall offer and document as many life enhancement opportunities as are appropriate and reasonable.~~

~~C. Domestic Violence Shelter action plans shall include the following:~~

~~1. a review of danger and lethality with victim and discussion of the level of the victim's risk of safety;~~

~~2. a review of safety plan with the victim;~~

~~3. a review of the procedure for a protective order and referral to appropriate agency or clerk of the court authorized to issue the protective order; and~~

~~4. a review of supportive services to include, but not limited to medical, self-sufficiency, day care, legal, financial, and housing assistance. The program shall facilitate connecting services to those resources as requested. Appropriate referrals shall be made, when indicated, and documented in the consumer record for victim treatment, psychiatric consultation, drug and alcohol treatment, or other allied services.~~

~~5. Domestic Violence Shelter staff completing action plans shall have at least a Bachelor's Degree in Behavioral Sciences.~~

R501-22-7. Physical Environment.

~~A. The program shall provide written documentation of compliance with the following:~~

~~1. local zoning ordinances;~~

~~2. local business license requirements;~~

~~3. local building codes;~~

~~4. local fire safety regulations;~~

~~5. local health codes; and~~

~~6. local approval from the appropriate government agency for new program services or increased consumer capacity.~~

~~B. Building and Grounds~~

~~1. The program shall ensure that the appearance and cleanliness of the building and grounds are maintained.~~

2. The program shall take reasonable measures to ensure a safe physical environment for its consumers and staff.

R501-22-8. Physical Facility.

A. Live-in staff shall have separate living space with a private bathroom.

B. The program shall have space to serve as an administrative office for records, secretarial work and bookkeeping.

C. Space shall be provided for private and group counseling sessions.

D. Bathrooms -- The following bathroom standards shall apply:

1. There shall be separate bathrooms, including a toilet, lavatory, tub or shower, for males and females. These shall be maintained in good operating order and in a clean and safe condition.

2. Consumer to bathroom ratios shall be 10 to one.

3. Bathrooms shall accommodate consumers with physical disabilities, as required.

4. Each bathroom shall be maintained in good operating order and be equipped with toilet paper, towels, and soap.

5. There shall be mirrors secured to the walls at convenient heights.

6. Bathrooms shall be placed as to allow access without disturbing other residents during sleeping hours.

7. Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens.

8. Domestic Violence Shelters Bathrooms

a. family members may share bathrooms, and

b. where bathrooms are shared by more than one family or by children over the age of eight, parents or program staff shall ensure that privacy is protected.

9. Temporary Homeless Youth Shelters Bathrooms

a. Single occupancy unisex bathrooms are permissible.

E. Sleeping Accommodations

1. A minimum of 60 square feet per consumer shall be provided in a multiple occupant bedroom and 80 square feet in a single occupant bedroom. Storage space shall not be counted.

2. Sleeping areas shall have a source of natural light, and shall be ventilated by mechanical means or equipped with a screened window that opens.

3. Each bed, none of which shall be portable, shall be solidly constructed and be provided with clean linens after each consumer stay and at least weekly.

4. Sleeping quarters serving male and female residents shall be structurally separated.

5. Consumers shall be allowed to decorate and personalize bedrooms with respect for other residents and property.

6. For Domestic Violence Shelters, Family Support Centers, Temporary Homeless Youth Shelters and children's shelters, the following shall apply:

a. A minimum of 40 square feet per consumer shall be provided in a multiple occupant bedroom. Storage space shall not be counted. The use of one crib for children under two years of age shall not be counted in the square foot requirement as long as it does not inhibit access to and from the room.

b. Roll away and hide-a-beds may be used as long as the consumer square foot requirement is maintained.

c. Family members are allowed to share bedrooms. Where bedrooms are shared by more than one family, parents or program staff shall make appropriate arrangements to ensure privacy is protected.

7. For Temporary Homeless Youth Shelters, the following shall apply:

a. A minimum of 40 square feet per consumer shall be provided in a multiple occupant dormitory style bedroom. Storage space shall not be counted.

b. For youth with their own children, a minimum of 40 square feet per person shall be provided in an separately enclosed bedroom that houses only youth that have their own children. Storage space shall not be counted.

F. Equipment

1. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet program and consumer needs.

2. All furniture and equipment shall be maintained in a clean and safe condition.

G. Storage

1. The program shall have locked storage for medications.

2. The program shall have locked storage for hazardous chemicals and materials, according to the direction of the local fire authorities.

3. Any weapons brought into the facility shall be secured in a locked storage area or removed from the premises.

H. Laundry Service

1. Programs which permit consumers to do their own laundry shall provide equipment and supplies for washing, drying, and ironing.

2. Programs which provide for common laundry of linens and clothing, shall provide containers for soiled laundry separate from storage for clean linens and clothing.

3. Laundry appliances shall be maintained in good operating order and in a clean and safe condition.

R501-22-9. Food Service.

A. One staff shall be responsible for food service. If this person is not a professionally qualified dietitian, regularly scheduled consultation with a professionally qualified dietitian shall be obtained. Meals served shall be from dietitian approved menus.

B. The staff responsible for food service shall maintain a current list of consumers with special nutritional needs and record in the consumer's service record information relating to special nutritional needs and provide for nutritional counseling where indicated.

C. The program shall establish and post kitchen rules and privileges according to consumer needs.

D. Consumers present in the facility for four or more consecutive hours shall be provided nutritious food.

E. Meals may be prepared at the facility or catered.

F. Kitchens shall have clean, safe operational equipment for the preparation, storage, serving, and clean-up of all meals.

G. Adequate dining space shall be provided for consumers. The dining space shall be maintained in a clean and safe condition.

H. When meals are prepared by consumers, there shall be a written policy to include the following:

1. rules of kitchen privileges;

2. menu planning and procedures;

3. nutritional and sanitation requirements, and

4. schedule of responsibilities.

R501-22-10. Specialized Services for Substance Abuse.

A. The program shall not admit anyone who is currently experiencing convulsions, in shock, delirium tremens, in a coma or unconscious.

B. Before admission, consumers shall be tested for Tuberculosis. Both consumers and staff shall be tested annually or as directed by the local health requirements.

R501-22-11. Specialized Services for Programs Serving Children.

A. The program shall provide clean and safe age appropriate toys for children.

B. The program shall provide an outdoor play area enclosed with a five foot safety fence.

C. Only custodial parents, legal guardian, or persons designated in writing, are allowed to remove any child from the program.

D. The program shall provide adequate staff to supervise children at all times.

R501-22-12. Specialized Services for Domestic Violence Shelters.

A. The program shall provide clean and safe age appropriate toys for children.

B. The program shall provide an outdoor play area enclosed with a five foot safety fence.

C. The program shall provide and document the following information both verbally and in writing to the consumer: Shelter rules, reason for termination, and confidentiality issues.

D. Parents are responsible for supervising their children while at the shelter. If parents are required to be away from the shelter or involved in shelter activities without their children, they shall arrange for appropriate child care services.

R501-22-13. Specialized Services for Temporary Homeless Youth Shelters.

A. Temporary Homeless Youth Shelters shall provide a staff ratio of no less than one direct care staff to ten youth.

B. The age of the youth to be admitted shall be between 12 years of age and 17 years of age. Youth may be admitted with their own biological children of any age.

C. Youth shall be assessed by facility staff who meet the qualifications of a mental health therapist as defined in Section 58-60-102, to determine whether they are an imminent risk of harming themselves or others. Youth who are assessed as an imminent risk shall be referred to programs qualified to serve them.

D. Temporary Homeless Youth Shelters shall comply with Section 62A-4a-501 regarding mandatory notifications.

E. Temporary Homeless Youth Shelters shall comply with Section 62A-2-108.1 to coordinate educational requirements for all youth admitted.]

R501-22-1. Authority.

Pursuant to Section 62A-2-101 et seq., the Office of Licensing, shall license residential support programs according to the following rules.

R501-22-2. Purpose.

This rule establishes basic health and safety standards for residential support programs.

R501-22-3. Definition.

A. Residential Support is defined in 62A-2-101.

B. Temporary Homeless Youth Shelter is defined in 62A-4a-50.

C. Emergency Homeless Shelter means any facility, the primary purpose of which is to provide a temporary shelter for those experiencing homelessness in general or for specific populations of those experiencing homelessness and does not require occupants to sign leases or occupancy agreements.

1. Emergency Shelters must operate with priority of the safety of those needing their services and with an emphasis on transitioning into a more permanent housing setting.

R501-22-4. Administration.

A. In addition to the following rules, all Residential Support Programs shall comply with R501-1-11 Provider Code of Conduct and Client rights, 501-1-2-9/501-1-9-2 regarding critical incidents and R-501-14 regarding staff/volunteer background screenings, applicable DHS contract requirements and all State and Federal Laws.

B. Programs offering treatment shall also obtain the appropriate categorical DHS license for that treatment.

C. Programs shall have current program information readily available to the Office and the public, including a description of:

1. Program services;

2. The client population served;

3. Program requirements and expectations;

4. Information regarding any clinical and non-clinical services offered;

5. Costs, fees, and expenses that may be assessed, including any non-refundable costs, fees or expenses; and

6. Complaint reporting and resolution processes.

7. A list of current staff and clients shall be available to the Office and onsite at all times.

8. Emergency shelters providing primarily domestic violence services may replace identifying victim client information wherever required by this rule with non-identifying victim client numbers in accordance with VAWA and Federal Confidentiality Mandates.

D. Programs serving those experiencing homelessness in settings with one or more contracted service provider shall identify all key decision makers and service providers associated with the site license application.

1. All identified contractors shall be subject to all Licensing rules and requirements while operating in the licensed setting.

R501-22-5. Staffing.

A. The program shall identify a director or qualified designee who shall be immediately available at all times that the program is in operation; the responsibilities of the manager shall be clearly defined.

1. Whenever the manager is absent there shall be an employed and fully trained substitute to assume managerial responsibility.

2. With the exception of Emergency Homeless and Domestic Violence Shelters, adult programs are not required to provide twenty-four hour supervision.

B. The program shall establish a policy and procedure that identifies situations requiring medical attention and who the program utilizes to meet the medical needs of the program's clients.

C. Programs shall ensure at least one CPR/First Aid trained or certified staff member is available onsite at all times with clients;

D. Programs which utilize students and volunteers shall provide screening, training, and evaluation of the students/volunteers.

1. Volunteers providing care in all Emergency Homeless and Domestic Violence Shelters, without paid staff present, shall have direct communication access to designated staff at all times and shall have cleared background screenings prior to unsupervised client access. Volunteers shall be informed verbally and in writing of program objectives and scope of service.

E. Programs shall consider the dynamics of the population in making staffing decisions to maintain compliance with ratio and staffing requirements of this rule.

R501-22-6. Direct Service.

A. The program shall:

1. Identify and provide to the Office the organizational structure of the program including:

2. Names and titles of owners, directors and individuals responsible for implementing all aspects of the program, and

3. A job description, duties and qualifications for each job title;

4. Disclose any potential conflicts of interest to the Office;

5. Ensure that staff are licensed or certified in good standing as required and that unlicensed individuals providing direct client services shall do so only in accordance with the Mental Health Professional Practices Act;

B. The program manager shall:

1. Train and monitor staff compliance regarding:

(a) Program policy and procedures;

(b) The needs of the program's clients;

(c) Office of Licensing rule 501-22 and annual training on the Licensing Code of Conduct and client rights as outlined in R501-1-11;

(d) emergency response plan

2. Create and maintain personnel files for each staff member to include:

(a) applicable qualifications, experience, certifications and licenses;

(b) approved and current Office of Licensing background screening except as excluded in 501-14-17; and

C. Training records with date completed, topic and employee signature(s) verifying completion.

D. Programs shall comply with Office rules and:

1. Maintain proof of financial viability of the program;

2. Maintain general liability insurance, professional liability insurance that covers all program staff, vehicle insurance for transport of clients, fire insurance and any additional insurance required to cover all program activities; and

3. Maintain proof of completion of the National Mental Health Services Survey (NMHSS) annually if providing mental health services; and

4. The program shall develop, implement and comply with policies and procedures sufficient to ensure the health and safety and meet the needs of the client population served. Policies and procedures shall address at a minimum:

(a) Client eligibility;

(b) Intake and discharge process;

(c) Client rights as outlined in R501-1-11;

(d) Staff and client grievance procedures;

(e) Behavior management;

(f) Medication management;

(g) Critical incident reporting as outlined in R501-1-2-9 and R501-1-9-2;

(h) Emergency procedures;

(i) Transportation of clients to include requirement of Insurance, valid driver license, driver and client safety and vehicle maintenance;

(j) Firearms policy see 501-22-7-22(c);

(k) Client safety including any unique circumstances regarding physical facility, supervision, community safety and mixing populations; and

(l) Levels of client engagement offered by the program and what types of services are available to participants.

(m) Any supplemental services that may be provided outside the scope of licensure and the process followed for obtaining informed consent to voluntarily participate in these services.

5. Programs, excluding emergency homeless shelters whose requirements are outlined in 501-22-6-E, shall maintain client files to include the following:

(a) Client name, address, email address, phone numbers, date of birth and gender;

(b) Emergency contact names, including legal guardian where applicable, and a minimum of: an actual address, actual email address or actual phone numbers to reach identified contacts;

(c) All information that could affect health safety or well-being of the client to include all medications, allergies, chronic

(d) A statement indicating how the client meets the admission criteria;

(e) Description of presenting situation

(f) Intake assessment

(g) Grievance and complaint procedure; and

(h) Discharge documentation

(i) Service plan and services provided and any referral arrangements made by the program

(j) Any clinical services are recommended by treatment or service plans signed by a clinical professional and provided by appropriately credentialed and trained staff

(k) A signed fee disclosure statement including Medicaid number, insurance information and identification of any other entities that are billed for the client's services

(l) Client or guardian signed consent or court order of commitment to services in lieu of signed consent for all treatment and non-clinical services.

(m) All crisis interventions or critical incident reports

(n) Detailed documentation of all clinical and non-clinical services provided with date and signature of staff completing each entry and

(o) Client treatment/service plans shall offer and document as many life enhancing opportunities as are appropriate and reasonable.

E. Emergency Homeless Shelters shall, at a minimum, be able to provide the following information (or have documented reasons why unobtainable) regarding each client:

(a) Name

(b) Date of birth

(c) Race

(d) Ethnicity

- (e) Gender
 - (f) Veteran status
 - (g) Disabling condition
 - (h) Start date
 - (i) Exit date
 - (j) Destination
 - (k) Relationship to head of household
 - (l) Client services location
 - (m) Prior living situation
 - (n) Case management logs and service plans as applicable
 - (o) All information that could affect health safety or well-being of the client to include all medication
 - (p) All documentation shall be updated to include all services and contacts and shall be summarily updated at 90 day intervals
 - (q) All documentation shall remain in effect for re-opening for 30 days past the last shelter stay with the exception of single night stays
 - (r) Service plans shall emphasize self-sufficiency and identify and refer to applicable resources.
- F. Programs shall have policies and procedures for training all staff to identify and address at a minimum:
- (a) Clients who pose a risk of violence
 - (b) Clients in possession of contraband
 - (c) Clients who are at risk for suicide
 - (d) Managing clients with mental health concerns
 - (e) Identifying the signs and symptoms of clients presenting under the influence of substances or alcohol, and
 - (f) Prescribed staff responses to any of the above situations including ongoing monitoring and assessment for remaining in the program
- G. Programs shall document a plan detailing how all program staff and client files shall be maintained and remain available to the Office and other legally authorized access for 7 years regardless of whether or not the program remains licensed.
- H. The program shall ensure that assessment, treatment and service planning practices are clinically appropriate, updated as needed, timely, individualized, and involve the participation of the client or guardian.
- I. All programs shall maintain documentation of all critical incidents as defined in 501-1-2-9 and as outlined in the DHS Critical Incident Reporting Guide.
- 1. All critical incident reports shall be made to licensingconcerns@utah.gov or via the Office of Licensing Website within 24 hours.
 - 2. Incident reports will contain at a minimum:
 - (a) Name of provider and all involved staff, clients and witnesses
 - (b) Date, time and location of the incident and date and time of incident discovery if different from the time of the incident.
 - (c) Description of the incident
 - (d) Actions taken by program
 - (e) Actions planned to be taken by program
 - (f) Program DHS contract status (if any)

R501-22-7. Physical Facility.

A. The program shall provide written documentation of compliance with the following:

- 1. Local zoning ordinances,

- 2. Local business license requirements,
 - 3. Local building codes,
 - 4. Local fire safety regulations,
 - 5. Local health codes and clearance or exclusion from health clearance per R392-110,
 - 6. Local approval from the appropriate government agency for new program services or increased client capacity.
- B. Space shall meet service needs as follows:
- 1. All furniture and equipment shall be maintained in a clean and safe condition.
 - 2. The program shall post the following documents where they are clearly visible by clients, staff, and visitors:
 - (a) Civil Rights and anti-discrimination laws;
 - (b) Program license;
 - (c) Current or pending Notices of Agency Action;
 - (d) Abuse and neglect reporting laws; and
 - (e) Client rights and grievance process.
 - 3. The program shall ensure that the physical environment is safe for clients and staff and that the appearance and cleanliness of the building and grounds are maintained.
 - 4. The program shall strictly adhere to and enforce all laws and rules, particularly those pertaining to the use and possession of illegal substances.
 - 5. Live-in staff shall each have separate living space with a private bathroom.
 - 6. The program shall have space to serve as an administrative office for records, secretarial work and bookkeeping.
 - 7. Space shall be provided for private and group counseling sessions if offered on-site.
 - 8. Bathrooms: The following bathroom standards shall apply:
 - (a) There shall be separate bathrooms, including a toilet, lavatory, tub or shower, for males and females. These shall be maintained in good operating order and in a clean and safe condition.
 - (b) Client to bathroom ratios shall be 10:1, except as outlined in 501-22-7-F(11).
 - (c) Bathrooms shall accommodate clients with physical disabilities, as required by federal, state and local law.
 - (d) Each bathroom shall be maintained in good operating order and be provided with toilet paper, towels or hand dryers, and soap.
 - (e) There shall be mirrors secured to the walls at convenient heights.
 - (f) Bathrooms shall be placed as to allow access without disturbing other clients during sleeping hours.
 - (g) Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens.
 - 9. Domestic Violence Shelters and Emergency Homeless Shelter family bathrooms
 - (a) Family members may share bathrooms, and
 - (b) Where bathrooms are shared by more than one family or by children over the age of eight, parents or program staff shall ensure that privacy is protected.
 - 10. In Temporary Homeless Youth Shelters Bathrooms single occupancy unisex bathrooms are permissible.
 - 11. In Emergency Homeless Shelter group bathrooms that exceed minimum bathroom ratios listed above are permissible if they are:

_____ (a) Approved by the local authority that determines capacity or by the Department of Health;

_____ (b) Specifically designated for males and females in adult-only nightly shelter settings;

_____ (c) Inspected, cleaned and re-stocked as needed and at least daily;

_____ (d) Allow for individual privacy in bathing and toileting;

_____ (e) At least one locking bathroom or stall is accessible for handicapped individuals;

_____ (f) Accommodate parents' needs for changing, toileting and bathing their children (if applicable).

_____ 12. Sleeping Accommodations, the following bedroom standards apply:

_____ (a) Except as otherwise outlined in this rule: A minimum of 60 square feet per client shall be provided in a multiple occupant bedroom and 80 square feet in a single occupant bedroom. Storage space shall not be counted.

_____ (b) Emergency homeless settings shall have a policy to identify how to manage emergency overflow when capacity has been reached during extreme weather conditions.

_____ 13. Sleeping areas shall have a source of natural light and shall be ventilated by mechanical means or equipped with a screened window that opens.

_____ (a) Pre-existing homeless sits may be excluded from natural light and screened window requirements as long as there is mechanical ventilation and an exit plan approved by the local fire authority.

_____ 14. Each bed, none of which shall be portable, shall be solidly constructed and be provided with clean linens after each client's stay.

_____ 15. Programs shall have policies and procedures in place that allow for and encourage clients to have clean linens on at least a weekly basis

_____ (a) Programs serving short-term emergency populations of those experiencing homelessness may have portable beds, cots or mats as a means to accommodate the fluctuating client volume

_____ (b) Clean bedding shall be provided as needed and shall be laundered at least weekly

_____ 16. Sleeping quarters serving male and female clients shall be structurally separated except in family shelters serving populations experiencing homelessness, in which case families may be permitted to share bedroom space with rules outlined by the program per R501-22-7-A-20(d) and in dormitory settings allowed by this rule.

_____ 17. Clients shall be allowed to decorate and personalize bedrooms with respect for other clients and property unless agency policy and procedures transparently outline otherwise.

_____ 18. For Domestic Violence Shelters, Family Support Centers, Temporary Homeless Youth Shelters, Emergency Homeless Family Shelters and children's shelters, the following shall apply to bedroom spaces:

_____ (a) A minimum of 40 square feet per client shall be provided in a multiple occupant bedroom. Storage space shall not be counted. The use of one crib for children under two years of age shall not be counted in the square foot requirement as long as it does not inhibit access to and from the room.

_____ (b) Roll away and hide-a-beds may be used as long as the client square foot requirement is maintained.

_____ (c) Family members are allowed to share bedrooms. Where bedrooms are shared by more than one family, parents or program staff shall make appropriate arrangements to ensure privacy is protected.

_____ 19. For Temporary Homeless Youth Shelters, the following shall apply:

_____ (a) A minimum of 40 square feet per client shall be provided in a multiple occupant dormitory style bedroom. Storage space shall not be counted.

_____ (b) For youth with their own children, a minimum of 40 square feet per person shall be provided in a separately enclosed bedroom that houses only youth that have their own children. Storage space shall not be counted.

_____ 20. For Emergency Homeless and temporary homeless youth Shelters the following shall apply:

_____ (a) Dormitory style bedrooms are permitted with square footage and capacity determinations made by the local authority to include any staff present in the facility.

_____ (b) If the local authority does not identify capacity Licensing square footage requirements apply to capacity determinations.

_____ (c) The program shall have a policy to identify how to manage overflow when capacity has been reached.

_____ (d) The program shall outline policies and procedures regarding:

_____ (i) rules and guidelines for families or mixed genders sharing the same dormitory space or bedrooms, including boundaries and separation of unrelated residents;

_____ (ii) securing personal belongings;

_____ (iii) supervision responsibility for own children;

_____ (iv) conflict resolution/nuisance and disruptive behaviors;

_____ (v) housekeeping responsibilities;

_____ (vi) daily schedules;

_____ (vii) prohibited items and search policy;

_____ (viii) medication policies to include: lawful storage, staff and client responsibilities and administration policy

_____ 21. Equipment

_____ (a) Furniture and equipment shall be of sufficient quantity, variety, and quality to meet program and client needs.

_____ (b) All furniture and equipment shall be maintained in a clean and safe condition.

_____ 22. Storage

_____ (a) The program shall have locked storage for medications and shall adhere to medication policies regarding locked storage, staff and client responsibilities and administration of medications.

_____ (b) The program shall maintain potentially hazardous items on-site lawfully, responsibly and with consideration of the safety and risk level of the population(s) served.

_____ (c) The program shall have a weapons policy that identifies that when weapons are brought into the facility, those weapons shall be secured by the program in a locked storage area or removed from the premises.

_____ 23. Laundry Service

_____ (a) Programs which permit clients to do their own laundry shall provide equipment and supplies for washing and drying.

_____ (b) Programs which provide for common laundry of linens and clothing, shall provide containers for soiled laundry separate from storage for clean linens and clothing unless otherwise outlined in the program policy and procedure manual. Programs that require clients to provide their own laundry supplies and locate a laundromat for laundering, will have a policy to assist clients on a limited basis when they are unable to provide these services for themselves.

(c) Laundry appliances shall be maintained in good operating order and in a clean and safe condition.

R501-22-8. Food Service.

A. One staff shall be responsible for food service when the program provides meals for clients.

1. Meals shall be served from dietician approved menus or in accordance with USDA standard for Homeless settings.

2. In self-serve programs, one staff member shall be trained by Serv-Safe, USDA, Dept. of Health Food Handler's permit or a comparable program to oversee kitchen use and redirect and train kitchen users as needed.

(a) The staff responsible for food service shall maintain a current list of clients with special nutritional needs and record in client record all information relating to special nutritional needs and provide for nutritional counseling to staff and clients where indicated.

(b) In self-serve programs, the staff responsible for food service shall ensure that all clients with special nutritional needs have food storage and preparation areas that are not exposed to any identified allergens or contaminants.

3. Programs are permitted to establish policies and procedures requiring adult clients to maintain full responsibility for their (and their children's) special dietary needs as long as clients sign off on this responsibility prior to entering the program.

4. The program shall establish and post kitchen rules and privileges in communal kitchen and dining space according to client needs and safe food handling practices.

5. Homeless settings may create policies regarding meals and snacks according to established practices, USDA guidelines incoming food donations and volunteer scheduling.

(a) Adequate dining space shall be provided for all clients and shall be maintained in a clean and safe condition.

(b) When meals are prepared by clients, there shall be a written policy to include the following:

(i) sanitation requirements

(ii) shopping and storage responsibilities

R 501-22-9. Specialized Services for Substance Use Disorders.

The program shall not admit anyone who is currently experiencing convulsions, in shock, delirium tremens, in a coma or unconscious.

A. All homeless shelters and other programs potentially serving substance use disorder clients shall provide evidence of ongoing coordination with the local health authorities regarding managing communicable diseases within the licensed setting to include that staff are informed regarding:

1. Types of communicable diseases

2. Recognizing signs and symptoms

3. Steps to take when a potential disease is identified or outbreak occurs.

4. Screening staff and clients for risk of tuberculosis

B. All Homeless shelters and other programs potentially interacting with opioid users shall have at least one opioid overdose reversal kit onsite with on duty staff trained to utilize it as needed.

C. A licensed substance abuse treatment program shall complete the National Survey of Substance Abuse Treatment annually.

R501-22-10. Specialized Services for Programs Serving Children.

A. The program shall provide clean and safe age appropriate toys for children.

B. The program shall provide an outdoor play area enclosed with a five foot safety fence or enclosure as otherwise required by local ordinances.

C. Only custodial parents, legal guardian, or persons designated in writing are allowed to remove any child from the program.

D. The program shall provide adequate staff to supervise children at all times or be available to monitor parents supervising their own children.

E. The program shall comply as required with the Interstate Compact on the Placement of Children (ICPC), including ensuring the disruption plan is followed when a minor presents at a shelter as a result of a failed ICPC placement in a Utah residential setting.

F. The Program shall comply with 62A-2-108.1 when sending education entitled children to the school within the District where the program is located to include:

1. Required contents of educational service plans

2. Ongoing compliance with educational service plans

R501-22-11. Specialized Services for Domestic Violence Shelters.

A. The program shall provide and document the following information both verbally and in writing to the client: Shelter rules, reason for termination, and confidentiality issues.

B. Parents are responsible for supervising their children while at the shelter. If parents are required to be away from the shelter or involved in shelter activities without their children, they shall arrange for appropriate child care services.

C. Domestic Violence Shelter action plans shall include the following:

1. A review of danger and lethality with victim and discussion of the level of the victim's risk of safety.

2. A review of safety plan with the victim.

3. A review of the procedure for a protective order and referral to appropriate agency or clerk of the court authorized to issue the protective order, and

4. A review of supportive services to include, but not limited to medical, self-sufficiency, day care, legal, financial, and housing assistance. The program shall facilitate connecting services to those resources as requested. Appropriate referrals shall be made, when indicated, and documented in the client record for victim treatment, psychiatric consultation, drug and alcohol treatment, or other allied services.

5. Domestic Violence Shelter staff completing action plans shall at a minimum be supervised by an experienced and trained Domestic Violence provider.

R501-22-12. Specialized Services for Temporary Homeless Youth Shelters.

A. Temporary Homeless Youth Shelters shall provide a staff ratio of no less than one direct care staff to ten youth.

B. The age of the youth to be admitted shall be between 12 years of age and 17 years of age. Youth may be admitted with their own biological children of any age.

C. Youth shall be assessed by facility staff who meet the qualifications of a mental health therapist as defined in Section 58-60-102, to determine whether they are an imminent risk of harming themselves or others. Youth who are assessed as an imminent risk shall be referred to programs qualified to serve them.

D. Temporary Homeless Youth Shelters shall comply with Section 62A-4a-501 regarding mandatory notifications.

E. Temporary Homeless Youth Shelters shall comply with Section 62A-2-108.1 to coordinate educational requirements for all youth admitted.

R501-22-13. Specialized Services for Emergency Homeless Shelters.

A. Emergency Homeless Shelters shall adhere to a ratio of no less than 2 direct care staff present or available to clients at all times. A ratio of 1:40 shall be maintained during weekday daytime hours with ratios increased but not decreased as the dynamics of the population dictate.

B. This staffing and capacity ratio can be exceeded during extreme weather, on weekends and during sleeping hours in emergency homeless settings if:

1. There is an identified and utilized chain of command for on-call availability and;

2. The program has a surveillance camera system, or;

3. The program has an emergency radio onsite and all staff on-duty are trained regarding how and when it is to be used, or;

4. The program identifies and can rely upon other means of back up support in the event of an emergency;

R501-22-14. Specialized Services for Programs serving clients of the Division of Services for People with Disabilities.

A. In accordance with the Federal Home and Community Based Services (HCBS) Settings Final Rule, programs serving HCBS Waiver clients shall complete and adhere to the characteristics of a compliant setting outlined in the Residential Attestation Agreement form for each licensed program.

1. Residential Attestation Agreement form can be found [here](http://health.utah.gov/ltc/hcbstransition/Files/Residential_Attestion.pdf)

2. Copies of this form shall be located in program documentation and updated as needed.

3. In the event of a conflict between Licensing rule and Settings rule, the Settings rule shall prevail.

4. Any violations of the Settings rule noted by the Office of Licensing shall be reported to the Office of Quality Design for contract consideration. After 2022, violations of Settings rule will constitute a violation of federal law.

R501-22-15. Compliance.

Programs operating within the scope of this rule at the time it is made effective shall have 60 days to come into compliance with this rule.

KEY: human services, licensing

Date of Enactment or Last Substantive Amendment: [~~October 23, 2014~~]2019

Notice of Continuation: April 1, 2015

Authorizing, and Implemented or Interpreted Law: 62A-2-101 et seq.

Human Services, Child and Family Services **R512-76** Expungement of DCFS Allegations

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 44079

FILED: 09/16/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being changed in response to H.B. 431 passed in the 2019 General Session.

SUMMARY OF THE RULE OR CHANGE: The proposed changes to this rule bring the rule in-line with H.B. 431 (2019).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-4a-1008 and Section 62A-4a-102

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The proposed changes to this rule are not expected to have any fiscal impacts on state government revenues or expenditures as the revised language brings this rule current to language in H.B. 431 (2019).

◆ **LOCAL GOVERNMENTS:** There is little or no impact to local governments due to these rule changes. These revisions bring this rule in-line with H.B. 431 (2019).

◆ **SMALL BUSINESSES:** There is little or no impact to small businesses due to these rule modifications. These revisions bring the rule in-line with H.B. 431 (2019).

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is little or no impact to other persons due to revisions made to this rule. These revisions bring the rule in-line with H.B. 431 (2019).

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 businesses because this rule implements an internal procedure for sealing Division of Child and Family Services records that is expected to have no costs for businesses and only minimal, unquantifiable potential savings.

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 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Diane Moore, Director

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 proposed rule changes are not expected to have any fiscal impact for non-small businesses because non-small businesses have no responsibility for services offered by the Division of Child and Family Services and are therefore not affected by this rule and will have no fiscal impact.

The head of the Department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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

R512. Human Services, Child and Family Services.

R512-76. Expungement of DCFS Allegations.

R512-76-1. Purpose and Authority.

(1) The purpose of this rule is to define the criteria for the expungement of an allegation associated with an individual who is identified as a perpetrator or alleged perpetrator in the Management Information System (MIS) and the Licensing Information System (LIS).

(2) This rule is authorized by Sections 62A-4a-102 and 62A-4a-1008.

R512-76-2. Definitions.

(1) "CPS" means Child Protective Services.
 (2) "DCFS" means the Division of Child and Family Services.

(3) "Expungement" means to seal an allegation associated with an individual identified as a perpetrator or alleged perpetrator that meets the criteria for expungement.

(4) "LIS" means the Licensing Information System as described in Section 62A-4a-1006.

(5) "MIS" means the Management Information System as described in Section 62A-4a-1003.

R512-76-3. Internal Process.

(1) An individual may submit a written request to expunge an allegation in which they are identified as a perpetrator or alleged perpetrator in the MIS or LIS. If the perpetrator or alleged perpetrator is a minor at the time expungement is sought, the perpetrator or alleged perpetrator's parent or guardian may submit the written request to expunge the allegation.

(2) Eligibility is based on the meeting of the criteria for expungement as outlined in the Criteria for Expungement subsection of this rule.

(3) If the individual does not meet the criteria for expungement, the request will be denied. The individual shall wait at least one year before submitting the same request.

(4) Decisions to approve or deny expungements are governed by the criteria for expungement and are not at the discretion of the division.

R512-76-4. Criteria for Expungement.

(1) Automatic Expungement after one year:

(a) All allegation types with a finding of Without Merit [~~or Unsubstantiated by the court~~] will be automatically expunged if:

(i) One year has passed since the CPS case closure date with no subsequent [~~ongoing case or removal; and~~

~~One year has passed since the case closure date with no subsequent CPS case, including unaccepted referrals.]~~ CPS case, including unaccepted referrals, involving allegations against the same alleged perpetrator.

(2) Automatic Expungement after five years:

~~All allegation types Unsubstantiated or found to be without merit by the Juvenile Court will be automatically expunged if:~~

(i) Five years have passed since the CPS case closure date with no subsequent CPS case, including unaccepted referrals, involving allegations against the same alleged perpetrator.

~~(ii)~~ (ii) Allegations of dependency and educational neglect with a finding of Unsupported or Supported will be automatically expunged after five years if:

~~(A)~~ (A) The original CPS case did not result in an ongoing case or removal due to the allegations involving the alleged perpetrator or the perpetrator; and

~~(B)~~ (B) Five years have passed since the CPS case closure date with no subsequent CPS case, including unaccepted referrals, involving allegations against the alleged perpetrator or perpetrator.

~~(iii) Not eligible to make the request until a minimum of five years after the case closure date.]~~

(3) Expungement Upon Request after five years:

(a) After five years have passed since the CPS case closure date, an individual may request an expungement on the following Unsupported General Findings:

- (i) Child Endangerment;
- (ii) Dealing in Material Harmful to a Child;
- (iii) Dental Neglect;
- (iv) Dependency;
- (v) Domestic Violence Related Child Abuse;
- (vi) Educational Neglect;
- (vii) Emotional Abuse;
- (viii) Emotional Maltreatment;
- (ix) Environmental Neglect;
- (x) Failure to Protect;
- (xi) Failure to Thrive;

~~(xii) Juvenile Perpetrator of Sexual or Physical Abuse;~~

- ~~(xiii)~~ (xiii) Medical Neglect;
- ~~(xiv)~~ (xiv) Munchhausen Syndrome by Proxy;
- ~~(xv)~~ (xv) Non-Supervision;
- ~~(xvi)~~ (xvi) Pediatric Condition Falsification;
- ~~(xvii)~~ (xvii) Physical Abuse;
- ~~(xviii)~~ (xviii) Physical Health;
- ~~(xix)~~ (xix) Physical Neglect;
- ~~(xx)~~ (xx) Psychological Neglect;
- ~~(xxi)~~ (xxi) Sibling or Child at Risk; and
- ~~(xxii)~~ (xxii) Unknown.

(b) The expungement will be approved only if:

(i) The original CPS case did not result in an ongoing case or removal due to the allegations involving the alleged perpetrator;

(ii) Five years have passed since the case closure date with no subsequent CPS case, including unaccepted referrals, involving allegations against the same alleged perpetrator; and

(iii) There was no criminal conviction for the same incident.

~~(c) Not eligible to make the request until a minimum of five years after the case closure date.]~~

(4) Expungement Upon Request after 10 years:

(a) After ten years have passed since the CPS case closure date, ~~an individual~~ the perpetrator may request an expungement on the following Supported General Findings:

- (i) Child Endangerment;
- (ii) Dealing in Material Harmful to a Child;
- (iii) Dental Neglect;
- (iv) Dependency;
- (v) Domestic Violence Related Child Abuse;
- (vi) Educational Neglect;
- (vii) Emotional Abuse;
- (viii) Emotional Maltreatment;
- (ix) Environmental Neglect;
- (x) Failure to Protect;
- (xi) Failure to Thrive;
- (xii) Fetal Exposure to Alcohol or other Harmful Substances;

~~(xiii) Juvenile Perpetrator -- non-significant risk of Sexual or Physical Abuse;~~

- ~~(xiv)~~ (xiv) Medical Neglect;
- ~~(xv)~~ (xv) Munchhausen Syndrome by Proxy;
- ~~(xvi)~~ (xvi) Non-Supervision;
- ~~(xvii)~~ (xvii) Pediatric Condition Falsification;
- ~~(xviii)~~ (xviii) Physical Abuse;
- ~~(xix)~~ (xix) Physical Health;
- ~~(xx)~~ (xx) Physical Neglect;
- ~~(xxi)~~ (xxi) Psychological Neglect;
- ~~(xxii)~~ (xxii) Sibling or Child at Risk; and
- ~~(xxiii)~~ (xxiii) Unknown.

(b) The expungement will only be approved if:

(i) The original CPS case did not result in an ongoing case or removal due to allegations involving the same perpetrator;

(ii) Ten years have passed since the CPS case closure date with no subsequent CPS case, including unaccepted referrals, involving allegations against the same perpetrator; and

(iii) There was no criminal conviction for the same incident.

~~(c) Not eligible to make the request until a minimum of ten years after the case closure date.]~~

(5) Allegations Never Eligible for Expungement:

(a) The following Supported or Unsupported allegations designated as Chronic and/or Severe and/or there was a criminal conviction for the same incident are never eligible for expungement:

- (i) Abandonment;
- (ii) Baby Doe;
- (iii) Child Endangerment;
- (iv) Chronic Abuse;
- (v) Chronic Neglect;
- (vi) Court Ordered;
- (vii) Dealing in Material Harmful to a Child;
- (viii) Dependency;
- (ix) Domestic Violence Related Child Abuse;
- (x) Educational Neglect;
- (xi) Emotional Abuse;
- (xii) Environmental Neglect;
- (xiii) Failure to Protect;
- (xiv) Failure to Thrive;

- (xv) Fetal Addiction to alcohol or other substance;
 - (xvi) Fetal Exposure to Alcohol or other Harmful Substances;
 - (xvii) Juvenile Perpetrator - significant [or non-significant] risk of Sexual [and/or] Severe Physical Abuse;
 - (xviii) Labor Trafficking;
 - (xix) Lewdness;
 - (xx) Medical Neglect;
 - (xxi) Medical neglect resulting in death/disability/serious illness;
 - (xxii) Non-Supervision;
 - (xxiii) Pediatric Condition Falsification;
 - (xxiv) Physical Abuse;
 - (xxv) Physical Neglect;
 - (xxvi) Ritual Abuse;
 - (xxvii) Safe Relinquishment of a Newborn;
 - (xxviii) Severe Abuse;
 - (xxix) Severe Neglect;
 - (xxx) Sexual Abuse;
 - (xxxi) Sexual Exploitation;
 - (xxxii) Sexual Trafficking; and
 - (xxxiii) Sibling or Child at Risk.
- (b) Any allegations with the following findings are never eligible for expungement:
- (i) False Report;
 - (ii) Unable to Locate;
 - (iii) Unable to Complete; and
 - (iv) Substantiated by the Juvenile Court.

KEY: child abuse, expungement of records
Date of Enactment or Last Substantive Amendment: [~~June 21, 2018~~2019]
Authorizing, and Implemented or Interpreted Law: 62A-4a-102; 62A-4a-1008

Natural Resources, Wildlife Resources
R657-53
Amphibian and Reptile Collection, Importation, Transportation and Possession

NOTICE OF PROPOSED RULE
 (Repeal and Reenact)
 DAR FILE NO.: 44078
 FILED: 09/16/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rule amendments are to clarify procedures, standards, and requirements for the collection, importation, transportation, and possession of amphibians and reptiles.

SUMMARY OF THE RULE OR CHANGE: The revisions to this rule: 1) streamline the mechanism by which the division approves and permits collection of reptiles and amphibians

from the wild; 2) liberalize the possession of captive bred specimens; 3) establish daily collection and total possession limits; 4) require a mandatory reporting of collection events; 5) create a mandatory education course and establish a Reptile and Amphibian Collection Permit; 6) define prohibited species and the variance process to obtain them; 7) change native species to controlled; 8) remove regulations on the propagation of controlled or noncontrolled specimens; 9) allow for the sale of offspring; and 10) make additional technical corrections.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-14-18 and Section 23-14-19

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** These rule amendments add an online education course and the requirement to obtain a collection permit. The Division of Wildlife Resources (DWR) has determined that by adding these requirements this rule does not create a cost or savings impact to the state budget or DWR's budget and can be completed within the scope of DWR's personnel.
- ◆ **LOCAL GOVERNMENTS:** None--This filing does not create any direct cost or savings 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:** None--This filing does not create any direct cost or savings impact to small businesses because they are not directly affected by this rule. Nor are small businesses indirectly impacted because this rule does not create a situation requiring services from small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule amendments will require the participant to obtain an additional permit for those wishing to participate in the collecting of native reptiles and amphibians. The cost of the permit is \$0 (zero) dollars. DWR has determined that these amendments to this rule will not generate a cost impact to those choosing to participate.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments add an educational requirement that does not incur a cost, and the requirement to obtain a permit. The current cost of the permit is \$0 (zero) dollars. DWR therefore has determined that these amendments will not create a cost impact to those wishing to participate in the program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it has been 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 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Mike Fowlks, Director

*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 any fiscal impact on non-small businesses' revenues or expenditures, because there is no financial cost to implement these amendments or to participate in the program.

The head of department of natural resources, Brian Steed, has reviewed and approved this fiscal analysis.

**R657. Natural Resources, Wildlife Resources.
 R657-53. Amphibian and Reptile Collection, Importation, Transportation and Possession.**

[R657-53-1. Purpose and Authority.

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, transportation, possession, and propagation of amphibians and reptiles.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, additional regulation is provided in R657-40. Where a more specific provision has been adopted, that provision shall control.

(4) Specific dates, species, areas, number of pre-authorized certificates of registration, limits and other administrative details which may change annually are published in the proclamation of the Wildlife Board for amphibians and reptiles.

(5) Amphibians and reptiles lawfully collected from wild populations in Utah and thereafter possessed remain the property of the state for the life of the animal pursuant to Section 23-13-3. The state does not assert ownership interest in lawfully possessed, captive-bred amphibians and reptiles, but does retain jurisdiction to regulate the importation, possession, propagation and use of such animals pursuant to Title 23 of the Utah Code and this rule.

(6) This rule does not apply to division employees acting within the scope of their assigned duties.

R657-53-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2 and Subsection (2) through Subsection (29).

(2) "Amphibian" means animals from the Class of Amphibia, including hybrid species or subspecies of amphibians and viable embryos or gametes of species or subspecies of amphibians.

(3) "Captive-bred" means any legally-obtained amphibian or reptile, for which fertilization and birth occurred in captivity, has spent its entire life in captivity, and is the offspring of legally obtained progenitors.

(4) "Certificate of registration" means a document issued under the Wildlife Resources Code, or any other rule or proclamation of the Wildlife Board granting authority to engage in activities not covered by a license, permit or tag.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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

— (5) "Certificate of veterinary inspection" means an official health authorization issued by an accredited veterinarian required for the importation of an amphibian or reptile, as provided in Rule R58-1.

— (6) "Collect" means to take, catch, capture, salvage, or kill any free-roaming amphibian or reptile within Utah.

— (7) "Commercial use" means any activity through which a person in possession of an amphibian or reptile:

— (a) receives any consideration for the amphibian or reptile or for a use of the amphibian or reptile, including nuisance control; or

— (b) expects to recover all or any part of the cost of keeping the amphibian or reptile through selling, bartering, trading, exchanging, breeding, or other use, including displaying the amphibian or reptile for entertainment, advertisement, or business promotion.

— (8) "Controlled species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses a possible significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is required.

— (9) "Den" means any place where reptiles congregate for winter hibernation or brumation.

— (10) "Educational use" means the possession and use of an amphibian or reptile for conducting educational activities concerning wildlife and wildlife-related activities.

— (11) "Entry permit number" means a number issued by the state veterinarian's office to a veterinarian signing a certificate of veterinary inspection authorizing the importation of an amphibian or reptile into Utah.

— (12) "Export" means to move or cause to move any amphibian or reptile from Utah by any means.

— (13) "Import" means to bring or cause an amphibian or reptile to be brought into Utah by any means.

— (14) "Legally obtained" means to acquire through collection, trade, barter, propagation or purchase with supporting written documentation, such as applicable certificate of registration, collection permit, license, or sales receipt in accordance with applicable laws. Documentation must include the date of the transaction; the name, address and phone number of the person or organization relinquishing the animal; the name, address and phone number of the person or organization obtaining the animal; the scientific name of the animal acquired; and a description of the animal.

— (15) "Native species" means any species or subspecies of amphibian or reptile that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.

— (16) "Naturalized species" means any species or subspecies of amphibian or reptile that is not native to Utah but has established a wild, self-sustaining population in Utah.

— (17) "Noncontrolled species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses no significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration is not required, unless otherwise specified.

— (18) "Nonnative species" means a species or subspecies of amphibian or reptile that is not native to Utah and has not established a wild, self-sustaining population in Utah.

— (19) "Personal use" means the possession and use of an amphibian or reptile for a hobby or for its intrinsic pleasure and where

no consideration for the possession or use of the animal is received by selling, bartering, trading, exchanging, breeding, or any other use.

— (20) "Possession" means to physically retain or to exercise dominion or control over an amphibian or reptile.

— (21) "Pre-authorized certificate of registration" means a certificate of registration that:

— (a) meets the criteria established in Subsection R657-53-11(1)

— (b) has been approved by the division; and

— (c) is available for issuance.

— (22) "Prohibited species" means a species or subspecies of amphibian or reptile that if taken from the wild, introduced into the wild, or held in captivity, poses a significant detrimental impact to wild populations, the environment, or human health or safety, and for which a certificate of registration shall only be issued in accordance with Sections R657-53-23(1)(a) or R657-53-19.

— (23) "Propagation" means the mating of a male and female amphibian or reptile in captivity.

— (24) "Reptile" means animals from the Class of Reptilia, including hybrid species or subspecies of reptiles and viable embryos or gametes of species or subspecies of reptiles.

— (25) "Scientific use" means the possession and use of an amphibian or reptile for conducting bona fide scientific research that is directly or indirectly beneficial to wildlife or the general public.

— (26) "Transport" means to be moved or cause to be moved, any amphibian or reptile within Utah by any means.

— (27) "Turtle" means all animals commonly known as turtles, tortoises and terrapins, and all other animals of the Order Testudinata, Class Reptilia.

— (28) "Wild population" means native or naturalized amphibians or reptiles living in nature including progeny from a gravid female where fertilization occurred in the wild and birth occurred within six months of collection.

— (29) "Wildlife Registration Office" means the division office in Salt Lake City responsible for processing applications and issuing certificates of registration.

R657-53-3. Liability.

— (1)(a) Any person who accepts a certificate of registration assumes all liability and responsibility for the collection, importation, transportation, and possession of the authorized amphibian or reptile and for any other activity authorized by the certificate of registration.

— (b) To the extent provided under the Utah Governmental Immunity Act, the division shall not be liable in any civil action for:

— (i) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule or a certificate of registration; or

— (ii) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration or similar authorization.

— (2) It is the responsibility of any person who obtains a certificate of registration to read, understand and comply with this rule and all other applicable federal, state, county, city, or other municipality laws, regulations, and ordinances governing amphibians or reptiles.

R657-53-4. Animal Welfare.

— (1) Any amphibian or reptile held in possession under the authority of a certificate of registration shall be maintained under

humane and healthy conditions, including humane handling, care, confinement, transportation, and feeding of the amphibian or reptile.

(2) Adequate measures must be taken for the protection of the public when handling, confining, or transporting any amphibian or reptile.

R657-53-5. Collection, Importation, and Possession of Threatened and Endangered Species.

(1) Any amphibian or reptile listed by the U.S. Fish and Wildlife Service as endangered or threatened pursuant to the federal Endangered Species Act is prohibited from collection, importation, possession, or propagation except:

(a) The division may authorize the collection, importation, possession, or propagation of a threatened or endangered species under the criteria set forth in this rule for controlled species where the U.S. Fish and Wildlife Service has issued a permit or otherwise authorized the particular activity; or

(b) A person may import, possess, transfer, or propagate captive-bred eastern indigo snakes (*Drymarchon couperi*) without a certificate of registration where the U.S. Fish and Wildlife Service has issued a permit or otherwise authorized the particular activity.

R657-53-6. Release of an Amphibian or Reptile to the Wild — Capture or Disposal of Escaped Wildlife.

(1) Pursuant to Section 23-13-14, a person may not release from captivity any amphibian or reptile without first obtaining authorization from the division.

(2)(a) Any peace officer, division representative, or authorized animal control officer may seize or dispose of any live amphibian or reptile that escapes from captivity.

(b) The division may retain custody of any recaptured amphibian or reptile until the costs of recapture or care have been paid by its owner or keeper.

R657-53-7. Inspection of Documentation.

A conservation officer or any other peace officer may require any person engaged in activities covered by this rule to exhibit any documentation related to activities covered by this rule, including certificates of registration, permits, certificates of veterinary inspection, certification, bills of sale, or proof of ownership or legal possession.

R657-53-8. Certificate of Registration Required.

(1)(a) A person shall obtain a certificate of registration before collecting, importing, transporting, possessing, or propagating any amphibian or reptile or their parts as provided in rule and the proclamations of the Wildlife Board for amphibians and reptiles, except as otherwise provided by the Wildlife Board or rules of the Wildlife Board.

(b) A certificate of registration is not required:

(i) to collect, import, transport, or possess any amphibian or reptile classified as noncontrolled, except as provided in Subsections R657-53-26(1)(c), R657-53-27(5) and R657-53-28(7); or

(ii) to export any species or subspecies of amphibian or reptile from Utah, provided that the amphibian or reptile is held in legal possession and importation into the destination state is lawful.

(c) An application for an amphibian or reptile classified as prohibited shall not be accepted by the division without providing written justification describing how the applicant's proposed collection, importation, or possession of the amphibian or reptile meets the criteria

provided in Subsections R657-53-23(1)(a), R657-53-24(c)(i) or R657-53-19.

(d) Pre-authorized certificates of registration may be issued for collection and the resulting possession of amphibians and reptiles classified as controlled for collection pursuant to R657-53-13.

(2)(a) Certificates of registration expire as designated on the certificate of registration.

(b) Certificates of registration are not transferable.

(c) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall end upon the representative's discontinuation of association with that entity.

(d) Certificates of registration do not provide the holder with any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.

(3) The issuance of a certificate of registration automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the certificate of registration is issued.

(4) In addition to this rule, the division may impose specific requirements on the holder of the certificate of registration necessary for the safe and humane handling and care of the amphibian or reptile.

(5)(a) Upon or before the expiration date of a certificate of registration, the holder must renew an existing or apply for a new certificate of registration to continue the activity.

(b) The division shall use the criteria provided in Section R657-53-11 in determining whether to issue a certificate of registration.

(c) If an application is not made by the expiration date, a live or dead amphibian or reptile held in possession under the expired certificate of registration shall be considered unlawfully held.

(d) If an application for a new certificate of registration is submitted before the expiration date, the existing certificate of registration shall remain valid while the application is pending.

(6) Failure to submit timely, accurate, or valid reports as required under this rule or the certificate of registration may disqualify a person from obtaining a new certificate of registration.

(7) A certificate of registration may be suspended as provided in Section 23-19-9 and Rule R657-26.

R657-53-9. Application Procedures — Fees.

(1)(a) Applications for certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City or any regional division office.

(b) The application may require up to 45 days for review and processing.

(c) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be returned to the applicant.

(2)(a) Legal tender in the correct amount must accompany the application.

(b) The certificate of registration fee includes a nonrefundable handling fee.

(c) Fees may be waived for wildlife rehabilitation, educational or scientific activities, or for state or federal agencies upon request if, in the opinion of the division, the activity is significantly beneficial to the division, wildlife, or wildlife management.

R657-53-10. Retroactive Effect on Possession.

(1) A person lawfully possessing an amphibian or reptile prior to the effective date of any species reclassification may receive a certificate of registration from the division for the continued possession of that amphibian or reptile where the amphibian or reptile's classification has changed hereunder from noncontrolled to controlled or prohibited, or from controlled to prohibited.

(2) The certificate of registration shall be obtained within six months of the reclassification, or possession of the amphibian or reptile thereafter shall be unlawful.

(3) The certificate of registration for a species where the classification has changed from noncontrolled to controlled shall be issued for the life of the animal.

(4) The certificate of registration for a species where the classification has changed from noncontrolled or controlled to prohibited shall be renewed annually for the life of the animal.

(5) The division may require annual reporting.

R657-53-11. Issuance Criteria.

(1) The following factors shall be considered before the division may issue a certificate of registration:

(a) the health, welfare, and safety of the public;

(b) the health, welfare, safety, and genetic integrity of wildlife and other animals; and

(c) ecological and environmental impacts.

(2) In addition to the criteria provided in Subsection (1), the division shall use the following criteria for the issuance of a certificate of registration for a scientific use of an amphibian or reptile:

(a) the validity of the objectives and design;

(b) the likelihood the project will fulfill the stated objectives;

(c) the applicant's qualifications to conduct the research, including the requisite education or experience;

(d) the adequacy of the applicant's resources to conduct the study; and

(e) whether the scientific use is in the best interest of the amphibian or reptile, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3) In addition to the criteria provided in Subsection (1), the division may use the following criteria for the issuance of a certificate of registration for an educational use of an amphibian or reptile:

(a) the objectives and structure of the educational program; and

(b) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility.

(4) The division may deny issuing or reissuing a certificate of registration to any applicant, if:

(a) the applicant has violated any provision of Title 23, Utah Wildlife Resources Code, Administrative Code R657, a certificate of registration, an order of the Wildlife Board or any other law that, when considered with the functions and responsibilities of collecting, importing, possessing or propagating an amphibian or reptile, bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant has previously been issued a certificate of registration and failed to submit any report or information required by this rule, the division, or the Wildlife Board; or

(c) the applicant misrepresented or failed to disclose material information required in connection with the application.

(d) The division may deny issuing or renewing a certificate of registration to an applicant where holding the amphibian or reptile at the proposed location violates federal, state or local laws.

(5) If an application is denied, the division shall provide the applicant with written notice of the reasons for denial.

(6) An appeal of the denial of an application may be made as provided in Section R657-53-20.

R657-53-12. Amendment to Certificate of Registration.

(1)(a) If material circumstances change, requiring a modification of the terms of the certificate of registration, the holder may request an amendment by submitting written justification and supporting information.

(b) The division may amend the certificate of registration or deny the request based on the criteria for initial applications provided in Section R657-53-11, and, if the request for an amendment is denied, shall provide the applicant with written notice of the reasons for denial.

(c) The division may charge a fee for amending the certificate of registration.

(d) An appeal of a request for an amendment may be made as provided in Section R657-53-20.

(2) The division reserves the right to amend any certificate of registration for good cause upon notification to the holder and written findings of necessity.

(3)(a) Each holder of a certificate of registration shall notify the division within 30 days of any change in mailing address.

(b) An amphibian or reptile or activities authorized by a certificate of registration may not be held at any location not specified on the certificate of registration without prior written permission from the division.

R657-53-13. Pre-authorized Certificates of Registration for Personal Use.

(1) Pre-authorized certificates of registration may only be issued for collection and the resulting possession for personal use of amphibians and reptiles classified as controlled for collection, as provided in this rule and the proclamation of the Wildlife Board.

(2) Pre-authorized certificates of registration shall be held to all conditions established in R657-53-8.

(3)(a) The criteria established in R657-53-11(1) shall be utilized to determine if pre-authorized certificates of registration shall be approved and issued.

(b) The criteria shall be applied to all amphibians and reptiles classified as controlled for collection.

(c) Pre-authorized certificates of registration shall be approved and issued only when the R657-53-11(1) criteria have been evaluated by the division and issuance found consistent with the criteria.

(4)(a) Applications for pre-authorized certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City.

(i) Applications for pre-authorized certificates of registration shall be accepted during the second full week of January and must be received by the Salt Lake Office by 5 p.m. Friday of that week.

(ii) Applications received before the second full week in January will not be accepted.

~~(iii) If necessary, a drawing will be held for those species that have more applications than available pre-authorized certificates of registration.~~

~~(iv) Remaining pre-authorized certificates of registration will be available after the second full week of January on a first-come, first-served basis.~~

~~(v) A person may not apply for or obtain more than one pre-authorized certificate of registration for each available species in a calendar year.~~

~~(vi) If available, pre-authorized certificates of registration shall be issued within five business days beginning the Monday after the second full week in January.~~

~~(vii) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be rejected.~~

~~(b)(i) Legal tender in the correct amount must accompany the application.~~

~~(ii) The pre-authorized certificate of registration fee includes a nonrefundable handling fee.~~

~~(c) Applications for pre-authorized certificates of registration may be denied as provided in R657-53-11(4).~~

~~(5)(a) Pre-authorized certificates of registration are not transferable, nor may they be amended to change collection area, species, bag limits, or dates.~~

~~(b) A holder of a pre-authorized certificate of registration shall notify the division within 30 days of any change in mailing address.~~

~~(c) An amphibian or reptile, or activities authorized by a certificate of registration may not be held or conducted at any location not specified on the certificate of registration without prior written permission from the division.~~

~~(6) Specific dates, species, areas, number of pre-authorized certificates of registration approved, and bag limits shall be published in the proclamation of the Wildlife Board for amphibians and reptiles.~~

~~(7)(a) Holders of a pre-authorized certificate of registration must report collection success or lack thereof to the division before the expiration date of the pre-authorized certificate of registration.~~

~~(b) The division shall issue a possession certificate of registration for the amphibian or reptile collected under the pre-authorized certification of registration for the life of the animal.~~

~~(c) Annual reporting to the division on the status of the animal is required or the possession certificate of registration becomes invalid.~~

R657-53-14. Records and Reports.

~~(1)(a) From the date of issuance of the certificate of registration, the holder shall maintain complete and accurate records of any taking, possession, transportation, propagation, sale, purchase, barter, or importation pursuant to applicable sections of this rule or the certificate of registration.~~

~~(b) Records must be kept current and shall include the names, phone numbers, and addresses of persons with whom any amphibian or reptile has been sold, bartered, or otherwise transferred or received, and the dates of the transactions.~~

~~(c) The records required under this section must be maintained for five years from the expiration date of the certificate of registration.~~

~~(2) Reports of activity must be submitted to the Wildlife Registration Office as specified on the certificate of registration.~~

R657-53-15. Transfer of Possession.

~~(1) Any person who lawfully possesses an amphibian or reptile classified as prohibited or controlled may transfer possession of that amphibian or reptile only to a person who has first applied for and obtained a certificate of registration for that amphibian or reptile from the division, except as provided in Subsection (3).~~

~~(2) The division may issue a certificate of registration granting the transfer and possession of an amphibian or reptile only if the applicant/transferee meets the issuance criteria provided in Section R657-53-11.~~

~~(3) Upon the death of a certificate of registration holder, a legally obtained and possessed amphibian or reptile may pass to a successor, and a certificate of registration will be issued to the successor provided the amphibian or reptile poses no detrimental impact to community safety and the successor is qualified to handle the amphibian or reptile.~~

R657-53-16. Violations.

~~(1) Any violation of this rule is a class C misdemeanor, as provided in Section 23-13-11.~~

~~(2) Nothing in this rule shall be construed to supersede any provision of Title 23, Wildlife Resources Code of Utah which establishes a penalty greater than a class C misdemeanor. Any provision of this rule which overlaps a provision of that title is intended only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.~~

R657-53-17. Division Responsibilities.

~~(1) The division, in consultation with the Department of Agriculture and Food and the Department of Health, will be responsible for:~~

~~(a) reviewing:~~

~~(i) petitions to reclassify species and subspecies of amphibians or reptiles; and~~

~~(ii) requests for variances to this rule; and~~

~~(b) making recommendations to the Wildlife Board.~~

~~(2) The division shall require a fee for the submission of a request provided in Section R657-53-18 and R657-53-19.~~

R657-53-18. Request for Species Reclassification.

~~(1) A person may make a request to change the classification of a species or subspecies of amphibian or reptile provided in this rule.~~

~~(2) A request for reclassification must be made to the division by submitting an application for reclassification.~~

~~(3)(a) The application shall include:~~

~~(i) the petitioner's name, address, and phone number;~~

~~(ii) the species or subspecies for which the application is made;~~

~~(iii) the name of all interested parties known by the petitioner;~~

~~(iv) the current classification of the species or subspecies;~~

~~(v) a statement of the facts and reasons forming the basis for the reclassification; and~~

_____ (vi) copies of scientific literature or other evidence supporting the change in classification.

_____ (b) In addition to the information required under Subsection (a), the petitioner must provide any information requested by the division necessary to formulate a recommendation to the Wildlife Board.

_____ (4)(a) The division shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation to the Wildlife Board.

_____ (b) The division shall send a copy of its recommendation to the petitioner and other interested parties specified on the application.

_____ (5)(a) At the next available Wildlife Board meeting the Wildlife Board shall:

_____ (i) consider the division recommendation; and

_____ (ii) any information provided by the petitioner or other interested parties.

_____ (b) The Wildlife Board shall approve or deny the request for reclassification based on the issuance criteria provided in Section R657-53-11(1).

_____ (6) A change in species classification shall be made in accordance with Title 63G, Chapter 4, Administrative Rulemaking Act.

_____ (7) A request for species reclassification shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.

R657-53-19. Request for Variance.

_____ (1) A person may make a request for a variance to this rule for the collection, importation, propagation, or possession of an amphibian or reptile classified as prohibited under this rule by submitting a request for variance to the division.

_____ (2)(a) A request for variance shall include the following:

_____ (i) the name, address, and phone number of the person making the request;

_____ (ii) the species or subspecies of the amphibian or reptile and associated activities for which the request is made; and

_____ (iii) a statement of the facts and reasons forming the basis for the variance.

_____ (b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the division necessary to formulate a recommendation to the Wildlife Board.

_____ (3) The division shall, within a reasonable time, consider the request and shall submit its recommendation to the Wildlife Board.

_____ (4) At the next available Wildlife Board meeting the Wildlife Board shall:

_____ (a) consider the division recommendation; and

_____ (b) any information provided by the person making the request.

_____ (5)(a) The Wildlife Board shall approve or deny the request based on the issuance criteria provided in Section R657-53-11.

_____ (b) If the request applies to a broad class of persons and not to unique circumstances of the applicant, the Wildlife Board shall consider changing the species classification before issuing a variance to this rule.

_____ (6)(a) If the request is approved, the Wildlife Board may impose any restrictions on the person making the request considered necessary for that person to maintain the standards upon which the variance is made.

_____ (b) Any restrictions imposed on the person making the request shall be included in writing on the certificate of registration which shall be signed by the person making the request.

_____ (7) A request for variance shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.

R657-53-20. Appeal of Certificate of Registration Denial.

_____ (1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request to the consistent with R657-2.

_____ (2) The request must be made within 30 days after the date of the denial.

R657-53-21. Prohibited Collection Methods.

_____ (1) Amphibians and reptiles may not be collected using any method prohibited in this rule and the proclamations of the Wildlife Board except as provided by a certificate of registration or the Wildlife Board.

_____ (a) Lethal methods of collection are prohibited except as provided in Subsections R657-53-27(6) and R657-53-28(6), (8), and (9).

_____ (b) The destruction of habitats such as breaking apart of rocks, logs or other shelters in or under which amphibians or reptiles may be found is prohibited.

_____ (c) The use of winches, auto jacks, hydraulic jacks, crowbars and pry bars are prohibited.

_____ (d) The use of gasoline or other potentially toxic substance is prohibited.

_____ (e) The use of firearms, airguns or explosives is prohibited.

_____ (f) The use of electrical or mechanical devices, or smokers is prohibited except as provided in Subsection (2)(b).

_____ (g) The use of traps including pit fall traps, can traps, or funnel traps is prohibited.

_____ (h) The use of fykes, seines, weirs, or nets of any description are prohibited except as provided in Subsection (2)(b).

_____ (2)(a) Any logs, rocks, or other objects turned over or moved must be replaced in their original position.

_____ (b) Dip nets less than 24 inches in diameter, snake sticks, and lizard nooses may be used.

R657-53-22. Personal Use: Collection and Possession or Importation and Possession of a Live or Dead Amphibian or Reptile.

_____ (1) A person may collect and possess a live amphibian or reptile for personal use only as provided in Subsection (a), (b) or (c):

_____ (a) Certificates of registration are not issued for the collection and possession of any live amphibian or reptile classified as prohibited for collection and possession, except as provided in R657-53-19.

_____ (b) A certificate of registration is required for collection and possession of any live amphibian or reptile classified as controlled for collection and possession, except as otherwise provided by the Wildlife Board.

_____ (c) A certificate of registration is not required for collection and possession of any live amphibian or reptile classified as nonecontrolled for collection and possession, except as provided in Subsections R657-53-27(5) and (6) and R657-53-28(7) and (8).

(2) A person may collect and possess a dead amphibian or reptile or its parts for personal use only as provided in Subsections (a), (b) or (c).

(a) A person may collect and possess a dead amphibian or reptile or its parts classified as controlled for collection and possession without a certificate of registration as provided in Subsections (i) and (ii).

(i) The specimen must be frozen and submitted to the division by appointment within 30 days of collection; and

(ii) The specimen must be labeled with the species name; salvage date, salvage location, Universal Transverse Mercator (UTM) location coordinates and name of person collecting the dead amphibian or reptile.

(b) A certificate of registration is required for collection and possession of a dead amphibian or reptile or its parts classified as controlled for collection and possession where the dead amphibian or reptile or its parts remains in personal possession, except as otherwise provided by the Wildlife Board.

(i) A certificate of registration is not required for collection and possession of any dead amphibian or reptile classified as noncontrolled for collection and possession, except as provided in Subsections R657-53-27(5) and (6) and R657-53-28(7) and (8).

(ii) Collection and possession of any dead amphibian or reptile or its parts classified as noncontrolled for collection and possession, which remain in personal possession will count against collection and possession limits.

(c) A dead amphibian or reptile or its parts classified as prohibited for collection and possession may not be collected and possessed without a certificate of registration issued by the division for collection and possession of the specimen.

(3) A person may temporarily handle for personal use live amphibians or reptiles classified as noncontrolled and controlled for collection and possession without a certificate of registration only as provided in Subsections (a) through (d).

(a) An amphibian or reptile may be held for up to 15 minutes in a non-harmful way for the purpose of photography, noninvasive data collection and moving out of harm's way;

(i) For the purposes of this Subsection, noninvasive data collection means the collection of external measurements, specimen weights, external meristics, and sex determination which does not involve the use of probes or other instruments which enter the body of the animal;

(b) The amphibian or reptile cannot be moved more than 60 feet from the location found;

(c) The amphibian or reptile can be placed in any container, bag or device which confines the animal so it may be transported; and

(d) The amphibian or reptile must be released immediately when directed to do so by a division employee.

(4) A certificate of registration is required for a person to handle live amphibians or reptiles classified as prohibited for collection and possession.

(5) A person may import and possess a live or dead amphibian or reptile or its parts for personal use only as provided in subsection (b), (c) and (d):

(a) Certificates of registration are not issued for the importation and possession of any live or dead amphibian or reptile or its parts classified as prohibited for importation and possession, except as provided in Subsection (d) and R657-53-19.

(b) A certificate of registration is required for importation and possession of any live or dead amphibian or reptile or its parts classified as controlled for importation and possession, except as otherwise provided by the Wildlife Board and subsection (i).

(i) Prior to importation, a certificate of registration shall be issued for the importation and the resulting possession of any live amphibian or reptile for personal use that is legally obtained from outside the state of Utah, is a species native to Utah, and is classified as controlled for importation and possession.

(ii) Legal documentation of the acquisition of the amphibian or reptile shall be maintained as determined in the certificate of registration.

(iii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.

(iv) Imported native and naturalized species shall not count toward the possession limit.

(c) A certificate of registration is not required for importation and possession of any live or dead amphibian or reptile or its parts classified as noncontrolled for importation and possession.

(i) Legal documentation of the acquisition of the amphibian or reptile shall be maintained for the life of the animal or the time the animal is in possession.

(ii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.

(iii) Imported native and naturalized species shall not count toward the possession limit.

(d) Notwithstanding subsection (5)(a) or (b), a person may import and possess any dead amphibian or reptile or its parts classified as prohibited or controlled, except as provided in Section R657-53-5, for personal use without obtaining a certificate of registration, provided the animal was legally taken, is held in legal possession, and a valid license, permit, tag, certificate of registration, bill of sale, or invoice is available for inspection upon request.

R657-53-23. Scientific, or Educational Use: Collection and Possession or Importation and Possession of a Live or Dead Amphibian or Reptile.

(1) A person may collect and possess or import and possess a live or dead amphibian or reptile or its parts for scientific or educational use only as provided in Subsections (a), (b) and (c) and R657-53-19.

(a) The division may issue a certificate of registration to a university, college, governmental agency, bona fide nonprofit educational or scientific institution, or a person involved in wildlife research through an eligible institution to collect and possess or import and possess a live or dead amphibian or reptile classified as prohibited for collection and possession or importation and possession if, in the opinion of the division, the scientific or educational use is beneficial to wildlife and significantly benefits the general public without material detriment to wildlife.

(b) A certificate of registration is required for the collection and possession or importation and possession of any live or dead amphibian or reptile or its parts classified as controlled for collection and possession or importation and possession for scientific or educational use, except as otherwise provided by the Wildlife Board.

~~(i) Prior to importation, a certificate of registration shall be issued for the importation and resulting possession of any live amphibian or reptile for scientific or educational use that is legally obtained from outside the state of Utah, is a species native to Utah, and is classified as controlled for importation and possession.~~

~~(ii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.~~

~~(iii) Imported native and naturalized species shall not count toward the possession limit.~~

~~(e)(i) A certificate of registration is not required for the collection and possession or importation and possession of any live or dead amphibian or reptile or its parts classified as noncontrolled for collection and possession or importation and possession for scientific or educational use, except as provided in Subsections R657-53-27(5) and (6) and R657-53-28(7) and (8).~~

~~(ii) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number to import any amphibian or reptile into Utah.~~

~~(iii) Imported native and naturalized species shall not count toward the possession limit.~~

~~R657-53-24. Commercial Use: Collection and Possession or Importation and Possession of a Live or Dead Amphibian or Reptile.~~

~~(1) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect and possess a live amphibian or reptile for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in this rule or a certificate of registration.~~

~~(2) A person may collect and possess or import and possess a live or dead amphibian or reptile or its parts for commercial use only as provided in Subsections (a), (b) and (c) and R657-53-19.~~

~~(a)(i) A person may import and possess a live amphibian or reptile classified as non-controlled for importation and possession for a commercial use or a commercial venture, except as provided in subsection (ii)~~

~~(ii) A native or naturalized species or subspecies of amphibian or reptile may not be sold or traded unless it originated from a captive-bred population.~~

~~(iii) Complete and accurate records for native or naturalized species must be maintained and available for inspection for five years from the date of the transaction, documenting the date, name, address, and telephone number of the person from whom the amphibian or reptile has been obtained.~~

~~(iv) Complete and accurate records must be maintained and available for inspection for five years from the date of the transfer, documenting the date, name, address and certificate of registration number if applicable of the person receiving the amphibian or reptile.~~

~~(b)(i) A person may not import and possess a live amphibian or reptile classified as controlled for importation and possession for a commercial use or commercial venture without first obtaining a certificate of registration.~~

~~(ii) A certificate of registration will not be issued to sell or trade a native or naturalized species of amphibian or reptile unless it originates from a captive-bred population.~~

~~(iii) It is unlawful to transfer a live amphibian or reptile classified as controlled for collection and possession or importation~~

~~and possession to a person who does not have a certificate of registration to possess the amphibian or reptile, except as follows:~~

~~(A) the amphibian or reptile is captive-bred;~~

~~(B) the transferee is not domiciled in Utah;~~

~~(C) the transferee is exporting the amphibian or reptile out of Utah; and~~

~~(D) the transferee follows the transport provisions in Section R657-53-25.~~

~~(iv) Complete and accurate records must be maintained by the buyer and the seller for five years from the date of the transaction or transfer, documenting the date, and the name, address, and telephone number of the person from whom the amphibian or reptile has been obtained and the person receiving the amphibian or reptile.~~

~~(v) The records indicated in Subsection (iv) must be made available for inspection upon request of the division.~~

~~(e)(i) A certificate of registration will not be issued for importation and possession of a live amphibian or reptile, classified as prohibited for importation and possession for a commercial use or commercial venture, except as provided in Subsection (ii) or R657-53-19.~~

~~(ii) The division may issue a certificate of registration to a zoo, circus, amusement park, aviary, or film company to import and possess a live amphibian or reptile classified as prohibited for importation and possession if, in the opinion of the division, the importation and possession for a commercial use is beneficial to wildlife or significantly benefits the general public without material detriment to wildlife.~~

~~(iii) The division's authority to issue a certificate of registration to a zoo, circus, amusement park, or aviary under this Subsection is restricted to those facilities that keep the prohibited amphibian or reptile in a park, building, cage, enclosure or other structure for the primary purpose of public exhibition or viewing.~~

~~(3) It is unlawful to sell or trade any turtle, including tortoises, less than 4" in carapace length (Referenced Federal Register 21 CFR 1240.62).~~

~~(4)(a) Pursuant to Sections 23-13-13 and 23-20-3, a person may not collect and possess or import and possess any dead amphibian or reptile or its parts for a commercial use or commercial venture for pecuniary gain, unless otherwise provided in the rules and proclamations of the Wildlife Board, or a memorandum of understanding with the division.~~

~~(b) The restrictions in Subsection (a) do not apply to importation and possession of a dead amphibian or reptile sold or traded for educational use.~~

~~R657-53-25. Transporting a Live Amphibian or Reptile Through Utah.~~

~~A certificate of veterinary inspection is required from the state of origin as provided in Utah Department of Agriculture Rule R58-1 and proof of legal possession must accompany the zoological animal~~

~~(1) Any controlled or prohibited amphibian or reptile may be transported through Utah without a certificate of registration if:~~

~~(a) the amphibian or reptile remains in Utah no more than 72 hours; and~~

~~(b) the amphibian or reptile is not sold, transferred, exhibited, displayed, or used for a commercial venture while in Utah.~~

~~(2) Proof of legal possession must accompany the amphibian or reptile.~~

~~(3) If delays in transportation arise, an extension of the 72 hours may be requested by contacting the Wildlife Registration Office in Salt Lake City.~~

R657-53-26. Propagation of Amphibians or Reptiles.

~~(1) A person may propagate native amphibians or reptiles that are legally collected in Utah and possessed only as provided in Subsection (a) through (e):~~

~~(a) Certificates of registration are not issued for the propagation of any native amphibian or reptile collected in Utah and classified as prohibited for propagation except as provided in R657-53-19.~~

~~(b) A certificate of registration is required for propagating any native amphibian or reptile collected in Utah and classified as controlled for propagation, except as otherwise provided by the Wildlife Board.~~

~~(i) All progeny shall be marked as determined in the certificate of registration;~~

~~(ii) A report shall be submitted yearly as specified in the certificate of registration;~~

~~(iii) Records of the progeny as determined in the certificate of registration shall be kept for the life of the animal or time in possession; and~~

~~(iv) Progeny shall not count toward possession limits.~~

~~(c) A certificate of registration is required for propagating native amphibians or reptiles collected in Utah and classified as noncontrolled for propagation.~~

~~(i) A report shall be submitted yearly as specified in the certificate of registration;~~

~~(ii) Records of the progeny as determined in the certificate of registration shall be kept for the life of the animal or time in possession; and~~

~~(iii) Progeny shall not count toward possession limits.~~

~~(2) A person may propagate naturalized amphibians or reptiles that are legally collected in Utah and possessed only as provided in Subsection (a) through (d).~~

~~(a) Certificates of registration are not issued for the propagation of any naturalized amphibian or reptile collected in Utah and classified as prohibited for propagation except as provided in R657-53-19.~~

~~(b) A certificate of registration is required for propagating any naturalized amphibian or reptile legally collected in Utah and classified as controlled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession.~~

~~(c) A certificate of registration is not required for propagating any naturalized amphibian or reptile collected in Utah and classified as controlled for possession but classified as noncontrolled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession; and~~

~~(ii) Progeny shall not count toward possession limits.~~

~~(d) A certificate of registration is not required for propagating naturalized amphibians or reptiles collected in Utah and classified as noncontrolled for propagation.~~

~~(i) Progeny shall not count toward possession limits.~~

~~(3) A person may propagate native amphibians or reptiles that are legally obtained from an instate captive source or imported~~

~~into Utah and possessed only as provided in Subsection (a) through (d):~~

~~(a) Certificates of registration are not issued for the propagation of any native amphibian or reptile imported into Utah and classified as prohibited for propagation except as provided in R657-53-19.~~

~~(b) A certificate of registration is required for propagating any native amphibian or reptile legally obtained from an instate captive source or imported into Utah and classified as controlled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession.~~

~~(c) A certificate of registration is not required for propagating any native amphibian or reptile imported into Utah and classified as controlled for possession but classified as noncontrolled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession; and~~

~~(ii) Progeny shall not count toward possession limits.~~

~~(d) A certificate of registration is not required for propagating native amphibians or reptiles imported into Utah and classified as noncontrolled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession; and~~

~~(ii) Progeny shall not count toward possession limits.~~

~~(4) A person may propagate nonnative or naturalized amphibians or reptiles that are legally obtained from an instate captive source or imported into Utah and possessed only as provided in Subsections (a) through (d):~~

~~(a) Certificates of registration are not issued for the propagation of any nonnative or naturalized amphibian or reptile imported into Utah and classified as prohibited for propagation except as provided in R657-53-19.~~

~~(b) A certificate of registration is required for propagating any nonnative or naturalized amphibian or reptile legally obtained from an instate captive source or imported into Utah and classified as controlled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession.~~

~~(c) A certificate of registration is not required for propagating nonnative or naturalized amphibian or reptile imported into Utah and classified as controlled for possession but classified as noncontrolled for propagation.~~

~~(i) Records of the progeny shall be kept for the life of the animal or time in possession; and~~

~~(ii) Progeny shall not count toward possession limits.~~

~~(d) A certificate of registration is not required for propagating nonnative or naturalized amphibians or reptiles imported into Utah and classified as noncontrolled for propagation.~~

~~(i) Progeny shall not count toward possession limits.~~

~~(5) Certificates of registration may be denied to an applicant who:~~

~~(a) is a non-resident of Utah;~~

~~(b) fails to provide and maintain suitable, disease-free facilities and to humanely hold and maintain amphibians or reptiles in good condition;~~

~~(c) has been judicially or administratively found guilty of violating the provisions of this rule;~~

_____ (d) has been convicted of, pleaded no contest to, or entered into a plea in abeyance to any criminal offense that bears a reasonable relationship to the applicant's ability to safely and responsibly collect, import, transport or possess amphibians or reptiles; or

_____ (e) fails to maintain the propagation records and file the annual reports required in this section.

_____ (6) Legally obtained amphibians or reptiles and their progeny and descendants born in captivity, which are held in possession under the authority of a certificate of registration, remain property of the holder, but are subject to regulation by the division in accordance with the needs for public health, welfare, and safety, and impacts on wildlife.

R657-53-27. Classification and Specific Rules for Amphibians.

_____ (1) Common and scientific nomenclature recognized and adopted by the Society for the Study of Amphibians and Reptiles (2003) will be utilized in Subsection (2).

_____ (2) Amphibians are classified as follows:

_____ (a) Frogs are classified as follows:

_____ (i) American bullfrog, Ranidae Family (*Rana catesbeiana*) is

_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (6);

_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (ii) Canyon treefrog, Hylidae Family (*Hyla arenicolor*) is

_____ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (iii) Clawed frog, Pipidae Family (*Xenopus*) (All species) is

_____ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (iv) Columbia spotted frog, Ranidae Family (*Rana luteiventris*) is

_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (v) Green frog, Ranidae Family (*Rana clamitans*) is

_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (7);

_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (vi) Lowland leopard frog, Ranidae Family (*Rana yavapaiensis*) is

_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (vii) Northern leopard frog, Ranidae Family (*Rana pipiens*) is

_____ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (viii) Pacific treefrog, Hylidae Family (*Pseudacris regilla*) is

_____ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (ix) Relict leopard frog, Ranidae Family (*Rana onca*) is

_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (x) Western chorus frog, Hylidae Family (*Pseudacris triseriata*) is

_____ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (b) Spadefoots are classified as follows:

_____ (i) Great basin spadefoot, Pelobatidae Family (*Spea intermontana*) is

_____ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (ii) Mexican spadefoot, Pelobatidae Family (*Spea multiplicata*) is

_____ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (iii) Plains spadefoot, Pelobatidae Family (*Spea bombifrons*) is

_____ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (c) Salamanders are classified as follows:

_____ (i) Tiger salamander, Ambystomatidae Family (*Ambystoma tigrinum*) is

_____ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (d) Toads are classified as follows:

_____ (i) Arizona toad, Bufonidae Family (*Bufo microscaphus*) is

_____ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (ii) Cane (marine) toad, Bufonidae Family (*Bufo marinus*) is

_____ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (iii) Great Plains toad, Bufonidae Family (*Bufo cognatus*) is

_____ (A) controlled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (iv) Red-spotted toad, Bufonidae Family (*Bufo punctatus*) is _____ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (v) Western toad, Bufonidae Family (*Bufo boreas*) is _____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (t) Woodhouse's toad, Bufonidae Family (*Bufo woodhousii*) is _____ (A) noncontrolled for collection and possession and controlled for propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah.

_____ (3)(a) Amphibians classified at the genus or family taxonomic level include all species and subspecies.

_____ (b) Amphibians classified at the species taxonomic level include all subspecies.

_____ (c) Amphibians classified at the subspecies taxonomic level do not include any other related subspecies.

_____ (4) All species or subspecies of amphibians not listed in Subsection (2) are classified as noncontrolled for collection, importation, possession and propagation.

_____ (5)(a) A person must obtain a certificate of registration to collect and possess more than three amphibians of each species or subspecies classified as noncontrolled for collection and possession within a calendar year, except as provided in Subsection (6).

_____ (b) A person must obtain a certificate of registration to possess more than nine amphibians in aggregate classified as noncontrolled for collection and possession and collected within Utah, except as provided in Subsection (6).

_____ (6) A person may collect and possess any number of American bullfrogs (*Rana catesbeiana*) or Green frogs (*Rana elamitans*) without a certificate of registration provided they are either killed or released immediately. A person may not transport a live bullfrog or green frog from the point of capture without first obtaining a certificate of registration.

R657-53-28. Classification and Specific Rules for Reptiles.

_____ (1)(i) Common and scientific nomenclature recognized and adopted by the Society for the Study of Amphibians and Reptiles (2003) shall be utilized in Subsection (2) for North American species found north of Mexico.

_____ (ii) Common and scientific nomenclature recognized and adopted by C. Mattison in *The Encyclopedia of Snakes* (1999) shall be utilized for all other snakes found in Subsection (2).

_____ (iii) Common and scientific nomenclature recognized and adopted by O'Shea and Halliday in *Smithsonian Handbooks: Reptiles and Amphibians* (2002) shall be utilized for the Gharial found in subsection (2).

_____ (2) Reptiles are classified as follows:

_____ (a) Crocodiles are classified as follows:

_____ (i) Alligators and caimans, Alligatoridae Family (All species) are _____ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (ii) Crocodiles, Crocodylidae Family (All species) are _____ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah; and _____ (iii) Gharial, Gavialidae Family (*Gavialis gangeticus*) is _____ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah.

_____ (b) Lizards are classified as follows:

_____ (i) Beaded lizard, Helodermatidae Family, (*Heloderma horridum*) is _____ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (ii) Chuckwalla, Iguanidae Family (*Sauromalus*) (All species) is _____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation and possession and prohibited for propagation of individuals legally obtained outside of Utah;

_____ (iii) Common lesser earless lizard, Phrynosomatidae Family (*Holbrookia maculata*) is _____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (iv) Common side-blotched lizard, Phrynosomatidae Family (*Uta stansburiana*) is _____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (8);

_____ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (v) Desert horned lizard, Phrynosomatidae Family (*Phrynosoma platyrhinos*) is _____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (vi) Desert iguana, Iguanidae Family (*Dipsosaurus dorsalis*) is _____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation and possession, and prohibited for propagation of individuals legally obtained outside of Utah;

_____ (vii) Desert spiny lizard, Phrynosomatidae Family (*Sceloporus magister*) is _____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (viii) Eastern collared lizard, Crotaphytidae Family (*Crotaphytus collaris*) is _____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(ix) Gila monster, Helodermatidae Family (*Heloderma suspectum*) is~~

~~(A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(x) Great Basin collared lizard, Crotaphytidae Family (*Crotaphytus bicinctores*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xi) Great Basin fence lizard, Phrynosomatidae Family (*Sceloporus occidentalis longipes*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xii) Great Basin skink, Scincidae Family (*Eumeces skiltonianus utahensis*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xiii) Great Basin Whiptail, Teiidae Family (*Aspidooseclis tigris tigris*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xiv) Greater short-horned lizard, Phrynosomatidae Family (*Phrynosoma hernandesi*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xv) Long-nosed leopard lizard, Crotaphytidae Family (*Gambelia wislizenii*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xvi) Northern plateau lizard, Phrynosomatidae Family (*Sceloporus undulatus elongatus*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xvii) Northern sagebrush lizard, Phrynosomatidae Family (*Sceloporus graciosus graciosus*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (5);~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xviii) Ornate tree lizard, Phrynosomatidae Family (*Urosaurus ornatus*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xix) Plateau striped whiptail, Teiidae Family (*Aspidooseclis velox*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xx) Plateau tiger whiptail, Teiidae Family (*Aspidooseclis tigris septentrionalis*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xxi) Southern plateau lizard, Phrynosomatidae Family (*Sceloporus undulatus tristichus*) is~~

~~(A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xxii) Utah banded gecko, Gekkonidae Family (*Coleonyx variegatus utahensis*) is~~

~~(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xxiii) Utah night lizard, Xantusiidae Family (*Xantusia vigilis utahensis*) is~~

~~(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xxiv) Variable (many-lined) skink, Scincidae Family (*Eumeces multivirgatus epipleurotus*) is~~

~~(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(xxv) Western zebra-tailed lizard, Phrynosomatidae Family (*Callisaurus draconoides rhodostictus*) is~~

~~(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah; and~~

~~(xxvi) Yucca night lizard, Xantusiidae Family (*Xantusia vigilis vigilis*) is~~

~~(A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~(B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah.~~

~~(c) Snakes are classified as follows:~~

~~(i) Bird Snake, Colubridae Family (*Thelotornis*) (All species) are~~

~~(A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~(ii) Boomslang, Colubridae Family (*Dispholidus typus*) is~~

_____ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (iii) Burrowing asps, Atractaspidae Family (All species) are

_____ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (iv) California kingsnake, Colubridae Family (*Lampropeltis getula californicae*) is

_____ (A) controlled for collection, possession and nonecontrolled for propagation of individuals from wild populations in Utah;

_____ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (v) Desert glossy snake, Colubridae Family (*Arizona elegans eburnata*) is

_____ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (vi) Desert nightsnake, Colubridae Family (*Hypsiglena torquata deserticola*) is

_____ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (vii) Desert striped whipsnake, Colubridae Family (*Masticophis taeniatus taeniatus*) is

_____ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (viii) Desert gophersnake, Colubridae Family (*Pituophis eatenifer deserticola*) is

_____ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (ix) Great Basin rattlesnake, Viperidae Family (*Crotalus oreganus lutosus*) is

_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (6);

_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (x) Great Plains ratsnake, Colubridae Family (*Elaphe emoryi*) is

_____ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xi) Groundsnake, Colubridae Family (*Sonora semiannulata*) is

_____ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xii) Keelback, Colubridae Family (*Rhabdophis*) (All species) are

_____ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xiii) Midget faded rattlesnake, Viperidae Family (*Crotalus oreganus concolor*) is

_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xiv) Mojave rattlesnake, Viperidae Family (*Crotalus seutulatus*) is

_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xv) Mojave patch-nosed snake, Colubridae Family (*Salvadora hexalepis mojaviensis*) is

_____ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xvi) Painted desert glossy snake, Colubridae Family (*Arizona elegans philipi*) is

_____ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xvii) Pit vipers, Viperidae Family (All species) are

_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xviii) Prairie rattlesnake, Viperidae Family (*Crotalus viridis*) is

_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xix) Proteroglyphous snakes, Australian spp., cobras, coral snakes, kraits, and their allies, Elapidae Family (All species) are

_____ (A) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xx) Red racer (Coachwhip), Colubridae Family (*Masticophis flagellum piceus*) is

_____ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xxi) Regal ring-necked snake, Colubridae Family (*Diadophis punctatus regalis*) is

_____ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xxii) Rubber boa, Boidae Family (*Charina bottae*) is

_____ (A) nonecontrolled for collection, possession and propagation of individuals from wild populations in Utah;

_____ (B) nonecontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;

_____ (xxiii) Sidewinder, Viperidae Family (*Crotalus cerastes*) is

~~_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (xxiv) Smith's black-headed snake, Colubridae Family (*Tantilla hobartsmithi*) is~~

~~_____ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (xxv) Smooth greensnake, Colubridae Family (*Ophiodrys vernalis*) is~~

~~_____ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (xxvi) Sonoran lyresnake, Colubridae Family (*Trimorphodon biscutatus lambda*) is~~

~~_____ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (xxvii) Speckled rattlesnake, Viperidae Family (*Crotalus mitchellii*) is~~

~~_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (xxviii) Spotted leaf-nosed snake, Colubridae Family (*Phyllorhynchus decurtatus*) is~~

~~_____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (xxix) Utah milksnake, Colubridae Family (*Lampropeltis triangulum taylori*) is~~

~~_____ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (xxx) Utah mountain kingsnake, Colubridae Family (*Lampropeltis pyromelana infralabialis*) is~~

~~_____ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (xxxi) Utah threadsnake, Leptotyphlopidae Family (*Leptotyphlops humilis utahensis*) is~~

~~_____ (A) controlled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) controlled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (xxxii) Valley gartersnake, Colubridae Family (*Thamnophis sirtalis fitchi*) is~~

~~_____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (xxxiii) Wandering gartersnake, Colubridae Family (*Thamnophis elegans vagrans*) is~~

~~_____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (8);~~

~~_____ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (xxxiv) Western black-necked gartersnake, Colubridae Family (*Thamnophis cyrtopsis cyrtopsis*) is~~

~~_____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (xxxv) Western long-nosed snake, Colubridae Family (*Rhinocheilus lecontei lecontei*) is~~

~~_____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah; and~~

~~_____ (xxxvi) Western yellow-bellied racer, Colubridae Family (*Coluber constrictor mormon*) is~~

~~_____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah.~~

~~_____ (d) Turtles are classified as follows:~~

~~_____ (i) Alligator snapping turtle, Chelydridae Family (*Macrochelys temminckii*) is~~

~~_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (9);~~

~~_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (ii) Common snapping turtle, Chelydridae Family (*Chelydra serpentina*) is~~

~~_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (9);~~

~~_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (iii) Desert tortoise, Testudinidae Family (*Gopherus agassizii*) is~~

~~_____ (A) prohibited for collection, and propagation and controlled for possession of individuals from wild populations in Utah;~~

~~_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (iv) Painted turtle, Emydidae Family (*Chrysemys picta*) is~~

~~_____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah.~~

~~_____ (v) Red-eared slider, Emydidae Family (*Trachemys scripta elegans*) is~~

~~_____ (A) noncontrolled for collection, possession and propagation of individuals from wild populations in Utah;~~

~~_____ (B) noncontrolled for importation, possession and propagation of individuals legally obtained outside of Utah.~~

~~_____ (vi) Spiny softshell, Trionychidae Family (*Apalone spinifera*) is~~

~~_____ (A) prohibited for collection, possession and propagation of individuals from wild populations in Utah, except as provided in Subsection (9);~~

~~_____ (B) prohibited for importation, possession and propagation of individuals legally obtained outside of Utah;~~

~~_____ (3)(a) Reptiles classified at the genus or family taxonomic level include all species and subspecies;~~

~~_____ (b) Reptiles classified at the species taxonomic level include all subspecies;~~

~~_____ (c) Reptiles classified at the subspecies taxonomic level do not include any other related subspecies;~~

~~_____ (4) All species or subspecies of reptiles not listed in Subsection (2) are classified as noncontrolled for collection, importation, possession and propagation;~~

~~_____ (5) A person may not:~~

~~_____ (a) knowingly disturb the den of any reptile or kill, capture, or harass any reptile within 100 yards of a reptile den without first obtaining a certificate of registration from the division; or~~

~~_____ (b) indiscriminately kill any reptile;~~

~~_____ (6)(a) Great Basin rattlesnakes, *Crotalus oreganus lutosus*, may be killed without a certificate of registration only for reasons of human safety;~~

~~_____ (b) The carcass or its parts of a Great Basin rattlesnake killed pursuant to Subsection (a) may be retained for personal use or possessed;~~

~~_____ (7)(a) A person must obtain a certificate of registration to collect more than three reptiles of each species or subspecies classified as noncontrolled for collection and possession within a calendar year, except as provided in Subsection (8);~~

~~_____ (b) A person must obtain a certificate of registration to possess more than nine reptiles of each species or more than 56 in aggregate which are classified as noncontrolled for collection and possession and collected within Utah, except as provided in Subsection (8);~~

~~_____ (8) In a calendar year, a person may collect and possess for personal use 25 common side-banded lizards (*Uta stansburiana*), 25 northern sagebrush lizards (*Sceloporus graciosus graciosus*), and 25 wandering gartersnakes (*Thamnophis elegans vagrans*), without obtaining a certificate of registration or counting against the aggregate possession limit;~~

~~_____ (9)(a) A person may collect and possess any number of common snapping turtles (*Chelydra serpentina*), alligator turtles (*Macrochelys temminckii*) or spiny softshell (*Apalone spinifera*) turtles without a certificate of registration provided they are either killed or released immediately upon removing them from the point of capture;~~

~~_____ (b) A person may not transport a live common snapping turtle, alligator turtle or spiny softshell turtle from the point of capture from which it was collected without first obtaining a certificate of registration;]~~

R657-53-1. Purpose and Authority.

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, possession, and propagation of amphibians and reptiles in Utah.

(2)(a) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah.

_____ (b) Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

_____ (3) Specific dates, species, collection permit boundaries, number of collection permits, daily collection and total possession limits, and other administrative details which may change annually are published in the proclamation or guidebook of the Wildlife Board for amphibians and reptiles.

_____ (4)(a) In addition to this rule, the Utah Department of Agriculture and Food regulates animal importation and disease testing requirements through Title 4 of Utah Code and Utah Admin. Rule R58-1.

_____ (b) In addition to this rule, local government entities may impose additional prohibitions or restrictions through zoning restrictions and similar ordinances.

_____ (c) Nothing in this rule is intended to authorize an activity that is otherwise prohibited by federal law, rules of the Utah Department of Agriculture and Food, or properly enacted restrictions imposed by local government entities.

R657-53-2. Definitions.

_____ (1) Terms used in this rule are defined in Section 23-13-2 and Subsection (2) through Subsection (29).

_____ (2) "Amphibian" means animals from the Class of Amphibia, including hybrid species or subspecies of amphibians, and viable embryos or gametes of species or subspecies of amphibians.

_____ (3) "Captive-bred" or "born in captivity" means any legally-obtained amphibian or reptile that:

_____ (a) was born in captivity;

_____ (b) spends its entire life in captivity; and

_____ (c) is the offspring of legally obtained progenitors.

_____ (4) "Certificate of registration" means, for the purposes of this rule, a wildlife document issued by the division authorizing an individual or entity to undertake activities that are otherwise prohibited.

_____ (5) "Collect" means to take, catch, capture, salvage, or kill any free-roaming amphibian or reptile or their parts within Utah, except as described in (22) below and in R657-53-7(2).

_____ (6) "Collection permit" means a wildlife document authorizing collection from the wild and subsequent personal possession of amphibians and reptiles in Utah.

_____ (7)(a) "Commercial use" means any activity through which a person is:

_____ (i) in lawful possession of a wild-caught amphibian or reptile categorized as controlled or prohibited;

_____ (ii) doing business in Utah wherein that business activity utilizes and relies upon a wild-caught amphibian or reptile for financial gain;

_____ (iii) engaged in business activity that is continuous, such that it involves some permanent presence beyond casual or isolated financial transactions; and

_____ (iv) receiving consideration exceeding the costs directly related to care, breeding, rearing of the wild-caught amphibian or reptile and its offspring.

(b) Consideration derived from the sale of offspring from captive-bred amphibians or reptiles does not constitute commercial use.

(8) "Controlled species" means species or subspecies of amphibian or reptile for which a person must acquire certificate of registration or collection permit prior to possessing the animal.

(9) "Daily collection limit" means the maximum limit, in number of individuals, that one person may legally remove from the field during one 24-hour period.

(10) "Den" means any place where reptiles congregate for winter hibernation or brumation.

(11) "Educational use" means the possession and use of an amphibian or reptile by a public educational institution, non-profit organization established for the purposes of wildlife conservation or education, or a government agency, for the purposes of conducting instructional activities for the public concerning wildlife and wildlife-related activities, where the individual or entity does not receive compensation or remuneration beyond the costs incurred to conduct the instruction.

(12) "Entry permit number" means a number issued by the state veterinarian's office to a veterinarian signing a certificate of veterinary inspection authorizing the importation of an amphibian or reptile into Utah.

(13) "Export" means to move or cause to move any amphibian or reptile or their parts from Utah by any means.

(14) "Import" means to bring or cause an amphibian or reptile or their parts to be brought into Utah by any means.

(15) "Legally obtained" means to acquire through collection, trade, barter, propagation or purchase with supporting written documentation if required, such as applicable certificate of registration, collection permit, license, or sales receipt in accordance with applicable laws. Documentation must include the date of the transaction; the name, address and phone number of the person or organization relinquishing the animal; the name, address and phone number of the person or organization obtaining the animal; the scientific name of the animal acquired; and a description of the animal. A state-issued wildlife document and completion of all mandatory reporting satisfies any documentation requirement for specimens covered by the wildlife document and reporting.

(16) "Native species" means any species or subspecies of amphibian or reptile that historically occurred in Utah and has not been introduced by humans or migrated into Utah as a result of human activity.

(17) "Naturalized species" means any species or subspecies of amphibian or reptile that is not native to Utah but has established a wild, self-sustaining population in Utah.

(18) "Noncontrolled species" means a species or subspecies of amphibian or reptile that does not require a certificate of registration or a collection permit to possess.

(19) "Nonnative species" means a species or subspecies of amphibian or reptile that is not native to Utah and has not established a wild, self-sustaining population in Utah.

(20) "Possession" means to physically retain or to exercise dominion or control over an amphibian or reptile.

(21) "Prohibited species" means a species or subspecies of amphibian or reptile that requires variance approval from the Wildlife Board prior to issuing a certificate of registration or collection permit and prior to possessing the animal.

(22) "Propagation" means the reproduction of amphibians or reptiles in captivity that results in the production of offspring.

(23) "Reptile" means animals from the Class of Reptilia, including hybrid species or subspecies of reptiles and viable embryos or gametes of species or subspecies of reptiles.

(24) "Salvage" means the collection of a reptile or amphibian when that specimen is dead upon discovery and that death was not due to any action attributable to the individual collecting or ultimately receiving the specimen.

(25) "Scientific use" means the possession and use of an amphibian or reptile by a public educational institution, non-profit organization established for the purposes of wildlife conservation or education, or a government agency, for conducting bona fide scientific research that is directly or indirectly beneficial to wildlife or the general public.

(26) "Temporary possession" or "temporarily possess" for the purposes of this rule means handling an amphibian or reptile for the minimum amount of time necessary for a person to complete measurements and documentation required as part of their mandatory reporting.

(27) "Total possession limit" means the maximum limit, in number of individuals, that one person or entity may possess.

(28) "Transport" means to be moved or cause to be moved, any amphibian or reptile within Utah by any means.

(29) "Turtle" means all animals commonly known as turtles, tortoises and terrapins, and all other animals of the Order Testudines, Class Reptilia.

(30) "Wild population" means native or naturalized amphibians or reptiles living in nature.

(31) "Wildlife document" means a document issued by the division allowing an activity that would otherwise be prohibited and includes a collection permit and certificate of registration.

R657-53-3. Liability.

(1) Any person who engages in an activity described in this rule assumes all liability and responsibility and agrees to fully indemnify the State of Utah for any activity undertaken pursuant to this rule and for any injury, damage, or claim arising out of or related to their activity.

(2) Nothing in this rule shall be construed as a waiver or limitation of any protection, immunity, defense, or damage cap limitation available to the division under state or federal law.

(3) To the extent allowable under Utah law, the division shall not be liable in any civil action for:

(a) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule, a certificate of registration, or collection permit; or

(b) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration, collection permit, or similar authorization.

R657-53-4. Prohibited Activities.

(1) A person may not take, possess, import, export, transfer, or release to the wild a reptile or amphibian or their parts in Utah, or attempt to undertake such activity, except as provided in this rule or in a proclamation or guidebook issued by the Wildlife Board.

(2)(a) Pursuant to Section 23-13-14, a person may not release from captivity any amphibian or reptile without first obtaining written authorization from the division.

(b) Any peace officer, division representative, or authorized animal control officer may seize, euthanize, or dispose of any live amphibian or reptile that escapes from captivity.

(c) The division may retain custody of any recaptured amphibian or reptile until the costs of recapture or care have been paid by its owner or keeper.

(3) A person may not:

(a) knowingly disturb the den of any reptile or kill, capture, or harass any reptile within 100 yards of a reptile den without first obtaining a wildlife document authorizing that activity;

(b) trespass while engaged in an activity regulated by this rule;

(c) sell a wild caught reptile or amphibian;

(d) transfer a wild caught native amphibian or reptile without completing mandatory reporting;

(e) transfer any wild caught native amphibian or reptile to another individual between April 1 and December 31 without prior approval from the division;

(f) collect or attempt to collect a reptile or amphibian under another individual's collection permit;

(g) collect or attempt to collect a reptile or amphibian in an area that is closed to collection activities; or

(h) transport or propagate an amphibian without complying with Title 4 Chapter 37 Utah Code and implementing regulations of the Utah Department of Agriculture and Food.

(4)(a) A person may not conduct educational use or scientific use activities with a species categorized as controlled or prohibited without first obtaining a certificate of registration from the division.

(b)(i) A person may not conduct commercial use activities with controlled species without first obtaining a certificate of registration from the division.

(ii) A person may not conduct commercial use activities with a prohibited species without first obtaining a variance from the Wildlife Board and a certificate of registration from the division.

R657-53-5. Activities Allowed Without a Wildlife Document.

(1) A person may conduct the following activities without acquiring a wildlife document from the division:

(a) collect a noncontrolled reptile or amphibian from the wild;

(b) possess, import, export, or transfer to another person a reptile or amphibian that was previously removed from the wild and is classified as noncontrolled or controlled, provided:

(i) the person receiving the animal maintains documentation verifying that the specimen was legally acquired;

(ii) the person transferring the animal certifies that they were in lawful possession of the animal;

(iii) if the animal is wild caught, no financial compensation or consideration is exchanged as part of the transfer of possession;

(iv) the person receiving the animal has otherwise completed all mandatory education courses necessary to obtain or possess the animal;

(v) the person receiving the animal will not exceed the total possession limit for that species, if applicable; and

(vi) the animal does not belong to a species subject to certificate or registration requirements under R657-53-12;

(c) possess, import, export, transfer, or salvage a dead reptile or amphibian or their parts, provided:

(i) such actions are allowed under applicable state and federal law;

(ii) the specimen was lawfully acquired;

(iii) proof of legal possession accompanies the specimens; and

(iv) the individual completes any required mandatory reporting as described in R657-53-19 and possesses any necessary federal permit necessary to possess the animal or its part;

(d) pursue and temporarily possess a reptile or amphibian, if that action complies with the requirements in R657-53-8(2);

(e) propagate lawfully acquired amphibians and reptiles, unless:

(i) the species to be propagated requires a certificate of registration under R657-53-12;

(ii) the propagator is breeding a wild caught species native to Utah and is selling the progeny in a manner qualifying as a commercial use under R657-53-2(7); or

(iii) otherwise prohibited by local, state, or federal law; or

(f) transport any reptile or amphibian, regardless of total possession limit restrictions, through Utah without a wildlife document, provided:

(i) the transporter is otherwise in lawful possession of the specimens;

(ii) proof of legal possession or origin accompanies the specimens;

(iii) the transporter complies with importation requirements established by the Utah Department of Agriculture and Food;

(iv) the specimens remain in Utah no more than 72 hours; and

(v) the specimens are not sold, transferred, exhibited, displayed, or used for a commercial use while in Utah.

R657-53-6. Activities Requiring a Wildlife Document.

(1) A person must acquire a collection permit or certificate of registration before capturing a controlled species from the wild in Utah.

(2) Only one collection permit or certificate of registration is required per individual, regardless of the number of animals collected under that permit, provided:

(a) the individual remains in compliance with daily collection limits and total possession limits; and

(b) the individual completes mandatory reporting under R657-53-19 as required.

(3)(a) Collection permits are valid for the capture season authorized by the Wildlife Board.

(b) Certificates of registration for personal collection under R657-53-12 are valid for the term indicated on the document.

(4)(a) If a person lawfully collects an amphibian or reptile from the wild using a collection permit or certificate of registration, the collection permit or certificate of registration serves as the authorization for continued possession of those collected specimens consistent with the provisions of this rule.

_____ (b) A copy of the collection permit or certificate of registration may serve as documentation of lawful acquisition necessary to transfer possession of a wild caught specimen under R657-53-6.

_____ (c) A person may not collect individual specimens in excess of the identified daily collection or total possession limits during the term of their collection permit, regardless of whether they transfer ownership of a specimen to another individual during the collection permit's term.

_____ (5) A person must obtain a variance from the Wildlife Board to collect or possess a prohibited species.

_____ (6)(a) An individual or entity must acquire a certificate of registration before engaging in an educational, scientific, or commercial use activity involving the collection or possession of a controlled or prohibited species.

_____ (b) A scientific use certificate of registration is valid for the time-period identified in the research proposal and approved by the division.

_____ (c) Educational use certificates of registration are valid for 3 years and authorize wildlife-related instructional activities identified on the certificate of registration.

_____ (d) Commercial use certificates of registration are valid for 3 years and authorize activities commercial use activities identified on the certificate of registration.

_____ (7) A wildlife document may be suspended or revoked as provided in Section 23-19-9 and Rule R657-26.

R657-53-7. Total Possession Limits and Daily Collection Limits.

_____ (1)(a) The division shall establish daily collection limits and total possession limits for amphibians and reptiles found in Utah based upon their classification as a noncontrolled species, controlled species, or prohibited species.

_____ (b) Daily limits, total possession limits, collection permit numbers, collection season dates, and collection permit boundaries will be approved by the Wildlife Board and published in a guidebook by the division.

_____ (2) Noncontrolled species may be given the following daily collection limits and total possession limits:

_____ (a) "Unlimited," allowing an unlimited number of individuals that may be collected from the wild or otherwise possessed; or

_____ (b) "Expanded," allowing for a daily collection limit of 25 individuals and total possession limit of 100.

_____ (3) Controlled species may be given the following daily collection limits and total possession limits:

_____ (a) "Standard," allowing for a daily collection limit of 3 individuals and total possession limit of 9 individuals; or

_____ (b) "Limited," allowing for a daily and yearly collection limit of 2 individuals and total possession limit of 4 individuals.

_____ (4) Prohibited species shall be given the daily collection limit and total possession limit of "Zero," prohibiting all collection and possession of prohibited species.

_____ (5) A person may not exceed daily collection limits or total possession limits unless an authorization is provided in this rule, on a certificate of registration, or a variance granted by the Wildlife Board pursuant to R657-53-18.

_____ (6) An individual's daily collection limit and total possession limit is established at the time they possess an individual

specimen and are cumulative throughout the term of a collection permit.

_____ (7) In establishing a daily collection limit or total possession limit, any specimen that belongs to a species that is native to Utah is presumed to be a wild caught specimen unless the individual in possession provides verifiable documentation required by R657-53-5.

_____ (8) If a species classification and associated daily collection limit and total possession limit is not defined in this rule or otherwise included in the guidebook published by the Wildlife Board, it shall be classified as a Controlled species and have a Standard daily collection limit and total possession limit.

R657-53-8. Exceptions to Total Possession Limits and Daily Collection Limits.

_____ (1) Total possession limits apply to all amphibians and reptiles acquired in-state, imported into the state, or lawfully acquired by intrastate transfer, except the following do not count towards an individual's applicable limit:

_____ (a) animals and their parts that are captive bred, not classified as Prohibited or subject to certificate of registration requirements in R657-53-12, and accompanied by documentation described in R657-53-5 verifying lawful acquisition and possession;

_____ (b) animals and their parts that are captive bred, not classified as Prohibited or subject to certificate of registration requirements in R657-53-12, and are in possession of an individual conducting reptile propagation, so long as:

_____ (i) the individual performing the propagation registers with the division as a propagator; and

_____ (ii) completes associated mandatory reporting under R657-53-19;

_____ (c) animals and their parts that are legally obtained outside of Utah and not classified as Prohibited or subject to certificate of registration requirements in R657-53-12; and

_____ (d) individuals or entities authorized to collect or possess species under commercial use, educational use, or scientific use certificates of registration may be subject to alternative total possession limits or daily collection limits established by the division.

_____ (2) Daily collection limits apply to any reptile or amphibian captured in the wild in Utah, except that a person may temporarily possess an individual animal in excess of daily collection limits, provided:

_____ (a) the animal is released immediately after the temporary possession time period has expired;

_____ (b) the animal is not transported away from the capture site unless necessary to accurately complete mandatory reporting;

_____ (c) the animal is released in reasonable proximity to the capture location;

_____ (d) required reporting is accurately submitted to the division;

_____ (e) temporary possession is not prohibited by federal law;

_____ (f) the individual has completed all mandatory training courses necessary to possess the animal; and

_____ (g) the animal does not belong to a species subject to certificate of registration requirements under R657-53-12.

_____ (3) Specimens salvaged in accordance with this rule do not count towards an individual's daily collection limit or total possession limit for that species.

R657-53-9. Determination of Prohibited Species; Establishing Daily Limits and Total Possession Limits for Controlled Species.

(1)(a) A species of the Order Squamata (snakes and lizards) is classified as a prohibited species if:

- (i) it is venomous;
- (ii) not native to Utah; and
- (iii) a bite from which may cause substantial physical injury to humans ordinarily requiring medical treatment.

(b) Species of the Order Crocodylia (crocodiles, gharials, caimans, and alligators) are classified as prohibited.

(c) The division may classify any species of reptile or amphibian as prohibited if take from the wild or introduction into the wild poses a significant detrimental impact to wildlife populations or their habitat and publish them in the guidebook of the Wildlife Board for amphibians and reptiles.

(d) Any amphibian or reptile listed by the U.S. Fish and Wildlife Service as endangered or threatened pursuant to the federal Endangered Species Act shall have a zero daily and total possession limit, except:

(i) the division may issue a wildlife document authorizing the collection, importation, possession, or propagation of a threatened or endangered species under the criteria set forth in this rule where the U.S. Fish and Wildlife Service has issued a permit or otherwise authorized the particular activity; and

(ii) A person may import, possess, transfer, or propagate captive-bred eastern indigo snakes (*Drymarchon couperi*) without a certificate of registration where the U.S. Fish and Wildlife Service has issued a permit or otherwise authorized the particular activity.

(2) The division may consider the following factors in establishing recommended daily limits, total possession limits, collection permit numbers, and collection permit boundaries for controlled species to the Wildlife Board for approval:

- (a) prevalence and distribution of the species;
- (b) anticipated number of persons participating in the program;
- (c) harvest success rates;
- (d) population trends and related conservation data for the species;
- (e) human safety concerns posed by collection and possession of the species; and
- (f) other relevant social, biological, and political concerns.

(3)(a) The division may establish a harvest objective for each species, which is the total number of specimens per species may be collected from the wild each year and close an area or region.

(b) If an established harvest objective for a particular species is reached, collection in that area or region is closed for the remainder of the collection season and removing additional specimens of that species from the wild is prohibited.

(c) The division will identify harvest objective species and numbers in the guidebook of the Wildlife Board for amphibians and reptiles and publish harvest objective criteria on their website.

(d) Individuals collecting amphibians or reptiles having an established harvest objective are responsible for verifying that collection remains open.

R657-53-10. Collection Permits and Certificates of Registration; Prohibited Collection Methods.

(1)(a) Collection permits authorize continued possession of an individual animal after it has been reduced to possession and removed from the wild, subject to the limitations identified in this rule.

(b) In lieu of a collection permit, a person must obtain a certificate of registration to collect, possess, import, or propagate certain venomous reptiles that are native to Utah, pursuant to R657-53-12.

(2) A person may collect amphibians and reptiles having an Unlimited daily collection limit without acquiring a wildlife document from the division.

(3)(a) A person may collect amphibians and reptiles having an Expanded daily collection limit after successfully completing the Reptile and Amphibian education course, so long as that person satisfies all the mandatory reporting requirements established in R657-53-19.

(b) A collection permit is needed to collect amphibians or reptiles having an Expanded daily collection limit.

(4)(a) A person may collect amphibians and reptiles having a Standard or Limited daily collection limit after:

- (i) successfully completing the Reptile and Amphibian education course; and
- (ii) acquiring a collection permit or certificate of registration from the division.

(b) A person may not collect amphibians or reptiles having a Standard or Limited daily collection limit if they have failed to complete mandatory reporting required in R657-53-19 under their current collection permit.

(5) A person may only collect amphibians and reptiles having a Zero daily collection limit after receiving a variance from the Wildlife Board.

(6) Collection methods.

(a) Amphibians and reptiles may not be collected using any method prohibited in this rule and the proclamations of the Wildlife Board except as provided by a variance or the Wildlife Board.

(b) The following tools or methods may be utilized in collecting amphibians or reptiles pursuant to this rule:

- (i) dip nets less than 24 inches in diameter;
- (ii) snake sticks, including hooks, tongs, or grabbers;
- (iii) lizard nooses;

(iv) use of a firearm considered a legal weapon under R657-5, so long as the individual has satisfied Hunter Safety requirements in the State of Utah; or

(v) capture-by-hand.

(c) Amphibians and reptiles may only be collected within boundaries established in the guidebook for amphibians and reptiles.

(d) The destruction of habitats such as breaking apart of rocks, logs or other shelters in or under which amphibians or reptiles may be found is prohibited.

(e) Any logs, rocks, or other objects turned over or moved must be replaced in their original position.

R657-53-11. Acquiring a Wildlife Document.

- (1) A person may acquire a certificate of registration by:
- possessing a valid certificate of completion for the Amphibian and Reptile education course;
 - submitting an application on the division's website;
 - paying the associated application fee;
 - providing required information for the type of certificate of registration applied for;
 - being approved by the division; and
 - paying the certificate of registration fee.
- (2)(a) A person may acquire a collection permit by:
- possessing a valid certificate of completion for the Amphibian and Reptile education course;
 - paying the associated application fee; and
 - if applying for a collection permit distributed through a random drawing, submitting an application on the division's website during the designated application period and, if selected, paying the associated permit fee.
- (b) If the division receives more valid applications than the number of available collection permits, the division will conduct a random drawing to identify successful applicants.
- (3) Procedures regarding application errors, surrenders, refunds, reallocation of wildlife documents, and variance requests are processed pursuant to Utah Admin. Rules R657-42, R657-50, R657-57, and relevant sections of Utah Code.
- (4) Wildlife documents are not transferable.
- (5) If the holder of a wildlife document is a representative of an institution, organization, business, or agency, the wildlife document shall be considered void upon the representative's discontinuation of association with that entity.
- (6) Wildlife documents do not provide the holder with any rights of succession and any wildlife document issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer.
- (7) The issuance of a wildlife document automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the document is issued.
- (8) In order to acquire a wildlife document, a person must be eligible to possess the wildlife document and submit a complete application or purchase request.
- (9) An individual must register with the division as an amphibian or reptile propagator if they wish to breed reptiles or amphibians and maintain possession of those individuals beyond total possession limits that would otherwise apply.

R657-53-12. Regulations Specific to Venomous Reptiles Native to Utah.

- (1) An individual must obtain a certificate of registration prior to collecting, possessing, importing, or propagating any reptile, whether wild caught or captive-bred, that is:
- native to Utah;
 - venomous; and
 - a bite from which may cause substantial physical injury to humans ordinarily requiring medical treatment.
- (2) An individual must be at least 18 years of age to receive a certificate of registration pursuant to this section.
- (3) To apply for a certificate of registration, a person must submit the following materials to the division:

- the species and number of individual animals requested;
 - the source from which they are to be acquired;
 - a description of the knowledge, skills, and experience the applicant has in handling venomous reptiles, and if any mentor will be utilized during the term of the certificate of registration;
 - the address where the animals will be housed and written verification from the local governmental entity that the activity requested is consistent with their ordinances;
 - a description of the facilities and equipment to be utilized in housing the animals;
 - all documentation required by the Utah Department of Agriculture and Food for lawful import, if necessary;
 - verification that appropriate medical treatment from a medical provider is available in proximity to the location where the animals will be housed; and
 - registration with the division for propagation activities, if requested.
- (4) The division may deny a certificate of registration application if:
- the applicant fails to submit any of the required application materials in this section;
 - approval of which would violate local, state, or federal law;
 - there is a basis for denial described in R657-53-17; or
 - approval of which may continue to pose a substantial public safety concern.
- (5) All activities conducted under a certificate of registration authorization issued pursuant to this section are subject to the mandatory reporting requirements identified in R657-53-19.

R657-53-13. Commercial Use Certificate of Registration.

- (1) An individual or entity wishing to utilize an amphibian or reptile in manner qualifying as commercial use must first acquire a commercial use certificate of registration from the division.
- (2) The division shall consider the following factors in reviewing an application for a commercial use certificate of registration:
- the health, welfare, and safety of the public;
 - demonstrated knowledge and expertise in conducting the proposed wildlife-related activities;
 - the health, welfare, safety, and genetic integrity of wildlife and other animals;
 - ecological and environmental impacts of the proposed activity; and
 - the acquisition of other necessary permits or approvals.
- (3)(a) The division may review facility and operational guidelines to use in evaluating applications.
- (b) The division may condition approval of an application on compliance with additional requirements determined to be necessary components to protect human health and safety and the wildlife resource, such as minimum facility requirements, acquisition of liability insurance, modified total possession limits or daily limits, allowed methods of take, authorization of live release of amphibians and reptiles, mandatory reporting requirements, and other similar expectations.

(c) Notwithstanding Subsection 3(b), a commercial use certificate of registration may not authorize possession of a species having a total possession limit of Zero without variance approval from the Wildlife Board, unless they are an entity meeting the requirements described in Subsection (4).

(d) If the applicant requests the authorization to capture amphibians or reptiles from the wild, the division shall determine what species, locations, capture season dates, and total numbers that may be captured.

(e) Unless otherwise stated on the certificate of registration, the holder of the certificate of registration may only utilize lawful methods of take identified in R657-53-10.

(4) The division may issue a commercial use certificate of registration to a zoo, circus, amusement park, aviary, or film company to import and possess a live amphibian or reptile having a total possession limit of Expanded, Standard, Limited, or Zero, provided:

(a) the applicant satisfies the application requirements in Subsection (2); and

(b) the benefits to the wildlife resource or the general public outweigh any negative impacts to the wildlife resource or the general public.

(5) It is unlawful to sell or trade any turtle, including tortoises, less than 4" in carapace length (See Federal Register 21, CFR 1240.62).

(6)(a) Applications for a commercial use certificate of registration are available on the division's website.

(b) The division will make a determination approving or denying an application within 30 days of receiving a complete application.

(7) A commercial use certificate of registration is non-transferable and automatically terminates upon any of the following:

(a) sale of the licensed commercial enterprise;

(b) a change in the majority of interest holder in the commercial enterprise; or

(c) closure of the commercial enterprise or discontinuation of the activities authorized under a certificate of registration.

R657-53-14. Scientific Use Certificate of Registration.

(1) An individual or enterprise wishing to utilize a reptile or amphibian in a manner qualifying as a scientific use must first acquire a scientific use certificate of registration from the division.

(2) The division shall consider the following factors in analyzing an application for a scientific use certificate of registration:

(a) the health, welfare, and safety of the public;

(b) the health, welfare, safety, and genetic integrity of wildlife and other animals;

(c) ecological and environmental impacts of the proposed activity;

(d) the acquisition of other necessary permits or approvals;

(e) the validity of the research objectives and design;

(f) the likelihood the research will fulfill the stated objectives;

(g) the applicant's qualifications to conduct the research, including the requisite education or experience;

(h) the adequacy of the applicant's resources to conduct the study and, if applicable, catalogue or otherwise store specimens in a long-term repository; and

(i) whether the scientific use is in the best interest of the amphibian or reptile, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3)(a) The division may condition approval of an application on compliance with additional requirements determined to be necessary components to protect human health and safety and the wildlife resource, such as minimum facility requirements, acquisition of liability insurance, modified total possession limits or daily limits, allowed methods of take, authorization of live release of amphibians and reptiles, mandatory reporting requirements, and other similar expectations.

(b) A scientific use certificate of registration may authorize possession of a species having a total possession limit of Zero without variance approval from the Wildlife Board.

(c) If the applicant requests the authorization to capture amphibians or reptiles from the wild, the division shall determine what species, locations, capture season dates, and total numbers that may be captured.

(d) Unless otherwise stated on the certificate of registration, the holder of the certificate of registration may only utilize lawful methods of take identified in R657-53-12.

(4)(a) Applications for a scientific use certificate of registration are available on the division's website.

(b) The division will make a determination approving or denying the application within 30 days of receiving a complete application.

(5) The division may condition approval of a certificate of registration for scientific use on the applicant's agreement to provide an annual report to the division during the permit period, detailing the species and locality of specimens or tissues that were removed from the wild and the destination of any specimens submitted to a long-term collection or depository.

(6) A scientific use certificate of registration is non-transferable and automatically terminates upon:

(a) conclusion of the relevant research project for which the certificate of registration was issued; or

(b) a change in the researcher named as the principal investigator.

R657-53-15. Educational Use Certificate of Registration.

(1) An individual or entity wishing to utilize an amphibian or reptile in a method qualifying as an educational use must first acquire an educational use certificate of registration from the division.

(2) The division shall consider the following factors in analyzing an application for a educational use certificate of registration:

(a) the health, welfare, and safety of the public;

(b) demonstrated knowledge and expertise in conducting the proposed wildlife-related activities;

(c) the health, welfare, safety, and genetic integrity of wildlife and other animals;

(d) ecological and environmental impacts of the proposed activity; and

(e) the acquisition of other necessary permits or approvals.

(f) the objectives and structure of the educational program; and

(g) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility.

(3)(a) The division may establish facility and operational guidelines to use in reviewing Applications.

(b) The division may condition approval of an application on compliance with additional requirements determined to be necessary components to protect human health and safety and the wildlife resource, such as minimum facility requirements, acquisition of liability insurance, modified total possession limits or daily limits, allowed methods of take, authorization of live release of amphibians and reptiles, mandatory reporting requirements, and other similar expectations.

(c) Notwithstanding Subsection 2(b), an educational use certificate of registration may not authorize possession of a species having a total possession limit of Zero without variance approval from the Wildlife Board.

(d) If the applicant requests the authorization to capture amphibians or reptiles from the wild, the division shall determine what species, locations, capture season dates, and total numbers that may be captured.

(e) Unless otherwise stated on the certificate of registration, the holder of the certificate of registration may only utilize lawful methods of take identified in R657-53-10.

(4)(a) Applications for educational use certificates of registration are available on the division's website.

(b) The division will make a determination approving or denying the application within 30 days of receiving a complete application.

(5) An educational use certificate of registration is non-transferable and automatically expires if the principal educator named on the certificate of registration is no longer providing the educational activity described on the certificate of registration.

R657-53-16. Reptile and Amphibian Education Course.

(1) A person must complete an amphibian and reptile education course before:

(a) importing, collecting, or possessing a species having a total possession limit of Expanded;

(b) applying for or acquiring a collection permit; or

(c) applying for a certificate of registration; or

(d) engaging in any activity requiring a wildlife document.

(2) The Reptile and Amphibian Education Course may be comprised of educational materials on biology and conservation of reptiles and amphibians, laws and rules pertaining to reptiles and amphibians, field work etiquette and safety, and a written exam.

(3) A person must complete the entire course and obtain at least a 75% passing score on the exam in order to receive a certification of completion.

(4) A certification of completion is valid for three calendar years.

R657-53-17. Denials and Appeals.

(1) The division may deny issuing or reissuing a wildlife document to any applicant, if:

(a) the applicant has violated any provision of:

(i) Title 23, Utah Wildlife Resources Code;

(ii) Administrative Code R657;

(iii) any term in a wildlife document pertaining to activities described in this rule;

(iv) an order of the Wildlife Board; or

(v) any other law that, when considered with the functions and responsibilities of collecting, importing, possessing or propagating an amphibian or reptile, bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant has failed to submit mandatory reporting information required by this rule, the division, or the Wildlife Board; or

(c) the applicant misrepresented or failed to disclose material information required in connection with the application; or

(d) where the conduct authorized by the wildlife document violates federal, state or local laws.

(2) If the division denies an application, they shall provide the applicant with written notice of the reasons for denial.

(3) If the division denies an application, the applicant may request that the Director reconsider the division's decision by providing written notice to the Director within 30 days of denial.

(4) If the Director denies a request for reconsideration, the applicant may submit an appeal to the Wildlife Board consistent with R657-2.

R657-53-18. Request for Variance.

(1) A person may make a request for a variance to this rule for the collection, importation, propagation, or possession of an amphibian or reptile by submitting the request to the Chairman of the Wildlife Board.

(2)(a) A request for variance shall include the following:

(i) the name, address, and phone number of the person making the request;

(ii) the species or subspecies of the amphibian or reptile and associated activities for which the request is made; and

(iii) a statement of the facts and reasons forming the basis for the variance.

(b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the committee necessary to formulate a recommendation to the Wildlife Board.

(3) At the next available Wildlife Board meeting the Wildlife Board shall:

(a) consider the division's recommendation; and

(b) any information provided by the person making the request.

(4) The Wildlife Board evaluate the application materials and based upon the criteria established in this rule for that particular type of certificate of registration.

(5)(a) If the request is approved, the Wildlife Board may impose any restrictions on the person making the request considered

necessary for that person to maintain the standards upon which the variance is made.

(b) Any restrictions imposed on the person making the request shall be included in writing on the wildlife document which shall be signed by the person making the request.

(6) A request for variance shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.

R657-53-19. Data Collection and Mandatory Reporting.

(1) A person must complete mandatory reporting within 72 hours of obtaining possession of the specimen if:

(a) the individual is collected from the wild and belongs to a species having a daily collection limit of Standard or Limited;

(b) the individual is salvaging a species having a daily collection limit of Standard, Limited, or Zero;

(c) the individual is transferring a wild caught species native to the State of Utah to another individual; or

(d) the individual is a registered propagator and a breeding event results in amphibian or reptile possession beyond the total possession limit for the relevant species.

(2) Mandatory reporting must be completed using a division-approved reporting platform, and shall include:

(a) UTM or latitude/longitude coordinates of the location of the collection point;

(b) number of individuals or specimens obtained;

(c) morphological measurements and descriptions; and

(d) photographic documentation.

(3) A person who fails to complete mandatory reporting as required in this rule may be:

(a) considered in unlawful possession of animals that went unreported; and

(b) deemed ineligible to obtain wildlife documents until such reporting is completed.

(4) Mandatory reporting for commercial use, scientific use, and educational use certificates of registration will be established as part of the certificate of registration approval process.

(5) The division will offer an online method for completing mandatory reporting.

R657-53-20. Animal Welfare.

(1) Any amphibian or reptile possessed under the authority of a certificate of completion or wildlife document shall be maintained under humane and healthy conditions, including humane handling, care, confinement, transportation, and feeding of the amphibian or reptile.

(2) Adequate measures must be taken for the protection of the public when handling, confining, or transporting any amphibian or reptile.

(3) The division may impose specific requirements on the holder of a wildlife document, consistent with industry standards or generally accepted animal husbandry practices, deemed necessary for the safe and humane handling and care of the animal involved, including requirements for veterinary care, cage or holding pen sizes and standards, feeding requirements, social grouping requirements, and other requirements considered necessary by the division for the health and welfare of the animal or the public.

R657-53-21. Record Retention; Inspection of Documentation.

(1) An individual is required to maintain all records verifying compliance with this rule while in possession of an amphibian or reptile or otherwise engaging in an activity regulated under this rule.

(2) A conservation officer or any other peace officer may require any person engaged in activities covered by this rule to exhibit any documentation related to activities covered by this rule, including certificates of registration, permits, certificates of veterinary inspection, bills of sale, or proof of ownership or legal possession.

R657-53-22. Retroactive Effect on Possession.

(1) A person lawfully possessing an amphibian or reptile prior to the effective date of any reduction in total possession limit may continue to lawfully possess those individual specimens, even if it exceeds the newly established total possession limit.

(2) An individual utilizing the authorization described in Subsection (1) may not acquire specimens after the change total possession limits in that would exceed the newly established possession limit.

R657-53-23. Violations; Suspension and Revocation.

(1) Any violation of this rule is a class C misdemeanor, as provided in Section 23-13-11.

(2) Nothing in this rule shall be construed to supersede any provision of Title 23, Wildlife Resources Code of Utah which establishes a penalty greater than a class C misdemeanor. Any provision of this rule which overlaps a provision of that title is intended only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) A wildlife document issued pursuant to this rule may be suspended or revoked consistent with Section 23-19-19.

KEY: wildlife, import restrictions, amphibians, reptiles

Date of Enactment or Last Substantive Amendment: [August 9, 2018]2019

Notice of Continuation: April 12, 2018

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-20-3; 23-13-14

**Public Safety, Criminal Investigations
and Technical Services, Criminal
Identification
R722-370
Firearm Safety Program**

**NOTICE OF PROPOSED RULE
(Repeal)**

DAR FILE NO.: 44054

FILED: 09/09/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Enactment of H.B. 17, passed in the 2019 General Session, resulted in oversight of the Firearm Safety Program, including rulemaking authority, being transferred from the Department of Public Safety, Criminal Investigations and Technical Services, to the Division of Substance Abuse and Mental Health (line 344). The authorizing language that was previously included in Subsection 53-10-202(18)(d) was repealed upon passage of S.B. 239 during the 2018 General Session (line 181).

SUMMARY OF THE RULE OR CHANGE: This rule is no longer necessary due to the fact that the oversight of the Firearm Safety Program has been transferred from the Department of Public Safety, Criminal Investigations and Technical Services, to the Division of Substance Abuse and Mental Health. In addition, the statutory language that authorized the rule under Subsection 53-10-202(18)(d) was repealed in 2018, and new language authorizing the Division of Substance Abuse and Mental Health to create rules was enacted upon passage of H.B. 17 (2019) under Subsection 62A-15-103(3)(d). This rule is repealed in it's entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-10-202 and Subsection 76-10-501(7) and Subsection 76-10-526(15)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is not an anticipated cost or savings to the state budget because this rule is being repealed due to the fact that the Firearm Safety Program has been transferred from the Department of Public Safety, Criminal Investigations and Technical Services, to the Division of Substance Abuse and Mental Health, and the statutory language that previously authorized the rule has been repealed.

◆ **LOCAL GOVERNMENTS:** There is not an anticipated cost or savings to local governments because this rule is being repealed due to the fact that the Firearm Safety Program has been transferred from the Department of Public Safety, Criminal Investigations and Technical Services, to the Division of Substance Abuse and Mental Health, and the statutory language that previously authorized the rule has been repealed.

◆ **SMALL BUSINESSES:** There is not an anticipated cost or savings to small businesses because this rule is being repealed due to the fact that the Firearm Safety Program has been transferred from the Department of Public Safety, Criminal Investigations and Technical Services, to the Division of Substance Abuse and Mental Health, and the statutory language that previously authorized the rule has been repealed.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is not an anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this rule is being repealed due to the fact that the Firearm Safety Program has been transferred from

the Department of Public Safety, Criminal Investigations and Technical Services, to the Division of Substance Abuse and Mental Health, and the statutory language that previously authorized the rule has been repealed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons because this rule is being repealed due to the fact that the Firearm Safety Program has been transferred from the Department of Public Safety, Criminal Investigations and Technical Services, to the Division of Substance Abuse and Mental Health, and the statutory language that previously authorized the rule has been repealed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting an thorough analysis, it was determined that the repeal of this rule will not result in a fiscal impact to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 PUBLIC SAFETY
 CRIMINAL INVESTIGATIONS AND TECHNICAL SERVICES, CRIMINAL IDENTIFICATION
 3888 W 5400 S
 TAYLORSVILLE, UT 84118
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Greg Willmore by phone at 801-965-4533, or by Internet E-mail at gwillmor@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
- ◆ Nicole Borgeson by phone at 801-281-5072, or by Internet E-mail at nshepherd@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Greg Willmore, Division Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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

There are no non-small businesses that will be impacted by the repeal of this rule. The Firearm Safety Program is still functional; however, the program is now being handled by the Division of Substance Abuse and Mental Health rather than the Department of Public Safety.

The head of the Department of Public Safety, Jess L. Anderson, has reviewed and approved this fiscal analysis.

R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.

~~**R722-370. Firearm Safety Program.**~~

~~**R722-370-1. Authority.**~~

~~This rule is authorized by Subsection 53-10-202(18).~~

~~**R722-370-2. Definitions.**~~

~~(1) "Bureau" means the Utah Bureau of Criminal Identification within the Department of Public Safety established by Section 53-10-201.~~

~~(2) "Firearm dealer" means a firearms dealer who is licensed as defined in Subsection 76-10-501(7).~~

~~**R722-370-3. Firearm Safety Packet.**~~

~~(1)(a) The bureau shall produce a firearm safety brochure as described in Subsection 53-10-202(18)(a).~~

~~(b) The bureau shall make the firearm safety brochure available to all firearm dealers within the State of Utah.~~

~~(c) At the end of each fiscal year, the bureau shall review the firearm safety brochure described in Subsection 53-10-202(18)(a), verify the information is correct and current, and update any incorrect information.~~

~~(2)(a) At the end of each fiscal year, the bureau shall assess the funds appropriated by the Legislature for the management of the firearm safety program and determine the amount of cable-style gun locks that may be purchased for the next fiscal year.~~

~~(b) After determining the amount of cable-style gun locks that may be purchased, the bureau shall purchase such locks through the state purchasing process.~~

~~(3) The bureau shall distribute firearm safety packets as described in Subsection 53-10-202(18)(a)(iii) to persons described in Subsection 53-10-202(18)(b) upon request, subject to the availability of such packets.~~

~~**R722-370-4. Redeemable Coupon Program.**~~

~~(1)(a) Subject to funding appropriated by the Legislature for the management of the redeemable coupon program, the bureau shall implement and administer the Redeemable Coupon Program as described in Subsections 53-10-202(18)(e) and 76-10-526(15).~~

~~**KEY: firearm safety, gun locks, redeemable coupon program**~~

~~**Date of Enactment or Last Substantive Amendment: February 24, 2015**~~

~~**Authorizing, and Implemented or Interpreted Law: 53-10-202; 53-10-201; 76-10-501(7); 76-10-526(15)**~~

Tax Commission, Administration
R861-1A-9
State Board of Equalization Procedures
Pursuant to Utah Code Ann. Sections
59-2-212, 59-2-1004, and 59-2-1006

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 44061
 FILED: 09/12/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Consistent with H.B. 11, passed in the 2019 General Session, this amendment clarifies the evidence that must be considered by the Tax Commission during an appeal from a county board of equalization decision.

SUMMARY OF THE RULE OR CHANGE: The proposed rule amendment clarifies that the Tax Commission must consider facts and evidence presented, including facts and evidence that was presented by a party to the county board of equalization.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-1004 and Section 59-2-212 and Section 59-2-704.5

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This proposed amendment is not expected to have any fiscal impact on state government revenues or expenditures because it only clarifies the administrative appeals process.
- ◆ **LOCAL GOVERNMENTS:** This proposed amendment is not expected to have any fiscal impact on local governments' revenues or expenditures because it only clarifies the administrative appeals process.
- ◆ **SMALL BUSINESSES:** This proposed amendment is not expected to have any fiscal impact on small businesses' revenues or expenditures because it only clarifies the administrative appeals process.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This proposed amendment is not expected to have any fiscal impact on the revenues or expenditures of persons other than small businesses or local governments because it only clarifies the administrative appeals process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment is not expected to increase the compliance burden on affected persons because it only clarifies the facts and evidence that the Tax Commission must consider in an appeal from a county board of equalization decision.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendment does not have a fiscal impact on businesses. It clarifies the facts and evidence the Tax Commission shall consider in appeals from a county board of equalization decision.

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

TAX COMMISSION
ADMINISTRATION
210 N 1950 W
SALT LAKE CITY, UT 84134-0002
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Jennifer Franklin by phone at 801-297-3901, or by Internet E-mail at jenniferfranklin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Rebecca Rockwell, Commissioner

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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 proposed amendment is not expected to have any fiscal impacts on non-small businesses' revenues or expenditures because it does not change current administration.

Commissioner of the Utah State Tax Commission, Rebecca L. Rockwell, has reviewed and approved this fiscal analysis.

R861. Tax Commission, Administration.

R861-1A. Administrative Procedures.

R861-1A-9. State Board of Equalization Procedures Pursuant to Utah Code Ann. Sections 59-2-212, 59-2-1004, and 59-2-1006.

(1) The commission sits as the state board of equalization in discharge of the equalization responsibilities given it by law. The commission may sit on its own initiative to correct the valuation of property that has been overassessed, underassessed, or nonassessed as described in Section 59-2-212, and as a board of appeal from the various county boards of equalization described in Section 59-2-1004.

(2) Appeals to the commission shall include:

- (a) a copy of the recommendation of a hearing officer if a hearing officer heard the appeal;
- (b) a copy of the notice required under Section 59-2-919.1;
- (c) a copy of the minutes of the board of equalization;

(d) a copy of the property record maintained by the assessor;

(e) if the county board of equalization does not include the record in its minutes, a copy of the record of the appeal required under R884-24P-66;

(f) a copy of the evidence submitted by the parties to the board of equalization;

(g) a copy of the petition for redetermination; and

(h) a copy of the decision of the board of equalization.

(3) A notice of appeal filed by the taxpayer with the auditor pursuant to Section 59-2-1006 shall be presumed to have been timely filed unless the county provides convincing evidence to the contrary. In the absence of evidence of the date of mailing of the county board of equalization decision by the county auditor to the taxpayer, it shall be presumed that the decision was mailed three days after the meeting of the county board of equalization at which the decision was made.

(4) Appeals to the commission shall be scheduled for hearing pursuant to commission rules.

(5) Appeals to the commission shall be on the merits except for the following:

(a) dismissal for lack of jurisdiction;

(b) dismissal for lack of timeliness;

(c) dismissal for lack of evidence to support a claim for relief.

(6)(a) The commission shall consider ~~[-but is not limited to,] the facts and evidence [submitted to the county board.] presented to the commission, including facts and evidence presented by a party that was submitted to the county board.~~

(b) A party may raise a new issue before the commission.

(7) On an appeal from a dismissal by a county board for the exceptions under Subsection (5), the only matter that will be reviewed by the commission is the dismissal itself, not the merits of the appeal.

(8) An appeal filed with the commission may be remanded to the county board of equalization for further proceedings if the commission determines that:

(a) dismissal under Subsections (5)(a) through (c) was improper;

(b) the taxpayer failed to exhaust all administrative remedies at the county level;

(c) in the interest of administrative efficiency, the matter can best be resolved by the county board;

(d) the commission determines that dismissal under Subsections (5)(a) through (c) is improper under R884-24P-66; or

(e) a new issue is raised before the commission by a party.

(9) The provisions of this rule apply only to appeals to the commission as the state board of equalization. For information regarding appeals to the county board of equalization, see Section 59-2-1004 and R884-24P-66.

KEY: developmental disabilities, grievance procedures, taxation, disclosure requirements

Date of Enactment or Last Substantive Amendment: 2019

Notice of Continuation: November 10, 2016

Authorizing, and Implemented or Interpreted Law: 10-1-405; 41-1a-209; 52-4-207; 59-1-205; 59-1-207; 59-1-210; 59-1-301; 59-1-302.1; 59-1-304; 59-1-401; 59-1-403; 59-1-404; 59-1-405; 59-1-501; 59-1-502.5; 59-1-602; 59-1-611; 59-1-705; 59-1-706; 59-1-1004; 59-1-1404; 59-7-505; 59-10-512; 59-10-532; 59-10-533; 59-10-535; 59-

-12-107; 59-12-114; 59-12-118; 59-13-206; 59-13-210; 59-13-307; 59-10-544; 59-14-404; 59-2-212; 59-2-701; 59-2-705; 59-2-1003; 59-2-1004; 59-2-1006; 59-2-1007; 59-2-704; 59-2-924; 59-7-517; 63G-3-301; 63G-4-102; 76-8-502; 76-8-503; 59-2-701; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-204; 63G-4-205 through 63G-4-209; 63G-4-302; 63G-4-401; 63G-4-503; 63G-3-201(2); 68-3-7; 68-3-8.5; 69-2-5; 42 USC 12201; 28 CFR 25.107 1992 Edition

Transportation, Administration R907-33 Department of Transportation Procurement Rules

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 44058

FILED: 09/12/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to establish procedures for purchasing equipment, services, and supplies necessary to perform and exercise the Department of Transportation's (Department) functions, powers, duties, rights, and responsibilities mandated by Section 72-1-201. This rule is designed to take advantage of market competition and provide fair opportunities for vendors of all sizes hoping to do business with the Department.

SUMMARY OF THE RULE OR CHANGE: This new rule provides the framework and procedures the Department will follow and apply when purchasing equipment, services, and supplies. This rule requires the Department to take advantage of competition to the maximum degree practicable, but also delineates certain exceptional procedures for making purchases without following standard competition based procedures, such as in emergency situations and small purchases.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63G-6a-106(3)(a) and Subsection 72-1-201(h)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The Department anticipates this new rule will lead to cost savings by allowing the Department to purchase equipment, services, and supplies following procedures that better conform to the specialized needs of the Department, which leads to greater efficiency and flexibility. However, quantifying such savings would be speculation at present.

◆ **LOCAL GOVERNMENTS:** The Department does not anticipate this new rule will have any fiscal impact on local governments because it does not purchase equipment, services, or supplies from or for local governments.

♦ **SMALL BUSINESSES:** The Department does not anticipate this new rule will have any fiscal impact on small businesses. It is a procedural rule the Department will follow when purchasing from vendors of all sizes. It is designed to take advantage of market competition and provide fair opportunities for vendors of all sizes hoping to do business with the Department.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Department does not anticipate this new rule will have any fiscal impact on persons other than small businesses, businesses, or local government entities. It is designed to take advantage of market competition and provide fair opportunities for vendors of all sizes hoping to do business with the Department.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This new rule does not intentionally impose any compliance costs on affected persons. This rule is designed to take advantage of market competition and provide fair opportunities for vendors of all sizes hoping to do business with the Department.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This new rule should not have a fiscal impact on businesses.

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

TRANSPORTATION
ADMINISTRATION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119-5998
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov
- ♦ James Palmer by phone at 801-965-4000, by FAX at 801-965-4338, or by Internet E-mail at jimpalmer@utah.gov
- ♦ Josh Dangel by phone at 269-217-7091, or by Internet E-mail at jdangel@utah.gov
- ♦ Linda Hull by phone at 801-965-4253, or by Internet E-mail at lhull@utah.gov
- ♦ Lori Edwards by phone at 801-965-4048, or by Internet E-mail at lriedwards@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/31/2019

THIS RULE MAY BECOME EFFECTIVE ON: 11/07/2019

AUTHORIZED BY: Carlos Braceras, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2020	FY 2021	FY 2022
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

(1) This new rule establishes procedures for purchasing equipment, services, and supplies necessary to perform and exercise the Department of Transportation's (Department) functions, powers, duties, rights, and responsibilities mandated by Section 72-1-201. It will affect every vendor that sells equipment, services, and supplies to the Department, but the effects vendors will experience because of this rule will be procedural and not likely be fiscal.

(2) During fiscal 2019, the Department made approximately 78,000 payments for purchases or reimbursements to approximately 3,000 unique vendors or individuals. The purchases ranged in size from \$0.10 to \$111,000,000 dollars. These numbers change slightly from fiscal year to the next due to fluctuations in the number and types of projects being designed or constructed during the period.

(3) The Department made the majority of the purchases in FY 2019 following competitive procurement procedures included in Title R33, the Division of Purchasing and General Services' rules intended for use by any public Utah entity. This new rule is intended to serve the specialized needs of the Department. The Department anticipates this new rule will provide greater flexibility and better conform to the Department's specialized needs which leads to greater efficiency in the Departments procurement processes and lower administrative costs.

(4) The approximately 3,000 vendors from which the Department made purchases belong to a variety of industries. Industries such as the ostensibly obvious civil engineering, highway construction, and animal carcass removal to less obvious weather forecasting, event planning, and residential property management industries.

(5) The approximately 3,000 vendors from which the Department made purchases in FY 2019 range in size from sole proprietors that have no employees to firms affiliated with large international holding companies with thousands of employees. For a complete list of all

vendors from which the Department made purchases in FY 2019, or with which the Department has active contracts, please contact the Department directly.

(6) The Department does not anticipate this new rule will have a fiscal impact on any of the businesses that attempt to secure contracts with it, regardless of size, following procedures expressed in the rule. Any fiscal impact this new rule does have on a business is unforeseeable.

Carlos Braceras, Executive Director of the Department of Transportation, has reviewed and approved this analysis.

R907. Transportation, Administration.

R907-33. Department of Transportation Procurement Rules.

R907-33-1. Authority and Purpose.

(1) This administrative rule, R907-33, is authorized by Utah Code Subsections 63G-6a-106(3)(a), and 72-1-201(h).

(2) The purpose of this rule is to establish procedures for purchasing equipment, services, and supplies necessary to perform and exercise the department's functions, powers, duties, rights, and responsibilities mandated by Utah Code Section 72-1-201.

R907-33-2. Definitions.

Terms used in this rule, R907-33, are as defined in Utah Code Section 63G-6a-103 unless stated otherwise by a section or subsection of this rule, R907-33.

R907-33-3. Application of Rule.

This rule, R907-33 applies to all vendors that are bound by contracts with the Department, vendors competing for contracts with the Department, and to all Department divisions and work groups administrating contracts.

R907-33-4. Use of Similar Laws and Rules to Establish Precedent or Extrapolate Legal Intent - Title R33 Division of Purchasing and General Services.

(1) When the Department or its legal counsel determines a specific law or rule governing an issue does not exist, the executive director or designee, or the Department's legal counsel may refer to other laws similar in nature to the issue to establish a precedent or extrapolation of legal intent to assist in making a determination based on the reasonable person standard.

(2) For matters not addressed by this rule, R907-33 or rule R907-66, the applicable section or subsection of Title R33 Division of Purchasing and General Services shall apply.

R907-33-5. Competitive Procurement Required for Expenditure of Public Funds, Use of Public Property or Other Public Assets to Acquire Products and Services Unless Exception is Authorized, Need for Flexibility.

(1) Employees and agents conducting or administering the Department's procurement processes must maximize competition for contracts as much as practicable.

(2) Unless the executive director or a designee issues a written exception in accordance with provisions set forth in the Utah Procurement Code and applicable administrative rules documenting why a competitive procurement process is not required and why it is in the best interest of the Department to award a contract without engaging in a standard procurement

process, the department must conduct a standard procurement process whenever:

(a) Public funds are expended or used to acquire a procurement item; or

(b) the Department's property, name, influence, assets, resources, programs, or other things of value are used as consideration in the formation of a contract for a procurement item.

(3) The standard of care the Department must exercise when designing, constructing, and maintaining a state highway in a reasonably safe condition for travel requires that its procurement practices are flexible enough to allow it to consider all characteristics, terms, and conditions relevant to satisfying its needs when procuring required products and services.

R907-33-6. Multiple Award Contracts.

(1) Multiple Award Contracts. Awarding a contract for an indefinite quantity of a product or service to more than one seller. Contracts may be entered on a multiple award basis when the manager of procurement services determines that one or more of the following criteria is applicable:

(a) It is administratively or economically impractical to develop or modify specifications for a myriad of related supplies because of rapid technological changes.

(b) The subjective nature in the use of certain supplies and the fact that recognizing this need creates a more efficient use of the item.

(c) It is administratively or economically impractical to develop or modify specifications because of the heterogeneous nature or dissimilar attributes of the product lines.

(d) There is a need for compatibility with existing systems.

(e) The department should select the contractor to furnish the supply, service or construction based upon best value or return on investment.

(f) The product or service being procured serves a purpose of preventing or forestalling a threat to public health, welfare or safety.

(2) The Department may use invitations for bids or requests for proposals to solicit for multiple award contracts.

(3) If the Department anticipates entering into a multiple award contract before issuing the invitation for bids or request for proposals, it will:

(a) State in the solicitation that the Department may enter into multiple award contracts at the end of the procurement process, and

(b) describe the methodology the Department will use to determine the number of contract awards.

R907-33-7. Exceptions to Competition-Based Procurement.

(1)(a) Small Purchases. The Department will conduct small purchases as required by Utah Code Section 63G-6a-506, and rules R33-5-104, R33-5-106, R33-5-106.5, and R33-5-107.

(b) The small purchase threshold for individual procurements will be \$5,000 rather than the threshold for individual procurements included in rule R33-5-104(3)(a).

(c) The Department will conduct small purchases of professional service providers and consultants as required by rule R907-66.

(2) Sole Source Procurement. A contract may be awarded for a supply, service or construction item without competition if the contracting officer first determines in writing that one of the following conditions exists:

(a) Only a single contractor is capable of providing the supply, service or construction.

(b) A Federal or State statute or Federal regulation exempts the supply, service or construction from the competitive procedure.

(c) The total cost of the supply, service or construction is less than the amount established by the department for small, no-bid procurements pursuant to R33-5 relating to small procurements.

(d) The manager of procurement services determines in writing it is clearly not feasible to award the contract for supplies or services on a competitive basis.

(e) The services are to be provided by attorneys, legal services providers, or litigation consultants selected by the Attorney General's Office.

(f) The services are to be provided by expert witnesses.

(g) The services involve the repair, modification, or calibration of equipment and they are to be performed by the manufacturer of the equipment or by the manufacturer's authorized dealer provided the manager of procurement services determines in writing that bidding is not appropriate under the circumstances.

(h) The executive director or designee determines in writing the contract for supplies or services are to protect public health, welfare, or safety, or to protect the safety or security of a transportation system.

(3)(a) Pursuant to authority granted by Utah Code Subsection 63G-6a-802(3)(b)(ii), the Department is not required to publish a notice of any kind prior to making a sole source procurement.

(b) The manager of procurement services may require publication of a notice of the Department's intent to make a sole

source procurement if the manager determines publishing such a notice is necessary to maintain the fair and equitable treatment of persons who deal with the Department's procurement system.

(4) Written determination and large sole source procurements. The written determination authorizing sole source procurement must be included in the contract file. For procurements over \$250,000 made under subsection R907-33-7(2)(i), the determination shall be approved by the attorney general's office.

(5) Regularly scheduled audits. The executive director or a designee may require regular audits of procurements made pursuant to any subsection of this rule R907-33-7.

(6) Emergency procurement. The executive director or a designee will make or authorize others to make an emergency procurement when there exists a threat to public health, welfare or safety, or circumstances outside the control of the Department create an urgency of need that does not permit the delay involved in using formal competitive procurement methods.

(a) A written authorization to make an emergency procurement will be required.

(b) The provider of the supply, service, or construction procured pursuant to this subsection, R907-33-7(6) may be paid based on the written authorization required by subsection R907-33-7(6)(a).

(c) Procurements made according to the requirements of this section R907-33-7(6) may not be affected by divergent terms included in other contracts.

KEY: procurement, contractors, purchasing, vendors

Date of Enactment or Last Substantive Amendment: 2019

Authorizing, and Implemented or Interpreted Law: 63G-6a-106(3)(a); 72-1-201(h)

End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([example]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

Health, Disease Control and Prevention, Immunization

R396-100

Immunization Rule for Students

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 44062

FILED: 09/13/2019

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2017 General Session, H.B. 308 was passed and codified in Title 53G, Chapter 9, Part 3. This bill changed immunization exemption and conditional enrollment requirements, and rule amendments are needed for the agency to comply with these changes.

SUMMARY OF THE RULE OR CHANGE: This rule is being amended to comply with Title 53G, Chapter 9, Part 3. These amendments clarify the role of parents and schools in the exemption process, reference the exemption process and form required by statute, and clarify requirements for receiving, and documenting receipt of, specific health education to receive an immunization exemption. This rule also allows for the Department of Health (Department) to

provide electronic copies of student immunization records to schools. These amendments cite the statutory requirement that a student granted conditional enrollment must begin receiving immunizations within 21 days of school enrollment. Additional nonsubstantive changes clarify language referencing Kindergarten and Meningococcal vaccine. Finally, references have been updated to reflect the change in Utah Code pertaining to this rule; the amended rule now references sections within Title 53G, Chapter 9, Part 3.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53G-9-305 and Section 53G-9-308

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: H.B. 308 was passed in the 2017 General Session and codified within Title 53G, Chapter 9, Part 3. The bill included a delayed implementation date and a delayed date for rulemaking, which was due to be complete by December 28, 2018. Rule R396-100 must be amended to bring it into compliance with this statute.

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There will be no change in cost or savings for state government as a result of these rule changes; these amendments are updating language to comply with statutory requirements within Title 53G, Chapter

9, Part 3, and no additional work, or process change, is anticipated as a result of these amendments. The Department already provides copies, including electronic copies, of exemption forms to schools, as described in the amendment.

◆ **LOCAL GOVERNMENTS:** Enacting proposed changes will not result in a cost, or benefit, to local governments because these rule changes are matching what is already in statute. Local health departments have already been providing education and exemption forms as described in these amendments. Schools have already been aware of, and compliant with, conditional enrollment requirements, and requirements for retaining exemption forms with the student's immunization record.

◆ **SMALL BUSINESSES:** Enacting these proposed changes will not result in a cost or benefit to small businesses because these rule changes only match what is already in statute.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There will be no change in cost or savings for other persons through enacting these proposed changes; these rule changes match what is in statute, and clarify the role of parents in obtaining exemptions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with these rule amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact to businesses because there is no additional changes that are not already in existing statute.

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

HEALTH
DISEASE CONTROL AND PREVENTION,
IMMUNIZATION
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:

◆ Rich Lakin by phone at 801-538-3905, or by Internet E-mail at rlakin@utah.gov

EFFECTIVE: 09/13/2019

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R396. Health, Disease Control and Prevention, Immunization.

R396-100. Immunization Rule for Students.

R396-100-1. Purpose and Authority.

(1) This rule implements the immunization requirements of Title ~~[53A, Chapter 11, Part 3]~~ 53G, Chapter 9, Part 3. It establishes minimum immunization requirements for attendance at a public, private, ~~[or parochial kindergarten,]~~ elementary, or secondary school

through grade 12, nursery school or Kindergarten, licensed day care center, child care facility, family home care, or Head Start program in this state. It establishes:

- (a) required doses and frequency of vaccine administration;
- (b) reporting of statistical data; and
- (c) time periods for conditional enrollment.

(2) This rule is required by Section ~~[53A-11-303]~~ 53G-9-305 and authorized by Section ~~[53A-11-306]~~ 53G-9-308.

R396-100-2. Definitions.

As used in this rule:

"Department" means the Utah Department of Health.

"Early Childhood Program" means a nursery or preschool, licensed day care center, child care facility, family care home, or Head Start program.

"Exemption" means a relief from the statutory immunization requirements by reason of qualifying under Section[s] ~~[53A-11-302]~~ 53G-9-303 ~~and 302.5~~.

"Parent" means a biological or adoptive parent who has legal custody of a child; a legal guardian, or the student, if of legal age.

"School" means a public, private, or parochial kindergarten, elementary, or secondary school through grade 12.

"School entry" means a student, at any grade, entering a Utah school or an early childhood program for the first time.

"Student" means an individual enrolled or attempting to enroll in a school or early childhood program.

R396-100-3. Required Immunizations.

(1) A student born before July 1, 1993 must meet the minimum immunization requirements of the ACIP prior to school entry for the following antigens: Diphtheria, Tetanus, Pertussis, Polio, Measles, Mumps, and Rubella.

(2) A student born after July 1, 1993 must meet the minimum immunization requirements of the ACIP prior to school entry for the following antigens: Diphtheria, Tetanus, Pertussis, Polio, Measles, Mumps, Rubella, and Hepatitis B.

(3) A student born after July 1, 1993, must also meet the minimum immunization requirements of the ACIP prior to entry into the seventh grade for the following antigens: Tetanus, Diphtheria, Pertussis, Varicella, and Meningococcal conjugate.

(4) A student born after July 1, 1996 must meet the minimum immunization requirements of the ACIP prior to school entry for the following antigens: Diphtheria, Tetanus, Pertussis, Polio, Measles, Mumps, Rubella, Hepatitis B, Hepatitis A, and Varicella.

(5) To attend a Utah early childhood program, a student must meet the minimum immunization requirements of the ACIP for the following antigens: Diphtheria, Tetanus, Pertussis, Polio, Measles, Mumps, Rubella, Haemophilus Influenza Type b, Hepatitis A, Hepatitis B, Pneumococcal, and Varicella vaccines prior to school entry.

(6) The vaccinations must be administered according to the recommendations of the United States Public Health Service's Advisory Committee on Immunization Practices (ACIP) as listed below which are incorporated by reference into this rule:

(a) General Recommendations on Immunization: MMWR, December 1, 2006/Vol. 55/No. RR-15;

(b) Immunization of Adolescents: MMWR, November 22, 1996/Vol. 45/No. RR-13;

(c) Combination Vaccines for Childhood Immunization: MMWR, May 14, 1999/Vol. 48/No. RR-5;

(d) Use of Diphtheria Toxoid-Tetanus Toxoid-Acellular Pertussis Vaccine as a Five-Dose Series: Supplemental Recommendations of the Advisory Committee on Immunization Practices: MMWR November 17, 2000/Vol. 49/No. RR-13;

(e) Updated Recommendations for Use of Tetanus Toxoid, Reduced Diphtheria Toxoid and Acellular Pertussis (Tdap) Vaccine from the Advisory Committee on Immunization Practices, 2010: MMWR, January 14, 2011/Vol. 60/No. 1;

(f) A Comprehensive Strategy to Eliminate Transmission of Hepatitis B Virus Infection in the United States: MMWR, December 23, 2005/Vol. 54/No. RR-6;

(g) Haemophilus b Conjugate Vaccines for Prevention of Haemophilus influenzae Type b Disease Among Infants and Children Two Months of Age and Older: MMWR, January 11, 1991/Vol. 40/No. RR-1;

(h) Recommendations for Use of Haemophilus b Conjugate Vaccines and a Combined Diphtheria, Tetanus, and Pertussis, and Haemophilus b Vaccine: MMWR, September 17, 1993/Vol. 42/No. RR-13;

(i) Updated Recommendations of the Advisory Committee on Immunization Practices (ACIP) for the Control and Elimination of Mumps: MMWR, June 9, 2006/Vol. 55/No. RR-22;

(j) Updated Recommendations of the Advisory Committee on Immunization Practices (ACIP) Regarding Routine Poliovirus Vaccination: MMWR, August 7, 2009/Vol. 58/No. 30;

(k) Prevention of Varicella: MMWR, June 22, 2007/Vol. 56/No. RR-4;

(l) Prevention of Hepatitis A Through Active or Passive Immunization: MMWR, May 29, 2006/Vol. 55/No. RR-7;

(m) Licensure of a 13-Valent Pneumococcal Conjugate Vaccine (PCV13) and Recommendations for Use Among Children-Advisory Committee on Immunization Practices, (ACIP), 2010: MMWR March 12, 2010/Vol. 59/No. 09; and

(n) Prevention and Control of Meningococcal Disease: Recommendations of the Advisory Committee on Immunization Practices (ACIP): March 22, 2013/62(RR02);1-22.

R396-100-4. Official Utah School Immunization Record (USIR).

(1) Schools and early childhood programs shall use the official Utah School Immunization Record (USIR) form as the record of each student's immunizations. The Department shall provide copies or electronic copies of the USIR to schools, early childhood programs, physicians, and local health departments upon each of their requests.

(2) Each school or early childhood program shall accept any immunization record provided by a licensed physician, registered nurse, or public health official as certification of immunization. It shall transfer this information to the USIR with the following information:

- (a) name of the student;
- (b) student's date of birth;
- (c) vaccine administered; and
- (d) the month, day, and year each dose of vaccine was administered.

(3) Each school and early childhood program shall maintain a file of the USIR for each student in all grades and an exemption form for each student claiming an exemption.

(a) The school and early childhood programs shall maintain up-to-date records of the immunization status for all students in all

grades such that it can quickly exclude all non-immunized students if an outbreak occurs.

(b) If a student withdraws, transfers, is promoted or otherwise leaves school, the school or early childhood program shall either:

(i) return the USIR and any exemption form to the parent of a student; or

(ii) transfer the USIR and any exemption form with the student's official school record to the new school or early childhood program.

(4) A representative of the Department or the local health department may examine, audit, and verify immunization records maintained by any school or early childhood program.

(5) Schools and early childhood programs may meet the record keeping requirements of this section by keeping its official school immunization records in the Utah Statewide Immunization Information System (USIIS).

R396-100-5. Exemptions.

(1) A parent claiming an exemption to immunization for medical, religious or personal reasons, as allowed by Section ~~[53A-11-302]~~53G-9-303, shall provide to the student's school or early childhood program the exemption form as set forth and required in Section 53G-9-304. ~~[completed forms. The school or early childhood program shall attach the forms to the student's USIR.]~~

(2) Also, to qualify for the exemption, the school or early childhood program shall attach the Section 26-7-9 Health Education form to the student's USIR indicating the parent received the required health education by online module or from an authorized local health authority.

R396-100-6. Reporting Requirements.

(1) Each school and early childhood program shall report the following to the Department in the form or format prescribed by the Department:

(a) by November 30 of each year, a statistical report of the immunization status of students enrolled in a licensed day care center, Head Start program, and kindergartens;

(b) by November 30 of each year, a statistical report of the two-dose measles, mumps, and rubella immunization status of all kindergarten through twelfth grade students;

(c) by November 30 of each year, a statistical report of tetanus, diphtheria, pertussis, hepatitis B, varicella, and the two-dose measles, mumps, and rubella immunization status of all seventh grade students; and

(d) by June 15 of each year, a statistical follow-up report of those students not appropriately immunized from the November 30 report in all public schools, kindergarten through twelfth grade.

(2) The information that the Department requires in the reports shall be in accordance with the Centers for Disease Control and Prevention guidelines.

R396-100-7. Conditional Enrollment and Exclusion.

A school or early childhood program may conditionally enroll a student who is not appropriately immunized as required in this rule. To be conditionally enrolled, a student must have received at least one dose of each required vaccine and be on schedule for subsequent immunizations. The student must begin receiving required immunizations within 21 days of school enrollment. ~~[If subsequent~~

~~immunizations are one calendar month past due, the school or early childhood program must immediately exclude the student from the school or early childhood program.]~~

(1) A school or early childhood program with conditionally enrolled students shall routinely review every 30 days the immunization status of all conditionally enrolled students until each student has completed the subsequent doses and provided written documentation to the school or early childhood program.

(2) Once the student has met the requirements of this rule, the school or early childhood program shall take the student off conditional status.

R396-100-8. Exclusions of Students Who Are Under Exemption and Conditionally Enrolled Status.

(1) A local or state health department representative may exclude a student who has claimed an exemption to all vaccines or to one vaccine or who is conditionally enrolled from school attendance if there is good cause to believe that the student has a vaccine preventable disease or:

- (a) has been exposed to a vaccine-preventable disease; or

(b) will be exposed to a vaccine-preventable disease as a result of school attendance.

(2) An excluded student may not attend school until the local health officer is satisfied that a student is no longer at risk of contracting or transmitting a vaccine-preventable disease.

R396-100-9. Penalties.

Enforcement provisions and penalties for the violation or for the enforcement of public health rules, including this Immunization Rule for Students, are prescribed under Section 26-23-6.

KEY: immunizations, rules and procedures

Date of Enactment or Last Substantive Amendment: September 13, 2019

Notice of Continuation: June 7, 2018

Authorizing, and Implemented or Interpreted Law: ~~53A-11-303;~~ 53A-11-306 | Title 53G, Chapter 9, Part 3; 26-7-9

End of the Notices of 120-Day (Emergency) 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, Occupational and Professional Licensing **R156-17b** Pharmacy Practice Act Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 44045
FILED: 09/05/2019

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: Title 58, Chapter 17b, provides for the licensure and regulation of various license classifications relating to pharmacy practice (see Sections 58-17b-301 and 58-17b-302). Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-17b-201(3) provides that the Utah State Board of Pharmacy's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of Title 58, Chapter 17b, with respect to various license classifications relating to pharmacy practice.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in January 2015, it has been amended several times. The Division has received the following written comments relating to this rule. The Division received a November 26, 2018,

email and letter from Thomas Clark with Board of Pharmacy Specialties regarding proposed amendments in Section R156-17b-309 relating to continuing education for pharmacists. The Utah State Board of Pharmacy (Board) reviewed Mr. Clark's letter and suggestions at its November 27, 2018, Board meeting and no further changes were proposed based on the written comments/suggestions. A December 8, 2016, written comment/letter was received from Lauren Berton/CVS Health regarding proposed rule amendments in DAR File No. 40899 and providing some suggested changes. The Utah State Board of Pharmacy reviewed the written comment from CVS Health at its December 2016 board meeting and the proposed rule amendments were made effective on December 22, 2016, with no further amendments. An unknown exact date, but 2016, email had been received by Division Bureau Manager Dane Ishihara from Blue Cross Blue Shield in which they inquired about the format of the written report required as a result of the proposed amendments filed in DAR File No. 40863. Mr. Ishihara responded to the email inquiry that the form of the required report had not been finalized yet.

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 should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 17b, with respect to various license classifications relating to pharmacy practice. This rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to 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:
 ♦ Jennifer Zaelit by phone at 801-530-7632, or by Internet E-mail at jzaelit@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 09/05/2019

Lien Restriction and Lien Recover Fund Act. Finally, the rule is the repository of instructions for all Fund activities. Without that guidance, the Fund's workings would become mired in inefficiency and contradiction.

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

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 09/09/2019

Commerce, Occupational and Professional Licensing

R156-38a

Residence Lien Restriction and Lien Recovery Fund Act Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 44051
 FILED: 09/09/2019

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: Title 38, Chapter 11 provides for the Residence Lien Recovery Fund (Fund). Section 38-11-103 provides that this chapter is to be administered by the Division of Occupational and Professional Licensing (Division). Section 38-11-105 and Subsection 38-11-108(2) provide that the Division shall establish procedures by rule with respect to the Fund. This rule was enacted to clarify the provisions of Title 38, Chapter 11, with respect to the Fund.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in December 2014, it has been amended one time in August 2018. The Division has received no written comments with respect to 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 should be continued for several reasons. First, the rule sets forth the evidentiary requirements for Fund applications. Second, the rule codifies years of decisions so the public has a single, convenient reference for guidance on taking advantage of the Residence

Commerce, Occupational and Professional Licensing

R156-38b

State Construction Registry Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 44052
 FILED: 09/09/2019

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: Title 38, Chapter 1a, Part 2, creates the State Construction Registry. Title 38, Chapter 1a, Part 2, provides that the State Construction Registry is to be overseen by the Division of Occupational and Professional Licensing (Division). Subsection 38-1a-202(3)(a) provides that the Division shall establish procedures by rule with respect to the State Construction Registry. This rule was enacted to clarify the provisions of Title 38, Chapters 1a and 1b, with respect to the State Construction Registry.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in December 2014, the rule has been amended one time in May 2017. The Division has received no written comments with respect to 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 should be continued as it provides a mechanism to inform persons and companies who utilize the State Construction Registry of requirements as allowed under statutory authority provided in Title 38, Chapters 1a and 1b.

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

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 09/09/2019

**Commerce, Occupational and
Professional Licensing
R156-60c
Clinical Mental Health Counselor
Licensing Act Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 44044
FILED: 09/05/2019

**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: Title 58, Chapter 60, Part 4, provides for the licensure and regulation of clinical mental health counselors and associate clinical mental health counselors. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-60-403(3) provides that the Clinical Mental Health Counselor Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of

Title 58, Chapter 60, Part 4, with respect to clinical mental health counselors and associate clinical mental health counselors.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in December 2014, the Division has received no written comments with respect to 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 should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 60, Part 4, with respect to clinical mental health counselors and associate clinical mental health counselors. This rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to 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:

♦ Jennifer Zaelit by phone at 801-530-7632, or by Internet E-mail at jzaelit@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 09/05/2019

**Commerce, Occupational and
Professional Licensing
R156-84
State Certification of Music Therapists
Act Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 44053
FILED: 09/09/2019

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: Title 58, Chapter 84, provides for the state certification and regulation of music therapists. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-84-103 provides the requirement for rulemaking relating to Title 58, Chapter 84. This rule was enacted to clarify the provisions of Title 58, Chapter 84, with respect to state certified music therapists.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was originally enacted in December 2014, the Division has received no written comments with respect to 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 should be continued as it provides a mechanism to inform potential state certified music therapists of the requirements for state certification as allowed under statutory authority provided in Title 58, Chapter 84. This rule should also be continued as it provides information to ensure applicants for certification are adequately trained and meet minimum certification requirements and provides state certified music therapists with information concerning unprofessional conduct, definitions, and ethical standards relating to 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:
 ♦ Jeff Busjahn by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at jbusjahn@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 09/09/2019

Education, Administration
R277-475
 Patriotic, Civic and Character
 Education

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 44057
 FILED: 09/11/2019

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 authorized by Utah Constitution, Article X, Section 3, which vests general control and supervision of the public school system under the Utah State Board of Education (Board), by Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities, and by Section 53G-10-304, which directs the Board to provide a rule for a program of instruction within the public schools relating to the flag of the United States.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no written comments received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to provide direction for patriotic, civic, and character education programs in local education agencies. Therefore, this rule should be continued.

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

EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY, UT 84111-3272
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

EFFECTIVE: 09/11/2019

Education, Administration

R277-487

Public School Data Confidentiality and Disclosure

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 44055
FILED: 09/09/2019

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 authorized by Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Utah State Board of Education (Board); Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; Subsection 53E-9-302(1), which directs that the Board may make rules to establish student data protection standards for public education employees, student aides, and volunteers; and Subsection 53G-11-511(4), which directs that the Board may make rules to ensure the privacy and protection of individual evaluation data.

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 were received.

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 continues to be necessary because it provides for appropriate review and disclosure of student performance data on state administered assessments as required by law; provides for adequate and appropriate review of student performance data on state administered assessments to professional education staff and parents of students; ensures the privacy of student performance data and personally identifiable student data, as directed by law; provides an online education survey conducted with public funds for Board review and approval; and provides for appropriate protection and maintenance of educator licensing data. Therefore, this rule should be continued.

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272

or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

EFFECTIVE: 09/09/2019

Environmental Quality, Air Quality

R307-125

Clean Air Retrofit, Replacement, and Off-Road Technology Program

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 44037
FILED: 09/05/2019

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: The Air Quality Board is allowed by Section 19-2-204 to make rules specifying the amount of money to be dedicated for grants and the criteria for the director to consider when appropriating grants. In addition, Section 19-2-203 allows for the Division of Air Quality (Division) to develop exchange, rebate, or low-cost purchase programs, which this rule accomplishes. The Utah Legislature enacted the Clean Air Retrofit, Replacement, and Off-Road Technology (CARROT) Program during the 2014 General Session through H.B. 61. CARROT allows grants or other programs such as exchange, rebate, or low-cost purchase programs for activities that reduce emissions from non-road or heavy-duty diesel, on road engines. H.B. 61 (2014) gave authority to the Air Quality Board to make rules specifying the requirements and procedures of the CARROT Program, which this rule does.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This rule has been amended once during the five-year period and no comments were received during the public comment period of the amendment. No other comments were received since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE

RULE, IF ANY: Rule R307-125 specifies the requirements and procedures of the Clean Air Retrofit, Replacement and Off-Road Technology Program that is authorized in Section 19-2-203, including how the director may allocate funds and how grants and exchange, rebate, or low-cost purchase awards are applied for and awarded. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Liam Thrailkill by phone at 801-536-4419, or by Internet E-mail at lthrailkill@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 09/05/2019

Environmental Quality, Air Quality
R307-501
Oil and Gas Industry: General
Provisions

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 44038
FILED: 09/05/2019

**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: The Air Quality Board (Board) is allowed by Subsection 19-2-104(1)(a) to make rules "... regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source." Also, Subsection 19-2-104(3)(q) allows the Board to "...meet the requirements of federal air pollution laws." In 2012, the state of Utah entered into EPA's Ozone Advance Program with the goal to proactively lower ozone values in the Uintah Basin. Ozone is created by photochemical reaction, and the main precursors are volatile organic compounds (VOC) and oxides of nitrogen (NOx). In the Uintah Basin, oil and gas production accounts for 97% of

anthropogenic VOC emissions. Rule R307-501 establishes general requirements for prevention of emissions and use of good air pollution control practices for all oil and gas exploration, production, transmission, and distribution operations; well production facilities; natural gas compressor stations; and natural gas processing plants.

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 comments were received since this rule was made effective five years ago.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-501 combats high ozone levels by lowering VOC emissions. This rule helps to address the EPA's Ozone Advance Program with the goal to proactively lower ozone values in the Uintah Basin. Rule R307-501 establishes general requirements for prevention of emissions and use of good air pollution control practices for all oil and gas exploration, production, transmission, and distribution operations; well production facilities; natural gas compressor stations; and natural gas processing plants. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Liam Thrailkill by phone at 801-536-4419, or by Internet E-mail at lthrailkill@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 09/05/2019

Environmental Quality, Air Quality
R307-502
Oil and Gas Industry: Pneumatic
Controllers

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 44039
FILED: 09/05/2019

**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: The Air Quality Board (Board) is allowed by Subsection 19-2-104(1)(a) to make rules "... regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source." Also, Subsection 19-2-104(3)(q) allows the Board to "...meet the requirements of federal air pollution laws." In 2012, the state of Utah entered into EPA's Ozone Advance Program with the goal to proactively lower ozone values in the Uintah Basin. Ozone is created by photochemical reaction, and the main precursors are volatile organic compounds (VOC) and oxides of nitrogen (NOx). In the Uintah Basin, oil and gas production accounts for 97% of anthropogenic VOC emissions. Pneumatic controllers powered by pressurized natural gas are used in the oil and gas industry. In the past, high-bleed devices that vent natural gas to the atmosphere were commonly used. Oil and gas New Source Performance Standard (NSPS) OOOO requires the use of low-bleed controllers in most circumstances. Rule R307-502 would require the replacement of existing high-bleed devices with low-bleed devices so that all pneumatic controllers in the state would meet the NSPS standard. Rule R307-502 requires the replacement of existing high-bleed devices with low-bleed devices so that all pneumatic controllers in the state would meet the NSPS standard.

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 comments were received since this rule was first made effective five years ago.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-502 combats high ozone levels by lowering VOC emissions. This rule helps us to address the EPA's Ozone Advance Program with the goal to proactively lower ozone values in the Uintah Basin. Rule R307-502 requires the replacement of existing high-bleed devices with low-bleed devices so that all pneumatic controllers in the state would meet the NSPS standard. Ozone continues to be monitored at levels above the National Ambient Air Quality Standard along the Wasatch Front and Uintah Basin. As operators have already invested to comply with this rule there is no additional impact to continue to comply and reduce emissions of ozone precursors. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR

195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Liam Thrailkill by phone at 801-536-4419, or by Internet E-mail at lthrailkill@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 09/05/2019

**Environmental Quality, Air Quality
R307-503
Oil and Gas Industry: Flares**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 44040
FILED: 09/05/2019

**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: The Air Quality Board (Board) is allowed by Subsection 19-2-104(1)(a) to make rules "... regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source." Also, Subsection 19-2-104(3)(q) allows the Board to "...meet the requirements of federal air pollution laws." In 2012, the state of Utah entered into EPA's Ozone Advance Program with the goal to proactively lower ozone values in the Uintah Basin. Ozone is created by photochemical reaction, and the main precursors are volatile organic compounds (VOC) and oxides of nitrogen (NOx). In the Uintah Basin, oil and gas production accounts for 97% of anthropogenic VOC emissions. New or modified oil and gas well production sites are required to capture and control VOC emissions, and the typical control device is a flare. Utah's General Approval Order (GAO) for a Crude Oil and Natural Gas Well Site and/or Tank Battery requires the VOC control device to reduce VOC emissions by 98%. The GAO requires continuous compliance with this control efficiency standard. Rule R307-503 would require all new flares to be equipped with a self-igniter to relight the pilot light if the flame is extinguished.

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 comments were received since this rule was first made effective five years ago.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-503 combats high ozone levels by lowering VOC emissions. This rule helps us to address the EPA's Ozone Advance Program with the goal to proactively lower ozone values in the Uintah Basin. Further, Rule R307-503 addresses the issue of unmanned well production sites. Unmanned well production sites are an issue because of a possible wind or surge of gas blowing out the pilot light possibly causing the combustion device to cease working for an extended period of time until personnel visit the site and relight the pilot light. Rule R307-503 would require all new flares to be equipped with a self-igniter to relight the pilot light if the flame is extinguished. Ozone continues to be monitored at levels above the National Ambient Air Quality Standard along the Wasatch Front and Uintah Basin. As operators have already invested to comply with the rule there is no additional impact to continue to comply and reduce emissions of ozone precursors. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Liam Thraillkill by phone at 801-536-4419, or by Internet E-mail at lthraillkill@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 09/05/2019

Environmental Quality, Air Quality
R307-504
Oil and Gas Industry: Tank Trunk
Loading

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 44041
FILED: 09/05/2019

**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: The Air Quality Board (Board) is

allowed by Subsection 19-2-104(1)(a) to make rules "... regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air pollutants that may be emitted by an air pollutant source." Also, Subsection 19-2-104(3)(q) allows the Board to "...meet the requirements of federal air pollution laws." In 2012, the state of Utah entered into EPA's Ozone Advance Program with the goal to proactively lower ozone values in the Uintah Basin. Ozone is created by photochemical reaction, and the main precursors are volatile organic compounds (VOC) and oxides of nitrogen (NOx). In the Uintah Basin, oil and gas production accounts for 97% of anthropogenic VOC emissions. The General Approval Order for a Crude Oil and Natural Gas Well Site and/or Tank Battery contains a requirement that all tanker trucks loading on-site use either bottom filling or submerged filling to reduce VOC emissions created by splashing of liquids when loading oil, condensate, or produced water. Rule R307-504 expands this requirement to all existing operations.

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 comments were received since this rule was first made effective five years ago.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Since January 1, 2015, tank trucks used for intermediate hydrocarbon liquid or produced water are required to load using bottom filling or submerged fill pipe. This rule applies to any person who loads or permits the loading of any intermediate hydrocarbon liquid or produced water at a well production facility. Ozone continues to be monitored at levels above the National Ambient Air Quality Standard along the Wasatch Front and Uintah Basin. As operators have already invested to comply with this rule there is no additional impact to continue to comply and reduce emissions of ozone precursors. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Liam Thraillkill by phone at 801-536-4419, or by Internet E-mail at lthraillkill@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 09/05/2019

**Public Safety, Driver License
R708-45**

Renewal or Duplicate License for Utah Residents Temporarily Residing Out of State

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 44035
FILED: 09/04/2019

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 authorized under Sections 53-3-104 and 53-3-205, which require the Division of Driver License to create rules: for examining applicants for a license as necessary for the safety and welfare of the traveling public; for exemptions from licensing requirements as authorized in Title 53, Chapter 3; and to establish the procedures for an individual to obtain a motorcycle endorsement who is a resident of the state of Utah, is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States, or is an immediate family member or dependent of such individual, and is residing outside of Utah.

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 comments have been received during the previous five-year review period.

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 under Sections 53-3-104 and 53-3-205, and is necessary in order to outline the requirements for a Utah resident who is temporarily residing outside of Utah to obtain a renewal or duplicate Utah driver license; and for a Utah resident who is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States, or their immediate family member or dependent, to obtain a motorcycle endorsement upon completion of a certified Motorcycle Safety Foundation rider training course. Therefore, this rule should be continued.

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

AUTHORIZED BY: Chris Caras, Director

EFFECTIVE: 09/04/2019

**Public Safety, Peace Officer Standards and Training
R728-205**

Council Resolution of Public Safety Retirement Eligibility

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 44036
FILED: 09/04/2019

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 authorized under Section 53-6-105, and Subsections 49-14-201(4)-(6) and 49-15-201(5)-(7).

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 have been received 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: This rule is authorized under Section 53-6-105, and Subsections 49-14-201(4)-(6) and 49-15-201(5)-(7), and is needed in order to establish the process by which the Peace Officer Standards and Training Council, created in Section 53-6-106, will review disputes regarding eligibility for participation in the public safety retirement system. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SAFETY
PEACE OFFICER STANDARDS AND TRAINING
410 W 9800 S
SANDY, UT 84070

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
- ◆ Scott Stephenson by phone at 801-256-2322, by FAX at 801-256-0600, or by Internet E-mail at sstephen@utah.gov

AUTHORIZED BY: Scott Stephenson, Director

EFFECTIVE: 09/04/2019

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

Environmental Quality

Air Quality

No. 43806 (AMD): R307-110-31. Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability
Published: 07/01/2019
Effective: 09/05/2019

No. 43807 (AMD): R307-110-36. Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County
Published: 07/01/2019
Effective: 09/05/2019

No. 43808 (AMD): R307-204. Emission Standards: Smoke Management
Published: 07/01/2019
Effective: 09/05/2019

Health

Family Health and Preparedness, Emergency Medical Services

No. 43881 (AMD): R426-2. Emergency Medical Services Provider Designations for Pre-Hospital Providers, Critical Incident Stress Management and Quality Assurance Reviews
Published: 08/01/2019
Effective: 09/11/2019

No. 43882 (AMD): R426-4. Operations
Published: 08/01/2019
Effective: 09/11/2019

Regents (Board of)

Administration

No. 43853 (NEW): R765-620. Access Utah Promise Scholarship Program
Published: 08/01/2019
Effective: 09/10/2019

Tax Commission

Administration

No. 43883 (AMD): R861-1A-46. Procedures for Purchaser Refund Requests Pursuant to Utah Code Ann. Sections 59-1-1410 and 59-12-110
Published: 08/01/2019
Effective: 09/12/2019

Auditing

No. 43884 (AMD): R865-19S-93. Waste Tire Recycling Fee Pursuant to Utah Code Ann. Section 19-6-808
Published: 08/01/2019
Effective: 09/12/2019

Property Tax

No. 43885 (AMD): R884-24P-24. Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918.5 through 59-2-924
Published: 08/01/2019
Effective: 09/12/2019

**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, 2019 through September 16, 2019. 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)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administration</u>					
R13-2	Management of Records and Access to Records	43744	5YR	05/29/2019	2019-12/135
<u>Child Welfare Parental Defense (Office of)</u>					
R19-1	Parental Defense Counsel Training	43705	REP	07/08/2019	2019-11/4
<u>Debt Collection</u>					
R21-1	Transfer of Collection Responsibility of State Agencies	43801	AMD	08/07/2019	2019-13/6
R21-2	Office of State Debt Collection Administrative Procedures	43802	AMD	08/07/2019	2019-13/8
R21-3	Debt Collection Through Administrative Offset	43803	AMD	08/07/2019	2019-13/12
<u>Facilities Construction and Management</u>					
R23-3	Planning, Programming, Request for Capital Development Projects and Operation and Maintenance Reporting for State Owned Facilities	43524	NSC	03/01/2019	Not Printed
R23-3	Planning, Programming, Request for Capital Development Projects and Operation and Maintenance Reporting for State Owned Facilities	43569	5YR	03/06/2019	2019-7/59
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	43642	5YR	04/11/2019	2019-9/79
R23-29	Delegation of Project Management	43525	NSC	03/01/2019	Not Printed
R23-29	Delegation of Project Management	43567	5YR	03/06/2019	2019-7/60
R23-33	Rules for the Prioritization and Scoring of Capital Improvements by the Utah State Building Board	43568	5YR	03/06/2019	2019-7/60
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	43656	AMD	07/01/2019	2019-9/4
R25-10	State Entities' Posting of Financial Information to the Utah Public Finance Website	43404	AMD	01/23/2019	2018-24/6
R25-11	Utah Transparency Advisory Board, Procedures for Electronic Meetings	43471	5YR	01/07/2019	2019-3/43
<u>Purchasing and General Services</u>					
R33-1	Utah Procurement Rules, General Procurement Provisions	43859	5YR	07/08/2019	2019-15/33
R33-2	Rules of Procedure for Procurement Policy Board	43854	5YR	07/08/2019	2019-15/33

R33-3	Procurement Organization	43855	5YR	07/08/2019	2019-15/34
R33-4	Supplemental Procurement Procedures	43856	5YR	07/08/2019	2019-15/34
R33-5	Other Standard Procurement Processes	43857	5YR	07/08/2019	2019-15/35
R33-6	Bidding	43858	5YR	07/08/2019	2019-15/35
R33-7	Request for Proposals	43860	5YR	07/08/2019	2019-15/36
R33-8	Exceptions to Standard Procurement Process	43861	5YR	07/08/2019	2019-15/36
R33-9	Cancellations, Rejections, and Debarment	43862	5YR	07/08/2019	2019-15/37
R33-10	Preferences	43864	5YR	07/08/2019	2019-15/37
R33-11	Form of Bonds	43863	5YR	07/08/2019	2019-15/38
R33-12	Terms and Conditions, Contracts, Change Orders and Costs	43865	5YR	07/08/2019	2019-15/38
R33-13	General Construction Provisions	43866	5YR	07/08/2019	2019-15/39
R33-14	Procurement of Design-Build Transportation Project Contracts	43867	5YR	07/08/2019	2019-15/39
R33-15	Procurement of Design Professional Services	43868	5YR	07/08/2019	2019-15/40
R33-16	Protests	43869	5YR	07/08/2019	2019-15/40
R33-17	Procurement Appeals Panel	43870	5YR	07/08/2019	2019-15/41
R33-18	Appeals to Court and Court Proceedings	43871	5YR	07/08/2019	2019-15/41
R33-19	General Provisions Related to Protest or Appeal	43872	5YR	07/08/2019	2019-15/42
R33-20	Records	43873	5YR	07/08/2019	2019-15/42
R33-21	Interaction Between Procurement Units	43875	5YR	07/08/2019	2019-15/43
R33-22	Reserved	43874	5YR	07/08/2019	2019-15/43
R33-23	Reserved	43876	5YR	07/08/2019	2019-15/44
R33-24	Unlawful Conduct and Ethical Standards	43877	5YR	07/08/2019	2019-15/44
R33-25	Executive Branch Insurance Procurement	43879	5YR	07/08/2019	2019-15/45
R33-26	State Surplus Property	43878	5YR	07/08/2019	2019-15/45
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures	43760	5YR	06/03/2019	2019-13/111
R35-1a	State Records Committee Definitions	43761	5YR	06/03/2019	2019-13/111
R35-2	Declining Appeal Hearings	43762	5YR	06/03/2019	2019-13/112
R35-4	Compliance with State Records Committee Decisions and Orders	43763	5YR	06/03/2019	2019-13/112
R35-4-1	Authority and Purpose	43766	NSC	06/12/2019	Not Printed
R35-5	Subpoenas Issued by the Records Committee	43764	5YR	06/03/2019	2019-13/113
R35-6	Expedited Hearing	43765	5YR	06/03/2019	2019-13/113
<u>Risk Management</u>					
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	43235	AMD	01/18/2019	2018-21/2
AGRICULTURE AND FOOD					
<u>Animal Industry</u>					
R58-18	Elk Farming	43754	AMD	07/22/2019	2019-12/6
R58-18	Elk Farming	43909	NSC	08/01/2019	Not Printed
R58-20	Domesticated Elk Hunting Parks	43469	5YR	01/07/2019	2019-3/43
R58-20	Domesticated Elk Hunting Parks	43752	AMD	07/22/2019	2019-12/13
R58-20	Domesticated Elk Hunting Parks	43910	NSC	08/01/2019	Not Printed
<u>Conservation Commission</u>					
R64-1	Agriculture Resource Development Loans (ARDL)	43907	5YR	07/23/2019	2019-16/103
R64-3	Utah Environmental Stewardship Certification Program (UESCP), a.k.a Agriculture Certification of Environmental Stewardship (ACES)	43685	5YR	04/30/2019	2019-10/115
<u>Horse Racing Commission (Utah)</u>					
R52-7	Horse Racing	43753	AMD	07/22/2019	2019-12/4
<u>Marketing and Development</u>					
R65-1	Utah Apple Marketing Order	43546	NSC	03/13/2019	Not Printed
R65-1	Utah Apple Marketing Order	44024	5YR	08/30/2019	2019-18/89

RULES INDEX

R65-5	Utah Red Tart and Sour Cherry Marketing Order	43547	NSC	03/13/2019	Not Printed
R65-8	Management of the Junior Livestock Show Appropriation	43545	NSC	03/13/2019	Not Printed
R65-11	Utah Sheep Marketing Order	43548	NSC	03/13/2019	Not Printed
R65-12	Utah Small Grains and Oilseeds Marketing Order	43549	NSC	03/13/2019	Not Printed
R65-12	Utah Small Grains and Oilseeds Marketing Order	43641	5YR	04/11/2019	2019-9/79
<u>Plant Industry</u>					
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	43908	NSC	08/01/2019	Not Printed
R68-25	Industrial Hemp Research Pilot Program for Processors	43571	NSC	03/21/2019	Not Printed
R68-27	Cannabis Cultivation	43686	EMR	05/03/2019	2019-10/107
R68-27	Cannabis Cultivation	43684	NEW	08/29/2019	2019-10/4
R68-27	Cannabis Cultivation	43684	CPR	08/29/2019	2019-14/68
R68-28	Cannabis Processing	43758	NEW	07/22/2019	2019-12/16
R68-29	Quality Assurance Testing on Cannabis	43842	NEW	08/29/2019	2019-14/4
R68-30	Independent Cannabis Testing Laboratory	43843	NEW	08/29/2019	2019-14/7
<u>Regulatory Services</u>					
R70-310	Grade A Pasteurized Milk	43775	5YR	06/07/2019	2019-13/114
R70-310	Grade A Pasteurized Milk	43777	AMD	08/13/2019	2019-13/16
R70-910	Registration of Servicepersons for Commercial Weighing and Measuring Devices	44026	5YR	08/30/2019	2019-18/89
R70-910	Registration of Servicepersons for Commercial Weighing and Measuring Devices	44027	NSC	09/12/2019	Not Printed
R70-960	Weights and Measures Fee Registration	44025	5YR	08/30/2019	2019-18/90
CAPITOL PRESERVATION BOARD (STATE)					
<u>Administration</u>					
R131-13	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	43662	5YR	04/17/2019	2019-10/115
R131-13	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	43517	AMD	06/13/2019	2019-5/6
COMMERCE					
<u>Consumer Protection</u>					
R152-34a	Utah Postsecondary School State Authorization Act Rule	43612	5YR	04/01/2019	2019-8/101
R152-39	Child Protection Registry Rule	43845	REP	08/22/2019	2019-14/15
<u>Occupational and Professional Licensing</u>					
R156-15A	State Construction Code Administration and Adoption of Approved State Construction Code Rule	43522	AMD	04/08/2019	2019-5/8
R156-17b	Pharmacy Practice Act Rule	44045	5YR	09/05/2019	Not Printed
R156-20a (Changed to R156-20b)	Environmental Health Scientist Act Rule	43466	NSC	01/11/2019	Not Printed
R156-28	Veterinary Practice Act Rule	43189	AMD	03/25/2019	2018-19/7
R156-28	Veterinary Practice Act Rule	43189	CPR	03/25/2019	2019-4/40
R156-31b	Nurse Practice Act Rule	43825	AMD	08/22/2019	2019-14/17
R156-31b-402	Administrative Penalties	43899	NSC	08/22/2019	Not Printed
R156-31c	Nurse Licensure Compact Rule	43822	5YR	06/17/2019	2019-14/77
R156-38a	Residence Lien Restriction and Lien Recovery Fund Act Rule	44051	5YR	09/09/2019	Not Printed
R156-38b	State Construction Registry Rule	44052	5YR	09/09/2019	Not Printed
R156-50	Private Probation Provider Licensing Act Rule	43779	AMD	08/08/2019	2019-13/18
R156-55a	Utah Construction Trades Licensing Act Rule	43747	AMD	07/22/2019	2019-12/23
R156-55e	Elevator Mechanics Licensing Rule	43542	AMD	04/22/2019	2019-6/4
R156-60	Mental Health Professional Practice Act Rule	43543	5YR	02/26/2019	2019-6/41
R156-60a	Social Worker Licensing Act Rule	43799	5YR	06/13/2019	2019-13/114

R156-60b	Marriage and Family Therapist Licensing Act Rule	43800	5YR	06/13/2019	2019-13/115
R156-60c	Clinical Mental Health Counselor Licensing Act Rule	44044	5YR	09/05/2019	Not Printed
R156-63a	Security Personnel Licensing Act Contract Security Rule	43318	AMD	05/13/2019	2018-22/89
R156-63a	Security Personnel Licensing Act Contract Security Rule	43318	CPR	05/13/2019	2019-7/48
R156-63a	Security Personnel Licensing Act Contract Security Rule	43577	NSC	05/14/2019	Not Printed
R156-63b	Security Personnel Licensing Act Armored Car Rule	43319	AMD	05/13/2019	2018-22/96
R156-63b	Security Personnel Licensing Act Armored Car Rule	43319	CPR	05/13/2019	2019-7/53
R156-63b	Security Personnel Licensing Act Armored Car Rule	43578	NSC	05/14/2019	Not Printed
R156-78	Vocational Rehabilitation Counselors Licensing Act Rule	43890	5YR	07/15/2019	2019-15/46
R156-79	Hunting Guides and Outfitters Licensing Act Rule	43880	5YR	07/08/2019	2019-15/46
R156-80a	Medical Language Interpreter Act Rule	43465	5YR	01/02/2019	2019-2/19
R156-84	State Certification of Music Therapists Act Rule	44053	5YR	09/09/2019	Not Printed
<u>Real Estate</u>					
R162-2f	Real Estate Licensing and Practices Rules	43407	AMD	01/23/2019	2018-24/8
R162-2f	Real Estate Licensing and Practices Rules	43643	AMD	06/19/2019	2019-9/10
CORRECTIONS					
<u>Administration</u>					
R251-105	Applicant Qualifications for Employment with Department of Corrections	43218	AMD	02/11/2019	2018-20/12
R251-111	Government Records Access and Management	43596	5YR	03/19/2019	2019-8/102
EDUCATION					
<u>Administration</u>					
R277-100	Definitions for Utah State Board of Education (Board) Rules	43479	AMD	03/13/2019	2019-3/2
R277-102	Adjudicative Proceedings	43609	REP	05/23/2019	2019-8/4
R277-105	Recognizing Constitutional Freedoms in the Schools	43610	REP	05/23/2019	2019-8/6
R277-115	LEA Supervision and Monitoring Requirements of Third Party Providers and Contracts	43619	NEW	05/23/2019	2019-8/10
R277-117	Utah State Board of Education Protected Documents	43511	REP	04/08/2019	2019-5/19
R277-119	Discretionary Funds	43618	REP	05/23/2019	2019-8/12
R277-122	Board of Education Procurement	43441	AMD	02/07/2019	2019-1/17
R277-301	Educator Licensing	43654	AMD	07/02/2019	2019-9/15
R277-303	Educator Preparation Programs	43657	AMD	07/02/2019	2019-9/20
R277-304	Teacher Preparation Programs	43624	NEW	05/23/2019	2019-8/13
R277-305	School Leadership License Areas of Concentration and Programs	43794	NEW	08/19/2019	2019-13/22
R277-308	New Educator Induction and Mentoring	43442	NEW	02/07/2019	2019-1/22
R277-322	LEA Codes of Conduct	43787	NEW	08/19/2019	2019-13/25
R277-400	School Facility Emergency and Safety	43507	5YR	02/08/2019	2019-5/95
R277-400	School Facility Emergency and Safety	43512	AMD	04/08/2019	2019-5/21
R277-404	Requirements for Assessments of Student Achievement	43450	AMD	02/22/2019	2019-2/6
R277-406	Early Literacy Program and Benchmark Reading Assessment	43649	AMD	07/02/2019	2019-9/23
R277-407	School Fees	43532	AMD	04/08/2019	2019-5/25
R277-417	Prohibiting LEAs and Third Party Providers from Offering Incentives or Disbursement for Enrollment or Participation	43658	AMD	07/02/2019	2019-9/26
R277-419	Pupil Accounting	43475	NSC	01/15/2019	Not Printed
R277-437	Student Enrollment Options	43397	AMD	01/09/2019	2018-23/6

RULES INDEX

R277-462	Comprehensive Counseling and Guidance Program	43739	5YR	05/23/2019	2019-12/135
R277-462	Comprehensive Counseling and Guidance Program	43728	R&R	07/31/2019	2019-12/39
R277-463	Class Size Average and Pupil-Teacher Ratio Reporting	43636	5YR	04/08/2019	2019-9/80
R277-463	Class Size Average and Pupil-Teacher Ratio Reporting	43652	AMD	07/02/2019	2019-9/29
R277-470	Charter Schools - General Provisions	43374	REP	01/09/2019	2018-23/9
R277-471	School Construction Oversight, Inspections, Training and Reporting	43957	5YR	08/06/2019	2019-17/223
R277-472	Charter School Student Enrollment and Transfers and School District Capacity Information	43637	5YR	04/08/2019	2019-9/81
R277-475	Patriotic, Civic and Character Education	44057	5YR	09/11/2019	Not Printed
R277-477	Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program	43788	AMD	08/19/2019	2019-13/28
R277-480	Charter School Revolving Account	43712	5YR	05/13/2019	2019-11/41
R277-480	Charter School Revolving Account	43647	AMD	07/02/2019	2019-9/31
R277-481	Charter School Oversight, Monitoring and Appeals	43399	REP	01/09/2019	2018-23/12
R277-482	Charter School Timelines and Approval Processes	43392	REP	01/09/2019	2018-23/15
R277-483	LEA Reporting and Accounting Requirements	43515	NEW	04/08/2019	2019-5/36
R277-486	Professional Staff Cost Program	43508	5YR	02/08/2019	2019-5/95
R277-486	Professional Staff Cost Program	43516	AMD	04/08/2019	2019-5/39
R277-487	Public School Data Confidentiality and Disclosure	43476	AMD	03/13/2019	2019-3/4
R277-487	Public School Data Confidentiality and Disclosure	44055	5YR	09/09/2019	Not Printed
R277-491	School Community Councils	43789	AMD	08/19/2019	2019-13/33
R277-493	Kindergarten Supplemental Enrichment Program	43638	5YR	04/08/2019	2019-9/81
R277-493	Kindergarten Supplemental Enrichment Program	43683	AMD	07/02/2019	2019-10/9
R277-494-4	Charter or Online School Student Participation in Co-Curricular Activities	43506	NSC	02/20/2019	Not Printed
R277-495	Required Policies for Electronic Devices in Public Schools	43531	AMD	04/08/2019	2019-5/42
R277-502	Educator Licensing and Data Retention	43664	NSC	05/14/2019	Not Printed
R277-502-4	License Levels, Procedures, and Periods of Validity	43600	NSC	04/01/2019	Not Printed
R277-503	Licensing Routes	43733	AMD	07/31/2019	2019-12/45
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure	43958	5YR	08/06/2019	2019-17/223
R277-509	Licensure of Student Teachers and Interns	43373	AMD	01/09/2019	2018-23/19
R277-511	Academic Pathway to Teaching (APT) Level 1 License	43648	AMD	07/02/2019	2019-9/34
R277-517	LEA Codes of Conduct	43790	REP	08/19/2019	2019-13/36
R277-522	Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers	43791	AMD	08/19/2019	2019-13/38
R277-524	Paraprofessional/Paraeducator Programs, Assignments, and Qualifications	43583	5YR	03/14/2019	2019-7/61
R277-528	Use of Public Education Job Enhancement Program (PEJEP) Funds	43509	5YR	02/08/2019	2019-5/96
R277-528	Use of Public Education Job Enhancement Program (PEJEP) Funds	43701	AMD	08/19/2019	2019-11/6
R277-550	Charter Schools – Definitions	43400	NEW	01/09/2019	2018-23/21
R277-551	Charter Schools - General Provisions	43393	NEW	01/09/2019	2018-23/24
R277-551	Charter Schools - General Provisions	43478	AMD	03/13/2019	2019-3/10
R277-552	Charter School Timelines and Approval Processes	43394	NEW	01/09/2019	2018-23/26
R277-552	Charter School Timelines and Approval Processes	43623	AMD	05/23/2019	2019-8/19

R277-553	Charter School Oversight, Monitoring and Appeals	43401	NEW	01/09/2019	2018-23/31
R277-554	State Charter School Board Grants and Mentoring Program	43395	NEW	01/09/2019	2018-23/34
R277-555	Corrective Action Against Charter School Authorizers	43396	NEW	01/09/2019	2018-23/38
R277-600	Student Transportation Standards and Procedures	43375	AMD	01/09/2019	2018-23/38
R277-600	Student Transportation Standards and Procedures	43795	AMD	08/19/2019	2019-13/41
R277-601	Standards for Utah School Buses and Operations	43611	5YR	03/29/2019	2019-8/102
R277-604	Private School, Home School, and Bureau of Indian Affairs (BIA) Student Participation in Public School Achievement Tests	43732	AMD	07/31/2019	2019-12/50
R277-607	Truancy Prevention	43959	5YR	08/06/2019	2019-17/224
R277-622	School-based Mental Health Qualified Grant Program	43729	NEW	07/31/2019	2019-12/53
R277-700	The Elementary and Secondary School General Core	43621	AMD	05/23/2019	2019-8/23
R277-704	Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports	43519	AMD	04/08/2019	2019-5/46
R277-706	Public Education Regional Service Centers	43960	5YR	08/06/2019	2019-17/225
R277-707	Enhancement for Accelerated Students Program	43651	AMD	07/02/2019	2019-9/37
R277-707	Enhancement for Accelerated Students Program	43813	AMD	08/19/2019	2019-13/47
R277-709	Education Programs Serving Youth in Custody	43702	AMD	08/19/2019	2019-11/9
R277-710	Intergenerational Poverty Interventions in Public Schools	43824	5YR	06/21/2019	2019-14/77
R277-710	Intergenerational Poverty Interventions in Public Schools	43793	AMD	08/19/2019	2019-13/51
R277-714	Dissemination of Information About Juvenile Offenders	43703	REP	07/31/2019	2019-11/13
R277-716	Alternative Language Services for Utah Students	43731	AMD	07/31/2019	2019-12/56
R277-720	Reimbursement Program for Early Graduation from Competency-Based Education	43622	NEW	05/23/2019	2019-8/30
R277-724	Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program	43579	5YR	03/13/2019	2019-7/61
R277-726	Statewide Online Education Program	43620	AMD	05/23/2019	2019-8/32
R277-910	Underage Drinking Prevention Program	43448	NEW	02/07/2019	2019-1/24
R277-912	Law Enforcement Related Incident Reporting	43439	NEW	02/07/2019	2019-1/26
R277-922	Digital Teaching and Learning Grant Program	43398	AMD	01/09/2019	2018-23/45
R277-922	Digital Teaching and Learning Grant Program	43713	NSC	05/24/2019	Not Printed
R277-926	Certification of Residential Treatment Center Special Education Program	43655	NEW	07/02/2019	2019-9/40

ENVIRONMENTAL QUALITY

Air Quality

R307-101-2	Definitions	43372	AMD	02/07/2019	2018-23/49
R307-110-10	Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter	43212	AMD	03/05/2019	2018-19/31
R307-110-10	Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter	43212	CPR	03/05/2019	2019-3/40
R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits	42976	AMD	01/03/2019	2018-13/35
R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits	42976	CPR	01/03/2019	2018-21/134
R307-110-28	Regional Haze	43587	AMD	08/15/2019	2019-7/4
R307-110-28	Regional Haze	43587	CPR	08/15/2019	2019-14/73
R307-110-31	Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability	43806	AMD	09/05/2019	2019-13/54

RULES INDEX

R307-110-36	Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County	43807	AMD	09/05/2019	2019-13/55
R307-125	Clean Air Retrofit, Replacement, and Off-Road Technology Program	44037	5YR	09/05/2019	Not Printed
R307-150-3	Applicability	43588	AMD	06/25/2019	2019-7/5
R307-204	Emission Standards: Smoke Management	43808	AMD	09/05/2019	2019-13/56
R307-401-10	Source Category Exemptions	43589	AMD	06/06/2019	2019-7/6
R307-501	Oil and Gas Industry: General Provisions	44038	5YR	09/05/2019	Not Printed
R307-502	Oil and Gas Industry: Pneumatic Controllers	44039	5YR	09/05/2019	Not Printed
R307-503	Oil and Gas Industry: Flares	44040	5YR	09/05/2019	Not Printed
R307-504	Oil and Gas Industry: Tank Trunk Loading	44041	5YR	09/05/2019	Not Printed
R307-511	Oil and Gas Industry: Associated Gas Flaring	43211	NEW	03/05/2019	2018-19/32
R307-511	Oil and Gas Industry: Associated Gas Flaring	43211	CPR	03/05/2019	2019-3/41
<u>Drinking Water</u>					
R309-100-9	Variances	43378	AMD	01/15/2019	2018-23/57
R309-105-4	General	43379	AMD	01/15/2019	2018-23/58
R309-110-4	Definitions	43380	AMD	01/15/2019	2018-23/60
R309-200	Monitoring and Water Quality: Drinking Water Standards	43381	AMD	01/15/2019	2018-23/73
R309-210-8	Disinfection Byproducts - Stage 1 Requirements	43382	AMD	01/15/2019	2018-23/80
R309-211	Monitoring and Water Quality: Distribution System -- Total Coliform Requirements	43383	AMD	01/15/2019	2018-23/85
R309-215-10	Residual Disinfectant	43384	AMD	01/15/2019	2018-23/91
R309-215-16	Groundwater Rule	43385	AMD	01/15/2019	2018-23/93
R309-220-4	General Public Notification Requirements	43386	AMD	01/15/2019	2018-23/99
R309-225-4	General Requirements	43387	AMD	01/15/2019	2018-23/101
<u>Waste Management and Radiation Control, Radiation</u>					
R313-19-34	Terms and Conditions of Licenses	43810	AMD	08/09/2019	2019-13/62
R313-22-75	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices Which Contain Radioactive Material	43809	AMD	08/09/2019	2019-13/65
R313-28-31	General and Administrative Requirements	43253	AMD	01/14/2019	2018-21/52
R313-28-31	General and Administrative Requirements	43530	AMD	04/15/2019	2019-5/50
R313-32	Medical Use of Radioactive Material	43812	AMD	08/09/2019	2019-13/74
<u>Waste Management and Radiation Control, Waste Management</u>					
R315-15-14	DIYer Reimbursement	43529	AMD	04/15/2019	2019-5/54
R315-15-16	Grants	43768	NSC	06/12/2019	Not Printed
R315-260	Hazardous Waste Management System	43526	AMD	04/15/2019	2019-5/56
R315-261	General Requirements -- Identification and Listing of Hazardous Waste	43527	AMD	04/15/2019	2019-5/67
R315-262	Hazardous Waste Generator Requirements	43528	AMD	04/15/2019	2019-5/83
R315-268-50	Land Disposal Restrictions -- Prohibitions on Storage of Restricted Wastes	44007	NSC	08/30/2019	Not Printed
R315-270-13	Hazardous Waste Permit Program -- Contents of Part a of the Permit Application	44008	NSC	08/30/2019	Not Printed
R315-273	Standards for Universal Waste Management	43252	AMD	01/14/2019	2018-21/55
<u>Water Quality</u>					
R317-1-1	Definitions	43585	AMD	07/01/2019	2019-7/8
R317-2	Standards of Quality for Waters of the State	43586	AMD	07/01/2019	2019-7/11
R317-2-14	Numeric Criteria	43848	NSC	07/01/2019	Not Printed
R317-401	Graywater Systems	43633	5YR	04/08/2019	2019-9/82
GOVERNOR					
<u>Economic Development</u>					
R357-7	Utah Capital Investment Board	43488	EXT	01/24/2019	2019-4/47
R357-7	Utah Capital Investment Board	43734	5YR	05/22/2019	2019-12/136
R357-8	Allocation of Private Activity Bond Volume Cap	43755	REP	07/26/2019	2019-12/63
R357-15	Enterprise Zone Tax Credit	43814	AMD	08/12/2019	2019-13/80
R357-15-2	Definitions	43946	NSC	08/13/2019	Not Printed
R357-24	Utah Works Program Rule	43720	NEW	07/08/2019	2019-11/15

<u>Energy Development (Office of)</u>						
R362-4	High Cost Infrastructure Development Tax Credit Act	43223	AMD	02/05/2019	2018-20/18	
R362-5	Commercial Property Assessed Clean Energy (C-PACE) Administrative Rules	43419	NEW	01/23/2019	2018-24/15	
HEALTH						
<u>Administration</u>						
R380-25	Submission of Data Through an Electronic Data Interchange	43774	5YR	06/07/2019	2019-13/116	
R380-70	Standards for Electronic Exchange of Clinical Health Information	43487	5YR	01/24/2019	2019-4/43	
<u>Center for Health Data, Health Care Statistics</u>						
R428-1	Health Data Plan and Incorporated Documents	43544	AMD	05/01/2019	2019-6/12	
<u>Center for Health Data, Vital Records and Statistics</u>						
R436-19	Abortion Reporting	43462	NEW	05/08/2019	2019-2/10	
<u>Disease Control and Prevention, Environmental Services</u>						
R392-104	Feeding Disadvantaged Groups	43995	5YR	08/20/2019	2019-18/91	
R392-110	Food Service Sanitation in Residential Care Facilities	43660	R&R	07/16/2019	2019-10/12	
R392-303	Public Geothermal Pools and Bathing Places	43502	5YR	02/05/2019	2019-5/96	
<u>Disease Control and Prevention, Epidemiology</u>						
R386-80	Local Public Health Emergency Funding Protocols	44006	5YR	08/22/2019	2019-18/90	
R386-900	Special Measures for the Operation of Syringe Exchange Programs	43468	AMD	05/15/2019	2019-3/16	
<u>Disease Control and Prevention, Health Promotion</u>						
R384-100	Cancer Reporting Rule	43540	5YR	02/25/2019	2019-6/41	
R384-200	Cancer Control Program	43539	5YR	02/25/2019	2019-6/42	
R384-201	School-Based Vision Screening for Students in Public Schools	43757	AMD	08/01/2019	2019-12/66	
R384-203	Prescription Drug Database Access	43537	5YR	02/25/2019	2019-6/42	
R384-203	Prescription Drug Database Access	43562	AMD	07/23/2019	2019-7/25	
<u>Disease Control and Prevention, Immunization</u>						
R396-100	Immunization Rule for Students	44062	EMR	09/13/2019	Not Printed	
<u>Disease Control and Prevention, Medical Examiner</u>						
R448-10	Unattended Death and Reporting Requirements	43631	5YR	04/05/2019	2019-9/83	
R448-20	Access to Medical Examiner Reports	43632	5YR	04/05/2019	2019-9/84	
<u>Family Health and Preparedness, Child Care Licensing</u>						
R430-8	Exemptions From Child Care Licensing	43661	5YR	04/17/2019	2019-10/116	
<u>Family Health and Preparedness, Children with Special Health Care Needs</u>						
R398-5	Birth Defects Reporting	43472	AMD	03/11/2019	2019-3/18	
R398-5	Birth Defects and Critical Congenital Heart Disease Reporting	43886	5YR	07/12/2019	2019-15/47	
R398-10	Autism Spectrum Disorders and Intellectual Disability Reporting	43538	5YR	02/25/2019	2019-6/43	
<u>Family Health and Preparedness, Emergency Medical Services</u>						
R426-1	General Definitions	43177	AMD	01/11/2019	2018-18/15	
R426-2	Emergency Medical Services Provider Designations for Pre-Hospital Providers, Critical Incident Stress Management and Quality Assurance Reviews	43178	AMD	01/11/2019	2018-18/19	

RULES INDEX

R426-2	Emergency Medical Services Provider Designations for Pre-Hospital Providers, Critical Incident Stress Management and Quality Assurance Reviews	43881	AMD	09/11/2019	2019-15/2
R426-2-400	Emergency Medical Service Dispatch Center Minimum Designation Requirements	43260	NSC	01/11/2019	Not Printed
R426-4	Operations	43882	AMD	09/11/2019	2019-15/6
R426-8	Emergency Medical Services Ground Ambulance Rates and Charges	43608	AMD	07/01/2019	2019-8/39
R426-9	Trauma and EMS System Facility Designations	43321	AMD	01/18/2019	2018-22/114
<u>Family Health and Preparedness, Licensing</u>					
R432-7	Specialty Hospital - Psychiatric Hospital Construction	43553	5YR	02/27/2019	2019-6/43
R432-8	Specialty Hospital – Chemical Dependency/Substance Abuse Construction	43559	5YR	02/28/2019	2019-6/44
R432-9	Specialty Hospital – Rehabilitation Construction Rule	43560	5YR	02/28/2019	2019-6/44
R432-10	Specialty Hospital – Long-Term Acute Care Construction Rule	43563	5YR	03/04/2019	2019-7/62
R432-11	Orthopedic Hospital Construction	43564	5YR	03/04/2019	2019-7/62
R432-12	Small Health Care Facility (Four to Sixteen Beds) Construction Rule	43565	5YR	03/04/2019	2019-7/63
R432-13	Freestanding Ambulatory Surgical Center Construction Rule	43598	5YR	03/21/2019	2019-8/103
R432-14	Birthing Center Construction Rule	43599	5YR	03/21/2019	2019-8/103
R432-30	Adjudicative Procedure	43597	5YR	03/21/2019	2019-8/104
R432-32	Licensing Exemption for Non-Profit Volunteer End-of-Life Care	43614	5YR	04/01/2019	2019-8/104
R432-45	Nurse Aide Training and Competency Evaluation Program	43630	5YR	04/05/2019	2019-9/83
R432-270	Assisted Living Facilities	43533	5YR	02/20/2019	2019-6/45
R432-270-8	Personnel	43773	AMD	08/20/2019	2019-13/89
<u>Family Health and Preparedness, Maternal and Child Health</u>					
R433-200	Family Planning Access Act	43402	NEW	03/06/2019	2018-24/18
<u>Family Health and Preparedness, Primary Care and Rural Health</u>					
R434-40	Utah Health Care Workforce Financial Assistance Program Rules	43709	5YR	05/08/2019	2019-11/41
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-7A	Medicaid Certification of New Nursing Facilities	43635	NSC	04/24/2019	Not Printed
R414-7A	Medicaid Certification of New Nursing Facilities	43740	5YR	05/24/2019	2019-12/137
R414-14A	Hospice Care	43634	5YR	04/08/2019	2019-9/82
R414-31	Inpatient Psychiatric Services for Individuals Under Age 21	43751	5YR	05/31/2019	2019-12/137
R414-36	Rehabilitative Mental Health and Substance Use Disorder Services	43771	5YR	06/05/2019	2019-13/116
R414-49	Dental, Oral and Maxillofacial Surgeons and Orthodontia	43536	AMD	04/22/2019	2019-6/7
R414-49	Dental, Oral and Maxillofacial Surgeons and Orthodontia	43749	5YR	05/31/2019	2019-12/138
R414-61	Home and Community-Based Services Waivers	43851	5YR	07/02/2019	2019-15/47
R414-61-2	Incorporation by Reference	43425	AMD	02/15/2019	2019-1/28
R414-71	Early and Periodic Screening, Diagnostic and Treatment Program	43837	NEW	08/29/2019	2019-14/33
R414-140	Choice of Health Care Delivery Program	43772	5YR	06/05/2019	2019-13/117
R414-303	Coverage Groups	43706	EMR	05/07/2019	2019-11/25
R414-303	Coverage Groups	43796	AMD	08/29/2019	2019-13/83
R414-311-6	Household Composition and Income Provisions	43707	EMR	05/07/2019	2019-11/27
R414-311-6	Household Composition and Income Provisions	43797	AMD	08/29/2019	2019-13/86
R414-312	Adult Expansion Medicaid	43708	EMR	05/07/2019	2019-11/28
R414-312	Adult Expansion Medicaid	43798	NEW	08/29/2019	2019-13/87
R414-401	Nursing Care Facility Assessment	43687	AMD	07/01/2019	2019-10/16

R414-501	Preadmission Authorization, Retroactive Authorization, and Continued Stay Review	43770	5YR	06/05/2019	2019-13/117
R414-502	Nursing Facility Levels of Care	43750	5YR	05/31/2019	2019-12/138
R414-503	Preadmission Screening and Resident Review	43748	5YR	05/31/2019	2019-12/139
R414-510	Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program	43688	AMD	07/15/2019	2019-10/19
R414-515	Long Term Acute Care	43473	AMD	03/21/2019	2019-3/21
R414-516	Nursing Facility Non-State Government-Owned Upper Payment Limit Quality Improvement Program	43483	AMD	03/21/2019	2019-3/23
R414-516	Nursing Facility Non-State Government-Owned Upper Payment Limit Quality Improvement Program	43830	AMD	08/29/2019	2019-14/35
R414-520	Admission Criteria for Medically Complex Children's Waiver	43332	NEW	01/04/2019	2018-22/111
R414-521	Accountable Care Organization Hospital Report	43352	NEW	01/04/2019	2018-22/113
R414-522	Electronic Visit Verification Requirements for Personal Care and Home Health Care Services	43689	NEW	07/01/2019	2019-10/23

HERITAGE AND ARTS

History

R455-11	Historic Preservation Tax Credit	43716	5YR	05/14/2019	2019-11/42
R455-11	Historic Preservation Tax Credit	43721	NSC	05/24/2019	Not Printed
R455-14	Procedures for Electronic Meetings	43714	5YR	05/14/2019	2019-11/43
R455-15	Procedures for Emergency Meetings	43715	5YR	05/14/2019	2019-11/43

HUMAN RESOURCE MANAGEMENT

Administration

R477-1	Definitions	43670	AMD	07/01/2019	2019-10/25
R477-4	Filling Positions	43671	AMD	07/01/2019	2019-10/30
R477-5	Employee Status and Probation	43672	AMD	07/01/2019	2019-10/34
R477-6	Compensation	43673	AMD	07/01/2019	2019-10/36
R477-7	Leave	43674	AMD	07/01/2019	2019-10/41
R477-8	Working Conditions	43675	AMD	07/01/2019	2019-10/49
R477-9	Employee Conduct	43676	AMD	07/01/2019	2019-10/54
R477-11	Discipline	43677	AMD	07/01/2019	2019-10/58
R477-12	Separations	43678	AMD	07/01/2019	2019-10/60
R477-13	Volunteer Programs	43679	AMD	07/01/2019	2019-10/62
R477-14	Substance Abuse and Drug-Free Workplace	43669	AMD	07/01/2019	2019-10/64
R477-15	Workplace Harassment Prevention	43680	AMD	07/01/2019	2019-10/67
R477-101	Administrative Law Judge Conduct Committee	43470	5YR	01/07/2019	2019-3/44

HUMAN SERVICES

Administration

R495-882	Termination of Parental Rights	43496	5YR	02/01/2019	2019-4/43
R495-885	Employee Background Screenings	43719	EMR	05/14/2019	2019-11/30
R495-885	Employee Background Screenings	43690	AMD	07/18/2019	2019-10/69

Administration, Administrative Services, Licensing

R501-1	General Provisions for Licensing	43330	AMD	01/17/2019	2018-22/119
R501-7	Child Placing Adoption Agencies	43356	AMD	02/12/2019	2018-23/105
R501-8	Outdoor Youth Programs	43234	AMD	01/17/2019	2018-21/89
R501-14	Human Service Program Background Screening	43718	EMR	05/14/2019	2019-11/33
R501-14	Human Service Program Background Screening	43691	AMD	07/18/2019	2019-10/73
R501-21	Outpatient Treatment Programs	43237	AMD	02/12/2019	2018-21/91

Child and Family Services

R512-43	Adoption Assistance	43518	AMD	04/08/2019	2019-5/85
R512-305	Out-of-Home Services, Transition to Adult Living Services	43358	AMD	01/09/2019	2018-23/115
R512-310	Reasonable and Prudent Parent Standard	43981	5YR	08/12/2019	2019-17/225

RULES INDEX

Juvenile Justice Services

R547-15 Formula for Reform Savings 43804 EMR 06/13/2019 2019-13/109

Recovery Services

R527-10 Disclosure of Information to the Office of Recovery Services 43700 5YR 05/03/2019 2019-11/44
 R527-38 Unenforceable Cases 43593 AMD 07/18/2019 2019-8/46
 R527-40 Retained Support 44019 5YR 08/28/2019 2019-18/91
 R527-332 Unreimbursed Assistance Calculation 43699 5YR 05/03/2019 2019-11/44
 R527-394 Posting Bond or Security 43682 5YR 04/29/2019 2019-10/116
 R527-450 Federal Tax Refund Intercept 43727 5YR 05/20/2019 2019-12/139

Services for People with Disabilities

R539-2 Service Coordination 43891 5YR 07/15/2019 2019-15/48
 R539-3 Rights and Protections 43892 5YR 07/15/2019 2019-15/48
 R539-4 Behavior Interventions 43893 5YR 07/15/2019 2019-15/49
 R539-5 Self-Administered Services 43894 5YR 07/15/2019 2019-15/50

Substance Abuse and Mental Health

R523-2-9 Distribution of Fee-On-Fine (DUI) Funds 43505 AMD 04/17/2019 2019-5/92
 R523-5 Peer Support Specialist Training and Certification 43141 AMD 01/29/2019 2018-17/60
 R523-5 Peer Support Specialist Training and Certification 43141 CPR 01/29/2019 2018-24/38
 R523-7 Certification of Designated Examiners and Case Managers 43850 AMD 08/21/2019 2019-14/41
 R523-12-4 Provider Responsibilities 43575 AMD 06/27/2019 2019-7/27
 R523-13-4 Provider Responsibilities 43576 AMD 06/27/2019 2019-7/29
 R523-17 Behavioral Health Crisis Response Systems Standards 43555 AMD 04/22/2019 2019-6/14
 R523-18 Mobile Crisis Outreach Teams Certification Standards 43554 AMD 04/22/2019 2019-6/21
 R523-19 Community Mental Health Crisis and Suicide Prevention Training Grant Standards 43355 NEW 01/29/2019 2018-23/118

INSURANCE

Administration

R590-67 Proxy Solicitations and Consent and Authorization of Stockholders of Domestic Stock Insurers 44003 5YR 08/20/2019 2019-18/92
 R590-76 Health Maintenance Organizations and Limited Health Plans 44004 5YR 08/20/2019 2019-18/93
 R590-79 Life Insurance Disclosure Rule 43996 5YR 08/20/2019 2019-18/93
 R590-83 Unfair Discrimination on the Basis of Sex or Marital Status 43997 5YR 08/20/2019 2019-18/94
 R590-93 Replacement of Life Insurance and Annuities 43627 5YR 04/03/2019 2019-9/84
 R590-98 Unfair Practice in Payment of Life Insurance and Annuity Policy Values 43628 5YR 04/03/2019 2019-9/85
 R590-102 Insurance Department Fee Payment Rule 43604 NSC 04/01/2019 Not Printed
 R590-102-21 Dedicated Fees 43485 AMD 03/26/2019 2019-4/4
 R590-126-2 Purpose and Scope 43428 AMD 05/01/2019 2019-1/30
 R590-127 Rate Filing Exemptions 43998 5YR 08/20/2019 2019-18/94
 R590-129 Unfair Discrimination Based Solely Upon Blindness or Physical or Mental Impairment 43999 5YR 08/20/2019 2019-18/95
 R590-146 Medicare Supplement Insurance Standards 43659 AMD 06/07/2019 2019-9/44
 R590-146-15 Filing of Policies, Certificates, and Premium Rates 43921 NSC 07/30/2019 Not Printed
 R590-155 Utah Life and Health Insurance Guaranty Association Summary Document 43486 AMD 06/07/2019 2019-4/5
 R590-155 Utah Life and Health Insurance Guaranty Association Summary Document 43486 CPR 06/07/2019 2019-9/72
 R590-166 Home Protection Service Contract Rule 43626 5YR 04/03/2019 2019-9/85
 R590-167 Individual, Small Employer, and Group Health Benefit Plan Rule 44000 5YR 08/20/2019 2019-18/95
 R590-170 Fiduciary and Trust Account Obligations 43514 5YR 02/11/2019 2019-5/97

R590-171	Surplus Lines Procedures Rule	43737	5YR	05/23/2019	2019-12/140
R590-186	Bail Bond Surety Business	43694	AMD	06/21/2019	2019-10/79
R590-186-5	Company License Renewal	43429	AMD	02/07/2019	2019-1/31
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule	43625	5YR	04/03/2019	2019-9/86
R590-191	Unfair Life Insurance Claims Settlement Practices Rule	43629	5YR	04/03/2019	2019-9/86
R590-192	Unfair Accident and Health Claims Settlement Practices	43785	5YR	06/10/2019	2019-13/118
R590-194	Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism	44001	5YR	08/20/2019	2019-18/96
R590-218	Permitted Language for Reservation of Discretion Clauses	43653	REP	06/07/2019	2019-9/67
R590-220	Submission of Accident and Health Insurance Filings	43520	5YR	02/13/2019	2019-5/98
R590-225	Submission of Property and Casualty Rate and Form Filings	43521	5YR	02/13/2019	2019-5/98
R590-225-3	Documents Incorporated by Reference	43615	AMD	05/22/2019	2019-8/47
R590-226	Submission of Life Insurance Filings	43580	5YR	03/14/2019	2019-7/63
R590-227	Submission of Annuity Filings	43581	5YR	03/14/2019	2019-7/64
R590-228	Submission of Credit Life and Credit Accident and Health Insurance Form and Rate Filings	43582	5YR	03/14/2019	2019-7/64
R590-229	Annuity Disclosure	44002	5YR	08/20/2019	2019-18/97
R590-230	Suitability in Annuity Transactions	43738	5YR	05/23/2019	2019-12/140
R590-238-4	Annual Reporting Requirements	43693	AMD	06/21/2019	2019-10/84
R590-244	Individual and Agency Licensing Requirements	43786	5YR	06/10/2019	2019-13/119
R590-252	Use of Senior-Specific Certifications and Professional Designations	43513	5YR	02/11/2019	2019-5/99
R590-254	Annual Financial Reporting Rule	43826	5YR	06/26/2019	2019-14/78
R590-268	Small Employer Stop-Loss Insurance	43570	5YR	03/07/2019	2019-7/65
R590-268	Small Employer Stop-Loss Insurance	43692	AMD	06/21/2019	2019-10/85
R590-269	Individual Open Enrollment Period	43474	5YR	01/11/2019	2019-3/44
R590-277	Managed Care Health Benefit Plan Policy Standards	43427	NEW	08/20/2019	2019-1/33
R590-277	Managed Care Health Benefit Plan Policy Standards	43427	CPR	08/20/2019	2019-9/73
R590-278	Consent Requests Under 18 USC 1033(e)(2)	43695	AMD	06/21/2019	2019-10/88
R590-280	Counting Short-Term Funds	43561	NEW	04/23/2019	2019-6/25
R590-281	License Applications Submitted by Individuals Who Have a Criminal Conviction	43696	NEW	06/21/2019	2019-10/90

Title and Escrow Commission

R592-6	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	43781	5YR	06/10/2019	2019-13/119
R592-7	Title Insurance Continuing Education	43782	5YR	06/10/2019	2019-13/120
R592-8	Application Process for an Attorney Exemption for Agency Title Insurance Producer Licensing	43783	5YR	06/10/2019	2019-13/121
R592-9	Title Insurance Recovery, Education, and Research Fund Assessment Rule	43784	5YR	06/10/2019	2019-13/121

JUDICIAL PERFORMANCE EVALUATION COMMISSION

Administration

R597-1	General Provisions	43501	5YR	02/05/2019	2019-5/100
R597-3	Judicial Performance Evaluations	43500	5YR	02/05/2019	2019-5/100
R597-4	Justice Courts	43601	5YR	03/22/2019	2019-8/105

LABOR COMMISSION

Adjudication

R602-2-1	Pleadings and Discovery	43574	AMD	05/08/2019	2019-7/30
----------	-------------------------	-------	-----	------------	-----------

Boiler, Elevator and Coal Mine Safety

R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	43572	AMD	05/08/2019	2019-7/35
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	43710	EMR	05/09/2019	2019-11/39

RULES INDEX

R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	43711	AMD	07/08/2019	2019-11/21
R616-2-8	Inspection of Boilers and Pressure Vessels	43573	AMD	05/08/2019	2019-7/36

LIEUTENANT GOVERNOR

Administration

R622-2	Use of the Great Seal of the State of Utah	43595	5YR	03/19/2019	2019-8/105
--------	--	-------	-----	------------	------------

Elections

R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	43493	5YR	01/28/2019	2019-4/44
R623-2	Uniform Ballot Counting Standards	43494	5YR	01/28/2019	2019-4/44
R623-3	Utah State Plan on Election Reform	43495	5YR	01/28/2019	2019-4/45
R623-5	Municipal Alternate Voting Methods Pilot Project	43275	NEW	03/01/2019	2018-21/96

MONEY MANAGEMENT COUNCIL

Administration

R628-19	Requirements for the Use of Investment Advisers by Public Treasurers	43503	EXT	02/05/2019	2019-5/103
R628-19	Requirements for the Use of Investment Advisers by Public Treasurers	43645	5YR	04/12/2019	2019-9/87
R628-20	Foreign Deposits for Higher Education Institutions	43504	EXT	02/05/2019	2019-5/103
R628-20	Foreign Deposits for Higher Education Institutions	43646	5YR	04/12/2019	2019-9/88
R628-21	Conditions and Procedures for the Use of Reciprocal Deposits	43644	5YR	04/12/2019	2019-9/88
R628-22	Conditions and Procedures for the use of Negotiable Brokered Certificates of Deposit	43815	NEW	08/07/2019	2019-13/93

NATURAL RESOURCES

Forestry, Fire and State Lands

R652-70	Sovereign Lands	43480	AMD	03/25/2019	2019-3/28
---------	-----------------	-------	-----	------------	-----------

Oil, Gas and Mining: Coal

R645-105	Blaster Training, Examination and Certification	43913	5YR	07/23/2019	2019-16/103
R645-106	Exemption for Coal Extraction Incidental to the Extraction of Other Minerals	43914	5YR	07/23/2019	2019-16/104
R645-400	Inspection and Enforcement: Division Authority and Procedures	43916	5YR	07/23/2019	2019-16/104

Oil, Gas and Mining: Oil and Gas

R649-10	Administrative Procedures	43912	5YR	07/23/2019	2019-16/105
---------	---------------------------	-------	-----	------------	-------------

Parks and Recreation

R651-206	Carrying Passengers for Hire	43497	AMD	03/25/2019	2019-4/7
R651-214	Temporary Registration	43464	AMD	02/21/2019	2019-2/12
R651-301	State Recreation Fiscal Assistance Programs	43416	AMD	01/24/2019	2018-24/20
R651-406	Off-Highway Vehicle Registration Fees	43415	AMD	01/24/2019	2018-24/23
R651-411	OHV Use in State Parks	43759	AMD	07/22/2019	2019-12/71
R651-615	Motor Vehicle Use	43756	AMD	07/22/2019	2019-12/73

Water Rights

R655-3	Reports of Water Rights Conveyance	43922	5YR	07/27/2019	2019-16/105
R655-4	Water Wells	43923	5YR	07/27/2019	2019-16/106
R655-13	Stream Alteration	43743	R&R	07/25/2019	2019-12/74

Wildlife Resources

R657-5	Taking Big Game	43431	AMD	02/07/2019	2019-1/37
R657-5	Taking Big Game	43741	AMD	07/22/2019	2019-12/79
R657-9	Taking Waterfowl, Wilson's Snipe and Coot	43430	AMD	02/07/2019	2019-1/41
R657-11	Taking Furbearers and Trapping	43414	AMD	01/24/2019	2018-24/25

R657-12	Hunting and Fishing Accommodations for People with Disabilities	43816	AMD	08/22/2019	2019-14/46
R657-13	Taking Fish and Crayfish	43420	AMD	01/24/2019	2018-24/27
R657-22	Commercial Hunting Areas	43491	AMD	03/25/2019	2019-4/22
R657-33	Taking Bear	43492	AMD	03/25/2019	2019-4/27
R657-37	Cooperative Wildlife Management Units for Big Game or Turkey	43724	AMD	07/22/2019	2019-12/82
R657-38	Dedicated Hunter Program	43432	AMD	02/07/2019	2019-1/44
R657-41	Conservation and Sportsman Permits	43736	AMD	07/22/2019	2019-12/91
R657-44	Big Game Depredation	43723	AMD	07/22/2019	2019-12/100
R657-45	Wildlife License, Permit, and Certificate of Registration Forms and Terms	43817	AMD	08/22/2019	2019-14/48
R657-46	The Use of Game Birds in Dog Field Trials and Training	43726	5YR	05/20/2019	2019-12/141
R657-54	Taking Wild Turkey	43951	5YR	08/05/2019	2019-17/226
R657-62	Drawing Application Procedures	43639	5YR	04/09/2019	2019-9/89
R657-62	Drawing Application Procedures	43725	AMD	07/22/2019	2019-12/104
R657-67	Utah Hunter Mentoring Program	43498	5YR	02/04/2019	2019-5/101
R657-68	Trial Hunting Authorization	43952	5YR	08/05/2019	2019-17/226

PUBLIC SAFETY

Administration

R698-4	Certification of the Law Enforcement Agency of a Private College or University	43523	5YR	02/14/2019	2019-5/101
R698-5	State Hazardous Chemical Emergency Response Commission Advisory Committee	43418	AMD	02/20/2019	2018-24/29
R698-5	State Hazardous Chemical Emergency Response Commission Advisory Committee	43828	5YR	06/26/2019	2019-14/79

Criminal Investigations and Technical Services, Criminal Identification

R722-900	Access to Bureau Records	43665	AMD	06/24/2019	2019-10/95
R722-920	Cold Case Database	43435	NEW	02/20/2019	2019-1/49

Driver License

R708-10	Driver License Restrictions	43590	5YR	03/15/2019	2019-7/65
R708-22	Commercial Driver License Administrative Proceedings	43606	5YR	03/28/2019	2019-8/106
R708-24	Renewal of a Commercial Driver License (CDL)	43607	5YR	03/28/2019	2019-8/106
R708-26	Learner Permit Rule	43591	5YR	03/15/2019	2019-7/66
R708-31	Ignition Interlock Systems	43592	5YR	03/15/2019	2019-7/66
R708-45	Renewal or Duplicate License for Utah Residents Temporarily Residing Out of State	44035	5YR	09/04/2019	Not Printed

Emergency Management

R704-1	Search and Rescue Financial Assistance Program	43668	AMD	06/24/2019	2019-10/92
R704-1	Search and Rescue Financial Assistance Program	43827	5YR	06/26/2019	2019-14/79

Fire Marshal

R710-12	Hazardous Materials Training and Certification	43455	NEW	04/09/2019	2019-2/14
R710-15	Seizure and Disposal of Fireworks, Class A Explosives, and Class B Explosives	43354	NEW	01/14/2019	2018-22/155

Highway Patrol

R714-500	Chemical Analysis Standards and Training	44022	5YR	08/29/2019	2019-18/97
R714-600	Performance Standards for Tow Truck Motor Carriers	43844	5YR	07/01/2019	2019-14/80

Peace Officer Standards and Training

R728-205	Council Resolution of Public Safety Retirement Eligibility	44036	5YR	09/04/2019	Not Printed
R728-409	Suspension, Revocation, or Relinquishment of Certification	43666	AMD	06/24/2019	2019-10/100
R728-502	Procedure for POST Instructor Certification	43534	5YR	02/21/2019	2019-6/45

RULES INDEX

PUBLIC SERVICE COMMISSION

Administration

R746-8-301	Calculation and Application of UUSF Surcharge	43550	AMD	04/30/2019	2019-6/27
R746-310	Uniform Rules Governing Electricity Service by Electric Utilities	43603	AMD	05/22/2019	2019-8/49
R746-401	Reporting of Construction, Purchase, Acquisition, Sale, Transfer or Disposition of Assets	43966	5YR	08/07/2019	2019-17/227
R746-460	Rules Governing Customer Information and Marketing for Large-Scale Electric and Gas Utilities	43811	NEW	08/07/2019	2019-13/95
R746-700	Complete Filings for General Rate Case and Major Plant Addition Applications	43965	5YR	08/07/2019	2019-17/227

REGENTS (BOARD OF)

Administration

R765-604	New Century Scholarship	43901	5YR	07/17/2019	2019-16/107
R765-615	Talent Development Incentive Loan Program	43405	NEW	03/14/2019	2018-24/33
R765-620	Access Utah Promise Scholarship Program	43853	NEW	09/10/2019	2019-15/12

Salt Lake Community College

R784-1	Government Records Access and Management Act Rules	43594	5YR	03/17/2019	2019-8/107
--------	--	-------	-----	------------	------------

University of Utah, Administration

R805-3	Overnight Camping and Campfires on University of Utah Property	43541	5YR	02/25/2019	2019-6/46
R805-3	Overnight Camping and Campfires on University of Utah Property	43566	AMD	05/22/2019	2019-7/38
R805-6	University of Utah Shooting Range Access and Use Requirements	43499	5YR	02/04/2019	2019-5/102

University of Utah, Museum of Natural History (Utah)

R807-1	Curation of Collections from State Lands	43535	5YR	02/22/2019	2019-6/47
--------	--	-------	-----	------------	-----------

SCHOOL AND INSTITUTIONAL TRUST LANDS

Administration

R850-5-300	Royalties	43613	AMD	06/01/2019	2019-8/54
R850-21	Oil, Gas and Hydrocarbon Resources	43616	R&R	06/01/2019	2019-8/55
R850-21	Oil, Gas and Hydrocarbon Resources	43903	NSC	08/01/2019	Not Printed
R850-70	Sales of Forest Products From Trust Lands Administration Lands	43792	AMD	08/07/2019	2019-13/103

TAX COMMISSION

Administration

R861-1A-9	State Board of Equalization Procedures Pursuant to Utah Code Ann. Sections 59-2-212, 59-2-1004, and 59-2-1006	43838	AMD	08/22/2019	2019-14/50
R861-1A-46	Procedures for Purchaser Refund Requests Pursuant to Utah Code Ann. Sections 59-1-1410 and 59-12-110	43883	AMD	09/12/2019	2019-15/23

Auditing

R865-9I-2	Determination of Utah Resident Individual Status Pursuant to Utah Code Ann. Sections 59-10-103 and 59-10-136	43839	AMD	08/22/2019	2019-14/52
R865-19S-93	Waste Tire Recycling Fee Pursuant to Utah Code Ann. Section 19-6-808	43884	AMD	09/12/2019	2019-15/26

Motor Vehicle

R873-22M-17	Standards for State Impound Lots Pursuant to Utah Code Ann. Section 41-1a-1101	43840	AMD	08/22/2019	2019-14/53
-------------	--	-------	-----	------------	------------

<u>Property Tax</u>						
R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	43437	AMD	03/28/2019	2019-1/51	
R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	43640	NSC	04/24/2019	Not Printed	
R884-24P-24	Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918.5 through 59-2-924	43885	AMD	09/12/2019	2019-15/28	
R884-24P-27	Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Sections 59-2-704 and 59-2-704.5	43371	AMD	01/10/2019	2018-23/119	
R884-24P-62	Valuation of State Assessed Unitary Properties Pursuant to Utah Code Ann. Section 59-2-201	43698	NSC	05/17/2019	Not Printed	
R884-24P-66	County Board of Equalization Procedures and Appeals	43970	NSC	08/19/2019	Not Printed	
R884-24P-74	Changes to Jurisdiction of Mining Claims Pursuant to Utah Code Ann. Section 59-2-201	43438	AMD	03/28/2019	2019-1/54	
TECHNOLOGY SERVICES						
<u>Administration</u>						
R895-7	Acceptable Use of Information Technology Resources	43467	5YR	01/03/2019	2019-3/45	
R895-9	Utah Geographic Information Systems Advisory Council	43697	5YR	05/02/2019	2019-11/45	
R895-13	Access to the Identity Theft Reporting Information System Database	43681	REP	06/21/2019	2019-10/105	
TRANSPORTATION						
<u>Administration</u>						
R907-66	Incorporation and Use of Federal Acquisition Regulations on Federal-Aid and State-Financed Transportation Projects	43490	R&R	03/26/2019	2019-4/31	
<u>Motor Carrier</u>						
R909-2	Utah Size and Weight Rule	43735	5YR	05/22/2019	2019-12/141	
R909-3	Standards for Utah School Buses	43704	AMD	07/08/2019	2019-11/22	
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification	43443	AMD	02/07/2019	2019-1/56	
<u>Operations, Aeronautics</u>						
R914-4	Challenging Corrective Action Orders	43722	NEW	07/23/2019	2019-12/106	
<u>Operations, Maintenance</u>						
R918-4	Using Volunteer Groups and Third Party Contractors for the Adopt-a-Highway and Sponsor-a-Highway Litter Pickup Programs	43489	AMD	03/26/2019	2019-4/36	
<u>Operations, Traffic and Safety</u>						
R920-4-9	Minimum Liability Coverage, Waiver and Release of Damages Form, and Indemnification Form Completion Requirements	43769	NSC	06/19/2019	Not Printed	
R920-50	Ropeway Operation Safety	43444	AMD	02/07/2019	2019-1/63	
<u>Preconstruction</u>						
R930-6	Access Management	43602	AMD	05/22/2019	2019-8/67	
R930-7	Utility Accommodation	43742	AMD	07/23/2019	2019-12/109	
R930-8	Utility Relocations Required by Highway Projects	43745	AMD	07/23/2019	2019-12/124	

RULES INDEX

Program Development

R926-16	Unsolicited Proposals for Transportation Infrastructure Public-Private Partnerships	43584	NEW	05/08/2019	2019-7/40
R926-17	Road Usage Charge Program	43847	NEW	08/26/2019	2019-14/55

TRANSPORTATION COMMISSION

Administration

R940-1	Establishment of Toll Rates	43841	AMD	08/26/2019	2019-14/59
R940-8	Establishment of Road Usage Charge (RUC) Rates	43846	NEW	08/26/2019	2019-14/61

UTECH BOARD OF TRUSTEES

Administration

R945-1	UTech Scholarship	43617	AMD	07/16/2019	2019-8/96
--------	-------------------	-------	-----	------------	-----------

WORKFORCE SERVICES

Employment Development

R986-100-117	Disqualification Periods And Civil Penalties For Intentional Program Violations (IPVs)	43481	AMD	06/01/2019	2019-3/33
R986-200-250	Unauthorized Spending of TANF Financial Assistance Benefits	43482	AMD	06/01/2019	2019-3/35
R986-700	Child Care Assistance	43556	AMD	06/01/2019	2019-6/30

Housing and Community Development

R990-200	Private Activity Bonds	43746	NEW	07/30/2019	2019-12/128
R990-300	Evaluation Process for Plan for Moderate Income Housing Reports	43849	NEW	08/21/2019	2019-14/63

Unemployment Insurance

R994-305-801	Wage List Requirement	43558	AMD	07/01/2019	2019-6/35
R994-309	Nonprofit Organizations Coverage	43818	5YR	06/17/2019	2019-14/80
R994-310	Coverage	43819	5YR	06/17/2019	2019-14/81
R994-311	Governmental Units and Indian Tribes	43820	5YR	06/17/2019	2019-14/81
R994-312	Employing Units Records	43821	5YR	06/17/2019	2019-14/82
R994-403	Claim for Benefits	43557	AMD	05/01/2019	2019-6/38
R994-403-109b	Profiled Claimants	43365	AMD	03/31/2019	2018-23/122

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>abortions</u> Health, Center for Health Data, Vital Records and Statistics	43462	R436-19	NEW	05/08/2019	2019-2/10
<u>Academic Pathway to Teaching</u> Education, Administration	43648	R277-511	AMD	07/02/2019	2019-9/34

<u>accelerated learning</u>					
Education, Administration	43651	R277-707	AMD	07/02/2019	2019-9/37
	43813	R277-707	AMD	08/19/2019	2019-13/47
<u>acceptable use</u>					
Technology Services, Administration	43467	R895-7	5YR	01/03/2019	2019-3/45
<u>access control</u>					
Transportation, Preconstruction	43602	R930-6	AMD	05/22/2019	2019-8/67
<u>access to information</u>					
Administrative Services, Administration	43744	R13-2	5YR	05/29/2019	2019-12/135
<u>access to records</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	43665	R722-900	AMD	06/24/2019	2019-10/95
<u>accounting</u>					
Education, Administration	43515	R277-483	NEW	04/08/2019	2019-5/36
<u>accounts receivable</u>					
Administrative Services, Debt Collection	43801	R21-1	AMD	08/07/2019	2019-13/6
	43802	R21-2	AMD	08/07/2019	2019-13/8
	43803	R21-3	AMD	08/07/2019	2019-13/12
<u>achievement tests</u>					
Education, Administration	43732	R277-604	AMD	07/31/2019	2019-12/50
<u>activities</u>					
Education, Administration	43506	R277-494-4	NSC	02/20/2019	Not Printed
<u>adjudicative process</u>					
Administrative Services, Debt Collection	43802	R21-2	AMD	08/07/2019	2019-13/8
<u>administrative law judges</u>					
Human Resource Management, Administration	43470	R477-101	5YR	01/07/2019	2019-3/44
<u>administrative offset</u>					
Administrative Services, Debt Collection	43803	R21-3	AMD	08/07/2019	2019-13/12
<u>administrative procedures</u>					
Education, Administration	43609	R277-102	REP	05/23/2019	2019-8/4
Environmental Quality, Drinking Water	43378	R309-100-9	AMD	01/15/2019	2018-23/57
Heritage and Arts, History	43714	R455-14	5YR	05/14/2019	2019-11/43
	43715	R455-15	5YR	05/14/2019	2019-11/43
Human Resource Management, Administration	43678	R477-12	AMD	07/01/2019	2019-10/60
	43680	R477-15	AMD	07/01/2019	2019-10/67
Labor Commission, Adjudication	43574	R602-2-1	AMD	05/08/2019	2019-7/30
Natural Resources, Forestry, Fire and State Lands	43480	R652-70	AMD	03/25/2019	2019-3/28
School and Institutional Trust Lands, Administration	43616	R850-21	R&R	06/01/2019	2019-8/55
	43903	R850-21	NSC	08/01/2019	Not Printed
	43792	R850-70	AMD	08/07/2019	2019-13/103
<u>administrative proceedings</u>					
Public Safety, Driver License	43606	R708-22	5YR	03/28/2019	2019-8/106
<u>administrative rules</u>					
Human Resource Management, Administration	43679	R477-13	AMD	07/01/2019	2019-10/62
<u>adopt-a-highway</u>					
Transportation, Operations, Maintenance	43489	R918-4	AMD	03/26/2019	2019-4/36
<u>adoption</u>					
Human Services, Child and Family Services	43518	R512-43	AMD	04/08/2019	2019-5/85

RULES INDEX

<u>adult expansion</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	43708	R414-312	EMR	05/07/2019	2019-11/28	
	43798	R414-312	NEW	08/29/2019	2019-13/87	
<u>advertising</u>						
Commerce, Consumer Protection	43845	R152-39	REP	08/22/2019	2019-14/15	
<u>aeronautics</u>						
Transportation, Operations, Aeronautics	43722	R914-4	NEW	07/23/2019	2019-12/106	
<u>air pollution</u>						
Environmental Quality, Air Quality	43372	R307-101-2	AMD	02/07/2019	2018-23/49	
	43212	R307-110-10	AMD	03/05/2019	2018-19/31	
	43212	R307-110-10	CPR	03/05/2019	2019-3/40	
	42976	R307-110-17	AMD	01/03/2019	2018-13/35	
	42976	R307-110-17	CPR	01/03/2019	2018-21/134	
	43587	R307-110-28	AMD	08/15/2019	2019-7/4	
	43587	R307-110-28	CPR	08/15/2019	2019-14/73	
	43806	R307-110-31	AMD	09/05/2019	2019-13/54	
	43807	R307-110-36	AMD	09/05/2019	2019-13/55	
	43588	R307-150-3	AMD	06/25/2019	2019-7/5	
	43589	R307-401-10	AMD	06/06/2019	2019-7/6	
	44038	R307-501	5YR	09/05/2019	Not Printed	
	44039	R307-502	5YR	09/05/2019	Not Printed	
	44040	R307-503	5YR	09/05/2019	Not Printed	
	44041	R307-504	5YR	09/05/2019	Not Printed	
<u>air quality</u>						
Environmental Quality, Air Quality	44037	R307-125	5YR	09/05/2019	Not Printed	
	43808	R307-204	AMD	09/05/2019	2019-13/56	
	43211	R307-511	NEW	03/05/2019	2018-19/32	
	43211	R307-511	CPR	03/05/2019	2019-3/41	
<u>air travel</u>						
Administrative Services, Finance	43656	R25-7	AMD	07/01/2019	2019-9/4	
<u>aircraft</u>						
Tax Commission, Motor Vehicle	43840	R873-22M-17	AMD	08/22/2019	2019-14/53	
<u>alcohol</u>						
Education, Administration	43448	R277-910	NEW	02/07/2019	2019-1/24	
Human Services, Substance Abuse and Mental Health	43576	R523-13-4	AMD	06/27/2019	2019-7/29	
Public Safety, Highway Patrol	44022	R714-500	5YR	08/29/2019	2019-18/97	
<u>alimony</u>						
Human Services, Recovery Services	43727	R527-450	5YR	05/20/2019	2019-12/139	
<u>allocation</u>						
Governor, Economic Development	43755	R357-8	REP	07/26/2019	2019-12/63	
Workforce Services, Housing and Community Development	43746	R990-200	NEW	07/30/2019	2019-12/128	
<u>alternate multiple stage bid process</u>						
Administrative Services, Purchasing and General Services	43879	R33-25	5YR	07/08/2019	2019-15/45	
<u>alternative fuel vehicles</u>						
Transportation, Program Development	43847	R926-17	NEW	08/26/2019	2019-14/55	
Transportation Commission, Administration	43846	R940-8	NEW	08/26/2019	2019-14/61	
<u>alternative language services</u>						
Education, Administration	43731	R277-716	AMD	07/31/2019	2019-12/56	
<u>alternative licensing</u>						
Education, Administration	43733	R277-503	AMD	07/31/2019	2019-12/45	

<u>annuity disclosure</u>					
Insurance, Administration	44002	R590-229	5YR	08/20/2019	2019-18/97
<u>annuity insurance filings</u>					
Insurance, Administration	43581	R590-227	5YR	03/14/2019	2019-7/64
<u>APCD</u>					
Health, Center for Health Data, Health Care Statistics	43544	R428-1	AMD	05/01/2019	2019-6/12
<u>appeals</u>					
Administrative Services, Purchasing and General Services	43871	R33-18	5YR	07/08/2019	2019-15/41
	43872	R33-19	5YR	07/08/2019	2019-15/42
Education, Administration	43399	R277-481	REP	01/09/2019	2018-23/12
	43401	R277-553	NEW	01/09/2019	2018-23/31
<u>application requirements</u>					
Commerce, Consumer Protection	43612	R152-34a	5YR	04/01/2019	2019-8/101
<u>applications</u>					
Public Service Commission, Administration	43965	R746-700	5YR	08/07/2019	2019-17/227
<u>appraisals</u>					
Tax Commission, Property Tax	43437	R884-24P-19	AMD	03/28/2019	2019-1/51
	43640	R884-24P-19	NSC	04/24/2019	Not Printed
	43885	R884-24P-24	AMD	09/12/2019	2019-15/28
	43371	R884-24P-27	AMD	01/10/2019	2018-23/119
	43698	R884-24P-62	NSC	05/17/2019	Not Printed
	43970	R884-24P-66	NSC	08/19/2019	Not Printed
	43438	R884-24P-74	AMD	03/28/2019	2019-1/54
<u>appropriate behavior</u>					
Education, Administration	43787	R277-322	NEW	08/19/2019	2019-13/25
<u>approval orders</u>					
Environmental Quality, Air Quality	43589	R307-401-10	AMD	06/06/2019	2019-7/6
<u>archaeological</u>					
Regents (Board of), University of Utah, Museum of Natural History (Utah)	43535	R807-1	5YR	02/22/2019	2019-6/47
<u>architects</u>					
Administrative Services, Purchasing and General Services	43868	R33-15	5YR	07/08/2019	2019-15/40
<u>armored car company</u>					
Commerce, Occupational and Professional Licensing	43319	R156-63b	AMD	05/13/2019	2018-22/96
	43319	R156-63b	CPR	05/13/2019	2019-7/53
	43578	R156-63b	NSC	05/14/2019	Not Printed
<u>armored car security officers</u>					
Commerce, Occupational and Professional Licensing	43319	R156-63b	AMD	05/13/2019	2018-22/96
	43319	R156-63b	CPR	05/13/2019	2019-7/53
	43578	R156-63b	NSC	05/14/2019	Not Printed
<u>assessment</u>					
Governor, Energy Development (Office of)	43419	R362-5	NEW	01/23/2019	2018-24/15
<u>assessments</u>					
Education, Administration	43450	R277-404	AMD	02/22/2019	2019-2/6
<u>assistance</u>					
Human Services, Recovery Services	43699	R527-332	5YR	05/03/2019	2019-11/44
Natural Resources, Parks and Recreation	43416	R651-301	AMD	01/24/2019	2018-24/20

RULES INDEX

<u>assistive devices and technology</u>						
Public Service Commission, Administration	43550	R746-8-301	AMD	04/30/2019	2019-6/27	
<u>attorney exemption application process</u>						
Insurance, Title and Escrow Commission	43783	R592-8	5YR	06/10/2019	2019-13/121	
<u>audits</u>						
School and Institutional Trust Lands, Administration	43613	R850-5-300	AMD	06/01/2019	2019-8/54	
<u>autism spectrum</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	43538	R398-10	5YR	02/25/2019	2019-6/43	
<u>awards</u>						
Education, Administration	43509	R277-528	5YR	02/08/2019	2019-5/96	
	43701	R277-528	AMD	08/19/2019	2019-11/6	
<u>background</u>						
Human Services, Administration	43719	R495-885	EMR	05/14/2019	2019-11/30	
	43690	R495-885	AMD	07/18/2019	2019-10/69	
<u>background screening</u>						
Human Services, Administration, Administrative Services, Licensing	43718	R501-14	EMR	05/14/2019	2019-11/33	
	43691	R501-14	AMD	07/18/2019	2019-10/73	
<u>bail bond</u>						
Insurance, Administration	43694	R590-186	AMD	06/21/2019	2019-10/79	
<u>ballots</u>						
Lieutenant Governor, Elections	43494	R623-2	5YR	01/28/2019	2019-4/44	
<u>basic training</u>						
Public Safety, Peace Officer Standards and Training	43534	R728-502	5YR	02/21/2019	2019-6/45	
<u>beam limitation</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	43253	R313-28-31	AMD	01/14/2019	2018-21/52	
	43530	R313-28-31	AMD	04/15/2019	2019-5/50	
<u>bear</u>						
Natural Resources, Wildlife Resources	43492	R657-33	AMD	03/25/2019	2019-4/27	
<u>bed allocations</u>						
Human Services, Substance Abuse and Mental Health	43505	R523-2-9	AMD	04/17/2019	2019-5/92	
<u>beekeeping</u>						
Agriculture and Food, Plant Industry	43908	R68-1	NSC	08/01/2019	Not Printed	
<u>behavior</u>						
Human Services, Services for People with Disabilities	43893	R539-4	5YR	07/15/2019	2019-15/49	
<u>bid security</u>						
Administrative Services, Purchasing and General Services	43863	R33-11	5YR	07/08/2019	2019-15/38	
<u>big game</u>						
Natural Resources, Wildlife Resources	43723	R657-44	AMD	07/22/2019	2019-12/100	
<u>big game seasons</u>						
Natural Resources, Wildlife Resources	43431	R657-5	AMD	02/07/2019	2019-1/37	
	43741	R657-5	AMD	07/22/2019	2019-12/79	
<u>birds</u>						
Natural Resources, Wildlife Resources	43430	R657-9	AMD	02/07/2019	2019-1/41	
	43726	R657-46	5YR	05/20/2019	2019-12/141	

<u>birth control</u> Health, Family Health and Preparedness, Maternal and Child Health	43402	R433-200	NEW	03/06/2019	2018-24/18
<u>birth defect reporting</u> Health, Family Health and Preparedness, Children with Special Health Care Needs	43472	R398-5	AMD	03/11/2019	2019-3/18
	43886	R398-5	5YR	07/12/2019	2019-15/47
<u>birth defects</u> Health, Family Health and Preparedness, Children with Special Health Care Needs	43472	R398-5	AMD	03/11/2019	2019-3/18
	43886	R398-5	5YR	07/12/2019	2019-15/47
<u>Board of Education</u> Education, Administration	43479	R277-100	AMD	03/13/2019	2019-3/2
<u>boating</u> Natural Resources, Parks and Recreation	43497	R651-206	AMD	03/25/2019	2019-4/7
	43464	R651-214	AMD	02/21/2019	2019-2/12
<u>boilers</u> Labor Commission, Boiler, Elevator and Coal Mine Safety	43572	R616-2-3	AMD	05/08/2019	2019-7/35
	43710	R616-2-3	EMR	05/09/2019	2019-11/39
	43711	R616-2-3	AMD	07/08/2019	2019-11/21
	43573	R616-2-8	AMD	05/08/2019	2019-7/36
<u>bonding requirements</u> Human Services, Recovery Services	43682	R527-394	5YR	04/29/2019	2019-10/116
<u>brachytherapy</u> Environmental Quality, Waste Management and Radiation Control, Radiation	43812	R313-32	AMD	08/09/2019	2019-13/74
<u>breaks</u> Human Resource Management, Administration	43675	R477-8	AMD	07/01/2019	2019-10/49
<u>breast and cervical cancer screening</u> Health, Disease Control and Prevention, Health Promotion	43539	R384-200	5YR	02/25/2019	2019-6/42
<u>breath testing</u> Public Safety, Highway Patrol	44022	R714-500	5YR	08/29/2019	2019-18/97
<u>broad scope</u> Environmental Quality, Waste Management and Radiation Control, Radiation	43809	R313-22-75	AMD	08/09/2019	2019-13/65
<u>brokered certificates of deposit</u> Money Management Council, Administration	43815	R628-22	NEW	08/07/2019	2019-13/93
<u>building board</u> Administrative Services, Facilities Construction and Management	43568	R23-33	5YR	03/06/2019	2019-7/60
<u>building codes</u> Commerce, Occupational and Professional Licensing	43522	R156-15A	AMD	04/08/2019	2019-5/8
<u>building inspections</u> Commerce, Occupational and Professional Licensing	43522	R156-15A	AMD	04/08/2019	2019-5/8
<u>buildings</u> Administrative Services, Facilities Construction and Management	43525	R23-29	NSC	03/01/2019	Not Printed
	43567	R23-29	5YR	03/06/2019	2019-7/60

RULES INDEX

<u>camp</u>					
Regents (Board of), University of Utah, Administration	43541	R805-3	5YR	02/25/2019	2019-6/46
	43566	R805-3	AMD	05/22/2019	2019-7/38
<u>campfire</u>					
Regents (Board of), University of Utah, Administration	43541	R805-3	5YR	02/25/2019	2019-6/46
	43566	R805-3	AMD	05/22/2019	2019-7/38
<u>camping</u>					
Regents (Board of), University of Utah, Administration	43541	R805-3	5YR	02/25/2019	2019-6/46
	43566	R805-3	AMD	05/22/2019	2019-7/38
<u>cancellations</u>					
Administrative Services, Purchasing and General Services	43862	R33-9	5YR	07/08/2019	2019-15/37
<u>cancer</u>					
Health, Disease Control and Prevention, Health Promotion	43540	R384-100	5YR	02/25/2019	2019-6/41
<u>cannabidiol</u>					
Agriculture and Food, Plant Industry	43571	R68-25	NSC	03/21/2019	Not Printed
<u>cannabis cultivation facility</u>					
Agriculture and Food, Plant Industry	43686	R68-27	EMR	05/03/2019	2019-10/107
	43684	R68-27	NEW	08/29/2019	2019-10/4
	43684	R68-27	CPR	08/29/2019	2019-14/68
<u>cannabis laboratory</u>					
Agriculture and Food, Plant Industry	43842	R68-29	NEW	08/29/2019	2019-14/4
	43843	R68-30	NEW	08/29/2019	2019-14/7
<u>cannabis processing</u>					
Agriculture and Food, Plant Industry	43758	R68-28	NEW	07/22/2019	2019-12/16
<u>cannabis production establishment</u>					
Agriculture and Food, Plant Industry	43758	R68-28	NEW	07/22/2019	2019-12/16
<u>cannabis testing</u>					
Agriculture and Food, Plant Industry	43842	R68-29	NEW	08/29/2019	2019-14/4
	43843	R68-30	NEW	08/29/2019	2019-14/7
<u>capital improvements</u>					
Administrative Services, Facilities Construction and Management	43568	R23-33	5YR	03/06/2019	2019-7/60
<u>capital investments</u>					
Governor, Economic Development	43488	R357-7	EXT	01/24/2019	2019-4/47
	43734	R357-7	5YR	05/22/2019	2019-12/136
<u>captive insurance</u>					
Insurance, Administration	43693	R590-238-4	AMD	06/21/2019	2019-10/84
<u>carbon monoxide detectors</u>					
Education, Administration	43507	R277-400	5YR	02/08/2019	2019-5/95
	43512	R277-400	AMD	04/08/2019	2019-5/21
<u>career and technical education</u>					
UTech Board of Trustees, Administration	43617	R945-1	AMD	07/16/2019	2019-8/96
<u>case manager certification</u>					
Human Services, Substance Abuse and Mental Health	43850	R523-7	AMD	08/21/2019	2019-14/41

<u>case managers</u>						
Human Services, Substance Abuse and Mental Health	43850	R523-7	AMD	08/21/2019	2019-14/41	
<u>CCHD screening</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	43472	R398-5	AMD	03/11/2019	2019-3/18	
	43886	R398-5	5YR	07/12/2019	2019-15/47	
<u>certificate of registration</u>						
Natural Resources, Wildlife Resources	43817	R657-45	AMD	08/22/2019	2019-14/48	
<u>certificate of state authorization</u>						
Commerce, Consumer Protection	43612	R152-34a	5YR	04/01/2019	2019-8/101	
<u>certification</u>						
Education, Administration	43655	R277-926	NEW	07/02/2019	2019-9/40	
Labor Commission, Boiler, Elevator and Coal Mine Safety	43572	R616-2-3	AMD	05/08/2019	2019-7/35	
	43710	R616-2-3	EMR	05/09/2019	2019-11/39	
	43711	R616-2-3	AMD	07/08/2019	2019-11/21	
	43573	R616-2-8	AMD	05/08/2019	2019-7/36	
<u>certification of programs</u>						
Human Services, Substance Abuse and Mental Health	43141	R523-5	AMD	01/29/2019	2018-17/60	
	43141	R523-5	CPR	01/29/2019	2018-24/38	
<u>certifications</u>						
Agriculture and Food, Conservation Commission	43685	R64-3	5YR	04/30/2019	2019-10/115	
Public Safety, Peace Officer Standards and Training	43666	R728-409	AMD	06/24/2019	2019-10/100	
Transportation, Motor Carrier	43443	R909-19	AMD	02/07/2019	2019-1/56	
<u>certified medical language interpreter</u>						
Commerce, Occupational and Professional Licensing	43465	R156-80a	5YR	01/02/2019	2019-2/19	
<u>certified music therapist</u>						
Commerce, Occupational and Professional Licensing	44053	R156-84	5YR	09/09/2019	Not Printed	
<u>change orders</u>						
Administrative Services, Purchasing and General Services	43865	R33-12	5YR	07/08/2019	2019-15/38	
<u>character education</u>						
Education, Administration	44057	R277-475	5YR	09/11/2019	Not Printed	
<u>charities</u>						
Tax Commission, Auditing	43884	R865-19S-93	AMD	09/12/2019	2019-15/26	
<u>charter schools</u>						
Education, Administration	43374	R277-470	REP	01/09/2019	2018-23/9	
	43637	R277-472	5YR	04/08/2019	2019-9/81	
	43712	R277-480	5YR	05/13/2019	2019-11/41	
	43647	R277-480	AMD	07/02/2019	2019-9/31	
	43399	R277-481	REP	01/09/2019	2018-23/12	
	43400	R277-550	NEW	01/09/2019	2018-23/21	
	43393	R277-551	NEW	01/09/2019	2018-23/24	
	43478	R277-551	AMD	03/13/2019	2019-3/10	
	43401	R277-553	NEW	01/09/2019	2018-23/31	
	43395	R277-554	NEW	01/09/2019	2018-23/34	
	43396	R277-555	NEW	01/09/2019	2018-23/38	
<u>chief procurement officer</u>						
Administrative Services, Purchasing and General Services	43855	R33-3	5YR	07/08/2019	2019-15/34	

RULES INDEX

<u>child care</u>						
Workforce Services, Employment Development	43556	R986-700	AMD	06/01/2019	2019-6/30	
<u>child care facilities</u>						
Health, Family Health and Preparedness, Child Care Licensing	43661	R430-8	5YR	04/17/2019	2019-10/116	
<u>child care providers</u>						
Health, Disease Control and Prevention, Environmental Services	43660	R392-110	R&R	07/16/2019	2019-10/12	
<u>child placing</u>						
Human Services, Administration, Administrative Services, Licensing	43356	R501-7	AMD	02/12/2019	2018-23/105	
<u>child support</u>						
Human Services, Recovery Services	43700	R527-10	5YR	05/03/2019	2019-11/44	
	43593	R527-38	AMD	07/18/2019	2019-8/46	
	44019	R527-40	5YR	08/28/2019	2019-18/91	
	43699	R527-332	5YR	05/03/2019	2019-11/44	
	43682	R527-394	5YR	04/29/2019	2019-10/116	
	43727	R527-450	5YR	05/20/2019	2019-12/139	
<u>child welfare</u>						
Administrative Services, Child Welfare Parental Defense (Office of)	43705	R19-1	REP	07/08/2019	2019-11/4	
Human Services, Child and Family Services	43518	R512-43	AMD	04/08/2019	2019-5/85	
	43358	R512-305	AMD	01/09/2019	2018-23/115	
	43981	R512-310	5YR	08/12/2019	2019-17/225	
<u>chronic wasting disease</u>						
Agriculture and Food, Animal Industry	43754	R58-18	AMD	07/22/2019	2019-12/6	
	43909	R58-18	NSC	08/01/2019	Not Printed	
<u>civic education</u>						
Education, Administration	44057	R277-475	5YR	09/11/2019	Not Printed	
<u>class size average reporting</u>						
Education, Administration	43636	R277-463	5YR	04/08/2019	2019-9/80	
	43652	R277-463	AMD	07/02/2019	2019-9/29	
<u>clinical health information exchange</u>						
Health, Administration	43487	R380-70	5YR	01/24/2019	2019-4/43	
<u>clinical mental health counselor</u>						
Commerce, Occupational and Professional Licensing	44044	R156-60c	5YR	09/05/2019	Not Printed	
<u>co-curricular</u>						
Education, Administration	43506	R277-494-4	NSC	02/20/2019	Not Printed	
<u>coal mines</u>						
Natural Resources, Oil, Gas and Mining; Coal	43913	R645-105	5YR	07/23/2019	2019-16/103	
	43916	R645-400	5YR	07/23/2019	2019-16/104	
<u>coal mining</u>						
Natural Resources, Oil, Gas and Mining; Coal	43914	R645-106	5YR	07/23/2019	2019-16/104	
<u>codes of conduct</u>						
Education, Administration	43787	R277-322	NEW	08/19/2019	2019-13/25	
	43790	R277-517	REP	08/19/2019	2019-13/36	
<u>cold case database</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	43435	R722-920	NEW	02/20/2019	2019-1/49	

<u>cold cases</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	43435	R722-920	NEW	02/20/2019	2019-1/49	
<u>collection transfer</u>						
Administrative Services, Debt Collection	43801	R21-1	AMD	08/07/2019	2019-13/6	
<u>colleges</u>						
Public Safety, Administration	43523	R698-4	5YR	02/14/2019	2019-5/101	
<u>colorectal cancer screening</u>						
Health, Disease Control and Prevention, Health Promotion	43539	R384-200	5YR	02/25/2019	2019-6/42	
<u>commercial</u>						
Governor, Energy Development (Office of)	43419	R362-5	NEW	01/23/2019	2018-24/15	
<u>community crisis training grant</u>						
Human Services, Substance Abuse and Mental Health	43355	R523-19	NEW	01/29/2019	2018-23/118	
<u>competency-based instruction</u>						
Education, Administration	43622	R277-720	NEW	05/23/2019	2019-8/30	
<u>compliance determinations</u>						
Environmental Quality, Drinking Water	43382	R309-210-8	AMD	01/15/2019	2018-23/80	
	43383	R309-211	AMD	01/15/2019	2018-23/85	
	43384	R309-215-10	AMD	01/15/2019	2018-23/91	
	43385	R309-215-16	AMD	01/15/2019	2018-23/93	
<u>compulsory education</u>						
Education, Administration	43959	R277-607	5YR	08/06/2019	2019-17/224	
<u>conduct</u>						
Administrative Services, Purchasing and General Services	43869	R33-16	5YR	07/08/2019	2019-15/40	
<u>conduct committee</u>						
Human Resource Management, Administration	43470	R477-101	5YR	01/07/2019	2019-3/44	
<u>confidentiality</u>						
Education, Administration	43511	R277-117	REP	04/08/2019	2019-5/19	
	43476	R277-487	AMD	03/13/2019	2019-3/4	
	44055	R277-487	5YR	09/09/2019	Not Printed	
<u>confidentiality of information</u>						
Workforce Services, Unemployment Insurance	43821	R994-312	5YR	06/17/2019	2019-14/82	
<u>conflict of interest</u>						
Human Resource Management, Administration	43676	R477-9	AMD	07/01/2019	2019-10/54	
<u>conservation permits</u>						
Natural Resources, Wildlife Resources	43736	R657-41	AMD	07/22/2019	2019-12/91	
<u>construction management</u>						
Administrative Services, Purchasing and General Services	43866	R33-13	5YR	07/08/2019	2019-15/39	
<u>consumer confidence report</u>						
Environmental Quality, Drinking Water	43387	R309-225-4	AMD	01/15/2019	2018-23/101	
<u>consumer protection</u>						
Commerce, Consumer Protection	43612	R152-34a	5YR	04/01/2019	2019-8/101	
	43845	R152-39	REP	08/22/2019	2019-14/15	

RULES INDEX

contraception

Health, Family Health and Preparedness, Maternal and Child Health 43402 R433-200 NEW 03/06/2019 2018-24/18

contract requirements

Administrative Services, Facilities Construction and Management 43642 R23-23 5YR 04/11/2019 2019-9/79

contractors

Administrative Services, Facilities Construction and Management 43642 R23-23 5YR 04/11/2019 2019-9/79
 Capitol Preservation Board (State), Administration 43662 R131-13 5YR 04/17/2019 2019-10/115
 43517 R131-13 AMD 06/13/2019 2019-5/6
 Commerce, Occupational and Professional Licensing 43522 R156-15A AMD 04/08/2019 2019-5/8
 44051 R156-38a 5YR 09/09/2019 Not Printed
 43747 R156-55a AMD 07/22/2019 2019-12/23

contracts

Administrative Services, Facilities Construction and Management 43642 R23-23 5YR 04/11/2019 2019-9/79
 Administrative Services, Purchasing and General Services 43865 R33-12 5YR 07/08/2019 2019-15/38
 43867 R33-14 5YR 07/08/2019 2019-15/39
 Capitol Preservation Board (State), Administration 43662 R131-13 5YR 04/17/2019 2019-10/115
 43517 R131-13 AMD 06/13/2019 2019-5/6
 Education, Administration 43619 R277-115 NEW 05/23/2019 2019-8/10
 Public Service Commission, Administration 43966 R746-401 5YR 08/07/2019 2019-17/227

controlled substances

Health, Disease Control and Prevention, Health Promotion 43537 R384-203 5YR 02/25/2019 2019-6/42

controlled substances database

Health, Disease Control and Prevention, Health Promotion 43562 R384-203 AMD 07/23/2019 2019-7/25

controversies

Administrative Services, Purchasing and General Services 43869 R33-16 5YR 07/08/2019 2019-15/40

conveyance

Natural Resources, Water Rights 43922 R655-3 5YR 07/27/2019 2019-16/105

cooperative purchasing

Administrative Services, Purchasing and General Services 43875 R33-21 5YR 07/08/2019 2019-15/43

cooperative wildlife management unit

Natural Resources, Wildlife Resources 43724 R657-37 AMD 07/22/2019 2019-12/82

corrections

Corrections, Administration 43218 R251-105 AMD 02/11/2019 2018-20/12

corrective action

Education, Administration 43396 R277-555 NEW 01/09/2019 2018-23/38

corrective action orders

Transportation, Operations, Aeronautics 43722 R914-4 NEW 07/23/2019 2019-12/106

costs

Administrative Services, Purchasing and General Services 43865 R33-12 5YR 07/08/2019 2019-15/38

counselors

Commerce, Occupational and Professional Licensing 44044 R156-60c 5YR 09/05/2019 Not Printed
 Education, Administration 43739 R277-462 5YR 05/23/2019 2019-12/135
 43728 R277-462 R&R 07/31/2019 2019-12/39

<u>counting</u>						
Lieutenant Governor, Elections	43275	R623-5	NEW	03/01/2019	2018-21/96	
<u>coverage</u>						
Workforce Services, Unemployment Insurance	43819	R994-310	5YR	06/17/2019	2019-14/81	
<u>coverage groups</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	43706	R414-303	EMR	05/07/2019	2019-11/25	
	43796	R414-303	AMD	08/29/2019	2019-13/83	
<u>credit insurance filings</u>						
Insurance, Administration	43582	R590-228	5YR	03/14/2019	2019-7/64	
<u>criminal justice agencies</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	43665	R722-900	AMD	06/24/2019	2019-10/95	
<u>crisis response services</u>						
Human Services, Substance Abuse and Mental Health	43555	R523-17	AMD	04/22/2019	2019-6/14	
<u>crisis training grant</u>						
Human Services, Substance Abuse and Mental Health	43355	R523-19	NEW	01/29/2019	2018-23/118	
<u>crisis worker certification</u>						
Human Services, Substance Abuse and Mental Health	43555	R523-17	AMD	04/22/2019	2019-6/14	
<u>critical congenital heart disease (CCHD)</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	43472	R398-5	AMD	03/11/2019	2019-3/18	
	43886	R398-5	5YR	07/12/2019	2019-15/47	
<u>curation</u>						
Regents (Board of), University of Utah, Museum of Natural History (Utah)	43535	R807-1	5YR	02/22/2019	2019-6/47	
<u>curricula</u>						
Education, Administration	44057	R277-475	5YR	09/11/2019	Not Printed	
<u>dairy inspections</u>						
Agriculture and Food, Regulatory Services	43775	R70-310	5YR	06/07/2019	2019-13/114	
	43777	R70-310	AMD	08/13/2019	2019-13/16	
<u>database</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	43435	R722-920	NEW	02/20/2019	2019-1/49	
<u>debarment</u>						
Administrative Services, Purchasing and General Services	43862	R33-9	5YR	07/08/2019	2019-15/37	
<u>decommissioning</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	43809	R313-22-75	AMD	08/09/2019	2019-13/65	
<u>definitions</u>						
Administrative Services, Purchasing and General Services	43859	R33-1	5YR	07/08/2019	2019-15/33	
Education, Administration	43479	R277-100	AMD	03/13/2019	2019-3/2	
Environmental Quality, Air Quality	43372	R307-101-2	AMD	02/07/2019	2018-23/49	
Environmental Quality, Drinking Water	43380	R309-110-4	AMD	01/15/2019	2018-23/60	
Human Resource Management, Administration	43670	R477-1	AMD	07/01/2019	2019-10/25	

RULES INDEX

<u>delegation</u>						
Administrative Services, Facilities Construction and Management	43525	R23-29	NSC	03/01/2019	Not Printed	
	43567	R23-29	5YR	03/06/2019	2019-7/60	
<u>delegation of authority</u>						
Administrative Services, Purchasing and General Services	43855	R33-3	5YR	07/08/2019	2019-15/34	
<u>dental</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	43253	R313-28-31	AMD	01/14/2019	2018-21/52	
	43530	R313-28-31	AMD	04/15/2019	2019-5/50	
<u>Department of Human Services</u>						
Human Services, Administration	43690	R495-885	AMD	07/18/2019	2019-10/69	
<u>depreddation</u>						
Natural Resources, Wildlife Resources	43723	R657-44	AMD	07/22/2019	2019-12/100	
<u>design</u>						
Administrative Services, Facilities Construction and Management	43524	R23-3	NSC	03/01/2019	Not Printed	
	43569	R23-3	5YR	03/06/2019	2019-7/59	
<u>design and engineering services</u>						
Transportation, Administration	43490	R907-66	R&R	03/26/2019	2019-4/31	
<u>design-build transportation projects</u>						
Administrative Services, Purchasing and General Services	43867	R33-14	5YR	07/08/2019	2019-15/39	
<u>designated examiners</u>						
Human Services, Substance Abuse and Mental Health	43850	R523-7	AMD	08/21/2019	2019-14/41	
<u>developmental disabilities</u>						
Tax Commission, Administration	43838	R861-1A-9	AMD	08/22/2019	2019-14/50	
	43883	R861-1A-46	AMD	09/12/2019	2019-15/23	
<u>digital teaching and learning</u>						
Education, Administration	43398	R277-922	AMD	01/09/2019	2018-23/45	
	43713	R277-922	NSC	05/24/2019	Not Printed	
<u>disabilities</u>						
Human Services, Services for People with Disabilities	43894	R539-5	5YR	07/15/2019	2019-15/50	
<u>disabled persons</u>						
Natural Resources, Wildlife Resources	43816	R657-12	AMD	08/22/2019	2019-14/46	
<u>disasters</u>						
Education, Administration	43507	R277-400	5YR	02/08/2019	2019-5/95	
	43512	R277-400	AMD	04/08/2019	2019-5/21	
<u>discipline of employees</u>						
Human Resource Management, Administration	43677	R477-11	AMD	07/01/2019	2019-10/58	
	43669	R477-14	AMD	07/01/2019	2019-10/64	
<u>disclosure requirements</u>						
Tax Commission, Administration	43838	R861-1A-9	AMD	08/22/2019	2019-14/50	
	43883	R861-1A-46	AMD	09/12/2019	2019-15/23	
<u>discretion clauses</u>						
Insurance, Administration	43653	R590-218	REP	06/07/2019	2019-9/67	
<u>discretionary funds</u>						
Education, Administration	43618	R277-119	REP	05/23/2019	2019-8/12	

<u>disinfection monitoring</u>					
Environmental Quality, Drinking Water	43384	R309-215-10	AMD	01/15/2019	2018-23/91
	43385	R309-215-16	AMD	01/15/2019	2018-23/93
<u>dismissal of employees</u>					
Human Resource Management, Administration	43677	R477-11	AMD	07/01/2019	2019-10/58
<u>disposal of fireworks</u>					
Public Safety, Fire Marshal	43354	R710-15	NEW	01/14/2019	2018-22/155
<u>dissemination of information</u>					
Education, Administration	43703	R277-714	REP	07/31/2019	2019-11/13
<u>distribution system monitoring</u>					
Environmental Quality, Drinking Water	43382	R309-210-8	AMD	01/15/2019	2018-23/80
	43383	R309-211	AMD	01/15/2019	2018-23/85
<u>dogs</u>					
Natural Resources, Wildlife Resources	43726	R657-46	5YR	05/20/2019	2019-12/141
<u>drinking water</u>					
Environmental Quality, Drinking Water	43378	R309-100-9	AMD	01/15/2019	2018-23/57
	43379	R309-105-4	AMD	01/15/2019	2018-23/58
	43380	R309-110-4	AMD	01/15/2019	2018-23/60
	43381	R309-200	AMD	01/15/2019	2018-23/73
	43382	R309-210-8	AMD	01/15/2019	2018-23/80
	43383	R309-211	AMD	01/15/2019	2018-23/85
	43384	R309-215-10	AMD	01/15/2019	2018-23/91
	43385	R309-215-16	AMD	01/15/2019	2018-23/93
	43386	R309-220-4	AMD	01/15/2019	2018-23/99
	43387	R309-225-4	AMD	01/15/2019	2018-23/101
<u>drip irrigation</u>					
Environmental Quality, Water Quality	43633	R317-401	5YR	04/08/2019	2019-9/82
<u>driver license restrictions</u>					
Public Safety, Driver License	43590	R708-10	5YR	03/15/2019	2019-7/65
<u>drug abuse</u>					
Human Resource Management, Administration	43669	R477-14	AMD	07/01/2019	2019-10/64
<u>drug and alcohol testing</u>					
Administrative Services, Purchasing and General Services	43866	R33-13	5YR	07/08/2019	2019-15/39
<u>drug/alcohol education</u>					
Human Resource Management, Administration	43669	R477-14	AMD	07/01/2019	2019-10/64
<u>dual employment</u>					
Human Resource Management, Administration	43675	R477-8	AMD	07/01/2019	2019-10/49
<u>duplicate license</u>					
Public Safety, Driver License	44035	R708-45	5YR	09/04/2019	Not Printed
<u>e-mail</u>					
Commerce, Consumer Protection	43845	R152-39	REP	08/22/2019	2019-14/15
<u>early graduation</u>					
Education, Administration	43622	R277-720	NEW	05/23/2019	2019-8/30
<u>economic development</u>					
Governor, Economic Development	43488	R357-7	EXT	01/24/2019	2019-4/47
	43734	R357-7	5YR	05/22/2019	2019-12/136
	43720	R357-24	NEW	07/08/2019	2019-11/15

RULES INDEX

<u>economics</u>						
Education, Administration	43519	R277-704	AMD	04/08/2019	2019-5/46	
<u>education</u>						
Education, Administration	43532	R277-407	AMD	04/08/2019	2019-5/25	
	43374	R277-470	REP	01/09/2019	2018-23/9	
	43400	R277-550	NEW	01/09/2019	2018-23/21	
	43393	R277-551	NEW	01/09/2019	2018-23/24	
	43478	R277-551	AMD	03/13/2019	2019-3/10	
	43702	R277-709	AMD	08/19/2019	2019-11/9	
<u>education finance</u>						
Education, Administration	43475	R277-419	NSC	01/15/2019	Not Printed	
<u>educational facilities</u>						
Education, Administration	43957	R277-471	5YR	08/06/2019	2019-17/223	
<u>educator licensing</u>						
Education, Administration	43654	R277-301	AMD	07/02/2019	2019-9/15	
	43664	R277-502	NSC	05/14/2019	Not Printed	
	43600	R277-502-4	NSC	04/01/2019	Not Printed	
<u>educator licensure</u>						
Education, Administration	43648	R277-511	AMD	07/02/2019	2019-9/34	
<u>educator preparation program</u>						
Education, Administration	43657	R277-303	AMD	07/02/2019	2019-9/20	
<u>educators</u>						
Education, Administration	43624	R277-304	NEW	05/23/2019	2019-8/13	
	43509	R277-528	5YR	02/08/2019	2019-5/96	
	43701	R277-528	AMD	08/19/2019	2019-11/6	
<u>efficiency</u>						
Education, Administration	43441	R277-122	AMD	02/07/2019	2019-1/17	
<u>elections</u>						
Lieutenant Governor, Elections	43494	R623-2	5YR	01/28/2019	2019-4/44	
	43495	R623-3	5YR	01/28/2019	2019-4/45	
<u>electric and gas utility customer information</u>						
Public Service Commission, Administration	43811	R746-460	NEW	08/07/2019	2019-13/95	
<u>electric safety codes</u>						
Public Service Commission, Administration	43603	R746-310	AMD	05/22/2019	2019-8/49	
<u>electric utility industries</u>						
Public Service Commission, Administration	43603	R746-310	AMD	05/22/2019	2019-8/49	
<u>electronic data interchange</u>						
Health, Administration	43774	R380-25	5YR	06/07/2019	2019-13/116	
<u>electronic devices</u>						
Education, Administration	43531	R277-495	AMD	04/08/2019	2019-5/42	
<u>electronic meetings</u>						
Administrative Services, Child Welfare Parental Defense (Office of)	43705	R19-1	REP	07/08/2019	2019-11/4	
Administrative Services, Finance	43471	R25-11	5YR	01/07/2019	2019-3/43	
<u>electronic preliminary lien filing</u>						
Commerce, Occupational and Professional Licensing	44052	R156-38b	5YR	09/09/2019	Not Printed	
<u>elevator mechanics</u>						
Commerce, Occupational and Professional Licensing	43542	R156-55e	AMD	04/22/2019	2019-6/4	

<u>eligibility</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	43707	R414-311-6	EMR	05/07/2019	2019-11/27	
	43797	R414-311-6	AMD	08/29/2019	2019-13/86	
	43708	R414-312	EMR	05/07/2019	2019-11/28	
	43798	R414-312	NEW	08/29/2019	2019-13/87	
<u>eligible regional service centers</u>						
Education, Administration	43960	R277-706	5YR	08/06/2019	2019-17/225	
<u>elk</u>						
Agriculture and Food, Animal Industry	43754	R58-18	AMD	07/22/2019	2019-12/6	
	43909	R58-18	NSC	08/01/2019	Not Printed	
	43469	R58-20	5YR	01/07/2019	2019-3/43	
	43752	R58-20	AMD	07/22/2019	2019-12/13	
	43910	R58-20	NSC	08/01/2019	Not Printed	
<u>emergency medical services</u>						
Health, Family Health and Preparedness, Emergency Medical Services	43177	R426-1	AMD	01/11/2019	2018-18/15	
	43178	R426-2	AMD	01/11/2019	2018-18/19	
	43881	R426-2	AMD	09/11/2019	2019-15/2	
	43260	R426-2-400	NSC	01/11/2019	Not Printed	
	43882	R426-4	AMD	09/11/2019	2019-15/6	
	43608	R426-8	AMD	07/01/2019	2019-8/39	
	43321	R426-9	AMD	01/18/2019	2018-22/114	
<u>emergency preparedness</u>						
Education, Administration	43507	R277-400	5YR	02/08/2019	2019-5/95	
	43512	R277-400	AMD	04/08/2019	2019-5/21	
<u>emergency procurements</u>						
Administrative Services, Purchasing and General Services	43861	R33-8	5YR	07/08/2019	2019-15/36	
<u>employee benefit plans</u>						
Human Resource Management, Administration	43673	R477-6	AMD	07/01/2019	2019-10/36	
<u>employee conduct</u>						
Education, Administration	43787	R277-322	NEW	08/19/2019	2019-13/25	
<u>employees</u>						
Human Services, Administration	43719	R495-885	EMR	05/14/2019	2019-11/30	
	43690	R495-885	AMD	07/18/2019	2019-10/69	
<u>employees' rights</u>						
Human Resource Management, Administration	43678	R477-12	AMD	07/01/2019	2019-10/60	
<u>employment</u>						
Corrections, Administration	43218	R251-105	AMD	02/11/2019	2018-20/12	
Human Resource Management, Administration	43671	R477-4	AMD	07/01/2019	2019-10/30	
	43672	R477-5	AMD	07/01/2019	2019-10/34	
<u>employment support procedures</u>						
Workforce Services, Employment Development	43481	R986-100-117	AMD	06/01/2019	2019-3/33	
<u>energy</u>						
Governor, Energy Development (Office of)	43419	R362-5	NEW	01/23/2019	2018-24/15	
<u>engineers</u>						
Administrative Services, Purchasing and General Services	43868	R33-15	5YR	07/08/2019	2019-15/40	
<u>enhancement programs</u>						
Education, Administration	43651	R277-707	AMD	07/02/2019	2019-9/37	
	43813	R277-707	AMD	08/19/2019	2019-13/47	

RULES INDEX

<u>enrichments</u>					
Education, Administration	43638	R277-493	5YR	04/08/2019	2019-9/81
	43683	R277-493	AMD	07/02/2019	2019-10/9
<u>enrollment</u>					
Education, Administration	43658	R277-417	AMD	07/02/2019	2019-9/26
<u>enrollment options</u>					
Education, Administration	43397	R277-437	AMD	01/09/2019	2018-23/6
<u>enrollment reporting</u>					
Education, Administration	43636	R277-463	5YR	04/08/2019	2019-9/80
	43652	R277-463	AMD	07/02/2019	2019-9/29
<u>enterprise zones</u>					
Governor, Economic Development	43814	R357-15	AMD	08/12/2019	2019-13/80
	43946	R357-15-2	NSC	08/13/2019	Not Printed
Tax Commission, Auditing	43839	R865-9I-2	AMD	08/22/2019	2019-14/52
<u>environment</u>					
Agriculture and Food, Conservation Commission	43685	R64-3	5YR	04/30/2019	2019-10/115
<u>environmental health scientist</u>					
Commerce, Occupational and Professional Licensing	43466	R156-20a	NSC	01/11/2019	Not Printed
<u>environmental health scientist-in-training</u>					
Commerce, Occupational and Professional Licensing	43466	R156-20a	NSC	01/11/2019	Not Printed
<u>environmental protection</u>					
Environmental Quality, Drinking Water	43378	R309-100-9	AMD	01/15/2019	2018-23/57
<u>ESSA</u>					
Education, Administration	43515	R277-483	NEW	04/08/2019	2019-5/36
<u>evaluation cycles</u>					
Judicial Performance Evaluation Commission, Administration	43500	R597-3	5YR	02/05/2019	2019-5/100
<u>exceptions to procurement requirements</u>					
Administrative Services, Purchasing and General Services	43861	R33-8	5YR	07/08/2019	2019-15/36
<u>executive branch employees</u>					
Administrative Services, Purchasing and General Services	43877	R33-24	5YR	07/08/2019	2019-15/44
<u>executive branch insurance procurement</u>					
Administrative Services, Purchasing and General Services	43879	R33-25	5YR	07/08/2019	2019-15/45
<u>exemptions</u>					
Environmental Quality, Waste Management and Radiation Control, Radiation	43810	R313-19-34	AMD	08/09/2019	2019-13/62
<u>exhibitions</u>					
Agriculture and Food, Marketing and Development	43545	R65-8	NSC	03/13/2019	Not Printed
<u>expansion</u>					
Education, Administration	43392	R277-482	REP	01/09/2019	2018-23/15
	43394	R277-552	NEW	01/09/2019	2018-23/26
	43623	R277-552	AMD	05/23/2019	2019-8/19
<u>expenses</u>					
Public Safety, Emergency Management	43668	R704-1	AMD	06/24/2019	2019-10/92
	43827	R704-1	5YR	06/26/2019	2019-14/79

<u>extracurricular</u> Education, Administration	43506	R277-494-4	NSC	02/20/2019	Not Printed
<u>facilities</u> Education, Administration	43579	R277-724	5YR	03/13/2019	2019-7/61
<u>fair employment practices</u> Human Resource Management, Administration	43671	R477-4	AMD	07/01/2019	2019-10/30
<u>family employment program</u> Workforce Services, Employment Development	43482	R986-200-250	AMD	06/01/2019	2019-3/35
<u>family planning</u> Health, Family Health and Preparedness, Maternal and Child Health	43402	R433-200	NEW	03/06/2019	2018-24/18
<u>federal election reform</u> Lieutenant Governor, Elections	43495	R623-3	5YR	01/28/2019	2019-4/45
<u>filing deadlines</u> Workforce Services, Unemployment Insurance	43557 43365	R994-403 R994-403-109b	AMD AMD	05/01/2019 03/31/2019	2019-6/38 2018-23/122
<u>filings</u> Public Service Commission, Administration	43965	R746-700	5YR	08/07/2019	2019-17/227
<u>finance</u> Administrative Services, Finance	43404	R25-10	AMD	01/23/2019	2018-24/6
<u>financial</u> Education, Administration	43519	R277-704	AMD	04/08/2019	2019-5/46
<u>financial aid</u> Regents (Board of), Administration	43853	R765-620	NEW	09/10/2019	2019-15/12
<u>financial information</u> Human Services, Recovery Services	43700	R527-10	5YR	05/03/2019	2019-11/44
<u>financial reimbursement</u> Public Safety, Emergency Management	43668 43827	R704-1 R704-1	AMD 5YR	06/24/2019 06/26/2019	2019-10/92 2019-14/79
<u>financing</u> Governor, Energy Development (Office of)	43419	R362-5	NEW	01/23/2019	2018-24/15
<u>fingerprinting</u> Human Services, Administration, Administrative Services, Licensing	43718 43691	R501-14 R501-14	EMR AMD	05/14/2019 07/18/2019	2019-11/33 2019-10/73
<u>fire</u> Regents (Board of), University of Utah, Administration	43541 43566	R805-3 R805-3	5YR AMD	02/25/2019 05/22/2019	2019-6/46 2019-7/38
<u>fiscal</u> Natural Resources, Parks and Recreation	43416	R651-301	AMD	01/24/2019	2018-24/20
<u>fish</u> Natural Resources, Wildlife Resources	43420	R657-13	AMD	01/24/2019	2018-24/27
<u>fishing</u> Natural Resources, Wildlife Resources	43816 43420	R657-12 R657-13	AMD AMD	08/22/2019 01/24/2019	2019-14/46 2018-24/27
<u>flares</u> Environmental Quality, Air Quality	44040	R307-503	5YR	09/05/2019	Not Printed

RULES INDEX

<u>food programs</u>					
Education, Administration	43579	R277-724	5YR	03/13/2019	2019-7/61
<u>food service</u>					
Health, Disease Control and Prevention, Environmental Services	43660	R392-110	R&R	07/16/2019	2019-10/12
<u>food services</u>					
Health, Disease Control and Prevention, Environmental Services	43995	R392-104	5YR	08/20/2019	2019-18/91
<u>foreign deposits</u>					
Money Management Council, Administration	43504	R628-20	EXT	02/05/2019	2019-5/103
	43646	R628-20	5YR	04/12/2019	2019-9/88
<u>forest products</u>					
School and Institutional Trust Lands, Administration	43792	R850-70	AMD	08/07/2019	2019-13/103
<u>former foster care youth</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	43706	R414-303	EMR	05/07/2019	2019-11/25
	43796	R414-303	AMD	08/29/2019	2019-13/83
<u>formula</u>					
Human Services, Juvenile Justice Services	43804	R547-15	EMR	06/13/2019	2019-13/109
<u>foster care</u>					
Human Services, Child and Family Services	43518	R512-43	AMD	04/08/2019	2019-5/85
	43981	R512-310	5YR	08/12/2019	2019-17/225
<u>freedom of religion</u>					
Education, Administration	43610	R277-105	REP	05/23/2019	2019-8/6
<u>funding formula</u>					
Human Services, Substance Abuse and Mental Health	43505	R523-2-9	AMD	04/17/2019	2019-5/92
<u>furbearers</u>					
Natural Resources, Wildlife Resources	43414	R657-11	AMD	01/24/2019	2018-24/25
<u>game birds</u>					
Natural Resources, Wildlife Resources	43491	R657-22	AMD	03/25/2019	2019-4/22
<u>game laws</u>					
Natural Resources, Wildlife Resources	43431	R657-5	AMD	02/07/2019	2019-1/37
	43741	R657-5	AMD	07/22/2019	2019-12/79
	43414	R657-11	AMD	01/24/2019	2018-24/25
	43492	R657-33	AMD	03/25/2019	2019-4/27
	43951	R657-54	5YR	08/05/2019	2019-17/226
	43498	R657-67	5YR	02/04/2019	2019-5/101
	43952	R657-68	5YR	08/05/2019	2019-17/226
<u>gas</u>					
Environmental Quality, Air Quality	44038	R307-501	5YR	09/05/2019	Not Printed
	44039	R307-502	5YR	09/05/2019	Not Printed
	44040	R307-503	5YR	09/05/2019	Not Printed
	44041	R307-504	5YR	09/05/2019	Not Printed
<u>general construction provisions</u>					
Administrative Services, Purchasing and General Services	43866	R33-13	5YR	07/08/2019	2019-15/39
<u>general procurement provisions</u>					
Administrative Services, Purchasing and General Services	43859	R33-1	5YR	07/08/2019	2019-15/33
	43856	R33-4	5YR	07/08/2019	2019-15/34

	43878	R33-26	5YR	07/08/2019	2019-15/45
<u>general provisions</u>					
Administrative Services, Purchasing and General Services	43872	R33-19	5YR	07/08/2019	2019-15/42
	43873	R33-20	5YR	07/08/2019	2019-15/42
<u>generators</u>					
Environmental Quality, Waste Management and Radiation Control, Waste Management	43528	R315-262	AMD	04/15/2019	2019-5/83
<u>geothermal natural bathing places</u>					
Health, Disease Control and Prevention, Environmental Services	43502	R392-303	5YR	02/05/2019	2019-5/96
<u>geothermal pools</u>					
Health, Disease Control and Prevention, Environmental Services	43502	R392-303	5YR	02/05/2019	2019-5/96
<u>geothermal spas</u>					
Health, Disease Control and Prevention, Environmental Services	43502	R392-303	5YR	02/05/2019	2019-5/96
<u>goals</u>					
Education, Administration	43649	R277-406	AMD	07/02/2019	2019-9/23
<u>government corporations</u>					
Workforce Services, Unemployment Insurance	43820	R994-311	5YR	06/17/2019	2019-14/81
<u>government documents</u>					
Administrative Services, Records Committee	43760	R35-1	5YR	06/03/2019	2019-13/111
	43761	R35-1a	5YR	06/03/2019	2019-13/111
	43762	R35-2	5YR	06/03/2019	2019-13/112
	43763	R35-4	5YR	06/03/2019	2019-13/112
	43766	R35-4-1	NSC	06/12/2019	Not Printed
	43764	R35-5	5YR	06/03/2019	2019-13/113
	43765	R35-6	5YR	06/03/2019	2019-13/113
<u>government ethics</u>					
Human Resource Management, Administration	43676	R477-9	AMD	07/01/2019	2019-10/54
<u>government hearings</u>					
Human Resource Management, Administration	43677	R477-11	AMD	07/01/2019	2019-10/58
<u>government purchasing</u>					
Administrative Services, Purchasing and General Services	43859	R33-1	5YR	07/08/2019	2019-15/33
	43854	R33-2	5YR	07/08/2019	2019-15/33
	43855	R33-3	5YR	07/08/2019	2019-15/34
	43856	R33-4	5YR	07/08/2019	2019-15/34
	43857	R33-5	5YR	07/08/2019	2019-15/35
	43858	R33-6	5YR	07/08/2019	2019-15/35
	43860	R33-7	5YR	07/08/2019	2019-15/36
	43861	R33-8	5YR	07/08/2019	2019-15/36
	43862	R33-9	5YR	07/08/2019	2019-15/37
	43868	R33-15	5YR	07/08/2019	2019-15/40
	43869	R33-16	5YR	07/08/2019	2019-15/40
	43874	R33-22	5YR	07/08/2019	2019-15/43
	43876	R33-23	5YR	07/08/2019	2019-15/44
	43879	R33-25	5YR	07/08/2019	2019-15/45
	43878	R33-26	5YR	07/08/2019	2019-15/45
<u>Governmental Immunity Act caps</u>					
Administrative Services, Risk Management	43235	R37-4	AMD	01/18/2019	2018-21/2
<u>graduation requirements</u>					
Education, Administration	43621	R277-700	AMD	05/23/2019	2019-8/23

RULES INDEX

<u>GRAMA</u>						
Corrections, Administration	43596	R251-111	5YR	03/19/2019	2019-8/102	
Regents (Board of), Salt Lake Community College	43594	R784-1	5YR	03/17/2019	2019-8/107	
<u>GRAMA appeals</u>						
Administrative Services, Administration	43744	R13-2	5YR	05/29/2019	2019-12/135	
<u>GRAMA requests</u>						
Administrative Services, Administration	43744	R13-2	5YR	05/29/2019	2019-12/135	
<u>grant programs</u>						
Education, Administration	43398	R277-922	AMD	01/09/2019	2018-23/45	
	43713	R277-922	NSC	05/24/2019	Not Printed	
Workforce Services, Employment Development	43556	R986-700	AMD	06/01/2019	2019-6/30	
<u>grants</u>						
Education, Administration	43511	R277-117	REP	04/08/2019	2019-5/19	
Environmental Quality, Air Quality	44037	R307-125	5YR	09/05/2019	Not Printed	
Environmental Quality, Waste Management and Radiation Control, Waste Management	43529	R315-15-14	AMD	04/15/2019	2019-5/54	
	43768	R315-15-16	NSC	06/12/2019	Not Printed	
Health, Family Health and Preparedness, Primary Care and Rural Health	43709	R434-40	5YR	05/08/2019	2019-11/41	
<u>graywater</u>						
Environmental Quality, Water Quality	43633	R317-401	5YR	04/08/2019	2019-9/82	
<u>great seal</u>						
Lieutenant Governor, Administration	43595	R622-2	5YR	03/19/2019	2019-8/105	
<u>greenhouse gases</u>						
Environmental Quality, Air Quality	43589	R307-401-10	AMD	06/06/2019	2019-7/6	
<u>grievance procedures</u>						
Tax Commission, Administration	43838	R861-1A-9	AMD	08/22/2019	2019-14/50	
	43883	R861-1A-46	AMD	09/12/2019	2019-15/23	
<u>grievances</u>						
Human Resource Management, Administration	43677	R477-11	AMD	07/01/2019	2019-10/58	
	43678	R477-12	AMD	07/01/2019	2019-10/60	
<u>Hatch Act</u>						
Human Resource Management, Administration	43676	R477-9	AMD	07/01/2019	2019-10/54	
<u>hazardous materials</u>						
Public Safety, Administration	43418	R698-5	AMD	02/20/2019	2018-24/29	
	43828	R698-5	5YR	06/26/2019	2019-14/79	
Public Safety, Fire Marshal	43455	R710-12	NEW	04/09/2019	2019-2/14	
<u>hazardous waste</u>						
Environmental Quality, Waste Management and Radiation Control, Waste Management	43526	R315-260	AMD	04/15/2019	2019-5/56	
	43527	R315-261	AMD	04/15/2019	2019-5/67	
	43528	R315-262	AMD	04/15/2019	2019-5/83	
	44007	R315-268-50	NSC	08/30/2019	Not Printed	
	44008	R315-270-13	NSC	08/30/2019	Not Printed	
	43252	R315-273	AMD	01/14/2019	2018-21/55	
<u>health</u>						
Health, Administration	43774	R380-25	5YR	06/07/2019	2019-13/116	
Health, Center for Health Data, Health Care Statistics	43544	R428-1	AMD	05/01/2019	2019-6/12	
<u>health care facilities</u>						
Health, Family Health and Preparedness, Licensing	43553	R432-7	5YR	02/27/2019	2019-6/43	
	43559	R432-8	5YR	02/28/2019	2019-6/44	
	43560	R432-9	5YR	02/28/2019	2019-6/44	

	43563	R432-10	5YR	03/04/2019	2019-7/62
	43564	R432-11	5YR	03/04/2019	2019-7/62
	43565	R432-12	5YR	03/04/2019	2019-7/63
	43598	R432-13	5YR	03/21/2019	2019-8/103
	43599	R432-14	5YR	03/21/2019	2019-8/103
	43597	R432-30	5YR	03/21/2019	2019-8/104
	43614	R432-32	5YR	04/01/2019	2019-8/104
	43630	R432-45	5YR	04/05/2019	2019-9/83
	43533	R432-270	5YR	02/20/2019	2019-6/45
	43773	R432-270-8	AMD	08/20/2019	2019-13/89
<u>health effects</u>					
Environmental Quality, Drinking Water	43386	R309-220-4	AMD	01/15/2019	2018-23/99
<u>health insurance</u>					
Administrative Services, Facilities Construction and Management	43642	R23-23	5YR	04/11/2019	2019-9/79
Capitol Preservation Board (State), Administration	43662	R131-13	5YR	04/17/2019	2019-10/115
	43517	R131-13	AMD	06/13/2019	2019-5/6
Human Services, Recovery Services	43700	R527-10	5YR	05/03/2019	2019-11/44
Insurance, Administration	43428	R590-126-2	AMD	05/01/2019	2019-1/30
	44000	R590-167	5YR	08/20/2019	2019-18/95
	43427	R590-277	NEW	08/20/2019	2019-1/33
	43427	R590-277	CPR	08/20/2019	2019-9/73
<u>health insurance filings</u>					
Insurance, Administration	43520	R590-220	5YR	02/13/2019	2019-5/98
<u>health planning</u>					
Health, Center for Health Data, Health Care Statistics	43544	R428-1	AMD	05/01/2019	2019-6/12
<u>health policy</u>					
Health, Center for Health Data, Health Care Statistics	43544	R428-1	AMD	05/01/2019	2019-6/12
<u>hearing procedures</u>					
Workforce Services, Employment Development	43481	R986-100-117	AMD	06/01/2019	2019-3/33
<u>hearings</u>					
Administrative Services, Purchasing and General Services	43870	R33-17	5YR	07/08/2019	2019-15/41
Labor Commission, Adjudication	43574	R602-2-1	AMD	05/08/2019	2019-7/30
<u>Help America Vote Act</u>					
Lieutenant Governor, Elections	43494	R623-2	5YR	01/28/2019	2019-4/44
<u>hemp extraction</u>					
Agriculture and Food, Plant Industry	43571	R68-25	NSC	03/21/2019	Not Printed
<u>hemp oil</u>					
Agriculture and Food, Plant Industry	43571	R68-25	NSC	03/21/2019	Not Printed
<u>hemp products</u>					
Agriculture and Food, Plant Industry	43571	R68-25	NSC	03/21/2019	Not Printed
<u>high occupancy toll lanes</u>					
Transportation Commission, Administration	43841	R940-1	AMD	08/26/2019	2019-14/59
<u>higher education</u>					
Money Management Council, Administration	43504	R628-20	EXT	02/05/2019	2019-5/103
	43646	R628-20	5YR	04/12/2019	2019-9/88
Regents (Board of), Administration	43901	R765-604	5YR	07/17/2019	2019-16/107
	43405	R765-615	NEW	03/14/2019	2018-24/33
	43853	R765-620	NEW	09/10/2019	2019-15/12
<u>highways</u>					
Transportation, Program Development	43584	R926-16	NEW	05/08/2019	2019-7/40

RULES INDEX

<u>hiring practices</u>						
Human Resource Management, Administration	43671	R477-4	AMD	07/01/2019	2019-10/30	
<u>historic preservation</u>						
Tax Commission, Auditing	43839	R865-9I-2	AMD	08/22/2019	2019-14/52	
<u>HMO insurance</u>						
Insurance, Administration	44004	R590-76	5YR	08/20/2019	2019-18/93	
<u>holidays</u>						
Human Resource Management, Administration	43674	R477-7	AMD	07/01/2019	2019-10/41	
<u>home school</u>						
Education, Administration	43732	R277-604	AMD	07/31/2019	2019-12/50	
<u>hormonal contraception</u>						
Health, Family Health and Preparedness, Maternal and Child Health	43402	R433-200	NEW	03/06/2019	2018-24/18	
<u>horse racing</u>						
Agriculture and Food, Horse Racing Commission (Utah)	43753	R52-7	AMD	07/22/2019	2019-12/4	
<u>horses</u>						
Agriculture and Food, Horse Racing Commission (Utah)	43753	R52-7	AMD	07/22/2019	2019-12/4	
<u>hostile work environment</u>						
Human Resource Management, Administration	43680	R477-15	AMD	07/01/2019	2019-10/67	
<u>hot springs</u>						
Health, Disease Control and Prevention, Environmental Services	43502	R392-303	5YR	02/05/2019	2019-5/96	
<u>housing</u>						
Heritage and Arts, History	43716	R455-11	5YR	05/14/2019	2019-11/42	
	43721	R455-11	NSC	05/24/2019	Not Printed	
<u>human services</u>						
Human Services, Administration	43719	R495-885	EMR	05/14/2019	2019-11/30	
Human Services, Administration, Administrative Services, Licensing	43330	R501-1	AMD	01/17/2019	2018-22/119	
	43356	R501-7	AMD	02/12/2019	2018-23/105	
	43234	R501-8	AMD	01/17/2019	2018-21/89	
	43718	R501-14	EMR	05/14/2019	2019-11/33	
	43691	R501-14	AMD	07/18/2019	2019-10/73	
	43237	R501-21	AMD	02/12/2019	2018-21/91	
Human Services, Juvenile Justice Services	43804	R547-15	EMR	06/13/2019	2019-13/109	
<u>hunter education</u>						
Natural Resources, Wildlife Resources	43498	R657-67	5YR	02/04/2019	2019-5/101	
	43952	R657-68	5YR	08/05/2019	2019-17/226	
<u>hunting</u>						
Natural Resources, Wildlife Resources	43432	R657-38	AMD	02/07/2019	2019-1/44	
<u>hunting guides</u>						
Commerce, Occupational and Professional Licensing	43880	R156-79	5YR	07/08/2019	2019-15/46	
<u>hunting parks</u>						
Agriculture and Food, Animal Industry	43469	R58-20	5YR	01/07/2019	2019-3/43	
	43752	R58-20	AMD	07/22/2019	2019-12/13	
	43910	R58-20	NSC	08/01/2019	Not Printed	
<u>hunting permits</u>						
Agriculture and Food, Animal Industry	43752	R58-20	AMD	07/22/2019	2019-12/13	
	43910	R58-20	NSC	08/01/2019	Not Printed	

<u>identify theft</u>					
Technology Services, Administration	43681	R895-13	REP	06/21/2019	2019-10/105
<u>ignition interlock systems</u>					
Public Safety, Driver License	43592	R708-31	5YR	03/15/2019	2019-7/66
<u>immunizations</u>					
Health, Disease Control and Prevention, Immunization	44062	R396-100	EMR	09/13/2019	Not Printed
<u>implementation</u>					
Education, Administration	43395	R277-554	NEW	01/09/2019	2018-23/34
<u>improvement</u>					
Education, Administration	43649	R277-406	AMD	07/02/2019	2019-9/23
<u>in-service training</u>					
Public Safety, Peace Officer Standards and Training	43534	R728-502	5YR	02/21/2019	2019-6/45
<u>incentives</u>					
Education, Administration	43658	R277-417	AMD	07/02/2019	2019-9/26
Governor, Energy Development (Office of)	43223	R362-4	AMD	02/05/2019	2018-20/18
Regents (Board of), Administration	43405	R765-615	NEW	03/14/2019	2018-24/33
<u>incident reporting</u>					
Education, Administration	43439	R277-912	NEW	02/07/2019	2019-1/26
<u>income tax</u>					
Tax Commission, Auditing	43839	R865-91-2	AMD	08/22/2019	2019-14/52
<u>individual open enrollment period</u>					
Insurance, Administration	43474	R590-269	5YR	01/11/2019	2019-3/44
<u>information technology resources</u>					
Technology Services, Administration	43467	R895-7	5YR	01/03/2019	2019-3/45
<u>inspections</u>					
Agriculture and Food, Animal Industry	43754	R58-18	AMD	07/22/2019	2019-12/6
	43909	R58-18	NSC	08/01/2019	Not Printed
	43469	R58-20	5YR	01/07/2019	2019-3/43
	43752	R58-20	AMD	07/22/2019	2019-12/13
	43910	R58-20	NSC	08/01/2019	Not Printed
Agriculture and Food, Regulatory Services	44026	R70-910	5YR	08/30/2019	2019-18/89
	44027	R70-910	NSC	09/12/2019	Not Printed
	44025	R70-960	5YR	08/30/2019	2019-18/90
<u>instructor certification</u>					
Public Safety, Peace Officer Standards and Training	43534	R728-502	5YR	02/21/2019	2019-6/45
<u>insurance</u>					
Human Resource Management, Administration	43673	R477-6	AMD	07/01/2019	2019-10/36
Insurance, Administration	43659	R590-146	AMD	06/07/2019	2019-9/44
	43921	R590-146-15	NSC	07/30/2019	Not Printed
	43486	R590-155	AMD	06/07/2019	2019-4/5
	43486	R590-155	CPR	06/07/2019	2019-9/72
	43626	R590-166	5YR	04/03/2019	2019-9/85
	43514	R590-170	5YR	02/11/2019	2019-5/97
	43737	R590-171	5YR	05/23/2019	2019-12/140
	43694	R590-186	AMD	06/21/2019	2019-10/79
	43429	R590-186-5	AMD	02/07/2019	2019-1/31
	43653	R590-218	REP	06/07/2019	2019-9/67
	44002	R590-229	5YR	08/20/2019	2019-18/97
	43427	R590-277	NEW	08/20/2019	2019-1/33
	43427	R590-277	CPR	08/20/2019	2019-9/73
	43695	R590-278	AMD	06/21/2019	2019-10/88
	43561	R590-280	NEW	04/23/2019	2019-6/25

RULES INDEX

	43696	R590-281	NEW	06/21/2019	2019-10/90
<u>insurance annuity suitability</u> Insurance, Administration	43738	R590-230	5YR	05/23/2019	2019-12/140
<u>insurance companies</u> Insurance, Administration	43998 43999	R590-127 R590-129	5YR 5YR	08/20/2019 08/20/2019	2019-18/94 2019-18/95
<u>insurance company financial reporting</u> Insurance, Administration	43826	R590-254	5YR	06/26/2019	2019-14/78
<u>insurance fees</u> Insurance, Administration	43604 43485	R590-102 R590-102-21	NSC AMD	04/01/2019 03/26/2019	Not Printed 2019-4/4
<u>insurance law</u> Insurance, Administration	44003 43996 43997 43628 43625 43629 43785 44001	R590-67 R590-79 R590-83 R590-98 R590-190 R590-191 R590-192 R590-194	5YR 5YR 5YR 5YR 5YR 5YR 5YR 5YR	08/20/2019 08/20/2019 08/20/2019 04/03/2019 04/03/2019 04/03/2019 06/10/2019 08/20/2019	2019-18/92 2019-18/93 2019-18/94 2019-9/85 2019-9/86 2019-9/86 2019-13/118 2019-18/96
<u>insurance licensing requirements</u> Insurance, Administration	43786	R590-244	5YR	06/10/2019	2019-13/119
<u>intellectual disability</u> Health, Family Health and Preparedness, Children with Special Health Care Needs	43538	R398-10	5YR	02/25/2019	2019-6/43
<u>interns</u> Education, Administration	43373	R277-509	AMD	01/09/2019	2018-23/19
<u>intervention</u> Education, Administration	43824 43793	R277-710 R277-710	5YR AMD	06/21/2019 08/19/2019	2019-14/77 2019-13/51
<u>intoxilyzer</u> Public Safety, Highway Patrol	44022	R714-500	5YR	08/29/2019	2019-18/97
<u>inventories</u> Environmental Quality, Air Quality	43588	R307-150-3	AMD	06/25/2019	2019-7/5
<u>investigations</u> Public Safety, Peace Officer Standards and Training	43666	R728-409	AMD	06/24/2019	2019-10/100
<u>investment advisers</u> Money Management Council, Administration	43503 43645	R628-19 R628-19	EXT 5YR	02/05/2019 04/12/2019	2019-5/103 2019-9/87
<u>investments</u> Money Management Council, Administration	43815	R628-22	NEW	08/07/2019	2019-13/93
<u>involuntary commitment</u> Human Services, Substance Abuse and Mental Health	43850	R523-7	AMD	08/21/2019	2019-14/41
<u>IRIS</u> Technology Services, Administration	43681	R895-13	REP	06/21/2019	2019-10/105
<u>IT bid committee</u> Technology Services, Administration	43697	R895-9	5YR	05/02/2019	2019-11/45

<u>IT standards council</u> Technology Services, Administration	43697	R895-9	5YR	05/02/2019	2019-11/45
<u>judges</u> Judicial Performance Evaluation Commission, Administration	43501	R597-1	5YR	02/05/2019	2019-5/100
	43500	R597-3	5YR	02/05/2019	2019-5/100
<u>judicial performance evaluations</u> Judicial Performance Evaluation Commission, Administration	43501	R597-1	5YR	02/05/2019	2019-5/100
	43500	R597-3	5YR	02/05/2019	2019-5/100
<u>judiciary</u> Judicial Performance Evaluation Commission, Administration	43501	R597-1	5YR	02/05/2019	2019-5/100
<u>justice court classifications</u> Judicial Performance Evaluation Commission, Administration	43601	R597-4	5YR	03/22/2019	2019-8/105
<u>justice court evaluations</u> Judicial Performance Evaluation Commission, Administration	43601	R597-4	5YR	03/22/2019	2019-8/105
<u>justice court multiple election years</u> Judicial Performance Evaluation Commission, Administration	43601	R597-4	5YR	03/22/2019	2019-8/105
<u>justice court multiple jurisdictions</u> Judicial Performance Evaluation Commission, Administration	43601	R597-4	5YR	03/22/2019	2019-8/105
<u>juvenile courts</u> Education, Administration	43702	R277-709	AMD	08/19/2019	2019-11/9
<u>Juvenile Justice Services</u> Human Services, Juvenile Justice Services	43804	R547-15	EMR	06/13/2019	2019-13/109
<u>juvenile offenders</u> Education, Administration	43703	R277-714	REP	07/31/2019	2019-11/13
<u>kindergarten</u> Education, Administration	43638	R277-493	5YR	04/08/2019	2019-9/81
	43683	R277-493	AMD	07/02/2019	2019-10/9
<u>land disposal restrictions</u> Environmental Quality, Waste Management and Radiation Control, Waste Management	44007	R315-268-50	NSC	08/30/2019	Not Printed
<u>law enforcement</u> Education, Administration	43439	R277-912	NEW	02/07/2019	2019-1/26
Public Safety, Highway Patrol	43844	R714-600	5YR	07/01/2019	2019-14/80
<u>law enforcement officer certification</u> Public Safety, Administration	43523	R698-4	5YR	02/14/2019	2019-5/101
<u>learner permit</u> Public Safety, Driver License	43591	R708-26	5YR	03/15/2019	2019-7/66
<u>lease provisions</u> School and Institutional Trust Lands, Administration	43616	R850-21	R&R	06/01/2019	2019-8/55
	43903	R850-21	NSC	08/01/2019	Not Printed
<u>leave benefits</u> Human Resource Management, Administration	43674	R477-7	AMD	07/01/2019	2019-10/41

RULES INDEX

<u>license</u>						
Natural Resources, Wildlife Resources	43817	R657-45	AMD	08/22/2019	2019-14/48	
<u>license plates</u>						
Tax Commission, Motor Vehicle	43840	R873-22M-17	AMD	08/22/2019	2019-14/53	
<u>licenses</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	43810	R313-19-34	AMD	08/09/2019	2019-13/62	
<u>licensing</u>						
Commerce, Occupational and Professional Licensing	43522	R156-15A	AMD	04/08/2019	2019-5/8	
	44045	R156-17b	5YR	09/05/2019	Not Printed	
	43466	R156-20a	NSC	01/11/2019	Not Printed	
	43189	R156-28	AMD	03/25/2019	2018-19/7	
	43189	R156-28	CPR	03/25/2019	2019-4/40	
	43825	R156-31b	AMD	08/22/2019	2019-14/17	
	43899	R156-31b-402	NSC	08/22/2019	Not Printed	
	43822	R156-31c	5YR	06/17/2019	2019-14/77	
	44051	R156-38a	5YR	09/09/2019	Not Printed	
	43779	R156-50	AMD	08/08/2019	2019-13/18	
	43747	R156-55a	AMD	07/22/2019	2019-12/23	
	43542	R156-55e	AMD	04/22/2019	2019-6/4	
	43543	R156-60	5YR	02/26/2019	2019-6/41	
	43799	R156-60a	5YR	06/13/2019	2019-13/114	
	43800	R156-60b	5YR	06/13/2019	2019-13/115	
	44044	R156-60c	5YR	09/05/2019	Not Printed	
	43318	R156-63a	AMD	05/13/2019	2018-22/89	
	43318	R156-63a	CPR	05/13/2019	2019-7/48	
	43577	R156-63a	NSC	05/14/2019	Not Printed	
	43319	R156-63b	AMD	05/13/2019	2018-22/96	
	43319	R156-63b	CPR	05/13/2019	2019-7/53	
	43578	R156-63b	NSC	05/14/2019	Not Printed	
	43890	R156-78	5YR	07/15/2019	2019-15/46	
	43880	R156-79	5YR	07/08/2019	2019-15/46	
	43465	R156-80a	5YR	01/02/2019	2019-2/19	
	44053	R156-84	5YR	09/09/2019	Not Printed	
Human Services, Administration, Administrative Services, Licensing	43330	R501-1	AMD	01/17/2019	2018-22/119	
	43356	R501-7	AMD	02/12/2019	2018-23/105	
	43234	R501-8	AMD	01/17/2019	2018-21/89	
	43718	R501-14	EMR	05/14/2019	2019-11/33	
	43691	R501-14	AMD	07/18/2019	2019-10/73	
	43237	R501-21	AMD	02/12/2019	2018-21/91	
Insurance, Administration	43696	R590-281	NEW	06/21/2019	2019-10/90	
Public Safety, Driver License	43590	R708-10	5YR	03/15/2019	2019-7/65	
	43607	R708-24	5YR	03/28/2019	2019-8/106	
<u>liens</u>						
Commerce, Occupational and Professional Licensing	44051	R156-38a	5YR	09/09/2019	Not Printed	
<u>life insurance annuity replacement</u>						
Insurance, Administration	43627	R590-93	5YR	04/03/2019	2019-9/84	
<u>life insurance filings</u>						
Insurance, Administration	43580	R590-226	5YR	03/14/2019	2019-7/63	
<u>limitation on judgments</u>						
Administrative Services, Risk Management	43235	R37-4	AMD	01/18/2019	2018-21/2	
<u>literacy</u>						
Education, Administration	43519	R277-704	AMD	04/08/2019	2019-5/46	
<u>litter</u>						
Transportation, Operations, Maintenance	43489	R918-4	AMD	03/26/2019	2019-4/36	

<u>livestock</u>						
Agriculture and Food, Marketing and Development	43545	R65-8	NSC	03/13/2019	Not Printed	
<u>loans</u>						
Agriculture and Food, Conservation Commission	43907	R64-1	5YR	07/23/2019	2019-16/103	
Regents (Board of), Administration	43405	R765-615	NEW	03/14/2019	2018-24/33	
<u>lobbyist</u>						
Lieutenant Governor, Elections	43493	R623-1	5YR	01/28/2019	2019-4/44	
<u>lobbyist registration</u>						
Lieutenant Governor, Elections	43493	R623-1	5YR	01/28/2019	2019-4/44	
<u>Local Mental Health Authority</u>						
Human Services, Substance Abuse and Mental Health	43505	R523-2-9	AMD	04/17/2019	2019-5/92	
<u>Local Substance Abuse Authority</u>						
Human Services, Substance Abuse and Mental Health	43505	R523-2-9	AMD	04/17/2019	2019-5/92	
<u>long term acute care</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	43473	R414-515	AMD	03/21/2019	2019-3/21	
<u>lt. governor</u>						
Lieutenant Governor, Administration	43595	R622-2	5YR	03/19/2019	2019-8/105	
<u>LTAC</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	43473	R414-515	AMD	03/21/2019	2019-3/21	
<u>MAGI-based</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	43706	R414-303	EMR	05/07/2019	2019-11/25	
	43796	R414-303	AMD	08/29/2019	2019-13/83	
<u>major plant additions</u>						
Public Service Commission, Administration	43965	R746-700	5YR	08/07/2019	2019-17/227	
<u>mammography</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	43253	R313-28-31	AMD	01/14/2019	2018-21/52	
	43530	R313-28-31	AMD	04/15/2019	2019-5/50	
<u>marijuana</u>						
Agriculture and Food, Plant Industry	43686	R68-27	EMR	05/03/2019	2019-10/107	
	43684	R68-27	NEW	08/29/2019	2019-10/4	
	43684	R68-27	CPR	08/29/2019	2019-14/68	
<u>marketing to utility customers</u>						
Public Service Commission, Administration	43811	R746-460	NEW	08/07/2019	2019-13/95	
<u>marriage and family therapist</u>						
Commerce, Occupational and Professional Licensing	43800	R156-60b	5YR	06/13/2019	2019-13/115	
<u>MCOT standards</u>						
Human Services, Substance Abuse and Mental Health	43554	R523-18	AMD	04/22/2019	2019-6/21	
<u>Medicaid</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	43635	R414-7A	NSC	04/24/2019	Not Printed	
	43740	R414-7A	5YR	05/24/2019	2019-12/137	
	43634	R414-14A	5YR	04/08/2019	2019-9/82	
	43751	R414-31	5YR	05/31/2019	2019-12/137	
	43771	R414-36	5YR	06/05/2019	2019-13/116	

RULES INDEX

	43536	R414-49	AMD	04/22/2019	2019-6/7
	43749	R414-49	5YR	05/31/2019	2019-12/138
	43851	R414-61	5YR	07/02/2019	2019-15/47
	43425	R414-61-2	AMD	02/15/2019	2019-1/28
	43837	R414-71	NEW	08/29/2019	2019-14/33
	43772	R414-140	5YR	06/05/2019	2019-13/117
	43707	R414-311-6	EMR	05/07/2019	2019-11/27
	43797	R414-311-6	AMD	08/29/2019	2019-13/86
	43708	R414-312	EMR	05/07/2019	2019-11/28
	43798	R414-312	NEW	08/29/2019	2019-13/87
	43687	R414-401	AMD	07/01/2019	2019-10/16
	43770	R414-501	5YR	06/05/2019	2019-13/117
	43750	R414-502	5YR	05/31/2019	2019-12/138
	43748	R414-503	5YR	05/31/2019	2019-12/139
	43688	R414-510	AMD	07/15/2019	2019-10/19
	43473	R414-515	AMD	03/21/2019	2019-3/21
	43483	R414-516	AMD	03/21/2019	2019-3/23
	43830	R414-516	AMD	08/29/2019	2019-14/35
	43332	R414-520	NEW	01/04/2019	2018-22/111
	43352	R414-521	NEW	01/04/2019	2018-22/113
	43689	R414-522	NEW	07/01/2019	2019-10/23
<u>medical examiner</u>					
Health, Disease Control and Prevention, Medical Examiner	43631	R448-10	5YR	04/05/2019	2019-9/83
	43632	R448-20	5YR	04/05/2019	2019-9/84
<u>medical language interpreter</u>					
Commerce, Occupational and Professional Licensing	43465	R156-80a	5YR	01/02/2019	2019-2/19
<u>medically underserved</u>					
Health, Family Health and Preparedness, Primary Care and Rural Health	43709	R434-40	5YR	05/08/2019	2019-11/41
<u>mental health</u>					
Commerce, Occupational and Professional Licensing	43543	R156-60	5YR	02/26/2019	2019-6/41
	44044	R156-60c	5YR	09/05/2019	Not Printed
Education, Administration	43729	R277-622	NEW	07/31/2019	2019-12/53
<u>mental health crisis and suicide prevention training grant</u>					
Human Services, Substance Abuse and Mental Health	43355	R523-19	NEW	01/29/2019	2018-23/118
<u>mentoring</u>					
Education, Administration	43791	R277-522	AMD	08/19/2019	2019-13/38
	43395	R277-554	NEW	01/09/2019	2018-23/34
<u>mentors</u>					
Education, Administration	43442	R277-308	NEW	02/07/2019	2019-1/22
<u>migratory birds</u>					
Natural Resources, Wildlife Resources	43430	R657-9	AMD	02/07/2019	2019-1/41
<u>minors</u>					
Commerce, Consumer Protection	43845	R152-39	REP	08/22/2019	2019-14/15
<u>mobile crisis outreach team</u>					
Human Services, Substance Abuse and Mental Health	43554	R523-18	AMD	04/22/2019	2019-6/21
<u>moderate income housing reports</u>					
Workforce Services, Housing and Community Development	43849	R990-300	NEW	08/21/2019	2019-14/63
<u>monitoring</u>					
Education, Administration	43619	R277-115	NEW	05/23/2019	2019-8/10
	43399	R277-481	REP	01/09/2019	2018-23/12

	43401	R277-553	NEW	01/09/2019	2018-23/31
<u>motor carrier</u> Public Safety, Highway Patrol	43844	R714-600	5YR	07/01/2019	2019-14/80
<u>motor vehicles</u> Tax Commission, Motor Vehicle	43840	R873-22M-17	AMD	08/22/2019	2019-14/53
<u>multiple stage bidding</u> Administrative Services, Purchasing and General Services	43858	R33-6	5YR	07/08/2019	2019-15/35
<u>NCLB</u> Education, Administration	43583	R277-524	5YR	03/14/2019	2019-7/61
<u>needles</u> Health, Disease Control and Prevention, Epidemiology	43468	R386-900	AMD	05/15/2019	2019-3/16
<u>new educators</u> Education, Administration	43442	R277-308	NEW	02/07/2019	2019-1/22
<u>nonattainment</u> Environmental Quality, Air Quality	43211 43211	R307-511 R307-511	NEW CPR	03/05/2019 03/05/2019	2018-19/32 2019-3/41
<u>nonprofit organizations</u> Workforce Services, Unemployment Insurance	43818	R994-309	5YR	06/17/2019	2019-14/80
<u>notice of commencement</u> Commerce, Occupational and Professional Licensing	44052	R156-38b	5YR	09/09/2019	Not Printed
<u>notice of completion</u> Commerce, Occupational and Professional Licensing	44052	R156-38b	5YR	09/09/2019	Not Printed
<u>notification requirements</u> Commerce, Real Estate	43407 43643	R162-2f R162-2f	AMD AMD	01/23/2019 06/19/2019	2018-24/8 2019-9/10
<u>nuclear medicine</u> Environmental Quality, Waste Management and Radiation Control, Radiation	43812	R313-32	AMD	08/09/2019	2019-13/74
<u>nurses</u> Commerce, Occupational and Professional Licensing	43825 43899 43822	R156-31b R156-31b-402 R156-31c	AMD NSC 5YR	08/22/2019 08/22/2019 06/17/2019	2019-14/17 Not Printed 2019-14/77
<u>nursing facility</u> Health, Health Care Financing, Coverage and Reimbursement Policy	43687	R414-401	AMD	07/01/2019	2019-10/16
<u>occupational licensing</u> Commerce, Occupational and Professional Licensing	43747	R156-55a	AMD	07/22/2019	2019-12/23
<u>off-highway vehicles</u> Natural Resources, Parks and Recreation	43415 43759 43756	R651-406 R651-411 R651-615	AMD AMD AMD	01/24/2019 07/22/2019 07/22/2019	2018-24/23 2019-12/71 2019-12/73
<u>off-premises</u> Human Services, Substance Abuse and Mental Health	43576	R523-13-4	AMD	06/27/2019	2019-7/29
<u>offset</u> Environmental Quality, Air Quality	43211 43211	R307-511 R307-511	NEW CPR	03/05/2019 03/05/2019	2018-19/32 2019-3/41

RULES INDEX

<u>oil</u>					
Environmental Quality, Air Quality	44038	R307-501	5YR	09/05/2019	Not Printed
	44039	R307-502	5YR	09/05/2019	Not Printed
	44040	R307-503	5YR	09/05/2019	Not Printed
	44041	R307-504	5YR	09/05/2019	Not Printed
<u>oil and gas law</u>					
Natural Resources, Oil, Gas and Mining; Oil and Gas	43912	R649-10	5YR	07/23/2019	2019-16/105
<u>oil gas and hydrocarbons</u>					
School and Institutional Trust Lands, Administration	43616	R850-21	R&R	06/01/2019	2019-8/55
	43903	R850-21	NSC	08/01/2019	Not Printed
<u>on-premise</u>					
Human Services, Substance Abuse and Mental Health	43575	R523-12-4	AMD	06/27/2019	2019-7/27
<u>operation</u>					
School and Institutional Trust Lands, Administration	43616	R850-21	R&R	06/01/2019	2019-8/55
<u>operational requirements</u>					
Commerce, Real Estate	43407	R162-2f	AMD	01/23/2019	2018-24/8
	43643	R162-2f	AMD	06/19/2019	2019-9/10
<u>operations</u>					
School and Institutional Trust Lands, Administration	43903	R850-21	NSC	08/01/2019	Not Printed
<u>operator certification</u>					
Public Safety, Highway Patrol	44022	R714-500	5YR	08/29/2019	2019-18/97
<u>out-of-home care</u>					
Human Services, Child and Family Services	43358	R512-305	AMD	01/09/2019	2018-23/115
<u>outfitters</u>					
Commerce, Occupational and Professional Licensing	43880	R156-79	5YR	07/08/2019	2019-15/46
<u>outpatient treatment programs</u>					
Human Services, Administration, Administrative Services, Licensing	43237	R501-21	AMD	02/12/2019	2018-21/91
<u>overpayments</u>					
Human Services, Recovery Services	43699	R527-332	5YR	05/03/2019	2019-11/44
Workforce Services, Unemployment Insurance	43558	R994-305-801	AMD	07/01/2019	2019-6/35
<u>oversight</u>					
Education, Administration	43399	R277-481	REP	01/09/2019	2018-23/12
	43401	R277-553	NEW	01/09/2019	2018-23/31
<u>overtime</u>					
Human Resource Management, Administration	43675	R477-8	AMD	07/01/2019	2019-10/49
<u>ownership</u>					
Natural Resources, Water Rights	43922	R655-3	5YR	07/27/2019	2019-16/105
<u>ozone</u>					
Environmental Quality, Air Quality	43212	R307-110-10	AMD	03/05/2019	2018-19/31
	43212	R307-110-10	CPR	03/05/2019	2019-3/40
	42976	R307-110-17	AMD	01/03/2019	2018-13/35
	42976	R307-110-17	CPR	01/03/2019	2018-21/134
	43587	R307-110-28	AMD	08/15/2019	2019-7/4
	43587	R307-110-28	CPR	08/15/2019	2019-14/73
	43806	R307-110-31	AMD	09/05/2019	2019-13/54
	43807	R307-110-36	AMD	09/05/2019	2019-13/55

<u>paleontological</u> Regents (Board of), University of Utah, Museum of Natural History (Utah)	43535	R807-1	5YR	02/22/2019	2019-6/47
<u>parades</u> Transportation, Operations, Traffic and Safety	43769	R920-4-9	NSC	06/19/2019	Not Printed
<u>paraprofessional qualifications</u> Education, Administration	43583	R277-524	5YR	03/14/2019	2019-7/61
<u>parental defense</u> Administrative Services, Child Welfare Parental Defense (Office of)	43705	R19-1	REP	07/08/2019	2019-11/4
<u>parental rights</u> Human Services, Administration	43496	R495-882	5YR	02/01/2019	2019-4/43
<u>parks</u> Natural Resources, Parks and Recreation	43756	R651-615	AMD	07/22/2019	2019-12/73
<u>participation</u> Education, Administration	43732	R277-604	AMD	07/31/2019	2019-12/50
<u>patriotic education</u> Education, Administration	44057	R277-475	5YR	09/11/2019	Not Printed
<u>payment bonds</u> Administrative Services, Purchasing and General Services	43863	R33-11	5YR	07/08/2019	2019-15/38
<u>payments</u> School and Institutional Trust Lands, Administration	43613	R850-5-300	AMD	06/01/2019	2019-8/54
<u>peace officer</u> Public Safety, Peace Officer Standards and Training	44036	R728-205	5YR	09/04/2019	Not Printed
<u>peace officers</u> Public Safety, Peace Officer Standards and Training	43534	R728-502	5YR	02/21/2019	2019-6/45
<u>pedagogical assessment</u> Education, Administration	43657	R277-303	AMD	07/02/2019	2019-9/20
<u>peer support specialist</u> Human Services, Substance Abuse and Mental Health	43141	R523-5	AMD	01/29/2019	2018-17/60
<u>peer support specialists</u> Human Services, Substance Abuse and Mental Health	43141	R523-5	CPR	01/29/2019	2018-24/38
<u>people with disabilities</u> Human Services, Services for People with Disabilities	43891 43892 43893	R539-2 R539-3 R539-4	5YR 5YR 5YR	07/15/2019 07/15/2019 07/15/2019	2019-15/48 2019-15/48 2019-15/49
<u>per diem allowances</u> Administrative Services, Finance	43656	R25-7	AMD	07/01/2019	2019-9/4
<u>performance bonds</u> Administrative Services, Purchasing and General Services	43863	R33-11	5YR	07/08/2019	2019-15/38
<u>performance evaluations</u> Judicial Performance Evaluation Commission, Administration	43501	R597-1	5YR	02/05/2019	2019-5/100

RULES INDEX

<u>permit</u>						
Natural Resources, Wildlife Resources	43817	R657-45	AMD	08/22/2019	2019-14/48	
<u>permits</u>						
Environmental Quality, Air Quality	43589	R307-401-10	AMD	06/06/2019	2019-7/6	
Natural Resources, Forestry, Fire and State Lands	43480	R652-70	AMD	03/25/2019	2019-3/28	
Natural Resources, Wildlife Resources	43639	R657-62	5YR	04/09/2019	2019-9/89	
	43725	R657-62	AMD	07/22/2019	2019-12/104	
Transportation, Motor Carrier	43735	R909-2	5YR	05/22/2019	2019-12/141	
Transportation, Operations, Traffic and Safety	43769	R920-4-9	NSC	06/19/2019	Not Printed	
Transportation, Preconstruction	43602	R930-6	AMD	05/22/2019	2019-8/67	
<u>personal property</u>						
Tax Commission, Property Tax	43437	R884-24P-19	AMD	03/28/2019	2019-1/51	
	43640	R884-24P-19	NSC	04/24/2019	Not Printed	
	43885	R884-24P-24	AMD	09/12/2019	2019-15/28	
	43371	R884-24P-27	AMD	01/10/2019	2018-23/119	
	43698	R884-24P-62	NSC	05/17/2019	Not Printed	
	43970	R884-24P-66	NSC	08/19/2019	Not Printed	
	43438	R884-24P-74	AMD	03/28/2019	2019-1/54	
<u>personnel management</u>						
Human Resource Management, Administration	43670	R477-1	AMD	07/01/2019	2019-10/25	
	43672	R477-5	AMD	07/01/2019	2019-10/34	
	43673	R477-6	AMD	07/01/2019	2019-10/36	
	43676	R477-9	AMD	07/01/2019	2019-10/54	
	43679	R477-13	AMD	07/01/2019	2019-10/62	
	43669	R477-14	AMD	07/01/2019	2019-10/64	
<u>pharmacies</u>						
Commerce, Occupational and Professional Licensing	44045	R156-17b	5YR	09/05/2019	Not Printed	
<u>pharmacists</u>						
Commerce, Occupational and Professional Licensing	44045	R156-17b	5YR	09/05/2019	Not Printed	
<u>planning</u>						
Administrative Services, Facilities Construction and Management	43524	R23-3	NSC	03/01/2019	Not Printed	
	43569	R23-3	5YR	03/06/2019	2019-7/59	
<u>PM10</u>						
Environmental Quality, Air Quality	43212	R307-110-10	AMD	03/05/2019	2018-19/31	
	43212	R307-110-10	CPR	03/05/2019	2019-3/40	
	42976	R307-110-17	AMD	01/03/2019	2018-13/35	
	42976	R307-110-17	CPR	01/03/2019	2018-21/134	
	43587	R307-110-28	AMD	08/15/2019	2019-7/4	
	43587	R307-110-28	CPR	08/15/2019	2019-14/73	
	43806	R307-110-31	AMD	09/05/2019	2019-13/54	
	43807	R307-110-36	AMD	09/05/2019	2019-13/55	
<u>PM2.5</u>						
Environmental Quality, Air Quality	43212	R307-110-10	AMD	03/05/2019	2018-19/31	
	43212	R307-110-10	CPR	03/05/2019	2019-3/40	
	42976	R307-110-17	AMD	01/03/2019	2018-13/35	
	42976	R307-110-17	CPR	01/03/2019	2018-21/134	
	43587	R307-110-28	AMD	08/15/2019	2019-7/4	
	43587	R307-110-28	CPR	08/15/2019	2019-14/73	
	43806	R307-110-31	AMD	09/05/2019	2019-13/54	
	43807	R307-110-36	AMD	09/05/2019	2019-13/55	
<u>pneumatic controllers</u>						
Environmental Quality, Air Quality	44039	R307-502	5YR	09/05/2019	Not Printed	
<u>policy</u>						
Education, Administration	43531	R277-495	AMD	04/08/2019	2019-5/42	

<u>postsecondary schools</u>						
Commerce, Consumer Protection	43612	R152-34a	5YR	04/01/2019	2019-8/101	
<u>poverty</u>						
Education, Administration	43824	R277-710	5YR	06/21/2019	2019-14/77	
	43793	R277-710	AMD	08/19/2019	2019-13/51	
<u>preferences for resident contractors</u>						
Administrative Services, Purchasing and General Services	43864	R33-10	5YR	07/08/2019	2019-15/37	
<u>preliminary notice</u>						
Commerce, Occupational and Professional Licensing	44052	R156-38b	5YR	09/09/2019	Not Printed	
<u>prescribed fire</u>						
Environmental Quality, Air Quality	43808	R307-204	AMD	09/05/2019	2019-13/56	
<u>prescription drug database</u>						
Health, Disease Control and Prevention, Health Promotion	43537	R384-203	5YR	02/25/2019	2019-6/42	
	43562	R384-203	AMD	07/23/2019	2019-7/25	
<u>preservation</u>						
Heritage and Arts, History	43716	R455-11	5YR	05/14/2019	2019-11/42	
	43721	R455-11	NSC	05/24/2019	Not Printed	
<u>presumptive eligibility</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	43706	R414-303	EMR	05/07/2019	2019-11/25	
	43796	R414-303	AMD	08/29/2019	2019-13/83	
<u>prioritization</u>						
Administrative Services, Facilities Construction and Management	43568	R23-33	5YR	03/06/2019	2019-7/60	
<u>prisons</u>						
Corrections, Administration	43218	R251-105	AMD	02/11/2019	2018-20/12	
<u>privacy</u>						
Education, Administration	43476	R277-487	AMD	03/13/2019	2019-3/4	
	44055	R277-487	5YR	09/09/2019	Not Printed	
<u>private activity bond</u>						
Governor, Economic Development	43755	R357-8	REP	07/26/2019	2019-12/63	
Workforce Services, Housing and Community Development	43746	R990-200	NEW	07/30/2019	2019-12/128	
<u>private probation provider</u>						
Commerce, Occupational and Professional Licensing	43779	R156-50	AMD	08/08/2019	2019-13/18	
<u>private school</u>						
Education, Administration	43732	R277-604	AMD	07/31/2019	2019-12/50	
<u>private security officers</u>						
Commerce, Occupational and Professional Licensing	43318	R156-63a	AMD	05/13/2019	2018-22/89	
	43318	R156-63a	CPR	05/13/2019	2019-7/48	
	43577	R156-63a	NSC	05/14/2019	Not Printed	
<u>probation</u>						
Commerce, Occupational and Professional Licensing	43779	R156-50	AMD	08/08/2019	2019-13/18	
<u>procurement</u>						
Administrative Services, Facilities Construction and Management	43524	R23-3	NSC	03/01/2019	Not Printed	
	43569	R23-3	5YR	03/06/2019	2019-7/59	
Administrative Services, Purchasing and General Services	43867	R33-14	5YR	07/08/2019	2019-15/39	

RULES INDEX

Education, Administration	43441	R277-122	AMD	02/07/2019	2019-1/17
Transportation, Administration	43490	R907-66	R&R	03/26/2019	2019-4/31
<u>Procurement Appeals Board</u>					
Administrative Services, Purchasing and General Services	43870	R33-17	5YR	07/08/2019	2019-15/41
<u>procurement code</u>					
Administrative Services, Purchasing and General Services	43872	R33-19	5YR	07/08/2019	2019-15/42
	43873	R33-20	5YR	07/08/2019	2019-15/42
	43877	R33-24	5YR	07/08/2019	2019-15/44
<u>procurement methods</u>					
Administrative Services, Purchasing and General Services	43879	R33-25	5YR	07/08/2019	2019-15/45
<u>Procurement Policy Board</u>					
Administrative Services, Purchasing and General Services	43854	R33-2	5YR	07/08/2019	2019-15/33
<u>procurement procedures</u>					
Administrative Services, Purchasing and General Services	43863	R33-11	5YR	07/08/2019	2019-15/38
<u>procurement professionals</u>					
Administrative Services, Purchasing and General Services	43877	R33-24	5YR	07/08/2019	2019-15/44
<u>procurement rules</u>					
Administrative Services, Purchasing and General Services	43878	R33-26	5YR	07/08/2019	2019-15/45
<u>procurement units</u>					
Administrative Services, Purchasing and General Services	43875	R33-21	5YR	07/08/2019	2019-15/43
<u>procurements</u>					
Administrative Services, Purchasing and General Services	43857	R33-5	5YR	07/08/2019	2019-15/35
<u>professional competency</u>					
Education, Administration	43654	R277-301	AMD	07/02/2019	2019-9/15
	43657	R277-303	AMD	07/02/2019	2019-9/20
	43664	R277-502	NSC	05/14/2019	Not Printed
	43600	R277-502-4	NSC	04/01/2019	Not Printed
<u>professional education</u>					
Education, Administration	43958	R277-504	5YR	08/06/2019	2019-17/223
<u>professional staff</u>					
Education, Administration	43508	R277-486	5YR	02/08/2019	2019-5/95
	43516	R277-486	AMD	04/08/2019	2019-5/39
<u>program</u>					
Education, Administration	43794	R277-305	NEW	08/19/2019	2019-13/22
<u>programs</u>					
Education, Administration	43657	R277-303	AMD	07/02/2019	2019-9/20
	43624	R277-304	NEW	05/23/2019	2019-8/13
	43729	R277-622	NEW	07/31/2019	2019-12/53
<u>promotions</u>					
Agriculture and Food, Marketing and Development	43546	R65-1	NSC	03/13/2019	Not Printed
	44024	R65-1	5YR	08/30/2019	2019-18/89
	43547	R65-5	NSC	03/13/2019	Not Printed
	43548	R65-11	NSC	03/13/2019	Not Printed

	43549	R65-12	NSC	03/13/2019	Not Printed
	43641	R65-12	5YR	04/11/2019	2019-9/79
<u>property casualty insurance filing</u>					
Insurance, Administration	43521	R590-225	5YR	02/13/2019	2019-5/98
	43615	R590-225-3	AMD	05/22/2019	2019-8/47
<u>property tax</u>					
Tax Commission, Property Tax	43437	R884-24P-19	AMD	03/28/2019	2019-1/51
	43640	R884-24P-19	NSC	04/24/2019	Not Printed
	43885	R884-24P-24	AMD	09/12/2019	2019-15/28
	43371	R884-24P-27	AMD	01/10/2019	2018-23/119
	43698	R884-24P-62	NSC	05/17/2019	Not Printed
	43970	R884-24P-66	NSC	08/19/2019	Not Printed
	43438	R884-24P-74	AMD	03/28/2019	2019-1/54
<u>protests</u>					
Administrative Services, Purchasing and General Services	43869	R33-16	5YR	07/08/2019	2019-15/40
	43871	R33-18	5YR	07/08/2019	2019-15/41
	43872	R33-19	5YR	07/08/2019	2019-15/42
<u>PSS program</u>					
Human Services, Substance Abuse and Mental Health	43141	R523-5	AMD	01/29/2019	2018-17/60
	43141	R523-5	CPR	01/29/2019	2018-24/38
<u>public assistance</u>					
Workforce Services, Employment Development	43481	R986-100-117	AMD	06/01/2019	2019-3/33
<u>public assistance overpayments</u>					
Human Services, Recovery Services	44019	R527-40	5YR	08/28/2019	2019-18/91
<u>public buildings</u>					
Administrative Services, Facilities Construction and Management	43524	R23-3	NSC	03/01/2019	Not Printed
	43569	R23-3	5YR	03/06/2019	2019-7/59
<u>public education</u>					
Education, Administration	43610	R277-105	REP	05/23/2019	2019-8/6
	43397	R277-437	AMD	01/09/2019	2018-23/6
	43739	R277-462	5YR	05/23/2019	2019-12/135
	43728	R277-462	R&R	07/31/2019	2019-12/39
	43703	R277-714	REP	07/31/2019	2019-11/13
<u>public funds</u>					
Money Management Council, Administration	43503	R628-19	EXT	02/05/2019	2019-5/103
	43645	R628-19	5YR	04/12/2019	2019-9/87
	43504	R628-20	EXT	02/05/2019	2019-5/103
	43646	R628-20	5YR	04/12/2019	2019-9/88
	43644	R628-21	5YR	04/12/2019	2019-9/88
	43815	R628-22	NEW	08/07/2019	2019-13/93
<u>public health</u>					
Health, Disease Control and Prevention, Environmental Services	43995	R392-104	5YR	08/20/2019	2019-18/91
<u>public health emergency</u>					
Health, Disease Control and Prevention, Epidemiology	44006	R386-80	5YR	08/22/2019	2019-18/90
<u>public information</u>					
Administrative Services, Administration	43744	R13-2	5YR	05/29/2019	2019-12/135
<u>public notification</u>					
Environmental Quality, Drinking Water	43386	R309-220-4	AMD	01/15/2019	2018-23/99

RULES INDEX

<u>public schools</u>					
Education, Administration	43636	R277-463	5YR	04/08/2019	2019-9/80
	43652	R277-463	AMD	07/02/2019	2019-9/29
	43824	R277-710	5YR	06/21/2019	2019-14/77
	43793	R277-710	AMD	08/19/2019	2019-13/51
<u>public utilities</u>					
Public Service Commission, Administration	43603	R746-310	AMD	05/22/2019	2019-8/49
	43966	R746-401	5YR	08/07/2019	2019-17/227
	43811	R746-460	NEW	08/07/2019	2019-13/95
<u>public-private partnerships</u>					
Transportation, Program Development	43584	R926-16	NEW	05/08/2019	2019-7/40
<u>pump installers</u>					
Natural Resources, Water Rights	43923	R655-4	5YR	07/27/2019	2019-16/106
<u>pupil accounting</u>					
Education, Administration	43475	R277-419	NSC	01/15/2019	Not Printed
<u>pupil-teacher ratio reporting</u>					
Education, Administration	43636	R277-463	5YR	04/08/2019	2019-9/80
	43652	R277-463	AMD	07/02/2019	2019-9/29
<u>purchase program</u>					
Environmental Quality, Air Quality	44037	R307-125	5YR	09/05/2019	Not Printed
<u>qualified depository</u>					
Money Management Council, Administration	43644	R628-21	5YR	04/12/2019	2019-9/88
<u>qualified entities</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	43665	R722-900	AMD	06/24/2019	2019-10/95
<u>quality assurance</u>					
Agriculture and Food, Plant Industry	43842	R68-29	NEW	08/29/2019	2019-14/4
<u>quality standards</u>					
Environmental Quality, Drinking Water	43381	R309-200	AMD	01/15/2019	2018-23/73
<u>radioactive materials</u>					
Environmental Quality, Waste Management and Radiation Control, Radiation	43809	R313-22-75	AMD	08/09/2019	2019-13/65
	43812	R313-32	AMD	08/09/2019	2019-13/74
<u>radiopharmaceutical</u>					
Environmental Quality, Waste Management and Radiation Control, Radiation	43812	R313-32	AMD	08/09/2019	2019-13/74
<u>rates</u>					
Health, Family Health and Preparedness, Emergency Medical Services	43608	R426-8	AMD	07/01/2019	2019-8/39
<u>reading</u>					
Education, Administration	43649	R277-406	AMD	07/02/2019	2019-9/23
<u>real estate business</u>					
Commerce, Real Estate	43407	R162-2f	AMD	01/23/2019	2018-24/8
	43643	R162-2f	AMD	06/19/2019	2019-9/10
<u>rebates</u>					
Environmental Quality, Air Quality	44037	R307-125	5YR	09/05/2019	Not Printed
<u>reciprocal deposits</u>					
Money Management Council, Administration	43644	R628-21	5YR	04/12/2019	2019-9/88

<u>reciprocal preferences</u>						
Administrative Services, Purchasing and General Services	43864	R33-10	5YR	07/08/2019	2019-15/37	
<u>reciprocity</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	43810	R313-19-34	AMD	08/09/2019	2019-13/62	
<u>reclamation</u>						
Natural Resources, Oil, Gas and Mining; Coal	43913	R645-105	5YR	07/23/2019	2019-16/103	
	43914	R645-106	5YR	07/23/2019	2019-16/104	
	43916	R645-400	5YR	07/23/2019	2019-16/104	
<u>records</u>						
Administrative Services, Purchasing and General Services	43873	R33-20	5YR	07/08/2019	2019-15/42	
Education, Administration	43476	R277-487	AMD	03/13/2019	2019-3/4	
	44055	R277-487	5YR	09/09/2019	Not Printed	
Health, Disease Control and Prevention, Medical Examiner	43632	R448-20	5YR	04/05/2019	2019-9/84	
<u>records access</u>						
Corrections, Administration	43596	R251-111	5YR	03/19/2019	2019-8/102	
<u>records appeal hearings</u>						
Administrative Services, Records Committee	43760	R35-1	5YR	06/03/2019	2019-13/111	
	43761	R35-1a	5YR	06/03/2019	2019-13/111	
	43762	R35-2	5YR	06/03/2019	2019-13/112	
	43763	R35-4	5YR	06/03/2019	2019-13/112	
	43766	R35-4-1	NSC	06/12/2019	Not Printed	
	43764	R35-5	5YR	06/03/2019	2019-13/113	
	43765	R35-6	5YR	06/03/2019	2019-13/113	
<u>recreation</u>						
Natural Resources, Parks and Recreation	43416	R651-301	AMD	01/24/2019	2018-24/20	
Natural Resources, Wildlife Resources	43432	R657-38	AMD	02/07/2019	2019-1/44	
<u>recycling</u>						
Environmental Quality, Waste Management and Radiation Control, Waste Management	43529	R315-15-14	AMD	04/15/2019	2019-5/54	
	43768	R315-15-16	NSC	06/12/2019	Not Printed	
<u>registration</u>						
Environmental Quality, Waste Management and Radiation Control, Waste Management	43529	R315-15-14	AMD	04/15/2019	2019-5/54	
	43768	R315-15-16	NSC	06/12/2019	Not Printed	
Workforce Services, Unemployment Insurance	43557	R994-403	AMD	05/01/2019	2019-6/38	
	43365	R994-403-109b	AMD	03/31/2019	2018-23/122	
<u>regulated contaminants</u>						
Environmental Quality, Drinking Water	43381	R309-200	AMD	01/15/2019	2018-23/73	
<u>rehabilitation</u>						
Heritage and Arts, History	43716	R455-11	5YR	05/14/2019	2019-11/42	
	43721	R455-11	NSC	05/24/2019	Not Printed	
<u>reimbursements</u>						
Education, Administration	43622	R277-720	NEW	05/23/2019	2019-8/30	
<u>reinstatements</u>						
School and Institutional Trust Lands, Administration	43613	R850-5-300	AMD	06/01/2019	2019-8/54	
<u>reinvestment</u>						
Human Services, Juvenile Justice Services	43804	R547-15	EMR	06/13/2019	2019-13/109	

RULES INDEX

rejections

Administrative Services, Purchasing and General Services 43862 R33-9 5YR 07/08/2019 2019-15/37

religious activities

Tax Commission, Auditing 43884 R865-19S-93 AMD 09/12/2019 2019-15/26

relinquishments

Public Safety, Peace Officer Standards and Training 43666 R728-409 AMD 06/24/2019 2019-10/100

renewal license

Public Safety, Driver License 44035 R708-45 5YR 09/04/2019 Not Printed

reporting

Education, Administration 43515 R277-483 NEW 04/08/2019 2019-5/36

43729 R277-622 NEW 07/31/2019 2019-12/53

Health, Family Health and Preparedness, Children with Special Health Care Needs 43538 R398-10 5YR 02/25/2019 2019-6/43

Health, Family Health and Preparedness, Emergency Medical Services 43321 R426-9 AMD 01/18/2019 2018-22/114

reporting death

Health, Disease Control and Prevention, Medical Examiner 43631 R448-10 5YR 04/05/2019 2019-9/83

reporting requirements

Health, Health Care Financing, Coverage and Reimbursement Policy 43352 R414-521 NEW 01/04/2019 2018-22/113

reporting requirements and procedures

Health, Disease Control and Prevention, Health Promotion 43540 R384-100 5YR 02/25/2019 2019-6/41

reports

Environmental Quality, Air Quality 43588 R307-150-3 AMD 06/25/2019 2019-7/5

repository

Technology Services, Administration 43697 R895-9 5YR 05/02/2019 2019-11/45

repurposing of fireworks

Public Safety, Fire Marshal 43354 R710-15 NEW 01/14/2019 2018-22/155

request for information

Administrative Services, Purchasing and General Services 43857 R33-5 5YR 07/08/2019 2019-15/35

request for proposals

Administrative Services, Purchasing and General Services 43860 R33-7 5YR 07/08/2019 2019-15/36

reserved

Administrative Services, Purchasing and General Services 43874 R33-22 5YR 07/08/2019 2019-15/43

43876 R33-23 5YR 07/08/2019 2019-15/44

residential support

Health, Disease Control and Prevention, Environmental Services 43660 R392-110 R&R 07/16/2019 2019-10/12

residential treatment

Health, Disease Control and Prevention, Environmental Services 43660 R392-110 R&R 07/16/2019 2019-10/12

residential treatment centers

Education, Administration 43655 R277-926 NEW 07/02/2019 2019-9/40

<u>resources</u>						
Regents (Board of), University of Utah, Museum of Natural History (Utah)	43535	R807-1	5YR	02/22/2019	2019-6/47	
<u>retirement</u>						
Human Resource Management, Administration	43678	R477-12	AMD	07/01/2019	2019-10/60	
Public Safety, Peace Officer Standards and Training	44036	R728-205	5YR	09/04/2019	Not Printed	
<u>reverse auction</u>						
Administrative Services, Purchasing and General Services	43858	R33-6	5YR	07/08/2019	2019-15/35	
<u>reviews</u>						
Transportation, Operations, Aeronautics	43722	R914-4	NEW	07/23/2019	2019-12/106	
<u>revocations</u>						
Public Safety, Peace Officer Standards and Training	43666	R728-409	AMD	06/24/2019	2019-10/100	
<u>revolving account</u>						
Education, Administration	43712	R277-480	5YR	05/13/2019	2019-11/41	
	43647	R277-480	AMD	07/02/2019	2019-9/31	
<u>RFPs</u>						
Education, Administration	43511	R277-117	REP	04/08/2019	2019-5/19	
<u>right of way</u>						
Transportation, Preconstruction	43742	R930-7	AMD	07/23/2019	2019-12/109	
<u>right-of-way</u>						
Transportation, Preconstruction	43745	R930-8	AMD	07/23/2019	2019-12/124	
<u>rights</u>						
Human Services, Services for People with Disabilities	43892	R539-3	5YR	07/15/2019	2019-15/48	
<u>risk management</u>						
Administrative Services, Risk Management	43235	R37-4	AMD	01/18/2019	2018-21/2	
<u>road races</u>						
Transportation, Operations, Traffic and Safety	43769	R920-4-9	NSC	06/19/2019	Not Printed	
<u>road usage charge (RUC)</u>						
Transportation, Program Development	43847	R926-17	NEW	08/26/2019	2019-14/55	
Transportation Commission, Administration	43846	R940-8	NEW	08/26/2019	2019-14/61	
<u>ropeways</u>						
Transportation, Operations, Traffic and Safety	43444	R920-50	AMD	02/07/2019	2019-1/63	
<u>royalties</u>						
School and Institutional Trust Lands, Administration	43613	R850-5-300	AMD	06/01/2019	2019-8/54	
<u>RUC program</u>						
Transportation, Program Development	43847	R926-17	NEW	08/26/2019	2019-14/55	
<u>RUC rates</u>						
Transportation Commission, Administration	43846	R940-8	NEW	08/26/2019	2019-14/61	
<u>rules</u>						
Education, Administration	43479	R277-100	AMD	03/13/2019	2019-3/2	
<u>rules and procedures</u>						
Education, Administration	43609	R277-102	REP	05/23/2019	2019-8/4	
Health, Disease Control and Prevention, Immunization	44062	R396-100	EMR	09/13/2019	Not Printed	
Human Resource Management, Administration	43670	R477-1	AMD	07/01/2019	2019-10/25	
	43679	R477-13	AMD	07/01/2019	2019-10/62	
Public Service Commission, Administration	43966	R746-401	5YR	08/07/2019	2019-17/227	

RULES INDEX

rules of procedure

Administrative Services, Purchasing and General Services 43854 R33-2 5YR 07/08/2019 2019-15/33

runoff

Lieutenant Governor, Elections 43275 R623-5 NEW 03/01/2019 2018-21/96

safety

Labor Commission, Boiler, Elevator and Coal Mine Safety 43572 R616-2-3 AMD 05/08/2019 2019-7/35
 43710 R616-2-3 EMR 05/09/2019 2019-11/39
 43711 R616-2-3 AMD 07/08/2019 2019-11/21
 43573 R616-2-8 AMD 05/08/2019 2019-7/36
 Transportation, Motor Carrier 43704 R909-3 AMD 07/08/2019 2019-11/22

safety education

Education, Administration 43507 R277-400 5YR 02/08/2019 2019-5/95
 43512 R277-400 AMD 04/08/2019 2019-5/21

safety regulations

Transportation, Motor Carrier 43735 R909-2 5YR 05/22/2019 2019-12/141
 43443 R909-19 AMD 02/07/2019 2019-1/56

sales tax

Tax Commission, Auditing 43884 R865-19S-93 AMD 09/12/2019 2019-15/26

sanitarian

Commerce, Occupational and Professional Licensing 43466 R156-20a NSC 01/11/2019 Not Printed

satellite

Education, Administration 43392 R277-482 REP 01/09/2019 2018-23/15
 43394 R277-552 NEW 01/09/2019 2018-23/26
 43623 R277-552 AMD 05/23/2019 2019-8/19

scholarship

Regents (Board of), Administration 43853 R765-620 NEW 09/10/2019 2019-15/12

scholarships

Health, Family Health and Preparedness, Primary Care and Rural Health 43709 R434-40 5YR 05/08/2019 2019-11/41
 Regents (Board of), Administration 43901 R765-604 5YR 07/17/2019 2019-16/107
 UTech Board of Trustees, Administration 43617 R945-1 AMD 07/16/2019 2019-8/96

school buses

Education, Administration 43375 R277-600 AMD 01/09/2019 2018-23/38
 43795 R277-600 AMD 08/19/2019 2019-13/41
 43611 R277-601 5YR 03/29/2019 2019-8/102
 Transportation, Motor Carrier 43704 R909-3 AMD 07/08/2019 2019-11/22

school community councils

Education, Administration 43788 R277-477 AMD 08/19/2019 2019-13/28
 43789 R277-491 AMD 08/19/2019 2019-13/33

school enrollment

Education, Administration 43475 R277-419 NSC 01/15/2019 Not Printed

school fees

Education, Administration 43532 R277-407 AMD 04/08/2019 2019-5/25

school leadership license

Education, Administration 43794 R277-305 NEW 08/19/2019 2019-13/22

school screening

Health, Disease Control and Prevention, Health Promotion 43757 R384-201 AMD 08/01/2019 2019-12/66

<u>school transportation</u>					
Education, Administration	43375	R277-600	AMD	01/09/2019	2018-23/38
	43795	R277-600	AMD	08/19/2019	2019-13/41
	43611	R277-601	5YR	03/29/2019	2019-8/102
<u>schools</u>					
Education, Administration	43788	R277-477	AMD	08/19/2019	2019-13/28
<u>scoring</u>					
Administrative Services, Facilities Construction and Management	43568	R23-33	5YR	03/06/2019	2019-7/60
<u>screenings</u>					
Human Services, Administration	43719	R495-885	EMR	05/14/2019	2019-11/30
	43690	R495-885	AMD	07/18/2019	2019-10/69
<u>sealed bidding</u>					
Administrative Services, Purchasing and General Services	43858	R33-6	5YR	07/08/2019	2019-15/35
<u>search and rescue</u>					
Public Safety, Emergency Management	43668	R704-1	AMD	06/24/2019	2019-10/92
	43827	R704-1	5YR	06/26/2019	2019-14/79
<u>secondary education</u>					
Regents (Board of), Administration	43901	R765-604	5YR	07/17/2019	2019-16/107
UTech Board of Trustees, Administration	43617	R945-1	AMD	07/16/2019	2019-8/96
<u>securities</u>					
Money Management Council, Administration	43503	R628-19	EXT	02/05/2019	2019-5/103
	43645	R628-19	5YR	04/12/2019	2019-9/87
<u>security guards</u>					
Commerce, Occupational and Professional Licensing	43318	R156-63a	AMD	05/13/2019	2018-22/89
	43318	R156-63a	CPR	05/13/2019	2019-7/48
	43577	R156-63a	NSC	05/14/2019	Not Printed
	43319	R156-63b	AMD	05/13/2019	2018-22/96
	43319	R156-63b	CPR	05/13/2019	2019-7/53
	43578	R156-63b	NSC	05/14/2019	Not Printed
<u>seizure of fireworks</u>					
Public Safety, Fire Marshal	43354	R710-15	NEW	01/14/2019	2018-22/155
<u>self-administered services</u>					
Human Services, Services for People with Disabilities	43894	R539-5	5YR	07/15/2019	2019-15/50
<u>seminars</u>					
Human Services, Substance Abuse and Mental Health	43576	R523-13-4	AMD	06/27/2019	2019-7/29
<u>senior-specific insurance designations</u>					
Insurance, Administration	43513	R590-252	5YR	02/11/2019	2019-5/99
<u>SERC</u>					
Public Safety, Administration	43418	R698-5	AMD	02/20/2019	2018-24/29
	43828	R698-5	5YR	06/26/2019	2019-14/79
<u>server training</u>					
Human Services, Substance Abuse and Mental Health	43575	R523-12-4	AMD	06/27/2019	2019-7/27
<u>services</u>					
Human Services, Services for People with Disabilities	43891	R539-2	5YR	07/15/2019	2019-15/48
<u>settlements</u>					
Labor Commission, Adjudication	43574	R602-2-1	AMD	05/08/2019	2019-7/30

RULES INDEX

<u>shooting range</u>						
Regents (Board of), University of Utah, Administration	43499	R805-6	5YR	02/04/2019	2019-5/102	
<u>size and weight</u>						
Transportation, Motor Carrier	43735	R909-2	5YR	05/22/2019	2019-12/141	
<u>SLCC</u>						
Regents (Board of), Salt Lake Community College	43594	R784-1	5YR	03/17/2019	2019-8/107	
<u>small employer stop-loss</u>						
Insurance, Administration	43570	R590-268	5YR	03/07/2019	2019-7/65	
	43692	R590-268	AMD	06/21/2019	2019-10/85	
<u>small purchases</u>						
Administrative Services, Purchasing and General Services	43856	R33-4	5YR	07/08/2019	2019-15/34	
Transportation, Administration	43490	R907-66	R&R	03/26/2019	2019-4/31	
<u>smoke</u>						
Environmental Quality, Air Quality	43808	R307-204	AMD	09/05/2019	2019-13/56	
<u>SNAP</u>						
Workforce Services, Employment Development	43481	R986-100-117	AMD	06/01/2019	2019-3/33	
	43482	R986-200-250	AMD	06/01/2019	2019-3/35	
<u>social services</u>						
Human Services, Child and Family Services	43358	R512-305	AMD	01/09/2019	2018-23/115	
<u>social workers</u>						
Commerce, Occupational and Professional Licensing	43799	R156-60a	5YR	06/13/2019	2019-13/114	
<u>sovereign lands</u>						
Natural Resources, Forestry, Fire and State Lands	43480	R652-70	AMD	03/25/2019	2019-3/28	
<u>special education</u>						
Education, Administration	43655	R277-926	NEW	07/02/2019	2019-9/40	
<u>special events</u>						
Transportation, Operations, Traffic and Safety	43769	R920-4-9	NSC	06/19/2019	Not Printed	
<u>specific licenses</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	43809	R313-22-75	AMD	08/09/2019	2019-13/65	
<u>specifications</u>						
Administrative Services, Purchasing and General Services	43856	R33-4	5YR	07/08/2019	2019-15/34	
<u>speech/hearing challenges</u>						
Public Service Commission, Administration	43550	R746-8-301	AMD	04/30/2019	2019-6/27	
<u>sponsor-a-highway</u>						
Transportation, Operations, Maintenance	43489	R918-4	AMD	03/26/2019	2019-4/36	
<u>sportsman</u>						
Natural Resources, Wildlife Resources	43736	R657-41	AMD	07/22/2019	2019-12/91	
<u>standard procurement process</u>						
Administrative Services, Purchasing and General Services	43860	R33-7	5YR	07/08/2019	2019-15/36	
<u>standards</u>						
Education, Administration	43621	R277-700	AMD	05/23/2019	2019-8/23	
Health, Administration	43487	R380-70	5YR	01/24/2019	2019-4/43	
<u>startup</u>						

Education, Administration	43395	R277-554	NEW	01/09/2019	2018-23/34
<u>State Board of Education</u>					
Education, Administration	43618	R277-119	REP	05/23/2019	2019-8/12
<u>state contracts</u>					
Administrative Services, Purchasing and General Services	43866	R33-13	5YR	07/08/2019	2019-15/39
	43875	R33-21	5YR	07/08/2019	2019-15/43
<u>state custody</u>					
Human Services, Administration	43496	R495-882	5YR	02/01/2019	2019-4/43
<u>state emergency response commission</u>					
Public Safety, Administration	43418	R698-5	AMD	02/20/2019	2018-24/29
	43828	R698-5	5YR	06/26/2019	2019-14/79
<u>state employees</u>					
Administrative Services, Finance	43656	R25-7	AMD	07/01/2019	2019-9/4
	43404	R25-10	AMD	01/23/2019	2018-24/6
Human Resource Management, Administration	43672	R477-5	AMD	07/01/2019	2019-10/34
<u>state flag</u>					
Lieutenant Governor, Administration	43595	R622-2	5YR	03/19/2019	2019-8/105
<u>state plan</u>					
Lieutenant Governor, Elections	43495	R623-3	5YR	01/28/2019	2019-4/45
<u>state products</u>					
Administrative Services, Purchasing and General Services	43864	R33-10	5YR	07/08/2019	2019-15/37
<u>state records committee</u>					
Administrative Services, Records Committee	43760	R35-1	5YR	06/03/2019	2019-13/111
	43761	R35-1a	5YR	06/03/2019	2019-13/111
	43762	R35-2	5YR	06/03/2019	2019-13/112
	43763	R35-4	5YR	06/03/2019	2019-13/112
	43766	R35-4-1	NSC	06/12/2019	Not Printed
	43764	R35-5	5YR	06/03/2019	2019-13/113
	43765	R35-6	5YR	06/03/2019	2019-13/113
<u>state surplus property</u>					
Administrative Services, Purchasing and General Services	43878	R33-26	5YR	07/08/2019	2019-15/45
<u>statewide crisis line standards</u>					
Human Services, Substance Abuse and Mental Health	43555	R523-17	AMD	04/22/2019	2019-6/14
<u>statewide crisis response standards</u>					
Human Services, Substance Abuse and Mental Health	43554	R523-18	AMD	04/22/2019	2019-6/21
<u>statewide online education program</u>					
Education, Administration	43620	R277-726	AMD	05/23/2019	2019-8/32
<u>stewardships</u>					
Agriculture and Food, Conservation Commission	43685	R64-3	5YR	04/30/2019	2019-10/115
<u>storage of fireworks</u>					
Public Safety, Fire Marshal	43354	R710-15	NEW	01/14/2019	2018-22/155
<u>stream alterations</u>					
Natural Resources, Water Rights	43743	R655-13	R&R	07/25/2019	2019-12/74
<u>student achievements</u>					
Education, Administration	43450	R277-404	AMD	02/22/2019	2019-2/6

RULES INDEX

<u>student eligibility</u>					
Workforce Services, Unemployment Insurance	43557	R994-403	AMD	05/01/2019	2019-6/38
	43365	R994-403-109b	AMD	03/31/2019	2018-23/122
<u>student participation</u>					
Education, Administration	43506	R277-494-4	NSC	02/20/2019	Not Printed
<u>student teachers</u>					
Education, Administration	43373	R277-509	AMD	01/09/2019	2018-23/19
<u>students</u>					
Education, Administration	43658	R277-417	AMD	07/02/2019	2019-9/26
	43637	R277-472	5YR	04/08/2019	2019-9/81
	43476	R277-487	AMD	03/13/2019	2019-3/4
	44055	R277-487	5YR	09/09/2019	Not Printed
	43702	R277-709	AMD	08/19/2019	2019-11/9
<u>substance abuse</u>					
Education, Administration	43448	R277-910	NEW	02/07/2019	2019-1/24
Human Services, Substance Abuse and Mental Health	43575	R523-12-4	AMD	06/27/2019	2019-7/27
<u>substance abuse database</u>					
Health, Disease Control and Prevention, Health Promotion	43537	R384-203	5YR	02/25/2019	2019-6/42
	43562	R384-203	AMD	07/23/2019	2019-7/25
<u>substance use disorder</u>					
Human Services, Substance Abuse and Mental Health	43141	R523-5	AMD	01/29/2019	2018-17/60
	43141	R523-5	CPR	01/29/2019	2018-24/38
<u>suicide prevention training grant</u>					
Human Services, Substance Abuse and Mental Health	43355	R523-19	NEW	01/29/2019	2018-23/118
<u>supplementals</u>					
Education, Administration	43638	R277-493	5YR	04/08/2019	2019-9/81
	43683	R277-493	AMD	07/02/2019	2019-10/9
<u>surcharges and disbursements</u>					
Public Service Commission, Administration	43550	R746-8-301	AMD	04/30/2019	2019-6/27
<u>surface water treatment plant monitoring</u>					
Environmental Quality, Drinking Water	43384	R309-215-10	AMD	01/15/2019	2018-23/91
	43385	R309-215-16	AMD	01/15/2019	2018-23/93
<u>surveys</u>					
Judicial Performance Evaluation Commission, Administration	43500	R597-3	5YR	02/05/2019	2019-5/100
<u>syringe exchange programs</u>					
Health, Disease Control and Prevention, Epidemiology	43468	R386-900	AMD	05/15/2019	2019-3/16
<u>syringes</u>					
Health, Disease Control and Prevention, Epidemiology	43468	R386-900	AMD	05/15/2019	2019-3/16
<u>talent ready</u>					
Regents (Board of), Administration	43405	R765-615	NEW	03/14/2019	2018-24/33
<u>Talent Ready Utah</u>					
Governor, Economic Development	43720	R357-24	NEW	07/08/2019	2019-11/15
<u>Targeted Adult Medicaid</u>					

Health, Health Care Financing, Coverage and Reimbursement Policy	43707	R414-311-6	EMR	05/07/2019	2019-11/27
	43797	R414-311-6	AMD	08/29/2019	2019-13/86
<u>tax credits</u>					
Governor, Economic Development	43488	R357-7	EXT	01/24/2019	2019-4/47
	43734	R357-7	5YR	05/22/2019	2019-12/136
	43814	R357-15	AMD	08/12/2019	2019-13/80
	43946	R357-15-2	NSC	08/13/2019	Not Printed
Heritage and Arts, History	43716	R455-11	5YR	05/14/2019	2019-11/42
	43721	R455-11	NSC	05/24/2019	Not Printed
<u>tax exemptions</u>					
Tax Commission, Auditing	43884	R865-19S-93	AMD	09/12/2019	2019-15/26
<u>tax returns</u>					
Tax Commission, Auditing	43839	R865-9I-2	AMD	08/22/2019	2019-14/52
<u>taxation</u>					
Tax Commission, Administration	43838	R861-1A-9	AMD	08/22/2019	2019-14/50
	43883	R861-1A-46	AMD	09/12/2019	2019-15/23
Tax Commission, Motor Vehicle	43840	R873-22M-17	AMD	08/22/2019	2019-14/53
Tax Commission, Property Tax	43437	R884-24P-19	AMD	03/28/2019	2019-1/51
	43640	R884-24P-19	NSC	04/24/2019	Not Printed
	43885	R884-24P-24	AMD	09/12/2019	2019-15/28
	43371	R884-24P-27	AMD	01/10/2019	2018-23/119
	43698	R884-24P-62	NSC	05/17/2019	Not Printed
	43970	R884-24P-66	NSC	08/19/2019	Not Printed
	43438	R884-24P-74	AMD	03/28/2019	2019-1/54
<u>teacher licensing</u>					
Education, Administration	43958	R277-504	5YR	08/06/2019	2019-17/223
<u>teacher preparation</u>					
Education, Administration	43624	R277-304	NEW	05/23/2019	2019-8/13
<u>teacher preparation programs</u>					
Education, Administration	43373	R277-509	AMD	01/09/2019	2018-23/19
<u>teachers</u>					
Education, Administration	43733	R277-503	AMD	07/31/2019	2019-12/45
	43791	R277-522	AMD	08/19/2019	2019-13/38
<u>technical college</u>					
UTech Board of Trustees, Administration	43617	R945-1	AMD	07/16/2019	2019-8/96
<u>technology best practices</u>					
Technology Services, Administration	43697	R895-9	5YR	05/02/2019	2019-11/45
<u>telecommuting</u>					
Human Resource Management, Administration	43675	R477-8	AMD	07/01/2019	2019-10/49
<u>terms and conditions</u>					
Administrative Services, Purchasing and General Services	43865	R33-12	5YR	07/08/2019	2019-15/38
<u>therapists</u>					
Commerce, Occupational and Professional Licensing	43543	R156-60	5YR	02/26/2019	2019-6/41
	43800	R156-60b	5YR	06/13/2019	2019-13/115
<u>third-party providers</u>					
Education, Administration	43619	R277-115	NEW	05/23/2019	2019-8/10
<u>timber</u>					
School and Institutional Trust Lands, Administration	43792	R850-70	AMD	08/07/2019	2019-13/103
<u>timelines</u>					

RULES INDEX

Education, Administration	43392	R277-482	REP	01/09/2019	2018-23/15
	43394	R277-552	NEW	01/09/2019	2018-23/26
	43623	R277-552	AMD	05/23/2019	2019-8/19
<u>title insurance</u>					
Insurance, Title and Escrow Commission	43781	R592-6	5YR	06/10/2019	2019-13/119
<u>title insurance continuing education</u>					
Insurance, Title and Escrow Commission	43782	R592-7	5YR	06/10/2019	2019-13/120
<u>title insurance recovery assessment</u>					
Insurance, Title and Escrow Commission	43784	R592-9	5YR	06/10/2019	2019-13/121
<u>titles</u>					
Natural Resources, Water Rights	43922	R655-3	5YR	07/27/2019	2019-16/105
<u>TMDL</u>					
Environmental Quality, Water Quality	43585	R317-1-1	AMD	07/01/2019	2019-7/8
<u>tolls</u>					
Transportation Commission, Administration	43841	R940-1	AMD	08/26/2019	2019-14/59
<u>tollways</u>					
Transportation Commission, Administration	43841	R940-1	AMD	08/26/2019	2019-14/59
<u>total coliform</u>					
Environmental Quality, Drinking Water	43383	R309-211	AMD	01/15/2019	2018-23/85
<u>tow trucks</u>					
Transportation, Motor Carrier	43443	R909-19	AMD	02/07/2019	2019-1/56
<u>towing</u>					
Public Safety, Highway Patrol	43844	R714-600	5YR	07/01/2019	2019-14/80
Transportation, Motor Carrier	43443	R909-19	AMD	02/07/2019	2019-1/56
<u>training</u>					
Education, Administration	43442	R277-308	NEW	02/07/2019	2019-1/22
	43392	R277-482	REP	01/09/2019	2018-23/15
	43394	R277-552	NEW	01/09/2019	2018-23/26
	43623	R277-552	AMD	05/23/2019	2019-8/19
Human Services, Substance Abuse and Mental Health	43576	R523-13-4	AMD	06/27/2019	2019-7/29
Natural Resources, Wildlife Resources	43726	R657-46	5YR	05/20/2019	2019-12/141
<u>tramway permits</u>					
Transportation, Operations, Traffic and Safety	43444	R920-50	AMD	02/07/2019	2019-1/63
<u>tramways</u>					
Transportation, Operations, Traffic and Safety	43444	R920-50	AMD	02/07/2019	2019-1/63
<u>transfers</u>					
Education, Administration	43637	R277-472	5YR	04/08/2019	2019-9/81
<u>Transition to Adult Living</u>					
Human Services, Child and Family Services	43358	R512-305	AMD	01/09/2019	2018-23/115
<u>transparency</u>					
Administrative Services, Finance	43404	R25-10	AMD	01/23/2019	2018-24/6
<u>transportation</u>					
Administrative Services, Finance	43656	R25-7	AMD	07/01/2019	2019-9/4
Environmental Quality, Waste Management and Radiation Control, Radiation	43810	R313-19-34	AMD	08/09/2019	2019-13/62
Transportation, Program Development	43584	R926-16	NEW	05/08/2019	2019-7/40
Transportation Commission, Administration	43841	R940-1	AMD	08/26/2019	2019-14/59
<u>transportation safety</u>					

Transportation, Operations, Traffic and Safety	43444	R920-50	AMD	02/07/2019	2019-1/63
<u>trauma</u> Health, Family Health and Preparedness, Emergency Medical Services	43321	R426-9	AMD	01/18/2019	2018-22/114
<u>trauma center designation</u> Health, Family Health and Preparedness, Emergency Medical Services	43321	R426-9	AMD	01/18/2019	2018-22/114
<u>truancy</u> Education, Administration	43959	R277-607	5YR	08/06/2019	2019-17/224
<u>trucks</u> Transportation, Motor Carrier	43735	R909-2	5YR	05/22/2019	2019-12/141
<u>trust account records</u> Commerce, Real Estate	43407 43643	R162-2f R162-2f	AMD AMD	01/23/2019 06/19/2019	2018-24/8 2019-9/10
<u>trust lands funds</u> Education, Administration	43788	R277-477	AMD	08/19/2019	2019-13/28
<u>UCJIS</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	43665	R722-900	AMD	06/24/2019	2019-10/95
<u>unattended death</u> Health, Disease Control and Prevention, Medical Examiner	43631	R448-10	5YR	04/05/2019	2019-9/83
<u>underage drinking prevention</u> Education, Administration	43448	R277-910	NEW	02/07/2019	2019-1/24
<u>unemployment compensation</u> Workforce Services, Unemployment Insurance	43558 43818 43819 43820 43821 43557 43365	R994-305-801 R994-309 R994-310 R994-311 R994-312 R994-403 R994-403-109b	AMD 5YR 5YR 5YR 5YR AMD AMD	07/01/2019 06/17/2019 06/17/2019 06/17/2019 06/17/2019 05/01/2019 03/31/2019	2019-6/35 2019-14/80 2019-14/81 2019-14/81 2019-14/82 2019-6/38 2018-23/122
<u>universal waste</u> Environmental Quality, Waste Management and Radiation Control, Waste Management	43252	R315-273	AMD	01/14/2019	2018-21/55
<u>unlawful conduct</u> Administrative Services, Purchasing and General Services	43877	R33-24	5YR	07/08/2019	2019-15/44
<u>unsolicited proposals</u> Transportation, Program Development	43584	R926-16	NEW	05/08/2019	2019-7/40
<u>used oil</u> Environmental Quality, Waste Management and Radiation Control, Waste Management	43529 43768	R315-15-14 R315-15-16	AMD NSC	04/15/2019 06/12/2019	2019-5/54 Not Printed
<u>Utah Cancer Control Program</u> Health, Disease Control and Prevention, Health Promotion	43539	R384-200	5YR	02/25/2019	2019-6/42
<u>Utah Capital Investment Board</u> Governor, Economic Development	43488 43734	R357-7 R357-7	EXT 5YR	01/24/2019 05/22/2019	2019-4/47 2019-12/136

RULES INDEX

<u>Utah Court of Appeals</u>						
Administrative Services, Purchasing and General Services	43871	R33-18	5YR	07/08/2019	2019-15/41	
<u>Utah procurement rules</u>						
Administrative Services, Purchasing and General Services	43859	R33-1	5YR	07/08/2019	2019-15/33	
<u>Utah Public Financial Website</u>						
Administrative Services, Finance	43404	R25-10	AMD	01/23/2019	2018-24/6	
<u>Utah resident temporarily out-of-state</u>						
Public Safety, Driver License	44035	R708-45	5YR	09/04/2019	Not Printed	
<u>Utah Transparency Advisory Board</u>						
Administrative Services, Finance	43471	R25-11	5YR	01/07/2019	2019-3/43	
<u>Utah universal service fund</u>						
Public Service Commission, Administration	43550	R746-8-301	AMD	04/30/2019	2019-6/27	
<u>Utah Works Program</u>						
Governor, Economic Development	43720	R357-24	NEW	07/08/2019	2019-11/15	
<u>utilities</u>						
Public Service Commission, Administration	43965	R746-700	5YR	08/07/2019	2019-17/227	
Transportation, Preconstruction	43742	R930-7	AMD	07/23/2019	2019-12/109	
	43745	R930-8	AMD	07/23/2019	2019-12/124	
<u>utility accommodation</u>						
Transportation, Preconstruction	43742	R930-7	AMD	07/23/2019	2019-12/109	
	43745	R930-8	AMD	07/23/2019	2019-12/124	
<u>utility facilities</u>						
Transportation, Preconstruction	43745	R930-8	AMD	07/23/2019	2019-12/124	
<u>utility regulation</u>						
Public Service Commission, Administration	43603	R746-310	AMD	05/22/2019	2019-8/49	
	43811	R746-460	NEW	08/07/2019	2019-13/95	
<u>vacations</u>						
Human Resource Management, Administration	43674	R477-7	AMD	07/01/2019	2019-10/41	
<u>verification of legal authority</u>						
Administrative Services, Purchasing and General Services	43870	R33-17	5YR	07/08/2019	2019-15/41	
<u>veterinarian</u>						
Commerce, Occupational and Professional Licensing	43189	R156-28	AMD	03/25/2019	2018-19/7	
	43189	R156-28	CPR	03/25/2019	2019-4/40	
<u>veterinary medicine</u>						
Commerce, Occupational and Professional Licensing	43189	R156-28	AMD	03/25/2019	2018-19/7	
	43189	R156-28	CPR	03/25/2019	2019-4/40	
<u>vision</u>						
Health, Disease Control and Prevention, Health Promotion	43757	R384-201	AMD	08/01/2019	2019-12/66	
<u>vision screening</u>						
Health, Disease Control and Prevention, Health Promotion	43757	R384-201	AMD	08/01/2019	2019-12/66	
<u>vital records</u>						
Health, Center for Health Data, Vital Records and Statistics	43462	R436-19	NEW	05/08/2019	2019-2/10	

<u>vocational rehabilitation counselor</u>						
Commerce, Occupational and Professional Licensing	43890	R156-78	5YR	07/15/2019	2019-15/46	
<u>volume cap</u>						
Governor, Economic Development	43755	R357-8	REP	07/26/2019	2019-12/63	
Workforce Services, Housing and Community Development	43746	R990-200	NEW	07/30/2019	2019-12/128	
<u>volunteer</u>						
Transportation, Operations, Maintenance	43489	R918-4	AMD	03/26/2019	2019-4/36	
<u>volunteers</u>						
Human Resource Management, Administration	43679	R477-13	AMD	07/01/2019	2019-10/62	
<u>voting</u>						
Lieutenant Governor, Elections	43494	R623-2	5YR	01/28/2019	2019-4/44	
	43275	R623-5	NEW	03/01/2019	2018-21/96	
<u>wage list</u>						
Workforce Services, Unemployment Insurance	43558	R994-305-801	AMD	07/01/2019	2019-6/35	
<u>wages</u>						
Human Resource Management, Administration	43673	R477-6	AMD	07/01/2019	2019-10/36	
<u>wastewater</u>						
Environmental Quality, Water Quality	43633	R317-401	5YR	04/08/2019	2019-9/82	
<u>water pollution</u>						
Environmental Quality, Water Quality	43585	R317-1-1	AMD	07/01/2019	2019-7/8	
	43586	R317-2	AMD	07/01/2019	2019-7/11	
	43848	R317-2-14	NSC	07/01/2019	Not Printed	
<u>water quality</u>						
Environmental Quality, Drinking Water	43387	R309-225-4	AMD	01/15/2019	2018-23/101	
<u>water quality standards</u>						
Environmental Quality, Water Quality	43586	R317-2	AMD	07/01/2019	2019-7/11	
	43848	R317-2-14	NSC	07/01/2019	Not Printed	
<u>water rights</u>						
Natural Resources, Water Rights	43922	R655-3	5YR	07/27/2019	2019-16/105	
<u>water wells</u>						
Natural Resources, Water Rights	43923	R655-4	5YR	07/27/2019	2019-16/106	
<u>waterfowl</u>						
Natural Resources, Wildlife Resources	43430	R657-9	AMD	02/07/2019	2019-1/41	
<u>watershed management</u>						
Environmental Quality, Drinking Water	43379	R309-105-4	AMD	01/15/2019	2018-23/58	
<u>weights and measures</u>						
Agriculture and Food, Regulatory Services	44026	R70-910	5YR	08/30/2019	2019-18/89	
	44027	R70-910	NSC	09/12/2019	Not Printed	
<u>well drillers license</u>						
Natural Resources, Water Rights	43923	R655-4	5YR	07/27/2019	2019-16/106	
<u>wild turkey</u>						
Natural Resources, Wildlife Resources	43951	R657-54	5YR	08/05/2019	2019-17/226	
<u>wildlife</u>						
Natural Resources, Wildlife Resources	43431	R657-5	AMD	02/07/2019	2019-1/37	
	43741	R657-5	AMD	07/22/2019	2019-12/79	
	43430	R657-9	AMD	02/07/2019	2019-1/41	
	43414	R657-11	AMD	01/24/2019	2018-24/25	
	43816	R657-12	AMD	08/22/2019	2019-14/46	

RULES INDEX

	43420	R657-13	AMD	01/24/2019	2018-24/27
	43491	R657-22	AMD	03/25/2019	2019-4/22
	43492	R657-33	AMD	03/25/2019	2019-4/27
	43724	R657-37	AMD	07/22/2019	2019-12/82
	43432	R657-38	AMD	02/07/2019	2019-1/44
	43736	R657-41	AMD	07/22/2019	2019-12/91
	43723	R657-44	AMD	07/22/2019	2019-12/100
	43726	R657-46	5YR	05/20/2019	2019-12/141
	43951	R657-54	5YR	08/05/2019	2019-17/226
	43639	R657-62	5YR	04/09/2019	2019-9/89
	43725	R657-62	AMD	07/22/2019	2019-12/104
	43498	R657-67	5YR	02/04/2019	2019-5/101
	43952	R657-68	5YR	08/05/2019	2019-17/226
<u>wildlife conservation</u>					
Natural Resources, Wildlife Resources	43432	R657-38	AMD	02/07/2019	2019-1/44
<u>wildlife law</u>					
Natural Resources, Wildlife Resources	43414	R657-11	AMD	01/24/2019	2018-24/25
	43816	R657-12	AMD	08/22/2019	2019-14/46
	43420	R657-13	AMD	01/24/2019	2018-24/27
	43491	R657-22	AMD	03/25/2019	2019-4/22
<u>wildlife permits</u>					
Natural Resources, Wildlife Resources	43736	R657-41	AMD	07/22/2019	2019-12/91
<u>workers' compensation</u>					
Labor Commission, Adjudication	43574	R602-2-1	AMD	05/08/2019	2019-7/30
<u>X-rays</u>					
Environmental Quality, Waste Management and Radiation Control, Radiation	43253	R313-28-31	AMD	01/14/2019	2018-21/52
	43530	R313-28-31	AMD	04/15/2019	2019-5/50
<u>youth</u>					
Human Services, Administration, Administrative Services, Licensing	43234	R501-8	AMD	01/17/2019	2018-21/89