

UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed March 17, 2020, 12:00 a.m. through April 01, 2020, 11:59 p.m.

Number 2020-08
April 15, 2020

Sunnie Burningham, Managing Editor

The *Utah State Digest (Digest)* 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 *Digest* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Digest* 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 *Digest* should be addressed to the contact person for the rule. Questions about the *Digest* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The *Utah State Digest* summarizes the contents of the *Utah State Bulletin* 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 digest.

Semimonthly.

1. Delegated legislation--Utah--Digests. I. Utah. Office of Administrative Rules.

KFU38.U8

348.792'025--DDC

86-658042

TABLE OF CONTENTS

| | |
|---|----|
| EXECUTIVE DOCUMENTS | 1 |
| DIRECTIVE TO THE STATE OF UTAH | |
| Updated April 10, 2020 | 1 |
| Suspending Provisions of the Utah Postretirement Reemployment Restrictions Act | |
| 2020/009/EO | 5 |
| Suspending the Enforcement of a Statute Related to the Industrial Assistance Account | |
| 2020/010/EO | 6 |
| Suspending Certain Statutes Governing Eviction Proceedings | |
| 2020/011/EO | 8 |
| Suspending Certain Provisions of the Utah Election Code Regarding Signature Gathering for Local | |
| Referenda | |
| 2020/012/EO | 10 |
| Temporarily Suspending Residential Evictions of Individuals Experiencing Wage or Job Loss as a | |
| Result of COVID-19 | |
| 2020/013/EO | 11 |
| Suspending Certain Provisions of the Utah Election Code Regarding Signature Gathering for Local | |
| Referenda | |
| 2020/014/EO | 13 |
| Establishing a Requirement for Individuals Entering Utah to Complete a Travel Declaration Form | |
| 2020/015/EO | 15 |
| Establishing a Requirement for Individuals Entering Utah to Complete a Travel Declaration Form | |
| with Certain Exceptions | |
| 2020/016/EO | 17 |
| | |
| NOTICES OF PROPOSED RULES | 19 |
| Agriculture and Food | |
| Marketing and Development | |
| R65-13. Utah's Own | 20 |
| Plant Industry | |
| R68-33. Industrial Hemp Retailer Permit | 22 |
| Education | |
| Administration | |
| R277-419. Pupil Accounting | 24 |
| R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the | |
| School LAND Trust Program | 25 |
| R277-553. Charter School Oversight, Monitoring and Appeals..... | 27 |
| R277-604. Private School, Home School, and Bureau of Indian Affairs (BIA) Student Participation | |
| in Public School Achievement Tests..... | 29 |
| R277-613. LEA Disruptive Student Behavior, Bullying, Cyber-bullying, Hazing, Retaliation, and | |
| Abusive Conduct Policies and Training | 31 |
| R277-708. Enhancement for At-Risk Students..... | 33 |
| Health | |
| Administration | |
| R380-400. Utah Medical Cannabis Act Rule | 35 |

| | |
|--|----|
| R380-401. Electronic Verification System and Inventory Control System..... | 37 |
| R380-402. Medical Cannabis Cards..... | 39 |
| R380-403. Qualified Medical Providers | 40 |
| R380-404. Dosing Parameters | 42 |
| R380-405. Pharmacy Medical Providers | 44 |
| R380-406. Medical Cannabis Pharmacy | 46 |
| R380-407. Medical Cannabis Pharmacy Agent..... | 48 |
| R380-408. Home Delivery and Courier..... | 50 |
| Disease Control and Prevention, Environmental Services | |
| R392-302. Design, Construction and Operation of Public Pools..... | 52 |
| Health Care Financing, Coverage and Reimbursement Policy | |
| R414-516. Nursing Facility Non-State Government-Owned Upper Payment Limit Quality Improvement Program..... | 54 |
| Human Services | |
| Child Protection Ombudsman (Office of) | |
| R515-1. Processing Complaints Regarding the Utah Division of Child and Family Services | 56 |
| Natural Resources | |
| Oil, Gas and Mining; Oil and Gas | |
| R649-1. Definitions | 58 |
| R649-2. General Rules | 59 |
| | |
| NOTICES OF 120-DAY (EMERGENCY) RULES..... | 63 |
| Agriculture and Food | |
| Administration | |
| R51-7. Open and Public Meetings Act Electronic Meetings | 63 |
| Plant Industry | |
| R68-24. Industrial Hemp License for Growers | 64 |
| R68-31. Cannabis Licensing Process..... | 66 |
| Education | |
| Administration | |
| R277-101. Public Participation in Utah State Board of Education Meetings | 67 |
| Human Services | |
| Services for People with Disabilities | |
| R539-5-5. Employee Requirements | 68 |
| Tax Commission | |
| Administration | |
| R861-1A-42. Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401..... | 69 |
| | |
| FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION | 71 |
| Commerce | |
| Real Estate | |
| R162-2f. Real Estate Licensing and Practices Rules | 71 |
| Education | |
| Administration | |
| R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program | 72 |
| R277-708. Enhancement for At-Risk Students..... | 73 |
| Governor | |
| Economic Development | |
| R357-12. Fiscal Emergency Contingent Management of Federal Lands..... | 73 |
| Health | |

Disease Control and Prevention, Environmental Services
R392-600. Illegal Drug Operations Decontamination Standards 74
Health
Health Care Financing, Coverage and Reimbursement Policy
R414-59. Audiology Services 75
Human Services
Administration, Administrative Services, Licensing
R501-19. Residential Treatment Programs 75
R501-20. Day Treatment Programs..... 76
R501-21. Outpatient Treatment Programs 76
R501-22. Residential Support Programs 77
Judicial Conduct Commission
Administration
R595-1. General Provisions..... 78
R595-2. Administration 78
R595-3. Procedure..... 79
R595-4. Sanctions 79
Technology Services
Administration
R895-2. Americans With Disabilities Act (ADA) Complaint Procedure 80

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS 81
Governor
Economic Development
R357-11. Technology Commercialization and Innovation Program (TCIP) 81

NOTICES OF RULE EFFECTIVE DATES 83

EXECUTIVE DOCUMENTS

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

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

DIRECTIVE TO THE STATE OF UTAH

The Governor's Coronavirus Directive for Utah
"Stay Safe, Stay Home"

Updated April 10, 2020

I would like to thank all Utahns who continue to do their part to slow the spread of novel coronavirus disease 2019 (COVID-19). Utahns have increased their efforts since I originally issued this Directive on March 27, 2020, and these efforts continue to make a difference. It is important that we maintain these enhanced protective measures for our own safety and the safety of everyone around us.

I expect each Utah resident and business to follow these directives. These directives are necessary to keep Utah residents safe during the worldwide COVID-19 pandemic. These safety requirements will certainly result in disruptions to our lives, and that cannot be avoided. Those disruptions are a critical part of keeping ourselves safe.

Following these directives now will avoid significant hardship later.

These directives establish minimum statewide standards. In consultation with the State, local authorities may impose more stringent directives and orders to address the unique circumstances in different areas of Utah.

These directives are not to be confused with a shelter-in-place order.

The following directives are effective immediately and shall remain in place until 11:59 p.m. on May 1, 2020.

I. Directives for Individuals

Each individual in the state of Utah is hereby directed to engage in the following measures to reduce the spread of COVID-19:

1. **Health orders and guidelines.** Follow orders, guidelines, and standards promulgated by the Utah Department of Health and applicable local health departments.
2. **Self-isolation after exposure to COVID-19.** Self-isolate for 14 days after:
 - a. traveling out of state; or
 - b. being exposed to an individual presenting symptoms of illness consistent with COVID-19.
3. **Social and physical distancing.**
 - a. Stay at home as much as possible.
 - b. Work from home as much as possible.
 - c. Maintain a six-foot distance from individuals who are not members of the same household or residence when outside or in public.
 - d. Socialize remotely by phone or video chat.
 - e. Do not shake hands with other individuals.
 - f. Do not pay in-person social visits to hospitals, nursing homes, or other residential care facilities.

- g. Do not pay in-person social visits to friends or family.
- h. Do not attend any in-person gathering of any number of people who are not of the same household or residence.

4. Hygiene.

- a. Wear a cloth face covering that covers the nose and mouth in any place of public accommodation, including retail establishments and grocery stores, and whenever social distancing is not possible.
- b. Wash hands frequently with soap and water for at least 20 seconds.
- c. Use hand sanitizer frequently.
- d. Avoid touching your face.
- e. Cover coughs or sneezes by coughing or sneezing into the sleeve or elbow, but not into hands.
- f. Clean high-touch surfaces regularly, including buttons, door handles, counters, and light switches.

5. Children.

- a. Do not arrange or allow your child to participate in in-person playdates or similar activities.
- b. Do not allow your child on public playground equipment.

6. Outdoor activities and recreation.

- a. Maintain a six-foot distance from individuals who are not members of the same household or residence when engaging in outdoor activities or recreation, including walking, hiking, running, biking, driving for pleasure, hunting, and fishing.
- b. Avoid high-touch surfaces.
- c. Do not engage in close-contact or team sports.
- d. Do not congregate at trailheads, parks, or other outdoor spaces.

7. Travel.

- a. Limit travel only to essential travel.
- b. "Essential travel" means travel to:
 - i. safely relocate from an unsafe home or residence, including by an individual who has suffered or is at risk of domestic violence or for whom the safety, sanitation, or essential operations of the home or residence cannot be maintained;
 - ii. work if you cannot work remotely;
 - iii. care for a family member or friend in the same household or another household, including transporting family members or friends;
 - iv. transport a child according to existing parenting time schedules or other visitation schedules;
 - v. seek emergency or protective services;
 - vi. obtain the following supplies and services:
 - A. medication and medical services;
 - B. food and other grocery items, including delivery or carry-out services, and alcoholic or non-alcoholic beverages;
 - C. gasoline and other motor-vehicle fuels;
 - D. supplies required to work from home;
 - E. products needed to maintain the safety, sanitation, and essential operation of homes and residences, businesses, and personally owned vehicles, including automobiles and bicycles; and
 - F. laundromat and dry cleaning services;
 - vii. donate blood;
 - viii. care for pets, including travel to a veterinarian;
 - ix. engage in recreational and outdoor activities close to home; and
 - x. return to a home or place of residence.

8. Homeless individuals. Notwithstanding any other provision of this Directive, except as required by the Utah Department of Health or a local health department to maintain public health, a law-abiding individual experiencing homelessness may:

- a. move between emergency shelters, drop-in centers, and encampments; and
- b. remain in an encampment of ten or fewer members without being subject to disbandment by state or local government.

II. Directives for For-Profit and Nonprofit Organizations

Each business, including for-profit and nonprofit organizations, in the state of Utah is hereby directed to engage in the following measures to reduce the spread of COVID-19:

1. Proactive response. Proactively implement policies and best practices to:

- a. reduce disease transmission among employees and volunteers;
- b. maintain a healthy work environment; and
- c. maintain critical operations while complying with state and local orders, directives, and recommendations.

2. Remote work.

- a. Require employees and volunteers to work remotely from home except to perform work that cannot be done from home.
- b. Utilize video conferencing and virtual meeting services.

3. Non-remote work.

- a. Require employees and volunteers who present symptoms of illness consistent with COVID-19 to stay home.

- b. Do not require a positive COVID-19 test result or healthcare provider's note for an employee or a volunteer who stays home due to illness.
- c. Enhance social distancing in the workplace by grouping employees and volunteers into cohorts of no more than ten individuals that have limited contact with other cohorts.
- d. Enable employees and volunteers to follow the directives in Part I, Directives for Individuals, including by providing employees with hand soap, hand sanitizer, or sanitizing wipes.
- e. Minimize face-to-face contact with high-risk employees and high-risk volunteers.
- f. Implement flexible work hours.
- 4. **High-risk individuals.** Take measures to accommodate high-risk individuals.

III. Application

Except as otherwise lawfully required, nothing in this Directive should be interpreted to prohibit the following persons from fulfilling their duties and responsibilities:

- 1. healthcare professionals;
- 2. law enforcement officers and other first responders;
- 3. faith leaders and faith workers; and
- 4. charitable and social services organizations.

IN TESTIMONY, WHEREOF I have hereunto set my hand and caused affixed the Great Seal of the State of Utah, this 10th, day of April, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

EXECUTIVE ORDER

Suspending Provisions of the Utah Postretirement Reemployment Restrictions Act

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, Executive Order 2020-1 recognizes the need for state and local authorities, and the private sector to cooperate to slow the spread of COVID-19;

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS, on March 22, 2020, the Utah Department of Health and Mountainstar HCA announced Utah's first COVID-19-related death;

WHEREAS, the number of diagnosed COVID-19 cases in Utah continues to rise;

WHEREAS, it is imperative that healthcare facilities maximize the number of capable healthcare workers to ensure Utahns impacted by COVID-19 have access to medical treatment;

WHEREAS, state and local governmental entities must have staffing sufficient to appropriately address the impacts of COVID-19;

WHEREAS, the following governmental functions are critical because they enable state and local officials to protect their communities and ensure continuity of functions essential to public health and safety: communications, emergency services and first responders, energy, financial services, food and agriculture, government facilities, healthcare and public health facilities, information technology, transportation systems, and water and wastewater systems (the "Critical Government Functions");

WHEREAS, many retirees of the Utah Retirement Systems (URS) in the state are skilled workers willing to be reemployed to meet the Critical Government Functions staffing needs of state and local governmental entities that are URS participating employers to be able to appropriately address the impacts of COVID-19;

WHEREAS, certain provision of Utah Code Title 49, Chapter 11, Part 12, Postretirement Reemployment Restrictions Act, may restrict the ability of URS participating employers to reemploy certain retirees in Utah who may help provide or expedite Critical Government Functions needed for emergency response and recovery;

WHEREAS, Certain provisions of Utah Code §§ 49-11-1201 through 49-11-1208 may limit the ability of URS participating employers to have staffing sufficient to appropriately respond to the COVID-19 disaster and to ensure that Utahans have Critical Government Functions;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to Utah Code Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of the following, consistent with applicable federal law:

1. Utah Code § 49-11-1204(2), requiring cancellation of a retirement allowance for reemployment without a one-year break in service;
2. Utah Code § 49-11-1204(4)(b), to the extent it requires the participating employer to pay the amortization rate to URS;
3. Utah Code § 49-11-1206(1)(b), to the extent it requires a participating employer to immediately notify URS of the reemployment;
4. Utah Code § 49-11-1206(3), to the extent it requires a retiree to report the status of the reemployment to URS; and
5. Utah Code § 49-11-1207(1), to the extent it requires URS to take action regarding a violation of Subsection 49-11-1204(2) or (4)(b).

PROVIDED THAT, the suspensions in this Order apply only as to an individual who:

1. retired prior to March 30, 2020; and
2. becomes temporarily reemployed to ensure adequate staffing of Critical Government Functions for a URS participating employer during the state of emergency.

This Order shall remain in effect until the date the state of emergency declared in Executive Order 2020-1 is terminated, or until otherwise modified, amended, rescinded, or superseded by me or by a succeeding governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 30th day of March, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/009/EO

EXECUTIVE ORDER

Suspending the Enforcement of a Statute Related to the Industrial Assistance Account

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS, on March 22, 2020, the Utah Department of Health and Mountainstar HCA announced Utah's first COVID-19-related death;

WHEREAS, the number of diagnosed COVID-19 cases in Utah continues to rise;

WHEREAS, on March 16, 2020, President Trump and the White House Coronavirus Task Force issued the President's Coronavirus Guidelines for America to help protect Americans during the global COVID-19 outbreak;

WHEREAS, consistent with the President's Coronavirus Guidelines for America, state and local health authorities have encouraged individuals and businesses to limit in-person contact in order to prevent the continued spread of COVID-19;

WHEREAS, on March 27, 2020, I issued the Stay Safe, Stay Home directive, further emphasizing the critical need to limit in-person contact;

WHEREAS, recognizing the need to mitigate the significant economic impact of COVID-19 infections and associated public health measures, I created the Economic Response Task Force composed of leaders from Utah's private and public sectors;

WHEREAS, on March 24, 2020, the Economic Response Task Force presented Utah Leads Together, a plan for Utah's health and economic recovery, which plan anticipates an increase in COVID-19 infections and a decline in jobs;

WHEREAS, the Utah Leads Together plan calls for repurposing economic development tools to support the most significantly impacted businesses;

WHEREAS, small businesses throughout Utah are particularly important to Utah's economy and are suffering significant economic losses due to the COVID-19 pandemic;

WHEREAS, though Congress is taking measures to assist businesses and individuals to weather the economic effects of COVID-19, such measures may take weeks or months before they reach Utah's citizens;

WHEREAS, Utah is well-positioned to respond quickly to the particular economic needs of its local communities and businesses, particularly the need for short-term working capital;

WHEREAS, the Governor's Office of Economic Development (GOED) is responsible for economic development in Utah and is tasked with, among other things, administering grant and loan programs to enhance the economic health and vitality of Utah and its business community;

WHEREAS, GOED oversees the Industrial Assistance Account, which has the authority to provide loans to address unique economic opportunities and circumstances;

WHEREAS, on March 24, 2020, GOED announced the establishment of the Utah Leads Together Small Business Bridge Loan Program to provide zero interest loans from the Industrial Assistance Account under the authority of Utah Code § 63N-3-109;

WHEREAS, Utah Code § 63N-3-103(1)(b) places a limit on the amount of funds that may be accessed in support of the Utah Leads Together Small Business Bridge Loan Program, which limit provides insufficient funding to meaningfully support Utah's small business community;

WHEREAS, lifting the limit will allow GOED to access up to 100% of the available unencumbered funds, thereby allowing GOED to appropriately respond to the critical economic circumstances created by the COVID-19 pandemic;

WHEREAS, suspending the enforcement of Utah Code § 63N-3-103(1)(b) is directly related to and necessary to address the state of emergency declared due to COVID-19;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related to and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to Utah Code Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of Utah Code § 63N-3-103(1)(b). Accordingly, GOED may access up to 100% of the available, unencumbered funds of the Industrial Assistance Account to support the Utah Leads Together Small Business Bridge Loan Program.

This Order shall remain in effect until the date the state of emergency declared in Executive Order 2020-1 is terminated, or until otherwise modified, amended, rescinded, or superseded by me or by a succeeding governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 30th day of March, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/010/EO

EXECUTIVE ORDER

Suspending Certain Statutes Governing Eviction Proceedings

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS, on March 16, 2020, President Trump and the White House Coronavirus Task Force issued the President's Coronavirus Guidelines for America to help protect Americans during the COVID-19 pandemic;

WHEREAS, on March 27, 2020, I issued the Governor's "Stay Safe, Stay Home" Directive, to help protect Utahns during the COVID-19 pandemic;

WHEREAS, the number of COVID-19-related deaths and diagnosed cases in Utah continues to rise;

WHEREAS, some Utah residents have lost income as a direct result of the COVID-19 pandemic;

WHEREAS, some Utah residents are unable to meet basic needs, including payment of rent, as a direct result of COVID-19;

WHEREAS, residents being evicted from their homes for failure to pay rent will increase the risk of spread of COVID-19;

WHEREAS, Utah Code Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, governs eviction proceedings relating to unlawful detainer by a tenant;

WHEREAS, suspending the enforcement of Utah Code Title 78B, Chapter 6, Part 8, is directly related to and necessary to address and cope with the COVID-19 pandemic;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to Utah Code Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of Utah Code Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer as the part relates to a residential tenant who:

1. is described in Utah Code § 78B-6-802(c);
2. was current on rent payments as of March 31, 2020; and
3. meets one of the following criteria:
 - a. has suffered a loss of wages or job loss as a result of COVID-19;
 - b. has undergone self isolation or quarantine in compliance with an order issued by the Utah Department of Health or a local health department in response to COVID-19; or
 - c. has tested positive for COVID-19.

I further order the Department of Workforce Services to offer free mediation assistance to landlords and tenants when there is a dispute whether the tenant meets the criteria above.

This Order does not:

1. suspend enforcement of Utah Code Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, as the part relates to a commercial tenant;
 2. prohibit evictions for any reason other than evictions for non-payment of rent by a tenant who meets the criteria above;
- or
3. create, require, or imply rent forgiveness.

Accordingly, a tenant remains responsible for all rent pursuant to the tenant's rental agreement.

This Order is effective immediately and expires at 11:59 p.m. on May 15, 2020, unless otherwise modified, amended, rescinded, or superseded by me or by a succeeding governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 1st day of April, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/011/EO

EXECUTIVE ORDER

Suspending Certain Provisions of the Utah Election Code Regarding Signature Gathering for Local Referenda

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS, the number of COVID-19-related deaths and diagnosed cases in Utah continues to rise;

WHEREAS, on March 16, 2020, President Trump and the White House Coronavirus Task Force issued the President's Coronavirus Guidelines for America to help protect Americans during the global COVID-19 outbreak;

WHEREAS, on March 27, 2020, I issued the Governor's "Stay Safe, Stay Home" directive, further emphasizing the critical need to limit in-person contact;

WHEREAS, consistent with the President's Coronavirus Guidelines for America and the Governor's "Stay Safe, Stay Home" Directive, state and local authorities have issued guidelines and orders encouraging individuals and businesses to limit in-person contact to prevent the continued spread of COVID-19;

WHEREAS, Utah Code Title 20A, Chapter 7, Part 6, Local Referenda, governs the administration of local referenda;

WHEREAS, certain provisions of Utah Code Title 20A, Chapter 7, Part 6, require or imply a requirement that a referendum packet, including any signature sheets and a verification page, be attached or bound physically;

WHEREAS, certain provisions of Utah Code Title 20A, Chapter 7, Part 6, require or imply a requirement that a signature sheet be signed in the presence of and verified by an individual as provided in Utah Code § 20A-7-605(2);

WHEREAS, enforcing provisions of Utah Code Title 20A, Chapter 7, Part 6, that require a referendum packet, including any signature sheets and a verification page, to be attached or bound physically, or that require a signature sheet to be signed in the presence of and verified by an individual as provided in Utah Code § 20A-7-605(2), would necessitate a referendum sponsor to deliver referendum packets to the public for signatures in person or by physical mail;

WHEREAS, requiring a referendum sponsor to deliver referendum packets to the public for signatures in person or by physical mail conflicts with recommendations by state and local authorities to limit in-person contact to prevent the continued spread of COVID-19, and limits the ability of a referendum sponsor to gather and submit signatures during the state of emergency;

WHEREAS, suspending the enforcement of the aforementioned provisions of Utah Code Title 20A, Chapter 7, Part 6, as specified below, is directly related to and necessary to address the COVID-19 pandemic;

WHEREAS, the State maintains a compelling interest in preserving the integrity of the local referenda process;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to Utah Code Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of:

1. Utah Code § 20A-7-603(1)(b), to the extent it requires a referendum sponsor to attach physically a copy of the law that is the subject of the referendum to each referendum petition;

2. Utah Code § 20A-7-603(2)(b), to the extent it requires a signature sheet to be bound physically;

3. Utah Code § 20A-7-603(3), requiring the final page of each referendum packet to contain a verification statement to be completed and signed by a person in whose presence the signature sheet is signed;

4. Utah Code § 20A-7-604(4)(b), to the extent it requires a referendum packet to be bound physically; and

5. Utah Code § 20A-7-604(4)(c), to the extent it requires a signature sheet to be attached physically to a referendum packet;

6. Utah Code § 20A-7-605(2), requiring a referendum sponsor to ensure that any signature sheet is signed in the presence of and verified by an individual meeting certain qualifications by completing a verification printed on the last page of each referendum packet;

7. Utah Code § 20A-7-606(2), which requires the county clerk to check the verification page of each referendum packet and prohibits the county clerk certifying a signature on a referendum packet that is not verified in accordance with Utah Code § 20A-7-605(2); and

8. the following statutory provisions to the extent that each requires or implies a requirement that a signature sheet in a referendum packet be verified as required by Utah Code § 20A-7-605(2):

a. Utah Code § 20A-7-606(1)(a);

b. Utah Code § 20A-7-606(3)(c);

c. Utah Code § 20A-7-613(3); and

d. Utah Code § 20A-7-613(4).

Accordingly, a referendum sponsor may distribute and gather referendum packets and physically signed signature sheets electronically, including by fax or e-mail.

This Order is declared and effective immediately and shall remain in effect until the date the state of emergency declared in Executive Order 2020-1 is terminated, or until otherwise modified, amended, rescinded, or superseded by me or by a succeeding governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 1st day of April, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/012/EO

(NOTE: This order supersedes Executive Order No. 2020/011/EO.)

EXECUTIVE ORDER

Temporarily Suspending Residential Evictions of Individuals Experiencing Wage or Job Loss as a Result of COVID-19

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency due to COVID-19;

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS, on March 16, 2020, the President of the United States and the White House Coronavirus Task Force issued the President's Coronavirus Guidelines for America to protect public health by, among other things, encouraging individuals to stay home to slow the spread of COVID-19;

WHEREAS, the state of Utah has experienced community spread of COVID-19, and the number of COVID-19-related deaths and diagnosed cases in Utah continues to rise;

WHEREAS, on March 27, 2020, I issued the Governor's "Stay Safe, Stay Home" Directive to protect public health by, among other things, further encouraging individuals to stay home to slow the spread of COVID-19;

WHEREAS, the Centers for Disease Control and Prevention has recommended that individuals self-isolate if they have been exposed to COVID-19 or if they have a condition that puts them at risk of serious harm by the disease, in order to protect public health and slow the spread of COVID-19;

WHEREAS, some Utah residents have lost income as a direct result of the COVID-19 pandemic;

WHEREAS, some Utah residents are unable to meet basic needs, including payment of rent, as a direct result of COVID-19;

WHEREAS, the eviction of residents from their homes for failure to pay rent will increase the risk of spread of COVID-19;

WHEREAS, Utah Code Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, governs eviction proceedings relating to unlawful detainer by a tenant;

WHEREAS, suspending the enforcement of Utah Code Title 78B, Chapter 6, Part 8, is directly related to and necessary to address and cope with the COVID-19 pandemic;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to Utah Code Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of Utah Code Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer as the part relates to a residential tenant who:

1. is described in Utah Code § 78B-6-802(c);
2. was current on rent payments as of March 31, 2020; and
3. has suffered a loss of income or job loss as a result of COVID-19.

I further order the Department of Workforce Services to offer free mediation assistance to landlords and tenants when there is a dispute whether the tenant meets the criteria above.

This Order does not:

1. suspend enforcement of Utah Code Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, as the part relates to a commercial tenant;
2. prohibit evictions for any reason other than evictions for non-payment of rent by a tenant who meets the criteria above;
3. create, require, or imply rent forgiveness; or
4. excuse or otherwise relieve an individual's obligation to pay rent.

Accordingly, a tenant remains responsible to pay all rent pursuant to the tenant's rental agreement, including rent that is due during the time this Order is effective.

This Order rescinds and supersedes Executive Order 2020-11, issued on April 1, 2020.

This Order is effective immediately and expires at 11:59 p.m. on May 15, 2020, unless otherwise modified, amended, rescinded, or superseded by me or by a succeeding governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 2nd day of April, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/013/EO

(NOTE: This order supersedes Executive Order No. 2020/012/EO.)

EXECUTIVE ORDER

Suspending Certain Provisions of the Utah Election Code Regarding Signature Gathering for Local Referenda

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS, the number of COVID-19-related deaths and diagnosed cases in Utah continues to rise;

WHEREAS, on March 16, 2020, President Trump and the White House Coronavirus Task Force issued the President's Coronavirus Guidelines for America to help protect Americans during the global COVID-19 outbreak;

WHEREAS, on March 27, 2020, I issued the Governor's "Stay Safe, Stay Home" Directive, further emphasizing the critical need to limit in-person contact;

WHEREAS, consistent with the President's Coronavirus Guidelines for America and the Governor's "Stay Safe, Stay Home" Directive, state and local authorities have issued guidelines and orders encouraging individuals and businesses to limit in-person contact to prevent the continued spread of COVID-19;

WHEREAS, Utah Code Title 20A, Chapter 7, Part 6, Local Referenda, governs the administration of local referenda;

WHEREAS, certain provisions of Utah Code Title 20A, Chapter 7, Part 6, require or imply a requirement that a referendum packet, including any signature sheets and a verification page, be attached or bound physically;

WHEREAS, certain provisions of Utah Code Title 20A, Chapter 7, Part 6, require or imply a requirement that a signature sheet be signed in the presence of and verified by an individual as provided in Utah Code § 20A-7-605(2);

WHEREAS, enforcing provisions of Utah Code Title 20A, Chapter 7, Part 6, that require a referendum packet, including any signature sheets and a verification page, to be attached or bound physically, or that require a signature sheet to be signed in the presence of and verified by an individual as provided in Utah Code § 20A-7-605(2), would necessitate a referendum sponsor to deliver referendum packets to the public for signatures in person or by physical mail;

WHEREAS, requiring a referendum sponsor to deliver referendum packets to the public for signatures in person or by physical mail conflicts with recommendations by state and local authorities to limit in-person contact to prevent the continued spread of COVID-19, and limits the ability of a referendum sponsor to gather and submit signatures during the state of emergency;

WHEREAS, suspending the enforcement of the aforementioned provisions of Utah Code Title 20A, Chapter 7, Part 6, as specified below, is directly related to and necessary to address the COVID-19 pandemic;

WHEREAS, the State maintains a compelling interest in preserving the integrity of the local referenda process;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to Utah Code Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order as follows:

1. Subject to the conditions set forth in Subsection (2) of this Order, the following statutory provisions are suspended:
 - a. Utah Code § 20A-7-603(1)(b), to the extent it requires a referendum sponsor to attach physically a copy of the law that is the subject of the referendum to each referendum petition;
 - b. Utah Code § 20A-7-603(2)(b), to the extent it requires a signature sheet to be bound physically;
 - c. Utah Code § 20A-7-603(3), requiring the final page of each referendum packet to contain a verification statement to be completed and signed by a person in whose presence the signature sheet is signed;
 - d. Utah Code § 20A-7-604(4)(b), to the extent it requires a referendum packet to be bound physically; and
 - e. Utah Code § 20A-7-604(4)(c), to the extent it requires a signature sheet to be attached physically to a referendum packet;
 - f. Utah Code § 20A-7-605(2), requiring a referendum sponsor to ensure that any signature sheet is signed in the presence of and verified by an individual meeting certain qualifications by completing a verification printed on the last page of each referendum packet;

- g. Utah Code § 20A-7-606(2), requiring the county clerk to check the verification page of each referendum packet and prohibits the county clerk from
- h. certifying a signature on a referendum packet that is not verified in accordance with Utah Code § 20A-7-605(2); and
- i. the following statutory provisions to the extent that each requires or implies a requirement that a signature sheet in a referendum packet be verified as required by Utah Code § 20A-7-605(2):
 - i. Utah Code § 20A-7-606(1)(a);
 - ii. Utah Code § 20A-7-606(3)(c);
 - iii. Utah Code § 20A-7-613(3); and
 - iv. Utah Code § 20A-7-613(4).

2. The statutory suspensions described in Subsection (1) of this Order apply only if the referendum sponsor ensures that the circulated referendum packet includes a copy of the law that is the subject of the referendum and a copy of the proposition information pamphlet described in and required by Utah Code § 20A-7-604(4)(d).

I further direct the Utah Director of Elections to issue a memorandum explaining the effect of this Order.

This Order modifies, amends, and supersedes Executive Order 2020-12, issued on April 1, 2020, suspending certain provisions of the Utah Election Code regarding signature gathering for local referenda.

This Order is declared and effective immediately and shall remain in effect until the date the state of emergency declared in Executive Order 2020-1 is terminated, or until otherwise modified, amended, rescinded, or superseded by me or by a succeeding governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 3rd day of April, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/014/EO

EXECUTIVE ORDER

Establishing a Requirement for Individuals Entering Utah to Complete a Travel Declaration Form

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency to facilitate the State's response to novel coronavirus disease 2019 (COVID-19);

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in the state of Utah and are expected to continue;

WHEREAS, COVID-19 can be spread by individuals who become infected with the virus in one state or country and travel to another state or country;

WHEREAS, individuals entering Utah present a risk of spreading COVID-19;

WHEREAS, certain information about individuals entering Utah is critical to the State's effort to track, trace, and mitigate the spread of COVID-19, and to locate and isolate individuals who have been infected with COVID-19;

WHEREAS, Utah Code § 53-2a-204(1)(f) authorizes the governor to control ingress and egress to and from a disaster area;

WHEREAS, the disaster area comprises the entire state of Utah;

WHEREAS, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency; and

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary for the purpose of securing compliance with orders made pursuant to the Disaster Response and Recovery Act:

NOW, THEREFORE, I, Gary R. Herbert, Governor of the state of Utah, hereby order the following:

1. As used in this Order:
 - a. "travel declaration form" means an electronic form created by the Utah Department of Transportation used to collect the following information about the individual completing the form:
 - i. full name;
 - ii. date of birth;
 - iii. point of entry into Utah;
 - iv. COVID-19 related health information;
 - v. whether the individual is a Utah resident or a non-resident visitor or worker;
 - vi. home address;
 - vii. phone number;
 - viii. email address;
 - ix. final destination in Utah if the individual is a non-resident visitor or worker;
 - x. places the individual has traveled to or from in the previous 14 days;
 - xi. names of individuals traveling with the individual completing the form who are younger than 18 years old; and
 - b. "highway entry point" means a highway entry point identified by the Utah Department of Transportation pursuant to Subsection (4)(a).
2. Each individual 18 years of age or older who enters Utah as the final destination through the Salt Lake City International Airport shall complete a travel declaration form within three hours of entering Utah.
3. Each individual 18 years of age or older who enters Utah by means of a motor vehicle through a highway entry point shall complete a travel declaration form within three hours of entering Utah.
4. The Utah Department of Transportation shall coordinate with other state agencies and political subdivisions as necessary to:
 - a. identify highway entry points and ensure that each highway entry point is identified on a map made available to the public on coronavirus.utah.gov;
 - b. develop the travel declaration form; and
 - c. ensure that each individual identified in Section (2) receives instructions explaining how to access the travel declaration form.
5. The Utah Department of Public Safety shall send a Wireless Emergency Alert through the Integrated Public Alert and Warning System to each individual identified in Section (3) who is capable of receiving the alert, notifying the individual of the requirement to complete a travel declaration form.
6. The Utah Department of Technology Services shall:
 - a. provide for the encryption of all data collected and transmitted pursuant to this order;
 - b. ensure the system involving the collection, transmission, and storage of data collected pursuant to this Order meets national privacy and security standards;
 - c. provide for the secure storage of all data collected pursuant to this Order;
 - d. ensure that no personally identifiable information or personal health information is shared with the public or with any unauthorized individual;
 - e. ensure that only aggregated de-identified data is used to track and trace the spread of COVID-19; and
 - f. delete the original data when the need to track and trace the spread of COVID-19 ends.

This Order is declared and effective at 8:00 a.m. on April 10, 2020 and shall remain in effect until 11:59 p.m. on May 1, 2020, or until otherwise extended, modified, amended, rescinded, or superseded by me or by a succeeding governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 8th day of April, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/015/EO

(NOTE: This order supersedes Executive Order No. 2020/015/EO.)

EXECUTIVE ORDER

Establishing a Requirement for Individuals Entering Utah to Complete a Travel Declaration Form with Certain Exceptions

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency to facilitate the State's response to novel coronavirus disease 2019 (COVID-19);

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in the state of Utah and are expected to continue;

WHEREAS, COVID-19 can be spread by individuals who become infected with the virus in one state or country and travel to another state or country;

WHEREAS, individuals entering Utah present a risk of spreading COVID-19;

WHEREAS, certain information about individuals entering Utah is critical to the State's effort to track, trace, and mitigate the spread of COVID-19, and to locate and isolate individuals who have been infected with COVID-19;

WHEREAS, Utah Code § 53-2a-204(1)(f) authorizes the governor to control ingress and egress to and from a disaster area;

WHEREAS, the disaster area comprises the entire state of Utah;

WHEREAS, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency; and

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary for the purpose of securing compliance with orders made pursuant to the Disaster Response and Recovery Act;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the following:

1. As used in this order:
 - a. "travel declaration form" means an electronic form created by the Utah Department of Transportation used to collect the following information about the individual completing the form:
 - i. full name;
 - ii. date of birth;
 - iii. point of entry into Utah;
 - iv. COVID-19 related health information;
 - v. whether the individual is a Utah resident or a non-resident visitor or worker;
 - vi. home address;
 - vii. phone number;
 - viii. email address;
 - ix. final destination in Utah if the individual is a non-resident visitor or worker;
 - x. places the individual has traveled to or from in the previous 14 days;
 - xi. names of individuals traveling with the individual completing the form who are younger than 18 years old; and
 - b. "highway entry point" means a highway entry point identified by the Utah Department of Transportation pursuant to Subsection (4)(a).
2. Each individual 18 years of age or older who enters Utah as the final destination through the Salt Lake City International Airport shall complete a travel declaration form within three hours of entering Utah.
3. Each individual 18 years of age or older who enters Utah by means of a motor vehicle through a highway entry point shall complete a travel declaration form within three hours of entering Utah.
4. The Utah Department of Transportation shall coordinate with other state agencies and political subdivisions as necessary to:
 - a. identify highway entry points and ensure that each highway entry point is identified on a map made available to the public at coronavirus.utah.gov;
 - b. develop the travel declaration form; and
 - c. ensure that each individual identified in Section (2) receives instructions explaining how to access the travel declaration form.
5. The Utah Department of Public Safety shall send a Wireless Emergency Alert through the Integrated Public Alert and Warning System to each individual identified in Section (3) who is capable of receiving the alert, notifying the individual of the requirement to complete a travel declaration form.
6. The Utah Department of Technology Services shall:
 - a. provide for the encryption of any data collected and transmitted pursuant to this Order;
 - b. ensure the system involving the collection, transmission, and storage of data collected pursuant to this Order meets national privacy and security standards;
 - c. provide for the secure storage of any data collected pursuant to this Order;
 - d. ensure that no personally identifiable information or personal health information is shared with the public or with any unauthorized individual;
 - e. ensure that only aggregated de-identified data is used to track and trace the spread of COVID-19; and
 - f. delete the original data when the need to track and trace the spread of COVID-19 ends.
7. Exceptions.
 - a. This Order shall not apply to:
 - i. an individual who enters Utah in the individual's capacity as an employee of a commercial airline;
 - ii. a commercial motor carrier driver; and
 - iii. an individual on a highway working in the individual's capacity as:
 - A. a law enforcement officer;
 - B. a firefighter;
 - C. a paramedic;
 - D. an emergency medical technician;
 - E. a member of the United States Armed Forces; or
 - F. a healthcare provider.
 - b. An individual who enters Utah solely for the purpose of the individual's employment is required to complete the travel declaration form no more than once in a seven-day period.

This Order repeals and supersedes Executive Order 2020-15, issued on April 8, 2020.

This Order is declared and effective immediately and shall remain in effect until 11:59 p.m. on May 1, 2020, or until otherwise extended, modified, amended, rescinded, or superseded by me or by a succeeding governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 10th day of April, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/016/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between March 17, 2020, 12:00 a.m., and April 01, 2020, 11:59 p.m. are included in this, the April 15, 2020, issue of the *Utah State Digest*.

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.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Digest* until at least May 15, 2020. 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 August 13, 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** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the **RULE ANALYSIS** for each rule.*

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

The Proposed Rules Begin on the Following Page

| NOTICE OF PROPOSED RULE | | | |
|-------------------------------|--------|------------------|--|
| TYPE OF RULE: Amendment | | | |
| Utah Admin. Code Ref (R no.): | R65-13 | Filing No. 52631 | |

Agency Information

| | | | |
|--|-------------------------------|----------------------|--|
| 1. Department: | Agriculture and Food | | |
| Agency: | Marketing and Development | | |
| Street address: | 350 North Redwood Road | | |
| City, state: | Salt Lake City, Utah 84115 | | |
| Mailing address: | PO Box 146500 | | |
| City, state, zip: | Salt Lake City, UT 84114-6500 | | |
| Contact person(s): | | | |
| Name: | Phone: | Email: | |
| Amber Brown | 801-538-6023 | ambermbrown@utah.gov | |
| Linda Clark-Gillmor | 801-538-7070 | lgillmor@utah.gov | |
| Kelly Pehrson | 385-538-7102 | kwpehrson@utah.gov | |
| Please address questions regarding information on this notice to the agency. | | | |

General Information

| |
|---|
| 2. Rule or section catchline: |
| R65-13. Utah's Own |
| 3. Purpose of the new rule or reason for the change: |
| Subsection 4-8-104(5) allows the Department of Agriculture and Food (Department) to write rules governing the Utah's Own marketing program. The proposed changes to this rule would expand the membership eligibility for the program to include manufacturers of non-food products made with locally produced agricultural products and make this rule more consistent internally and with the Utah Rulemaking Manual. |
| 4. Summary of the new rule or change: |
| The rule changes expand the definition of member company to include manufacturers of non-food products made using agricultural products grown or raised in Utah. They also make the definition of member company consistent with the remaining rule text, remove extraneous material, and correct grammar and punctuation issues consistent with the requirements of the Utah Rulemaking Manual. |

Fiscal Information

| |
|---|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| While it is difficult to estimate how many additional Utah's Own members will be added as a result of this rule change, the Department has reviewed the number of companies in prior years when companies that produced products other than food were granted membership and estimates that 40 additional companies will join. The Department estimates that each member company will cost approximately \$50 in department resources for a total cost of \$2,000. As far as revenue or savings are concerned, 40 additional companies will bring in \$1,000 in year one (\$25 membership fee) and \$2,000 in year two and three. |
| B) Local governments: |
| There is no anticipated impact on local governments because they do not participate in or administer the Utah's Own program. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| Newly eligible member companies will need to pay a \$25 membership fee to participate in the program their first year and \$50 to participate in subsequent years. With 40 additional members this cost would total \$1,000 in the first year and \$2,000 in years two and three. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| The Utah's Own program targets small business so there is no anticipated impact on non-small businesses. |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>): |
| There is no anticipated impact on other persons because they are not members of the Utah's Own program. |
| F) Compliance costs for affected persons: |
| Newly eligible member companies will pay a \$25 membership fee their first year and \$50 for subsequent years if they choose to participate in the Utah's Own program. |
| G) Regulatory Impact Summary Table (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 will be included in narratives above.) |

| Regulatory Impact Table | | | |
|---|------------------|------------------|------------------|
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$2,000 | \$2,000 | \$2,000 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$1,000 | \$2,000 | \$2,000 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$3,000 | \$3,000 | \$3,000 |
| Fiscal Benefits | | | |
| State Government | \$1,000 | \$2,000 | \$2,000 |
| Local Governments | \$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 | \$(2,000) | \$(1,000) | \$(1,000) |
| H) Department head approval of regulatory impact analysis: | | | |
| The Deputy Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this fiscal analysis. | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | |
| It is expected that this rule will allow for additional small businesses to participate in and benefit from the Utah's Own program, including producers of non-food products that use locally produced agricultural products. This is more consistent with the purpose of the program, to promote Utah agricultural products. | | | |
| B) Name and title of department head commenting on the fiscal impacts: | | | |
| Kelly Pehrson, Interim Commissioner | | | |

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | | |
|------------|------------|--|--|
| Subsection | 4-8-104(5) | | |
|------------|------------|--|--|

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

| | |
|--|------------|
| A) Comments will be accepted until: | 05/15/2020 |
|--|------------|

| | |
|--|------------|
| 10. This rule change MAY become effective on: | 05/22/2020 |
|--|------------|

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|-------------------------------------|--------------|------------|
| Agency head or designee, and title: | Kelly Pehrson, Interim Commissioner | Date: | 03/27/2020 |
|--|-------------------------------------|--------------|------------|

NOTICE OF PROPOSED RULE

| | | | |
|--------------------------------------|---------------|-------------------|--------------|
| TYPE OF RULE: New | | | |
| Utah Admin. Code Ref (R no.): | R68-33 | Filing No. | 52625 |

Agency Information

| | |
|--------------------------|-------------------------------|
| 1. Department: | Agriculture and Food |
| Agency: | Plant Industry |
| Street address: | 350 N Redwood Road |
| City, state: | Salt Lake City, UT 84115 |
| Mailing address: | PO Box 146500 |
| City, state, zip: | Salt Lake City, UT 84114-6500 |

| Contact person(s): | | |
|--|---------------|----------------------|
| Name: | Phone: | Email: |
| Amber Brown | 385-245-5222 | ambermbrown@utah.gov |
| Cody James | 385-515-1485 | codyjames@utah.gov |
| Kelly Pehrson | 801-538-7102 | kwpehrson@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule or section catchline: |
| R68-33. Industrial Hemp Retailer Permit |
| 3. Purpose of the new rule or reason for the change: |
| Pursuant to Subsection 4-41-103.3, this new rule requires industrial hemp retailers to obtain a permit from the Department of Agriculture and Food (Department). |
| 4. Summary of the new rule or change: |
| This new rule provides requirements for industrial hemp retailers to obtain a permit to sell industrial hemp products. It includes guidelines regarding application requirements, inspection and testing, and retailer responsibilities with regard to the sale of industrial hemp products, as well as provides for violations. |

Fiscal Information

| |
|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This rule creates a permit for industrial hemp retailers. The proposed permitting fee is \$200. The Department estimates that approximately 6,000 retailers will apply for a permit. This would bring in \$1,200,000 which should equal the cost of administering the retail permit program, including verifying product registration and consumer safety inspections. |
| B) Local governments: |
| The Department does not anticipate that there would be costs or savings to local governments because they do not regulate or act as industrial hemp retailers. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |

The cost to small businesses that operate as industrial hemp retailers would equal the permit cost of \$200 per small businesses. The Department anticipates that approximately 6,000 retailers will apply for a permit. It is difficult to determine how many of these will be small businesses and how many will be non-small businesses because a variety of different types of businesses act as industrial hemp retailers. For the purposes of the regulatory impact summary table, the Department has estimated that 75% of retailers will be small businesses and 25% will be non-small businesses. The benefit to the businesses is difficult to quantify but would be that they are able to sell products that are safe and compliant with the law that consumers will be more willing to purchase.

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

The cost to non-small businesses that operate as industrial hemp retailers would equal the permit cost of \$200 per businesses. The Department anticipates that approximately 6,000 retailers will apply for a permit. It is difficult to determine how many of these will be small businesses and how many will be non-small businesses because a variety of different types of businesses act as industrial hemp retailers. For the purposes of the regulatory impact summary table, the Department has estimated that 75% of retailers will be small businesses and 25% will be non-small businesses. The benefit to the businesses is difficult to quantify but would be that they are able to sell products that are safe and compliant with the law that consumers will be more willing to purchase.

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

The Department does not anticipate quantifiable costs or savings to other persons who do not operate as industrial hemp retailers.

F) Compliance costs for affected persons:

The compliance costs for affected persons would be the cost of an industrial hemp retailer permit, which is proposed to be \$200 per permit.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

| Regulatory Impact Table | | | |
|--------------------------------|---------------|---------------|---------------|
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$1,200,000 | \$1,200,000 | \$1,200,000 |

| | | | |
|--|----------------------|----------------------|----------------------|
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$900,000 | \$900,000 | \$900,000 |
| Non-Small Businesses | \$300,000 | \$300,000 | \$300,000 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$2,400,000 | \$2,400,000 | \$2,400,000 |
| Fiscal Benefits | | | |
| State Government | \$1,200,000 | \$1,200,000 | \$1,200,000 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$1,200,000 | \$1,200,000 | \$0 |
| Net Fiscal Benefits | \$(1,200,000) | \$(1,200,000) | \$(1,200,000) |
| H) Department head approval of regulatory impact analysis: | | | |
| This rule allows for the Department to permit industrial hemp retailers and ensure that products that are sold to consumers are safe and compliant with state law. | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | |
| While industrial hemp retailers will need to pay a fee to obtain a permit, the permitting fee will cover the cost required for the Department to employ inspectors and manage the retail permit program. | | | |
| B) Name and title of department head commenting on the fiscal impacts: | | | |
| Kelly Pehrson, Interim Commissioner | | | |

Citation Information

| | | | |
|--|--|--------------------------|--|
| 7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): | | | |
| Subsection 4-41-103.3 | | Subsection 4-2-103(1)(i) | |

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 05/15/2020

10. This rule change MAY become effective on: 05/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|-------------------------------------|--------------|------------|
| Agency head or designee, and title: | Kelly Pehrson, Interim Commissioner | Date: | 03/20/2020 |
|--|-------------------------------------|--------------|------------|

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

| | | | |
|--------------------------------------|-----------------|-------------------|--------------|
| Utah Admin. Code Ref (R no.): | R277-419 | Filing No. | 52635 |
|--------------------------------------|-----------------|-------------------|--------------|

Agency Information

| | | |
|--|-------------------------------|----------------------------------|
| 1. Department: | Education | |
| Agency: | Administration | |
| Building: | Board of Education | |
| Street address: | 250 E 500 S | |
| City, state: | Salt Lake City, UT 84111 | |
| Mailing address: | PO Box 144200 | |
| City, state, zip: | Salt Lake City, UT 84114-4200 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Angie Stallings | 801-538-7830 | angie.stallings@schools.utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule or section catchline: |
| R277-419. Pupil Accounting |
| 3. Purpose of the new rule or reason for the change: |
| This rule has been amended to reflect updated definitions and terminology in support of competency-based education. |
| 4. Summary of the new rule or change: |
| There are definitions that have been added and removed that are used throughout the rule to support the move towards competency-based education standards. |

Fiscal Information

| |
|---|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This rule change is not expected to have material fiscal impact on state government revenues or expenditures. It updates and modernizes definitions and language to better reflect current practice in the fields of blended, competency-based and personalized learning. The changes do not impact the calculations or distributions of funds to local education agencies (LEAs). |
| B) Local governments: |
| This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. It updates and modernizes definitions and language to better reflect current practice in the fields of blended, competency-based, and personalized learning. The changes do not impact the calculations or distributions of funds to LEAs. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. It updates and modernizes definitions and language to better reflect current practice in the fields of blended, competency-based, and personalized learning. The changes do not impact the calculations or distributions of funds to LEAs. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| 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 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.

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

This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. It updates and modernizes definitions and language to better reflect current practice in the fields of blended, competency-based, and personalized learning. The changes do not impact the calculations or distributions of funds to LEAs.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. It updates and modernizes definitions and language to better reflect current practice in the fields of blended, competency-based, and personalized learning. The changes do not impact the calculations or distributions of funds to LEAs.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

| Regulatory Impact Table | | | |
|--------------------------------|---------------|---------------|---------------|
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 |

H) Department head approval of regulatory impact analysis:

The Superintendent of the State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this 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 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. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

B) Name and title of department head commenting on the fiscal impacts:

Sydnee Dickson, State Superintendent

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|----------------------------|----------------------------|-------------------------|
| Article X, Section 3 | Subsection 53E-3-602(2) | Subsection 53E-3-401(4) |
| Subsection 53E-3-501(1)(e) | Subsection 53E-3-301(3)(d) | Section 53G-4-404 |

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 5/15/2020

10. This rule change MAY become effective on: 5/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Angie Stallings, Deputy Superintendent | Date: | 03/30/2020 |
|--|--|--------------|------------|

NOTICE OF PROPOSED RULE

| | | | |
|--------------------------------------|-----------------|-------------------|--------------|
| TYPE OF RULE: Amendment | | | |
| Utah Admin. Code Ref (R no.): | R277-477 | Filing No. | 52637 |

Agency Information

| | | |
|---------------------------|-------------------------------|----------------------------------|
| 1. Department: | Education | |
| Agency: | Administration | |
| Building: | Board of Education | |
| Street address: | 250 E 500 S | |
| City, state: | Salt Lake City, UT 84111 | |
| Mailing address: | PO Box 144200 | |
| City, state, zip: | Salt Lake City, UT 84114-4200 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Angie Stallings | 801-538-7830 | angie.stallings@schools.utah.gov |

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program

3. Purpose of the new rule or reason for the change:

The Trust Advisory Committee (TAC) has recommended changes to rule provision governing use of trust funds by school community councils. The Board has received feedback from different groups in favor of providing greater flexibility to community councils in use of trust funds.

4. Summary of the new rule or change:
 The amendments provide flexibility to school community councils in use of funds for expenditures consistent with the core standards. The rule amendments also establish procedures for a school to borrow against future trust fund allotments under limited circumstances. Finally, the rule amendments local education agency (LEA) boards to provide greater scrutiny to the results of school level trust fund expenditures.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have material fiscal impact on state government revenues or expenditures. It clarifies allowable uses of School LAND Trust funds, provides LEAs with greater flexibility with the program's funding and increases transparency and accountability with spending within the School LAND Trust program. These changes should only impact activities at the local levels.

B) Local governments:

This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. It clarifies allowable uses of School LAND Trust funds, provides LEAs with greater flexibility with the program's funding and increases transparency and accountability with spending within the School LAND Trust program. This rule change may impact the use of the program's funding, but LEAs continue to have broad authority on how these funds are spent.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. It clarifies allowable uses of School LAND Trust funds, provides LEAs with greater flexibility with the program's funding and increases transparency and accountability with spending within the School LAND Trust program. All impacts to small businesses working with LEAs using these funds are up to local discretion and decision-making.

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

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 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.

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

This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. It clarifies allowable uses of School LAND Trust funds, provides LEAs with greater flexibility with the program's funding and increases transparency and accountability with spending within the School LAND Trust program. All impacts to these types of entities working with LEAs using these funds are up to local discretion and decision-making.

F) Compliance costs for affected persons:

There are no direct compliance costs for affected persons. This rule change may impact the use of the School LAND Trust program's funding, but LEAs continue to have broad authority on how these funds are spent.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

| Regulatory Impact Table | | | |
|--------------------------------|---------------|---------------|---------------|
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 |

H) Department head approval of regulatory impact analysis:

The Superintendent of the State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this 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 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. This rule change has no fiscal impact on LEAs and will not have a fiscal impact on small businesses either.

B) Name and title of department head commenting on the fiscal impacts:

Sydnee Dickson, State Superintendent

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|-------------------------|--------------------------|----------------------------|
| Article X, Section 3 | Section 53D-2-202 | Subsection 53F-2-404(2)(d) |
| Subsection 53E-3-401(4) | Subsection 53G-7-1206(2) | |

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 5/15/2020

| | |
|---|-----------|
| 10. This rule change MAY become effective on: | 5/22/2020 |
| NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over. | |

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Angie Stallings, Deputy Superintendent | Date: | 03/30/2020 |
|--|--|--------------|------------|

NOTICE OF PROPOSED RULE

| | | | |
|--------------------------------------|-----------------|--------------------|--------------|
| TYPE OF RULE: Amendment | | | |
| Utah Admin. Code Ref (R no.): | R277-553 | Filing No.: | 52570 |

Agency Information

| | | |
|---------------------------|-------------------------------|----------------------------------|
| 1. Department: | Education | |
| Agency: | Administration | |
| Street address: | 250 E 500 S | |
| City, state: | Salt Lake City, UT 84111 | |
| Mailing address: | PO Box 144200 | |
| City, state, zip: | Salt Lake City, UT 84114-4200 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Angie Stallings | 801-538-7830 | angie.stallings@schools.utah.gov |

Please address questions regarding information on this notice to the agency.

General Information

| |
|--|
| 2. Rule or section catchline: |
| R277-553. Charter School Oversight, Monitoring and Appeals |
| 3. Purpose of the new rule or reason for the change: |
| This rule is being amended to clarify actions the State Board of Education (Board) may take in relation to charter schools with oversight actions pending. |
| 4. Summary of the new rule or change: |
| The amendments allow the Board to monitor a charter school and place restrictions on a charter school's funding if the school is facing termination, or other action, which puts the school's charter at risk. |

Fiscal Information

| | | | |
|---|---------------|---------------|---------------|
| 5. Aggregate anticipated cost or savings to: | | | |
| A) State budget: | | | |
| This rule change is not expected to have fiscal impact on state government revenues or expenditures. | | | |
| B) Local governments: | | | |
| This rule change is not expected to have fiscal impact on local governments' revenues or expenditures. | | | |
| C) Small businesses ("small business" means a business employing 1-49 persons): | | | |
| This rule change is not expected to have fiscal impacts on small businesses' revenues or expenditures. | | | |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): | | | |
| 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 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. | | | |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>): | | | |
| This rule change is not expected to have fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. | | | |
| F) Compliance costs for affected persons: | | | |
| There are no compliance costs for affected persons. | | | |
| G) Regulatory Impact Summary Table (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 will be included in narratives above.) | | | |
| Regulatory Impact Table | | | |
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$0 | \$0 | \$0 |

| | | | |
|--|------------|------------|------------|
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 |
| H) Department head approval of regulatory impact analysis: | | | |
| The Superintendent of the State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis. | | | |
| 6. A) Comments by the department head on the fiscal impact this 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 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. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either. | | | |
| B) Name and title of department head commenting on the fiscal impacts: | | | |
| Sydnee Dickson, State Superintendent | | | |

Citation Information

| | | |
|--|-------------------------|-------------------------|
| 7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): | | |
| Article X, Section 3 | Subsection 53G-5-501(5) | Subsection 53E-3-401(4) |
| Subsection 53G-5-205(5) | | |

Public Notice Information

| | |
|--|------------|
| 9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.) | |
| A) Comments will be accepted until: | 05/15/2020 |

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 05/22/2020 |
| NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over. | |

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Angie Stallings, Deputy Superintendent | Date: | 02/13/2020 |
|--|--|--------------|------------|

NOTICE OF PROPOSED RULE

| | | | |
|--------------------------------------|-----------------|-------------------|--------------|
| TYPE OF RULE: Amendment | | | |
| Utah Admin. Code Ref (R no.): | R277-604 | Filing No. | 52638 |

Agency Information

| | |
|--------------------------|-------------------------------|
| 1. Department: | Education |
| Agency: | Administration |
| Building: | Board of Education |
| Street address: | 250 E 500 S |
| City, state: | Salt Lake City, UT 84111 |
| Mailing address: | PO Box 144200 |
| City, state, zip: | Salt Lake City, UT 84114-4200 |

| | | |
|--|---------------|----------------------------------|
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Angie Stallings | 801-538-7830 | angie.stallings@schools.utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule or section catchline: |
| R277-604. Private School, Home School, and Bureau of Indian Affairs (BIA) Student Participation in Public School Achievement Tests |
| 3. Purpose of the new rule or reason for the change: |
| This rule has been amended to update terminology and to clarify this rule for private school students and home school students who wish to participate in statewide assessments through the public schools. |
| 4. Summary of the new rule or change: |
| The rule has amended terminology such as deleting "U-PASS" and replacing with "statewide assessments", plus "statewide assessments and Utah's accountability system", deleting the word "district" and replacing with "LEA". |

Fiscal Information

| |
|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This rule change is not expected to have material fiscal impact on state government revenues or expenditures. Most of the rule changes are technical and clarifying in nature. Private and home school students already can participate in statewide assessments. Therefore, this rule change does not increase services and will therefore, not have material fiscal impacts. |
| B) Local governments: |
| This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. Most of the rule changes are technical and clarifying in nature. Private and home school students already can participate in statewide assessments. Therefore, this rule change does not increase services and will therefore, not have material fiscal impacts. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. Most of the rule changes are technical and clarifying in nature. Private and home school students already can participate in statewide assessments. Therefore, this rule |

change does not increase services and will therefore, not have material fiscal impacts.

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

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 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.

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

This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Most of the rule changes are technical and clarifying in nature. Private and home school students already can participate in statewide assessments. Therefore, this rule change does not increase services and will therefore, not have material fiscal impacts.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

| Regulatory Impact Table | | | |
|--------------------------------|---------------|---------------|---------------|
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |

| Fiscal Benefits | | | |
|------------------------------|------------|------------|------------|
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 |

H) Department head approval of regulatory impact analysis:

The Superintendent of the State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this 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 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. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

B) Name and title of department head commenting on the fiscal impacts:

Sydnee Dickson, State Superintendent

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|----------------------|-------------------|-------------------|
| Article X, Section 3 | Section 53E-1-401 | Section 53E-4-302 |
|----------------------|-------------------|-------------------|

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

| | |
|--|-----------|
| A) Comments will be accepted until: | 5/15/2020 |
|--|-----------|

| | |
|--|-----------|
| 10. This rule change MAY become effective on: | 5/22/2020 |
|--|-----------|

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Angie Stallings, Deputy Superintendent | Date: | 03/30/2020 |
|--|--|--------------|------------|

| NOTICE OF PROPOSED RULE | | | |
|--------------------------------------|-----------------|-------------------|--------------|
| TYPE OF RULE: Amendment | | | |
| Utah Admin. Code Ref (R no.): | R277-613 | Filing No. | 52639 |

Agency Information

| | | |
|--|-------------------------------|----------------------------------|
| 1. Department: | Education | |
| Agency: | Administration | |
| Building: | Board of Education | |
| Street address: | 250 E 500 S | |
| City, state: | Salt Lake City, UT 84111 | |
| Mailing address: | PO Box 144200 | |
| City, state, zip: | Salt Lake City, UT 84114-4200 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Angie Stallings | 801-538-7830 | angie.stallings@schools.utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|---|
| 2. Rule or section catchline: |
| R277-613. LEA Disruptive Student Behavior, Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct Policies and Training |

| |
|---|
| 3. Purpose of the new rule or reason for the change: |
| This rule is being amended in response to concerns raised by the Legislature's Administrative Rules Review Committee that this rule inappropriately expanded definitions beyond legislatively established limits. |

| |
|--|
| 4. Summary of the new rule or change: |
| This rule change updates definitions, clarifies local education agency (LEA) training requirements, emphasizes student rights of free speech, and clarifies the data an LEA should collect on bullying related issues. |

Fiscal Information

| |
|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The Legislature's Administrative Rules Review Committee asked the Board to revise this rule to better align with state and federal law. This rule already contained training requirements for LEAs regarding bullying, cyber-bullying, hazing, and retaliation. These rule changes provide greater clarity as to topics and areas these trainings should cover. |

| |
|--|
| B) Local governments: |
| This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The Legislature's Administrative Rules Review Committee asked the Board to revise this rule to better align with state and federal law. This rule already contained training requirements for LEAs regarding bullying, cyber-bullying, hazing, and retaliation. These rule changes provide greater clarity as to topics and areas these trainings should cover. |

| |
|---|
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The Legislature's Administrative Rules Review Committee asked the Board to revise this rule to better align with state and federal law. This rule already contained training requirements for LEAs regarding bullying, cyber-bullying, hazing, and retaliation. These rule changes provide greater clarity as to topics and areas these trainings should cover. |

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

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 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.

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The Legislature's Administrative Rules Review Committee asked the Board to revise this rule to better align with state and federal law. This rule already contained training requirements for LEAs regarding bullying, cyber-bullying, hazing, and retaliation. These rule changes provide greater clarity as to topics and areas these trainings should cover.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The Legislature's Administrative Rules Review Committee asked the Board to revise this rule to better align with state and federal law. This rule already contained training requirements for LEAs regarding bullying, cyber-bullying, hazing, and retaliation. These rule changes provide greater clarity as to topics and areas these trainings should cover.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

| Regulatory Impact Table | | | |
|-------------------------|--------|--------|--------|
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |

| | | | |
|------------------------------|------------|------------|------------|
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 |

H) Department head approval of regulatory impact analysis:

The Superintendent of the State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this 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 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. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

B) Name and title of department head commenting on the fiscal impacts:

Sydnee Dickson, State Superintendent

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|----------------------|-------------------|-------------------|
| Article X, Section 3 | Section 53E-3-501 | Section 53G-9-606 |
|----------------------|-------------------|-------------------|

| | | |
|-------------------|-------------------|----------------------------|
| Section 53G-9-607 | Section 53G-8-209 | Subsection 53E-3-401(4)(a) |
|-------------------|-------------------|----------------------------|

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 5/15/2020

10. This rule change MAY become effective on: 5/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Angie Stallings, Deputy Superintendent | Date: | 03/30/2020 |
|--|--|--------------|------------|

| NOTICE OF PROPOSED RULE | | | |
|--------------------------------------|-----------------|-------------------|--------------|
| TYPE OF RULE: Amendment | | | |
| Utah Admin. Code Ref (R no.): | R277-708 | Filing No. | 52640 |

Agency Information

| | |
|--------------------------|-------------------------------|
| 1. Department: | Education |
| Agency: | Administration |
| Building: | Board of Education |
| Street address: | 250 E 500 S |
| City, state: | Salt Lake City, UT 84111 |
| Mailing address: | PO Box 144200 |
| City, state, zip: | Salt Lake City, UT 84114-4200 |

| Contact person(s): | | |
|--|---------------|----------------------------------|
| Name: | Phone: | Email: |
| Angie Stallings | 801-538-7830 | angie.stallings@schools.utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

2. Rule or section catchline:
R277-708. Enhancement for At-Risk Students

3. Purpose of the new rule or reason for the change:
This rule has been amended to update definitions and terminology and place decision making on certain priorities at the local education agency (LEA) level.

4. Summary of the new rule or change:
This rule has updates to definitions related to risk for academic failure and low performance on statewide assessments. In addition, LEAs are given the discretion in this rule to identify concerns related to students at risk for academic failure within their individual LEAs.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
This rule change is not expected to have material fiscal impact on state government revenues or expenditures. It enables definitions of at-risk of academic failure to be broadened beyond proficiency on statewide assessments. LEAs that have not adopted local definitions of at-risk of academic failure will need to adopt definitions. However, these activities can be accomplished within existing LEA resources.

B) Local governments:
This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. It enables definitions of at-risk of academic failure to be broadened beyond proficiency on statewide assessments. LEAs that have not adopted local definitions of at-risk of academic failure will need to adopt definitions. However, these activities can be accomplished within existing LEA resources.

C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. It enables definitions of at-risk of academic failure to be broadened beyond proficiency on statewide assessments. LEAs that have not adopted local definitions of at-risk of academic failure will need to adopt definitions. However, these activities can be accomplished within existing LEA resources.

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

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 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.

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

This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. It enables definitions of at-risk of academic failure to be broadened beyond proficiency on statewide assessments. LEAs that have not adopted local definitions of at-risk of academic failure will need to adopt definitions. However, these activities can be accomplished within existing LEA resources.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. This rule change enables definitions of at-risk of academic failure to be broadened beyond proficiency on statewide assessments. LEAs that have not adopted local definitions of at-risk of academic failure will need to adopt definitions. However, these activities can be accomplished within existing LEA resources.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table

| Fiscal Cost | FY2020 | FY2021 | FY2022 |
|------------------------------|------------|------------|------------|
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 |

H) Department head approval of regulatory impact analysis:

The Superintendent of the State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this 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 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. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

| |
|---|
| B) Name and title of department head commenting on the fiscal impacts: |
| Sydnee Dickson, State Superintendent |

Citation Information

| | | |
|--|-------------------|-------------------------|
| 7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): | | |
| Article X, Section 3 | Section 53F-2-410 | Subsection 53E-3-401(4) |

Public Notice Information

| | |
|--|-----------|
| 9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.) | |
| A) Comments will be accepted until: | 5/15/2020 |

| | |
|---|-----------|
| 10. This rule change MAY become effective on: | 5/22/2020 |
| NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over. | |

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Angie Stallings, Deputy Superintendent | Date: | 03/30/2020 |
|--|--|--------------|------------|

| NOTICE OF PROPOSED RULE | | | |
|--------------------------------------|-----------------|-------------------|--------------|
| TYPE OF RULE: New | | | |
| Utah Admin. Code Ref (R no.): | R380-400 | Filing No. | 52606 |

Agency Information

| | |
|------------------------|-------------------------------|
| 1. Department: | Health |
| Agency: | Administration |
| Building: | Martha Hughes Cannon Building |
| Street address: | 288 N 1460 W |

| | | |
|--|-------------------------------|--------------------------|
| City, state: | Salt Lake City, UT | |
| Mailing address: | PO Box 141000 | |
| City, state, zip: | Salt Lake City, UT 84114-1000 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Richard Oborn | 801-538-6504 | medicalcannabis@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|---|
| 2. Rule or section catchline: |
| R380-400. Utah Medical Cannabis Act Rule |
| 3. Purpose of the new rule or reason for the change: |
| The Utah Medical Cannabis Act, Title 26, Chapter 61a, requires that the Utah Department of Health (Department) establish rules related to medical cannabis cardholders, medical cannabis pharmacies, medical cannabis home delivery services, qualified medical providers, pharmacy medical providers, medical cannabis pharmacy agents, medical cannabis couriers, medical cannabis courier agents, and other rules. |
| 4. Summary of the new rule or change: |
| This rule filing defines terms used in Title 26, Chapter 61a, Utah Medical Cannabis Act and Rules R380-400 through R380-411. |

Fiscal Information

| |
|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This rule filing only defines terms used in Title 26, Chapter 61a, Utah Medical Cannabis Act and Rules R380-400 through R380-411, and the definitions have not anticipated cost or savings impact on the state budget. |
| B) Local governments: |
| This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| Defining child care facility or preschool as only those approved by the Department to have a capacity of 300 or more children in Subsection R380-400-2(4) decreases the number applicable facilities from 375 to 3. This change will likely have savings impact on medical cannabis pharmacies because it reduces restrictions on where they can locate and increases the number of available real estate options. |

At this time, the extent of savings impact on medical cannabis pharmacies prompted by this rule is unknown.

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

This proposed rule will not result in a fiscal impact to non-small businesses because this rule does not establish new requirements for non-small businesses.

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

This rule only defines terms used in Title 26, Chapter 61a, Utah Medical Cannabis Act and Rules R380-400 through R380-411 and the definitions have no anticipated cost or savings impact on persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons:

This rule only defines terms used in Title 26, Chapter 61a, Utah Medical Cannabis Act and Rules R380-400 through R380-411 and the definitions have no anticipated cost or savings impact on affected persons.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table

| Fiscal Cost | FY2020 | FY2021 | FY2022 |
|--------------------------|------------|------------|------------|
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 |

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

There is no fiscal impact to business as a result of this rule.

B) Name and title of department head commenting on the fiscal impacts:

Joseph K. Miner, MD, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|-----------------------|----------------------|----------------------|
| Title 26, Chapter 61a | Subsection 26-1-5(1) | Title 63G, Chapter 3 |
|-----------------------|----------------------|----------------------|

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 06/01/2020

B) A public hearing (optional) will be held:

| On: | At: | At: |
|------------|----------|--|
| 05/18/2020 | 01:00 PM | Cannon Health Building, 288 N 1460 W, Room 125, Salt Lake City, UT or Meet.google.com/ke-x-wdum-ohv 1 516-796-6543 PIN: 251 553 837# |

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 06/08/2020 |
| NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over. | |

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 01/30/2020 |
|--|---|--------------|------------|

| NOTICE OF PROPOSED RULE | | | |
|--------------------------------------|----------|-------------------|-------|
| TYPE OF RULE: New | | | |
| Utah Admin. Code Ref (R no.): | R380-401 | Filing No. | 52607 |

Agency Information

| | | | |
|--|-------------------------------|--------------------------|--|
| 1. Department: | Health | | |
| Agency: | Administration | | |
| Building: | Martha Hughes Cannon Building | | |
| Street address: | 288 N 1460 W | | |
| City, state: | Salt Lake City, UT | | |
| Mailing address: | PO Box 141000 | | |
| City, state, zip: | Salt Lake City, UT 84114-1000 | | |
| Contact person(s): | | | |
| Name: | Phone: | Email: | |
| Richard Oborn | 801-538-6504 | medicalcannabis@utah.gov | |
| Please address questions regarding information on this notice to the agency. | | | |

General Information

| |
|---|
| 2. Rule or section catchline: |
| R380-401. Electronic Verification System and Inventory Control System |
| 3. Purpose of the new rule or reason for the change: |
| The Utah Medical Cannabis Act, Title 26, Chapter 61a, requires the Utah Department of Health (Department) to establish rules related to medical cannabis cardholders, medical cannabis pharmacies, medical cannabis home delivery services, qualified medical providers, pharmacy medical providers, medical cannabis pharmacy agents, medical cannabis couriers, medical cannabis courier agents, and other rules. |

| |
|---|
| 4. Summary of the new rule or change: |
| This rule filing establishes electronic verification system and inventory control system access limitations and standards and confidentiality requirements. |

Fiscal Information

| |
|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This proposed rule only establishes electronic verification system and inventory control system access limitations and standards and confidentiality requirements and it has no anticipated cost or savings impact on the state budget. |
| B) Local governments: |
| This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| This proposed rule will not result in a fiscal impact to small businesses because this rule does not establish requirements for small businesses. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| This proposed rule will not result in a fiscal impact to the non-small businesses because this rule does not establish new requirements for non-small businesses. |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>): |
| This proposed rule only establishes electronic verification system and inventory control system access limitations and standards and confidentiality requirements and it has no anticipated cost or savings impact on persons other than small businesses, businesses, or local government entities. |
| F) Compliance costs for affected persons: |
| This rule only establishes electronic verification system and inventory control system access limitations and standards and confidentiality requirements and it has no anticipated cost or savings impact on affected persons. |
| G) Regulatory Impact Summary Table (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 will be included in narratives above.) |

| Regulatory Impact Table | | | |
|--|---------------|---------------|---------------|
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 |
| H) Department head approval of regulatory impact analysis: | | | |
| The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis. | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | |
| There is no fiscal impact to business as a result of this rule. | | | |
| B) Name and title of department head commenting on the fiscal impacts: | | | |
| Joseph K. Miner, MD, Executive Director | | | |

Citation Information

| | | | |
|--|-----------------------|-----|----------------------|
| 7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): | | | |
| Title 26, Chapter 61a | Subsection 61a-103(4) | 26- | Subsection 26-1-5(1) |

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 06/01/2020

B) A public hearing (optional) will be held:

| On: | At: | At: |
|------------|------------|--|
| 05/18/2020 | 01:00 PM | Cannon Health Building, 288 N 1460 W, Room 125, Salt Lake City, UT or Meet.google.com/ke x-wdum-ohv 1 516-796-6543 PIN: 251 553 837# |

10. This rule change MAY become effective on: 06/08/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 01/30/2020 |
|--|---|--------------|------------|

NOTICE OF PROPOSED RULE

| | | | |
|--------------------------------------|-----------------|---------------|------------------|
| TYPE OF RULE: New | | | |
| Utah Admin. Code Ref (R no.): | R380-402 | Filing | No. 52608 |

Agency Information

| | |
|--------------------------|-------------------------------|
| 1. Department: | Health |
| Agency: | Administration |
| Building: | Martha Hughes Cannon Building |
| Street address: | 288 N 1460 W |
| City, state: | Salt Lake City, UT |
| Mailing address: | PO Box 141000 |
| City, state, zip: | Salt Lake City, UT 84114-1000 |

| | | |
|--|---------------|--------------------------|
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Richard Oborn | 801-538-6504 | medicalcannabis@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule or section catchline: |
| R380-402. Medical Cannabis Cards |
| 3. Purpose of the new rule or reason for the change: |
| The Utah Medical Cannabis Act, Section 26-61a-201, requires that the Utah Department of Health (Department) establish rules related to medical cannabis cardholders. |
| 4. Summary of the new rule or change: |
| This proposed rule establishes medical cannabis card application procedures and renewal application procedures. |

Fiscal Information

| |
|---|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This proposed rule will result in cost savings impact on the state budget because it allows the Department to send correspondence via email rather than regular mail unless a cardholder requests that they receive correspondence via regular mail. The Department estimates that by adopting this policy, it will incur a cost savings of approximately \$5,600 in FY 2020, \$12,000 in FY 2021, and \$14,800 in FY 2022. Cost savings was calculated by multiplying the number of patient correspondence that would have been sent via regular mail for each fiscal year by \$0.40 (cost per mailing). The Department expects approximately 14,000 patient correspondences via email in FY 2020, 30,000 in FY 2021, and 37,000 in FY 2022. |
| B) Local governments: |
| This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| This proposed rule will not result in a fiscal impact to small businesses because this rule does not establish requirements for small businesses. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |

This proposed rule will not result in a fiscal impact to the non-small businesses because this rule does not establish new requirements for non-small businesses.

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

This proposed rule will not result in a fiscal impact to persons other than small businesses, businesses, or local government entities because this rule does not establish requirements for these persons.

F) Compliance costs for affected persons:

This proposed rule will not result in a fiscal impact to affected persons because this rule does not establish requirements for these persons.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

| Regulatory Impact Table | | | |
|--------------------------------|----------------|-----------------|-----------------|
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$5,600 | \$12,000 | \$14,800 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$5,600 | \$12,000 | \$14,800 |

NOTICES OF PROPOSED RULES

| | | | | |
|--|---------------|----------------|-----------------|-----------------|
| Net Benefits | Fiscal | \$5,600 | \$12,000 | \$14,800 |
| H) Department head approval of regulatory impact analysis: | | | | |
| The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis. | | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | | |
| This rule will only have a fiscal impact on persons other than small businesses, businesses, or local government entities, as this rule does not establish requirements for these persons. | | | | |
| B) Name and title of department head commenting on the fiscal impacts: | | | | |
| Joseph K. Miner, MD, Executive Director | | | | |

Citation Information

| | | |
|--|-----------------------|--------------------------|
| 7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): | | |
| Title 26, Chapter 61a | Subsection 26-1-5(1) | Subsection 26-61a-201(8) |
| Subsection 26-61a-201(9) | Subsection 26-61a-201 | |

Public Notice Information

| | | |
|--|------------|--|
| 9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.) | | |
| A) Comments will be accepted until: | 06/01/2020 | |
| B) A public hearing (optional) will be held: | | |
| On: | At: | At: |
| 05/18/2020 | 01:00 PM | Cannon Health Building, 288 N 1460 W, Room 125, Salt Lake City, UT or Meet.google.com/ke x-wdum-ohv 1 516-796-6543 PIN: 251 553 837# |
| 10. This rule change MAY become effective on: | | |
| 06/08/2020 | | |

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 01/30/2020 |
|--|---|--------------|------------|

NOTICE OF PROPOSED RULE

| | | | |
|--------------------------------------|-----------------|-------------------------|--|
| TYPE OF RULE: New | | | |
| Utah Admin. Code Ref (R no.): | R380-403 | Filing No. 52609 | |

Agency Information

| | | |
|--|-------------------------------|--------------------------|
| 1. Department: | Health | |
| Agency: | Administration | |
| Building: | Martha Hughes Cannon Building | |
| Street address: | 288 N 1460 W | |
| City, state: | Salt Lake City, UT | |
| Mailing address: | PO Box 141000 | |
| City, state, zip: | Salt Lake City, UT 84114-1000 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Richard Oborn | 801-538-6504 | medicalcannabis@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|---|
| 2. Rule or section catchline: |
| R380-403. Qualified Medical Providers |
| 3. Purpose of the new rule or reason for the change: |
| Subsection 26-61a-106(3) requires the Utah Department of Health (Department) to establish rules related to qualified medical providers. |
| 4. Summary of the new rule or change: |
| This proposed rule establishes definitions of terms used in the rule and application procedures and continuing education requirements for qualified medical providers (QMPs). |

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

Under Section R380-403-5, minimal savings impact on the state budget comes as a result of the Department adopting a rule that allows businesses to create continuing education coursework to be approved by the Department rather than having the Department contract with a vendor to create this coursework. The Department is unable to estimate how much it would cost to contract with a single vendor to create it but work involved would include working with the Division of Purchasing on posting a Request for Proposal (RFP) or coordinating with an existing state vendor.

B) Local governments:

This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies.

C) Small businesses ("small business" means a business employing 1-49 persons):

Section R380-403-5 allows small businesses to create continuing education coursework to be approved by the Department rather than having the Department contract with a vendor to create this coursework. This enables businesses to provide approved coursework at a cost to applicants seeking registration as a qualified medical provider. Small businesses are expected to charge a course registration fee of \$150 to \$300. The number of small businesses impacted by this rule is unknown because the Department has no way of knowing how many small businesses will decide to provide these courses.

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

This proposed rule will not result in a fiscal impact to non-small businesses because this rule does not establish new requirements for non-small businesses.

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

Entities or individuals affected by this rule filing include some physicians, physician assistants, and advanced practice registered nurses who intend to be registered as QMPs. Section R380-403-5 establishes the continuing education requirement for QMPs and the estimated cost impact of the coursework is \$150 to \$300 during each 2-year renewal cycle. The Department estimates that 100 medical professionals will become registered as QMPs in FY 2020 and 200 in FY 2021 and FY 2022.

F) Compliance costs for affected persons:

Entities or individuals affected by this rule filing include some physicians, physician assistants, and advanced practice registered nurses who intend to be registered as QMPs. Section R380-403-5 establishes the continuing education requirement for QMPs and the estimated cost impact of the coursework is \$150 to \$300 during each 2-year renewal cycle. The Department estimates that 100 medical professionals will become registered as QMPs in FY 2020 and 200 in FY 2021 and FY 2022.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table

| Fiscal Cost | FY2020 | FY2021 | FY2022 |
|------------------------------|-------------------|-------------------|-------------------|
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | (\$22,500) | (\$45,000) | (\$45,000) |
| Total Fiscal Cost | (\$22,500) | (\$45,000) | (\$45,000) |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$22,500 | \$45,000 | \$45,000 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$22,500 | \$45,000 | \$45,000 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

This proposed rule will not result in a fiscal impact to non-small businesses because this rule does not establish new requirements for non-small businesses. Entities or individuals affected by this rule filing include some physicians, physician assistants, and advanced practice registered nurses who intend to be registered as QMPs.

B) Name and title of department head commenting on the fiscal impacts:

Joseph K. Miner, MD, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|-----------------------|-----------------------------|---------------------|
| Title 26, Chapter 61a | Subsection 26-61a-106(3)(b) | Subsection 26-15(1) |
|-----------------------|-----------------------------|---------------------|

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 06/01/2020

B) A public hearing (optional) will be held:

| On: | At: | At: |
|------------|----------|--|
| 05/18/2020 | 01:00 PM | Cannon Health Building, 288 N 1460 W, Room 125, Salt Lake City, UT or Meet.google.com/ke x-wdum-ohv 1 516-796-6543 PIN: 251 553 837# |

10. This rule change MAY become effective on: 06/08/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 01/30/2020 |
|--|---|--------------|------------|

NOTICE OF PROPOSED RULE

| | | | |
|--------------------------------------|-----------------|-------------------------|--|
| TYPE OF RULE: New | | | |
| Utah Admin. Code Ref (R no.): | R380-404 | Filing No. 52610 | |

Agency Information

| | | | |
|---------------------------|-------------------------------|--------------------------|--|
| 1. Department: | Health | | |
| Agency: | Administration | | |
| Building: | Martha Hughes Cannon Building | | |
| Street address: | 288 N 1460 W | | |
| City, state: | Salt Lake City, UT | | |
| Mailing address: | PO Box 141000 | | |
| City, state, zip: | Salt Lake City, UT 84114-1000 | | |
| Contact person(s): | | | |
| Name: | Phone: | Email: | |
| Richard Oborn | 801-538-6504 | medicalcannabis@utah.gov | |

Please address questions regarding information on this notice to the agency.

General Information

| |
|---|
| 2. Rule or section catchline: |
| R380-404. Dosing Parameters |
| 3. Purpose of the new rule or reason for the change: |
| The Utah Medical Cannabis Act, Title 26, Chapter 61a, requires the Utah Department of Health (Department) to establish rules related to medical cannabis cardholders, medical cannabis pharmacies, qualified medical providers, and pharmacy medical providers. |
| 4. Summary of the new rule or change: |
| This proposed rule establishes general standards for dosage parameters in a medical cannabis recommendation. |

Fiscal Information

| |
|---|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This proposed rule will not result in a fiscal impact to the state budget because this rule does not establish new requirements for Department. |

| | | | |
|--|---------------|---------------|---------------|
| B) Local governments: | | | |
| This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies. | | | |
| C) Small businesses ("small business" means a business employing 1-49 persons): | | | |
| This proposed rule will not result in a fiscal impact to small businesses because this rule does not establish new requirements for small businesses. | | | |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): | | | |
| This proposed rule will not result in a fiscal impact to non-small businesses because this rule does not establish new requirements for non-small businesses. | | | |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): | | | |
| This proposed rule will not result in a fiscal impact to persons other than small businesses, businesses, or local government entities because this rule does not establish new requirements for these persons. | | | |
| F) Compliance costs for affected persons: | | | |
| This proposed rule will not result in a fiscal impact to affected persons because this rule does not establish new requirements for these persons. | | | |
| G) Regulatory Impact Summary Table (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 will be included in narratives above.) | | | |
| Regulatory Impact Table | | | |
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |

| | | | |
|------------------------------|------------|------------|------------|
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 |

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

There is no fiscal impact to business as a result of this rule.

B) Name and title of department head commenting on the fiscal impacts:

Joseph K. Miner, MD, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|-----------------------|----------------------|--|
| Title 26, Chapter 61a | Subsection 26-1-5(1) | |
|-----------------------|----------------------|--|

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 06/01/2020

B) A public hearing (optional) will be held:

| | | |
|------------|------------|-------------------------------|
| On: | At: | At: |
| 05/18/2020 | 01:00 PM | Cannon Health Building, 288 N |

NOTICES OF PROPOSED RULES

| | | |
|--|--|---|
| | | 1460 W, Room 125, Salt Lake City, UT or Meet.google.com/ke x-wdum-ohv 1 516-796-6543 PIN: 251 553 837# |
|--|--|---|

10. This rule change MAY become effective on: 06/08/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 01/30/2020 |
|--|---|--------------|------------|

| NOTICE OF PROPOSED RULE | | | |
|--------------------------------------|-----------------|-------------------|--------------|
| TYPE OF RULE: New | | | |
| Utah Admin. Code Ref (R no.): | R380-405 | Filing No. | 52611 |

Agency Information

| | | |
|--|-------------------------------|--------------------------|
| 1. Department: | Health | |
| Agency: | Administration | |
| Building: | Martha Hughes Cannon Building | |
| Street address: | 288 N 1460 W | |
| City, state: | Salt Lake City, UT | |
| Mailing address: | PO Box 141000 | |
| City, state, zip: | Salt Lake City, UT 84114-1000 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Richard Oborn | 801-538-6504 | medicalcannabis@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|---|
| 2. Rule or section catchline: |
| R380-405. Pharmacy Medical Providers |
| 3. Purpose of the new rule or reason for the change: |
| Subsection 26-61a-403(3) requires the Utah Department of Health (Department) to establish rules related to qualified medical providers. |

| |
|--|
| 4. Summary of the new rule or change: |
| This rule filing establishes definitions, pharmacy medical provider (PMP) application procedures, and PMP continuing education requirements. |

Fiscal Information

| |
|---|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| Under Section R380-405-5, minimal savings impact on the state budget comes as a result of the Department adopting a rule that allows businesses to create continuing education coursework to be approved by the Department rather than having the Department contract with a vendor to create this coursework. The Department is unable to estimate how much it would cost to contract with a single vendor to create it but work involved would include working with the Division of Purchasing on posting a Request for Proposal (RFP) or coordinating with an existing state vendor. |
| B) Local governments: |
| This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| Section R380-405-5 allows businesses to create continuing education coursework to be approved by the Department rather than having the Department contract with a vendor to create this coursework. This enables businesses to provide approved coursework at a cost to applicants seeking registration as a pharmacy medical provider. Businesses are expected to charge a course registration fee of \$150 to \$300. The number of small businesses impacted by this rule is unknown because the Department has no way of knowing how many small businesses will decide to provide these courses. |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): |
| This proposed rule will not result in a fiscal impact to the non-small businesses because this rule does not establish new requirements for non-small businesses. |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>): |
| Entities or individuals affected by this rule filing include some physicians and pharmacists who intend to be registered PMPs. Section R380-405-5 establishes the continuing education requirement for PMPs and the estimated cost impact of the coursework is \$150 to \$300 during each 2-year renewal cycle. The Department |

estimates that approximately 21 medical professionals will become registered PMPs in FY 2020, 200 in FY 2021, and 121 in FY 2022.

F) Compliance costs for affected persons:

Entities or individuals affected by this rule filing include some physicians and pharmacists who intend to be registered PMPs. Section R380-405-5 establishes the continuing education requirement for PMPs and the estimated cost impact of the coursework is \$150 to \$300 during each 2-year renewal cycle. The Department estimates that approximately 21 medical professionals will become registered PMPs in FY 2020, 200 in FY 2021, and 121 in FY 2022.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table

| Fiscal Cost | FY2020 | FY2021 | FY2022 |
|------------------------------|------------------|-------------------|-------------------|
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | (\$4,700) | (\$45,000) | (\$27,200) |
| Total Fiscal Cost | (\$4,700) | (\$45,000) | (\$27,200) |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$4,700 | \$45,000 | \$27,200 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$4,700 | \$45,000 | \$27,200 |
| Net Fiscal Benefits | \$0 | \$0 | \$0 |

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Joseph Miner, MD, has reviewed and approved this fiscal

analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

Entities or individuals affected by this rule filing include some physicians and pharmacists who intend to be registered PMPs.

B) Name and title of department head commenting on the fiscal impacts:

Joseph K. Miner, MD, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|----------------------|-----------------------|-----------------------------|
| Subsection 26-1-5(1) | Title 26, Chapter 61a | Subsection 26-61a-403(3)(b) |
|----------------------|-----------------------|-----------------------------|

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 06/01/2020

B) A public hearing (optional) will be held:

| On: | At: | At: |
|------------|----------|--|
| 05/18/2020 | 01:00 PM | Cannon Health Building, 288 N 1460 W, Room 125, Salt Lake City, UT or Meet.google.com/ke x-wdum-ohv 1 516-796-6543 PIN: 251 553 837# |

10. This rule change MAY become effective on: 06/08/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 01/30/2020 |
|--|---|--------------|------------|

| NOTICE OF PROPOSED RULE | | | |
|--------------------------------------|-----------------|-------------------|--------------|
| TYPE OF RULE: New | | | |
| Utah Admin. Code Ref (R no.): | R380-406 | Filing No. | 52614 |

Agency Information

| | | | |
|--|-------------------------------|--------------------------|--|
| 1. Department: | Health | | |
| Agency: | Administration | | |
| Building: | Martha Hughes Cannon Building | | |
| Street address: | 288 N 1460 W | | |
| City, state: | Salt Lake City, UT | | |
| Mailing address: | PO Box 141000 | | |
| City, state, zip: | Salt Lake City, UT 84114-1000 | | |
| Contact person(s): | | | |
| Name: | Phone: | Email: | |
| Richard Oborn | 801-538-6504 | medicalcannabis@utah.gov | |
| Please address questions regarding information on this notice to the agency. | | | |

General Information

| |
|---|
| 2. Rule or section catchline: |
| R380-406. Medical Cannabis Pharmacy |
| 3. Purpose of the new rule or reason for the change: |
| Sections 26-61a-501, 26-61a-503, and 26-61a-605 of the Utah Medical Cannabis Act require the Utah Department of Health (Department) to establish rules related to medical cannabis pharmacies. |
| 4. Summary of the new rule or change: |
| This proposed rule establishes definitions, general medical cannabis pharmacy operating standards, partial fill standards, medical cannabis pharmacy operating plan requirements, cannabis product transportation standards, cannabis product waste and disposal standards, cannabis product recall standards, duties and requirements of a pharmacist-in-charge, security standards, supervision standards, inventory standards, cannabis product packaging standards, and standards related to closing a medical cannabis pharmacy. |

Fiscal Information

| |
|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This proposed rule will not result in a fiscal impact to the state budget because it does not establish requirements for the Department. |
| B) Local governments: |
| This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| Section R380-406-3 prohibits a medical cannabis pharmacy from selling or transferring their license. This may have cost impact on small businesses that have a medical cannabis pharmacy license and want the option of selling or transferring the license to another business for a price. Rather than selling or transferring the license, the business must abandon it and the Department would post a Request for Proposal (RFP) through the Division of Purchasing, accept applications, and award the license to the top applicant. The market price for a medical cannabis pharmacy license in Utah would depend on a lot of factors, such as market size and the location of a facility being purchased. The Department does not have enough information to estimate market price. |
| Subsection R380-406-3 establishes general operating standards for medical cannabis pharmacies. One standard is that a medical cannabis pharmacy must protect at all times confidential cardholder data and information stored in the EVS. This means that each medical cannabis pharmacy must purchase the 's designated EVS which is MicroPact's entellitrak software programmed to Utah's specifications. The cost of the software depends on the number of users. It is anticipated that most medical cannabis pharmacies will have five or less concurrent users and therefore purchase the entellitrak Professional Edition which has a one-time perpetual license fee of \$76,302 and an annual support and upgrade subscription fee of \$15,260. The \$15,260 annual support and subscription fee will not increase more than 2% annually unless a compelling business need arises, and with consultation and approval of the Department. |
| Section R380-406-7 establishes security standards for medical cannabis pharmacies. According to the industry, estimated costs of security equipment (i.e., cameras and monitors, access control, panic button(s), burglary system) range from \$34,000 to \$60,000 for initial purchase and installation. Annual maintenance of this security equipment ranges between \$1,000 and \$1,500 per year. Estimated costs of infrastructure (i.e., installing steel doors, adding walls, bullet proof glass, building vaults) range between \$80,000 and \$100,000 for initial installation. Maintenance costs of these items will be low. |

Section R380-406-8 establishes inventory standards for medical cannabis pharmacies. One standard is that pharmacies use the state's designated inventory control system (ICS) to establish a record of each transaction. This means that each medical cannabis pharmacy must purchase the 's designated ICS which is MJ Freeway's Leaf Data Systems software programmed to Utah's specifications. The cost of the ICS is a \$599 per month subscription fee.

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

This proposed rule will not result in a fiscal impact to the non-small businesses because this rule does not establish new requirements for non-small businesses.

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

This proposed rule will not result in a fiscal impact to persons other than small businesses, businesses, or local government entities because it does not establish requirements for these persons.

F) Compliance costs for affected persons:

This proposed rule will not result in a fiscal impact to affected persons because it does not establish requirements for these persons.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table

| Fiscal Cost | FY2020 | FY2021 | FY2022 |
|--------------------------|----------------------|--------------------|--------------------|
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | (\$3,250,900) | (\$336,000) | (\$340,400) |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | (\$3,250,900) | (\$336,000) | (\$340,400) |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |

| | | | |
|------------------------------|----------------------|--------------------|--------------------|
| Local Governments | \$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 | (\$3,250,900) | (\$336,000) | (\$340,400) |

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

This may have cost impact on businesses that have a medical cannabis pharmacy license and want the option of selling or transferring the license to another business for a price. Rather than selling or transferring the license, the business must abandon it and the Department would post an RFP through the Division of Purchasing, accept applications, and award the license to the top applicant.

B) Name and title of department head commenting on the fiscal impacts:

Joseph K. Miner, MD, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|--------------------------|--------------------------|---------------------------|
| Title 26, Chapter 61a | Subsection 26-1-5(1) | Subsection 26-61a-501(13) |
| Subsection 26-61a-503(3) | Subsection 26-61a-605(5) | Subsection 26-61a-501(12) |

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

NOTICES OF PROPOSED RULES

| | | |
|---|------------|--|
| A) Comments will be accepted until: | | 06/01/2020 |
| B) A public hearing (optional) will be held: | | |
| On: | At: | At: |
| 05/18/2020 | 01:00 PM | Cannon Health Building, 288 N 1460 W, Room 125, Salt Lake City, UT or Meet.google.com/ke x-wdum-ohv 1 516-796-6543 PIN: 251 553 837# |

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 06/08/2020 |
| NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over. | |

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 01/30/2020 |
|--|---|--------------|------------|

| NOTICE OF PROPOSED RULE | | | |
|--------------------------------------|-----------------|-------------------|--------------|
| TYPE OF RULE: New | | | |
| Utah Admin. Code Ref (R no.): | R380-407 | Filing No. | 52615 |

Agency Information

| | | |
|--|-------------------------------|--------------------------|
| 1. Department: | Health | |
| Agency: | Administration | |
| Building: | Martha Hughes Cannon Building | |
| Street address: | 288 N 1460 W | |
| City, state: | Salt Lake City, UT | |
| Mailing address: | PO Box 141000 | |
| City, state, zip: | Salt Lake City, UT 84114-1000 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Richard Oborn | 801-538-6504 | medicalcannabis@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule or section catchline: |
| R380-407. Medical Cannabis Pharmacy Agent |
| 3. Purpose of the new rule or reason for the change: |
| Subsection 26-61a-401(5) of the Utah Medical Cannabis Act, requires that the Utah Department of Health (Department) establish rules related to medical cannabis pharmacy agents. |
| 4. Summary of the new rule or change: |
| This rule filing establishes medical cannabis pharmacy agent duties and responsibilities, application procedures, renewal application procedures, and certification standards. |

Fiscal Information

| |
|---|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| Under Section R380-407-5, minimal cost impact on the state budget comes as a result of the Department adopting a rule that requires that the certification standard for initial and renewal of registration of a pharmacy agent will be successful completion of an online course developed by the Department. The extent of this course will be a review of information related to laws applicable to practice as a pharmacy agent and an electronic acknowledgement of having understood the laws. |
| B) Local governments: |
| This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| Under Section R380-407-5, minimal savings impact on medical cannabis pharmacies comes as a result of the Department adopting a rule that requires that the certification standard for initial and renewal of registration of a pharmacy agent will be successful completion of an online course developed by the Department. The extent of this course will be a review of information related to laws applicable to practice as a pharmacy agent and an electronic acknowledgement of having understood the laws. Had the Department required that pharmacy agents complete a course provided by a private vendor, the cost of the courses would likely be paid by medical cannabis pharmacies. The cost of those courses would likely be between \$150 and \$300 for each pharmacy agent applicant during every 2-year renewal cycle. This is a cost savings to medical cannabis pharmacies. The Department estimates that approximately 32 applicants will become registered pharmacy agents in FY 2020 and 56 in FY 2021 and FY 2022. |

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

This proposed rule will not result in a fiscal impact to the non-small businesses because this rule does not establish new requirements for non-small businesses.

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

Under Section R380-407-5, minimal savings impact on medical cannabis pharmacy agents comes as a result of the Department adopting a rule that requires that the certification standard for initial and renewal of registration of a pharmacy agent will be successful completion of an online course developed by the Department. The extent of this course will be a review of information related to laws applicable to practice as a pharmacy agent and an electronic acknowledgement of having understood the laws. Had the Department required that pharmacy agents complete a course provided by a private vendor, the cost of the courses would likely be paid by medical cannabis pharmacies. The cost of those courses would likely be between \$150 and \$300 for each pharmacy agent applicant during every 2-year renewal cycle. This is a cost savings to medical cannabis pharmacy agents. The Department estimates that approximately 32 applicants will become registered pharmacy agents in FY 2020 and 56 in FY 2021 and FY 2022.

F) Compliance costs for affected persons:

Under Section R380-407-5, minimal savings impact on medical cannabis pharmacy agents comes as a result of the Department adopting a rule that requires that the certification standard for initial and renewal of registration of a pharmacy agent will be successful completion of an online course developed by the Department. The extent of this course will be a review of information related to laws applicable to practice as a pharmacy agent and an electronic acknowledgement of having understood the laws. Had the Department required that pharmacy agents complete a course provided by a private vendor, the cost of the courses would likely be paid by medical cannabis pharmacies. The cost of those courses would likely be between \$150 and \$300 for each pharmacy agent applicant during every 2-year renewal cycle. This is a cost savings to medical cannabis pharmacy agents. The Department estimates that approximately 32 applicants will become registered pharmacy agents in FY 2020 and 56 in FY 2021 and FY 2022.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

| Regulatory Impact Table | | | |
|--|----------------|-----------------|-----------------|
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$7,200 | \$12,600 | \$12,600 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits | \$7,200 | \$12,600 | \$12,600 |
| Net Fiscal Benefits | \$7,200 | \$12,600 | \$12,600 |
| H) Department head approval of regulatory impact analysis: | | | |
| The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis. | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | |
| Minimal savings impact on medical cannabis pharmacies comes as a result of the Department adopting a rule that requires the certification standard for initial and renewal of registration of a pharmacy agent upon successful completion of an online course developed by the Department. | | | |
| B) Name and title of department head commenting on the fiscal impacts: | | | |
| Joseph K. Miner, MD, Executive Director | | | |

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|-----------------------|-----------------------|-----|
| Title 26, Chapter 61a | Subsection 61a-401(5) | 26- |
|-----------------------|-----------------------|-----|

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 06/01/2020

B) A public hearing (optional) will be held:

| On: | At: | At: |
|------------|----------|--|
| 05/18/2020 | 01:00 PM | Cannon Health Building, 288 N 1460 W, Room 125, Salt Lake City, UT or Meet.google.com/ke x-wdum-ohv 1 516-796-6543 PIN: 251 553 837# |

10. This rule change MAY become effective on: 06/08/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 01/30/2020 |
|--|---|--------------|------------|

NOTICE OF PROPOSED RULE

| | | | |
|--------------------------------------|-----------------|-------------------|--------------|
| TYPE OF RULE: New | | | |
| Utah Admin. Code Ref (R no.): | R380-408 | Filing No. | 52616 |

Agency Information

| | |
|--------------------------|-------------------------------|
| 1. Department: | Health |
| Agency: | Administration |
| Building: | Martha Hughes Cannon Building |
| Street address: | 288 N 1460 W |
| City, state: | Salt Lake City, UT |
| Mailing address: | PO Box 141000 |
| City, state, zip: | Salt Lake City, UT 84114-1000 |

| | | |
|---------------------------|---------------|--------------------------|
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Richard Oborn | 801-538-6504 | medicalcannabis@utah.gov |

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R380-408. Home Delivery and Courier

3. Purpose of the new rule or reason for the change:
Section 26-61a-606, Utah Medical Cannabis Act, requires the Utah Department of Health (Department) to establish rules related to medical cannabis couriers and medical cannabis courier agents.

4. Summary of the new rule or change:
This proposed rule establishes the requirements for home delivery operating standards, home delivery agent operating standards, courier agent application procedures, and courier agent renewal application procedures and courier agent certification standards.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
This proposed rule will not result in a fiscal impact to the state budget because this rule does not establish requirements for the Department.

B) Local governments:
This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies.

C) Small businesses ("small business" means a business employing 1-49 persons):

Section R380-408-2 establishes operating standards for medical cannabis home delivery services. The cost impact to a home delivery medical cannabis pharmacy or a medical cannabis courier equipping their vehicle(s) with a GPS tracking system that provides real time tracking to off-

site locations (i.e., the pharmacy) ranges from \$350 to \$1,100 per year, per pharmacy. The estimated cost impact to a home delivery medical cannabis pharmacy or a medical cannabis courier equipping their vehicle with an alarm system ranges from \$98 to \$400 per vehicle. The Department estimates that each of the 14 pharmacies will have a GPS tracking system in FY 2021 and FY 2022 and approximately 42 vehicles will be equipped with an alarm system in FY 2021 and FY 2022.

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

This proposed rule will not result in a fiscal impact to the non-small businesses because this rule does not establish new requirements for non-small businesses.

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

This proposed rule will not result in a fiscal impact to the persons other than small businesses, businesses, or local government entities because this rule does not establish requirements for enforcement by these persons.

F) Compliance costs for affected persons:

This proposed rule will not result in a fiscal impact to the affected persons because this rule does not establish requirements for enforcement by these persons.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

| Regulatory Impact Table | | | |
|--------------------------------|---------------|-------------------|-------------------|
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | (\$20,600) | (\$20,600) |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | (\$20,600) | (\$20,600) |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |

| | | | |
|------------------------------|------------|-------------------|-------------------|
| Local Governments | \$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 | (\$20,600) | (\$20,600) |

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The cost impact to a home delivery medical cannabis pharmacy or a medical cannabis courier equipping their vehicle(s) with a GPS tracking system that provides real time tracking to off-site locations (i.e., the pharmacy).

B) Name and title of department head commenting on the fiscal impacts:

Joseph K. Miner, MD, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|-----------------------|----------------------|--------------------|
| Title 26, Chapter 61a | Subsection 26-1-5(1) | Section 26-61a-606 |
|-----------------------|----------------------|--------------------|

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 06/01/2020

B) A public hearing (optional) will be held:

| On: | At: | At: |
|------------|------------|-------------------------------|
| 05/18/2020 | 01:00 PM | Cannon Health Building, 288 N |

NOTICES OF PROPOSED RULES

| | | |
|--|--|---|
| | | 1460 W, Room 125, Salt Lake City, UT or Meet.google.com/ke x-wdum-ohv 1 516-796-6543 PIN: 251 553 837# |
|--|--|---|

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 06/08/2020 |
| NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over. | |

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 01/30/2020 |
|--|---|--------------|------------|

| NOTICE OF PROPOSED RULE | | | |
|-------------------------------|----------|------------|-------|
| TYPE OF RULE: Amendment | | | |
| Utah Admin. Code Ref (R no.): | R392-302 | Filing No. | 52636 |

Agency Information

| | | |
|--|---|----------------------|
| 1. Department: | Health | |
| Agency: | Disease Control and Prevention, Environmental Services | |
| Room no.: | Second Floor | |
| Building: | Cannon Health Building | |
| Street address: | 288 North 1460 West | |
| City, state: | Salt Lake City, UT 84116 | |
| Mailing address: | PO BOX 142102 | |
| City, state, zip: | Salt Lake City, UT 84114-2102 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Chris Nelson | 801-538-6191 | chrisnelson@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule or section catchline: |
| R392-302. Design, Construction and Operation of Public Pools |

| |
|--|
| 3. Purpose of the new rule or reason for the change: |
| The Utah Department of Health's (Department) Swimming Pool Advisory Committee has recommended this change to clarify language pertaining to the interlocking of chemical feed pumps. The vagueness of the previous language could lead to under/over regulation and faulty implementation of interlocks. The new language is modeled after the Center for Disease Control's (CDC's) Model Aquatic Health Code. |

| |
|--|
| 4. Summary of the new rule or change: |
| This amendment modifies Subsection R392-302-16(12) and Subsection R392-302-21(7) to clarify language for interlocking chemical feeders, clarifies language addresses responsibility and adequacy of interlocks, removes grandfather status for interlocks, and requires all pools to comply by 2023. Also, numbering errors and typos are fixed. |

Fiscal Information

| |
|--|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| Enacting the proposed changes to Rule R392-302 will not result in a cost or benefit to the state budget because the proposed rule amendment does not require a change to current state operations or programs. |

| |
|---|
| B) Local governments: |
| Enacting the proposed changes to Rule R392-302 will not result in a direct cost or benefit to local health departments because the proposed rule amendment does not require a change to current operation or programs. The proposed changes to Rule R392-302 will likely result in a cost to those municipal pool facilities not currently in compliance with Subsection R392-302-21(7), interlocking chemical feeds with the circulation pump. It was reported in FY19 an estimated 164 municipal pool facilities were permitted as public pools. Due to the wide variety of ways to meet this requirement, the cost is estimated to be \$250 to \$700 per circulation pump, averaged to \$475, per facility not currently in compliance with the interlock requirement. An estimated 13% of municipal pool facilities may need to make changes, resulting in an approximate total cost of \$10,127. |

| |
|--|
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| Enacting the proposed changes to Rule R392-302 will likely result in a cost to those small businesses not currently in compliance with Subsection R392-302-21(7), interlocking chemical feeds with the circulation pump. It was reported in FY19 an estimated 3,254 facilities permitted as public pools, with 3,243 possibly being affected by this rule change, of which an estimated 2,859 are considered small businesses. Affected industries include contractors, engineers, and multiple types of |

operators and maintenance companies. Also affected will be those businesses which own or operate a public pool, including hotels, apartments, amusement parks, home owner's associations (HOA), schools, municipalities, and fitness centers. The Department can be contacted for a full list of North American Industry Classification System (NAICS) codes. Due to the wide variety of ways to meet this requirement the cost is estimated to be \$250 to \$700 per circulation pump, averaged to \$475, per facility not currently in compliance with the interlock requirement. An estimated 13% of small businesses may need to make changes, resulting in an approximate total cost of \$176,543.

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

It was reported in FY19 an estimated 3,254 facilities permitted as public pools, with 3,243 possibly being affected by this rule change, of which an estimated 220 are considered non-small. An estimated 13% of these may need to come into compliance with Subsection R392-302-21(7), interlocking circulation pumps with chemical feed systems. Affected industries include contractors, engineers, and multiple types of operators and maintenance companies. Also affected will be those businesses which own or operate a public pool, including hotels, apartments, amusement parks, HOAs, schools, municipalities, and fitness centers. The Department can be contacted for a full list of NAICS codes. Due to the wide variety of ways to meet this requirement the cost is estimated to be \$250 to \$700 per circulation pump, averaged to \$475, per facility not currently in compliance with Subsection R392-302-21(7). The total cost for non-small businesses is estimated to be \$13,585. Facilities have until January 31, 2023, to make these changes.

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

Enacting the proposed changes to Rule R392-302 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 this rule change specific to any one person.

F) Compliance costs for affected persons:

Affected persons are as follows:
State: Utah Department of Health. There are no compliance costs associated with this rule change for state entities.

Local Government: 13 local health departments. There are no compliance costs associated with this rule change for local health departments. Municipal run public pools may be affected due to coming into compliance with the requirement to interlock circulation systems with chemical feed systems. An estimated 13% of municipal pools may be affected.

Small business: All public pool facilities, as defined, including schools, universities, apartments, HOAs, fitness centers, amusement parks, municipalities, and hotels. Compliance costs will result from complying with the requirement to interlock circulation systems with chemical feed systems. An estimated 13% of small businesses with pools may be affected.

Persons: No specific person will be affected by this rule. There are no compliance costs associated with this rule change for any one specific person.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table

| Fiscal Cost | FY2020 | FY2021 | FY2022 |
|------------------------------|-------------------|------------|------------|
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$10,127 | \$0 | \$0 |
| Small Businesses | \$176,542 | \$0 | \$0 |
| Non-Small Businesses | \$13,585 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$200,255 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 | -\$200,285 | \$0 | \$0 |

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

Due to the wide variety of ways to meet this requirement the cost is estimated to be \$250 to \$700 per circulation pump, averaged to \$475, per facility not currently in compliance with Subsection R392-302-21(7). An estimated 13% of small businesses may need to make changes, resulting in an approximate total cost of \$176,543. The total cost for non-small businesses is estimated to be \$13,585. Facilities have until January 31, 2023, to make these changes.

B) Name and title of department head commenting on the fiscal impacts:

Joseph K. Miner, MD, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|-----------------------|------------------------|-----------------|
| Section 26-1-5 | Subsection 26-1-30(23) | Section 26-15-2 |
| Subsection 26-1-30(9) | Section 26-7-1 | |

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 07/01/2020

10. This rule change MAY become effective on: 07/08/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 03/26/2020 |
|--|---|--------------|------------|

NOTICE OF PROPOSED RULE

| | | | |
|--------------------------------------|----------|-------------------|--------------|
| TYPE OF RULE: Amendment | | | |
| Utah Admin. Code Ref (R no.): | R414-516 | Filing No. | 52632 |

Agency Information

| | | |
|---------------------------|--|-----------------------|
| 1. Department: | Health | |
| Agency: | Health Care Financing, Coverage and Reimbursement Policy | |
| Building: | Cannon Health Building | |
| Street address: | 288 North 1460 West | |
| Mailing address: | PO Box 143102 | |
| City, state, zip: | Salt Lake City, UT 84114-3102 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Craig Devashrayee | 801-538-6641 | cdevashrayee@utah.gov |

Please address questions regarding information on this notice to the agency.

General Information

| |
|---|
| 2. Rule or section catchline: |
| R414-516. Nursing Facility Non-State Government-Owned Upper Payment Limit Quality Improvement Program |
| 3. Purpose of the new rule or reason for the change: |
| The purpose of this change is to clarify which health care practitioners must provide mobility services to residents within the Quality Improvement (QI) Program. |
| 4. Summary of the new rule or change: |
| This amendment clarifies which health care practitioners must provide mobility services to residents within the QI Program. It also clarifies provisions for residents who participate in mobility exercises and makes other technical changes. |

Fiscal Information

| |
|---|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| There is no impact to the state budget because this change only clarifies provisions within the QI Program. |

| | | | |
|--|---------------|---------------|---------------|
| B) Local governments: | | | |
| There is no impact on local governments because this change only clarifies provisions within the QI Program. | | | |
| C) Small businesses ("small business" means a business employing 1-49 persons): | | | |
| There is no impact on small businesses because this change only clarifies provisions within the QI Program. | | | |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): | | | |
| There is no impact on non-small businesses because this change only clarifies provisions within the QI Program. | | | |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): | | | |
| There is no impact on Medicaid providers and residents because this change only clarifies provisions within the QI Program. | | | |
| F) Compliance costs for affected persons: | | | |
| There are no compliance costs to a single Medicaid provider or to a resident because this change only clarifies provisions within the QI Program. | | | |
| G) Regulatory Impact Summary Table (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 will be included in narratives above.) | | | |
| Regulatory Impact Table | | | |
| Fiscal Cost | FY2020 | FY2021 | FY2022 |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 |

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

Businesses will see neither revenue nor costs as this amendment only clarifies provisions within the QI Program.

B) Name and title of department head commenting on the fiscal impacts:

Joseph K. Miner, MD, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|----------------|-----------------|--|
| Section 26-1-5 | Section 26-18-3 | |
|----------------|-----------------|--|

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 05/15/2020

10. This rule change MAY become effective on: 05/22/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a

Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 03/26/2020 |
|--|---|--------------|------------|

| NOTICE OF PROPOSED RULE | | | |
|--------------------------------------|---------------|-------------------|--------------|
| TYPE OF RULE: Amendment | | | |
| Utah Admin. Code Ref (R no.): | R515-1 | Filing No. | 52633 |

Agency Information

| | | | |
|---------------------------|--|------------------|--|
| 1. Department: | Human Services | | |
| Agency: | Child Protection Ombudsman (Office of) | | |
| Building: | MASOB | | |
| Street address: | 195 N 1950 W | | |
| City, state: | Salt Lake City, UT 84116 | | |
| Mailing address: | 195 N 1950 W | | |
| City, state, zip: | Salt Lake City, UT 84116 | | |
| Contact person(s): | | | |
| Name: | Phone: | Email: | |
| Paul Schaaf | 801-538-8293 | pschaaf@utah.gov | |
| Jonah Shaw | 801-538-4219 | jshaw@utah.gov | |

Please address questions regarding information on this notice to the agency.

General Information

| |
|---|
| 2. Rule or section catchline: |
| R515-1. Processing Complaints Regarding the Utah Division of Child and Family Services |
| 3. Purpose of the new rule or reason for the change: |
| The purpose of this amendment is to update this rule to reflect practice changes that facilitate further efforts by the Office of Child Protection Ombudsman (OCPO) to resolve complaints. This rule outlines an additional step to assist OCPO in expediting the complaint resolution process. |
| 4. Summary of the new rule or change: |
| The changes reflect additional efforts by OCPO to resolve complaints prior to a formal investigation and written report. The change provides OCPO an opportunity to complete case reviews and complaint resolution prior to a formal investigation. |

Fiscal Information

| 5. Aggregate anticipated cost or savings to: | | | | | | | | | | | | |
|--|-------------|--------|--------|--------|-------|-----|-----|-----|------------|--|--|--|
| A) State budget: | | | | | | | | | | | | |
| Amending the receiving and processing of complaints portion of this rule will not result in an increased fiscal cost or savings to the state budget. The additional efforts by the OCPO to resolve complaints reflect practice changes that are currently in place and have not contributed to any fiscal cost or savings. | | | | | | | | | | | | |
| B) Local governments: | | | | | | | | | | | | |
| Local governments are not fiscally impacted by the changes to the receiving and processing of complaints that are being made through this amendment. These changes only impact the OCPO's processes. | | | | | | | | | | | | |
| C) Small businesses ("small business" means a business employing 1-49 persons): | | | | | | | | | | | | |
| Small businesses are not fiscally impacted by the changes to the receiving and processing of complaints that are being made through this amendment. These changes only impact the OCPO's processes. | | | | | | | | | | | | |
| D) Non-small businesses ("non-small business" means a business employing 50 or more persons): | | | | | | | | | | | | |
| Non-small businesses are not fiscally impacted by the changes to the receiving and processing of complaints that are being made through this amendment. These changes only impact internal OCPO's processes. | | | | | | | | | | | | |
| E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>): | | | | | | | | | | | | |
| Persons other than small businesses, non-small businesses, state, or local government entities are not fiscally impacted by the changes to the receiving and processing of complaints through this amendment. These changes only impact internal OCPO's processes. | | | | | | | | | | | | |
| F) Compliance costs for affected persons: | | | | | | | | | | | | |
| There are no compliance costs attributed to this amendment. These changes only impact internal OCPO's processes. | | | | | | | | | | | | |
| G) Regulatory Impact Summary Table (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 will be included in narratives above.) | | | | | | | | | | | | |
| Regulatory Impact Table | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2020</th> <th>FY2021</th> <th>FY2022</th> </tr> </thead> <tbody> <tr> <td>State</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Government</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> | Fiscal Cost | FY2020 | FY2021 | FY2022 | State | \$0 | \$0 | \$0 | Government | | | |
| Fiscal Cost | FY2020 | FY2021 | FY2022 | | | | | | | | | |
| State | \$0 | \$0 | \$0 | | | | | | | | | |
| Government | | | | | | | | | | | | |

| | | | |
|---|------------|------------|------------|
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 |
| H) Department head approval of regulatory impact analysis: | | | |
| The Executive Director of the Department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis. | | | |
| 6. A) Comments by the department head on the fiscal impact this rule may have on businesses: | | | |
| After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. | | | |
| B) Name and title of department head commenting on the fiscal impacts: | | | |
| Ann Williamson, Executive Director | | | |

Citation Information

| | | |
|--|------------|--|
| 7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): | | |
| Section | 62A-4a-208 | |

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

| | |
|--|------------|
| A) Comments will be accepted until: | 05/15/2020 |
|--|------------|

| | |
|--|------------|
| 10. This rule change MAY become effective on: | 05/22/2020 |
|--|------------|

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|------------------------------------|--------------|------------|
| Agency head or designee, and title: | Ann Williamson, Executive Director | Date: | 03/27/2020 |
|--|------------------------------------|--------------|------------|

NOTICE OF PROPOSED RULE

| | | | |
|--------------------------------------|---------------|-------------------|--------------|
| TYPE OF RULE: Amendment | | | |
| Utah Admin. Code Ref (R no.): | R649-1 | Filing No. | 52641 |

Agency Information

| | |
|--------------------------|----------------------------------|
| 1. Department: | Natural Resources |
| Agency: | Oil, Gas and Mining; Oil and Gas |
| Building: | Department of Natural Resources |
| Street address: | 1594 W North Temple |
| City, state: | Salt Lake City, UT |
| Mailing address: | 1594 W North Temple, Suite 1210 |
| City, state, zip: | Salt Lake City, UT 84114 |

Contact person(s):

| | | |
|----------------|---------------|------------------------|
| Name: | Phone: | Email: |
| Natasha Ballif | 801-538-5328 | natashaballif@utah.gov |

Please address questions regarding information on this notice to the agency.

General Information

| |
|--|
| 2. Rule or section catchline: |
| R649-1. Definitions |
| 3. Purpose of the new rule or reason for the change: |
| The purpose of the rule is to establish definitions of terms utilized with the Title R649 Oil and Gas Program rules. The rule change will amend three definitions as the result of S.B. 191, which passed during the 2017 General Session, and H.B. 419, which passed during the 2018 General Session. |
| 4. Summary of the new rule or change: |
| Rule R649-1 establishes definitions for terms used within the Title R649 Oil and Gas Program rules. The change amends the definitions for "authority for expenditure," "joint operating agreement," and "notice of opportunity to participate." |

Fiscal Information

| |
|---|
| 5. Aggregate anticipated cost or savings to: |
| A) State budget: |
| The Oil and Gas program, as well as the Board, is expected to encounter a small on-going savings in staff time through a reduction in compulsory pooling hearings heard by the Board. A total savings cannot be estimated as there is no way of knowing the number of hearings being reduced by this rule amendment. |
| B) Local governments: |
| No costs or savings are anticipated for local governments since this rule impacts oil and gas companies, the Division of Oil, Gas and Mining; Oil and Gas (Division), and the Board. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| There are 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the Division) in the . It is anticipated that this rule change will decrease the number of hearings by the Board for horizontal drilling and compulsory pooling. A total savings cannot be estimated as there is no way of knowing which companies will file a hearing with the Board and other costs associated with Board hearings (attorney fees, travel, etc.). |

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

There are four non-small businesses in the Oil and Gas industry (for a complete listing of NAICS codes used in this analysis, please contact the Division) in the . It is anticipated that this rule change will decrease the number of hearings by the Board for horizontal drilling and compulsory pooling. A total savings cannot be estimated as there is no way of knowing which companies will file a hearing with the Board and other costs associated with Board hearings (attorney fees, travel, etc.).

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

This rule change will not affect persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons:

There will be no compliance costs for oil and gas operators.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table

| Fiscal Cost | FY2020 | FY2021 | FY2022 |
|--------------------------|------------|------------|------------|
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |

| | | | |
|------------------------------|------------|------------|------------|
| Local Governments | \$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 |

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The Division anticipates a small on-going savings in staff time through a reduction in compulsory pooling hearings and also anticipate that businesses will see a small savings from the decrease in hearings for horizontal drilling and compulsory pooling matters.

B) Name and title of department head commenting on the fiscal impacts:

Brian Steed, Executive Director

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

Section 40-6-1 et seq.

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 05/22/2020

10. This rule change MAY become effective on: 05/29/2020

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

| | | | |
|--|---------------------|--------------|------------|
| Agency head or designee, and title: | John Baza, Director | Date: | 03/31/2020 |
|--|---------------------|--------------|------------|

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

| | | | |
|--------------------------------------|---------------|-------------------|--------------|
| Utah Admin. Code Ref (R no.): | R649-2 | Filing No. | 52642 |
|--------------------------------------|---------------|-------------------|--------------|

Agency Information

| | | |
|---------------------------|----------------------------------|------------------------|
| 1. Department: | Natural Resources | |
| Agency: | Oil, Gas and Mining; Oil and Gas | |
| Building: | Department of Natural Resources | |
| Street address: | 1594 W North Temple | |
| City, state: | Salt Lake City, UT | |
| Mailing address: | 1594 W North Temple, Suite 1210 | |
| City, state, zip: | Salt Lake City, UT 84114 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Natasha Ballif | 801-538-5328 | natashaballif@utah.gov |

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R649-2. General Rules

3. Purpose of the new rule or reason for the change:

The purpose of the rule is to establish definitions of terms utilized with the Title R649 Oil and Gas Program rules. The rule change will amend three definitions as the result of S.B. 191, which passed during the 2017 General Session, and H.B. 419, which passed during the 2018 General Session.

4. Summary of the new rule or change:

Rule R649-2 establishes requirements for the permitting, reporting, and inspecting of oil and gas drilling operations in Utah. The rule changes include consent to participate in a well, revision of existing force pooling hearing, notice

to unlocatable and unidentified owners, imposition of statutory risk compensation award and application of a compulsory pooling order to subsequently drilled wells in a drilling unit.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Oil and Gas program, as well as the Board, is expected to encounter a small on-going savings in staff time through a reduction in compulsory pooling hearings heard by the Board. A total savings cannot be estimated as there is no way of knowing the number of hearings being reduced by this rule amendment.

B) Local governments:

No costs or savings are anticipated for local governments since this rule impacts oil and gas companies, the Division of Oil, Gas and Mining; Oil and Gas (Division), and the Board.

C) Small businesses ("small business" means a business employing 1-49 persons):

There are 303 small business oil and gas operators (for a complete listing of North American Industry Classification System (NAICS) codes used in this analysis, please contact the Division) in the . It is anticipated that this rule change will decrease the number of hearings by the Board for horizontal drilling and compulsory pooling. A total savings cannot be estimated as there is no way of knowing which companies will file a hearing with the Board and other costs associated with Board hearings (attorney fees, travel, etc.).

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

There are four non-small businesses in the Oil and Gas industry (for a complete listing of NAICS codes used in this analysis, please contact the Division) in the . It is anticipated that this rule change will decrease the number of hearings by the Board for horizontal drilling and compulsory pooling. A total savings cannot be estimated as there is no way of knowing which companies will file a hearing with the Board and other costs associated with Board hearings (attorney fees, travel, etc.).

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

This rule change will not affect persons other than small businesses, businesses, or local government entities.

F) Compliance costs for affected persons:

There will be no compliance costs for oil and gas operators.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table

| Fiscal Cost | FY2020 | FY2021 | FY2022 |
|------------------------------|---------------|---------------|---------------|
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Cost | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Governments | \$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 |

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:

The Division anticipates a small on-going savings in staff time through a reduction in compulsory pooling hearings and also anticipate that businesses will see a small savings from the decrease in hearings for horizontal drilling and compulsory pooling matters.

| |
|---|
| B) Name and title of department head commenting on the fiscal impacts: |
| Brian Steed, Executive Director |

Citation Information

| | | |
|--|--------------------------------|----------------------------|
| 7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): | | |
| Section 40-6-1 et seq. | Subsection 63G-3-201(7)(a)(iv) | Subsection 63G-3-201(7)(b) |

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

| | |
|--|---|
| 8. A) This rule adds, updates, or removes the following title of materials incorporated by references : | |
| | First Incorporation |
| Official Title of Materials Incorporated (from title page) | Table 5A of the API/ASTM D-1250, Chapter 11.1 |
| Publisher | Manual of Petroleum Measurement |
| Date Issued | 1980 |

| | |
|---|---|
| B) This rule adds, updates, or removes the following title of materials incorporated by references : | |
| | Second Incorporation |
| Official Title of Materials Incorporated (from title page) | Table 6A of the API/ASTM D-1250, Chapter 11.1 |
| Publisher | Manual of Petroleum Measurement |
| Date Issued | 1980 |

| | |
|---|--------------------------------|
| C) This rule adds, updates, or removes the following title of materials incorporated by references : | |
| | Third Incorporation |
| Official Title of Materials Incorporated (from title page) | Model Form Operating Agreement |
| Publisher | A.A.P.L. |
| Date Issued | 2015 |
| Issue, or version | Form 610-2015 |

Public Notice Information

| | |
|--|------------|
| 9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.) | |
| A) Comments will be accepted until: | 05/22/2020 |

| | |
|---|------------|
| 10. This rule change MAY become effective on: | 05/29/2020 |
| NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over. | |

Agency Authorization Information

| | | | |
|--|---------------------|--------------|------------|
| Agency head or designee, and title: | John Baza, Director | Date: | 03/31/2020 |
|--|---------------------|--------------|------------|

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.

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.

| NOTICE OF EMERGENCY (120-DAY) RULE | | |
|------------------------------------|-------|------------------|
| Utah Admin. Code Ref (R no.): | R51-7 | Filing No. 52623 |

Agency Information

| | | |
|--|-------------------------------|----------------------|
| 1. Department: | Agriculture and Food | |
| Agency: | Administration | |
| Street address: | 350 N Redwood Road | |
| City, state, zip: | Salt Lake City, UT 84115 | |
| Mailing address: | PO Box 146500 | |
| City, state, zip: | Salt Lake City, UT 84114-6500 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Amber Brown | 385-245-5222 | ambermbrown@utah.gov |
| Kelly Pehrson | 801-538-7102 | kwpehrson@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|---|
| 2. Rule or section catchline: |
| R51-7. Open and Public Meetings Act Electronic Meetings |

| |
|--|
| 3. Effective Date: |
| 03/19/2020 |
| 4. Purpose of the new rule or reason for the change: |
| This new rule allows public bodies organized under Title 4 or by the Department of Agriculture and Food (Department) rule to hold public meetings, and is required by Section 52-4-207. |
| 5. Summary of the new rule or change: |
| This rule provides guidelines for public bodies organized under Title 4 or Department rule to hold electronic meetings consistent with the Utah Open and Public Meetings Act. The rule details when, how, and where electronic meetings can be held, and how members and the public can participate. |
| 6. Regular rulemaking would: |
| <input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare; |
| <input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or |
| <input checked="" type="checkbox"/> place the agency in violation of federal or state law. |
| Specific reason and justification: |
| The current COVID-19 pandemic and related executive order requires public bodies establish guidelines for electronic meetings as soon as possible so that public bodies can continue to meet without causing risk to public health and welfare. |

Fiscal Information

| |
|--|
| 7. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This rule should not create any anticipated cost or savings to the state budget because the Department can hold electronic meetings without requiring purchase of any additional equipment. |
| B) Local governments: |
| This rule should not create any anticipated cost or savings to local governments because they are not members of public bodies created under Title 4 or Department rule. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| This rule should not create any anticipated cost or savings to small businesses because they can still participate in electronic public meetings. |
| D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): |
| This rule should not create any anticipated costs or savings to others because they can still participate in electronic public meetings. |
| 8. Compliance costs for affected persons: |
| There are no compliance costs for affected persons because they continue to be able to participate in public meetings free of charge. |
| 9. A) Comments by the department head on the fiscal impact this rule may have on businesses: |
| This rule will allow public bodies organized under Title 4 or Department rule to hold electronic meetings consistent with state law as the need arises and will not have a fiscal impact on businesses. |
| B) Name and title of department head commenting on the fiscal impacts: |
| Kelly Pehrson, Interim Commissioner |

Citation Information

| | | | |
|---|-------------|--------|-----------------|
| 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): | | | |
| Section 52-4-207 | Section 201 | 63G-3- | Section 4-2-103 |

Agency Authorization Information

| | | | |
|--|-------------------------------------|--------------|------------|
| Agency head or designee, and title: | Kelly Pehrson, Interim Commissioner | Date: | 03/19/2020 |
|--|-------------------------------------|--------------|------------|

NOTICE OF EMERGENCY (120-DAY) RULE

| | | |
|--------------------------------------|---------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R68-24 | Filing No. 52634 |
|--------------------------------------|---------------|-------------------------|

Agency Information

| | | |
|--|-------------------------------|----------------------|
| 1. Department: | Agriculture and Food | |
| Agency: | Plant Industry | |
| Street address: | 350 N Redwood Road | |
| City, state, zip: | Salt Lake City, UT 84115 | |
| Mailing address: | PO Box 146500 | |
| City, state, zip: | Salt Lake City, UT 84114-6500 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Amber Brown | 385-245-5222 | ambermbrown@utah.gov |
| Cody James | 385-515-1485 | codyjames@utah.gov |
| Kelly Pehrson | 801-538-7102 | kwpehrson@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule or section catchline: |
| R68-24. Industrial Hemp License for Growers |
| 3. Effective Date: |
| 03/27/2020 |
| 4. Purpose of the new rule or reason for the change: |
| These changes allow for industrial hemp growers to extend their license beyond the original term to store or sell industrial hemp product. |
| 5. Summary of the new rule or change: |
| In addition to allowing industrial hemp growers to extend their licenses to sell unused product, the changes also make updates to the industrial hemp program to be consistent with United States Department of Agriculture (USDA) proposed rules, remove burdensome and unnecessary requirements, and make confirming changes based on recently passed legislation. |

| | |
|--|---|
| 6. Regular rulemaking would: | |
| X | cause an imminent peril to the public health, safety, or welfare; |
| | cause an imminent budget reduction because of budget restraints or federal requirements; or |
| X | place the agency in violation of federal or state law. |
| Specific reason and justification: | |
| These changes need to be made using emergency rulemaking because industrial hemp growers have unsold product and requiring them to pay a license fee for an entire additional year when they are not continuing to grow product would be unduly burdensome and damaging to the industrial hemp industry in Utah. Additionally, changes are necessary to conform the Utah industrial hemp program with USDA guidelines. | |

Fiscal Information

| | |
|--|--|
| 7. Aggregate anticipated cost or savings to: | |
| A) State budget: | |
| No additional costs are anticipated to the state budget because industrial hemp growers that operate under an extended license will not require additional inspections by the Department of Agriculture and Food. Additionally, this rule change should not change the number of growers that apply and pay for a full year license. | |
| B) Local governments: | |
| No anticipated cost or savings for local governments because they do not operate as industrial hemp growers or regulate industrial hemp growers. | |
| C) Small businesses ("small business" means a business employing 1-49 persons): | |
| There is an anticipated cost savings to a small number of industrial hemp growers (small businesses) who choose to apply for an extended license that includes the difference between the current license fee (\$500) and the license fee extension (proposed at \$50). | |
| D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): | |
| No anticipated costs or savings to other persons that do not operate as industrial hemp growers. | |
| 8. Compliance costs for affected persons: | |
| The cost of a industrial hemp grower license extension is planned to be \$50. | |

| |
|---|
| 9. A) Comments by the department head on the fiscal impact this rule may have on businesses: |
| This rule change will have a positive fiscal impact on small businesses by allowing them to continue to sell or store industrial hemp product for 90 days without paying for a full year license extension. |
| B) Name and title of department head commenting on the fiscal impacts: |
| Kelly Pehrson, Deputy Commissioner |

Citation Information

| |
|---|
| 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): |
| Subsection 4-41-103(4) |

Agency Authorization Information

| | | | |
|--|------------------------------------|--------------|------------|
| Agency head or designee, and title: | Kelly Pehrson, Deputy Commissioner | Date: | 03/27/2020 |
|--|------------------------------------|--------------|------------|

NOTICE OF EMERGENCY (120-DAY) RULE

| | | |
|--------------------------------------|---------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R68-31 | Filing No. 52622 |
|--------------------------------------|---------------|-------------------------|

Agency Information

| | | |
|---------------------------|-------------------------------|----------------------|
| 1. Department: | Agriculture and Food | |
| Agency: | Plant Industry | |
| Street address: | 350 N Redwood Road | |
| City, state, zip: | Salt Lake City, UT 84115 | |
| Mailing address: | PO Box 146500 | |
| City, state, zip: | Salt Lake City, UT 84114-6500 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Amber Brown | 385-245-5222 | ambermbrown@utah.gov |
| Cody James | 385-515-1485 | codyjames@utah.gov |
| Kelly Pehrson | 801-538-7102 | kwpehrson@utah.gov |

Please address questions regarding information on this notice to the agency.

General Information

| | |
|--|---|
| 2. Rule or section catchline: | |
| R68-31. Cannabis Licensing Process | |
| 3. Effective Date: | |
| 03/19/2020 | |
| 4. Purpose of the new rule or reason for the change: | |
| This rule change allows for the Cannabis Production Establishment Licensing Board to meet electronically as needed. | |
| 5. Summary of the new rule or change: | |
| The rule provides guidelines, consistent with Section 52-4-207 of the Utah Open and Public Meetings Act, to allow the Cannabis Production Establishment Licensing Board to meet electronically. | |
| 6. Regular rulemaking would: | |
| <input checked="" type="checkbox"/> | cause an imminent peril to the public health, safety, or welfare; |
| <input type="checkbox"/> | cause an imminent budget reduction because of budget restraints or federal requirements; or |
| <input type="checkbox"/> | place the agency in violation of federal or state law. |
| Specific reason and justification: | |
| During emergency or exigent circumstances, it is important that the Cannabis Production Establishment Licensing Board be able to meet electronically so that public health and welfare can be protected while cannabis production establishments are still able to be licensed to keep their businesses going. | |

Fiscal Information

| | |
|---|--|
| 7. Aggregate anticipated cost or savings to: | |
| A) State budget: | |
| Allowing electronic meetings does not create any new costs for the Department of Agriculture and Food (Department) because the Department currently possesses the required equipment. | |
| B) Local governments: | |
| Allowing the board to meet electronically should not affect any local governments because they do not operate as or regulate cannabis production establishments. | |
| C) Small businesses ("small business" means a business employing 1-49 persons): | |
| Electronic meetings should not create additional costs or savings for small businesses because they will continue to be able to participate in meetings as usual. | |

| |
|---|
| D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): |
| Electronic meetings should not create additional costs or savings for other persons because they will still have the option to participate as usual. |
| 8. Compliance costs for affected persons: |
| No additional compliance costs are created with this rule change. |
| 9. A) Comments by the department head on the fiscal impact this rule may have on businesses: |
| This rule change will allow the Cannabis Production Establishment Licensing Board to meet electronically to continue to license producers even when exigent circumstances make meeting in person impossible or unwise. There are no negative fiscal impacts associated with the change because the Department currently maintains the equipment necessary to hold electronic meeting. |
| B) Name and title of department head commenting on the fiscal impacts: |
| Kelly Pehrson, Interim Commissioner |

Citation Information

| |
|---|
| 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): |
| Subsection 4-41a-201(2)(iii) Section 4-2-103 |

Agency Authorization Information

| | | | |
|--|-------------------------------------|--------------|------------|
| Agency head or designee, and title: | Kelly Pehrson, Interim Commissioner | Date: | 03/19/2020 |
|--|-------------------------------------|--------------|------------|

NOTICE OF EMERGENCY (120-DAY) RULE

| | | |
|--------------------------------------|-----------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R277-101 | Filing No. 52624 |
|--------------------------------------|-----------------|-------------------------|

Agency Information

| | |
|--------------------------|--------------------------|
| 1. Department: | Education |
| Agency: | Administration |
| Building: | Board of Education |
| Street address: | 250 E 500 S |
| City, state, zip: | Salt Lake City, UT 84114 |
| Mailing address: | PO Box 144200 |

| | | |
|--|-------------------------------|----------------------------------|
| City, state, zip: | Salt Lake City, UT 84114-4200 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Angie Stallings | 801-538-7830 | angie.stallings@schools.utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule or section catchline: |
| R277-101. Public Participation in Utah State Board of Education Meetings |
| 3. Effective Date: |
| 03/20/2020 |
| 4. Purpose of the new rule or reason for the change: |
| Section 52-4-207 requires an agency to adopt a rule to enable the agency to conduct electronic meetings. This includes meetings where a quorum is physically present, but some members wish to participate electronically. Utah State Board of Education Board leadership directed staff to prepare a rule complying with Section 52-4-207 to formally allow the Board to conduct electronic meetings. |
| 5. Summary of the new rule or change: |
| The rule amendments specifically allow a provision to permit a quorum to participate electronically at the discretion of the Board chair in the event of a pandemic and health emergency given the current health concerns nationwide. |
| 6. Regular rulemaking would: |
| <input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare; |
| <input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or |
| <input type="checkbox"/> place the agency in violation of federal or state law. |
| Specific reason and justification: |
| These amendments to Rule R277-101 are on an emergency basis in accordance with Subsection 63G-3-304(1)(a) to allow immediate implementation considering the COVID-19 virus. |

Fiscal Information

| |
|---|
| 7. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This rule change is not expected to have material fiscal impact on state government revenues or expenditures. |

| |
|--|
| B) Local governments: |
| This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. |
| D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>): |
| This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. |
| 8. Compliance costs for affected persons: |
| There were no compliance costs for affected persons. |
| 9. A) Comments by the department head on the fiscal impact this 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 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. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either. |
| B) Name and title of department head commenting on the fiscal impacts: |
| The Superintendent of the Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis. |

Citation Information

| | | |
|---|------------------|-------------------------|
| 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): | | |
| Article X, Section 3 | Section 52-4-207 | Subsection 53E-3-401(4) |
| Title 52, Chapter 4 | | |

Agency Authorization Information

| | | | |
|--|--|--------------|-----------|
| Agency head or designee, and title: | Angie Stallings, Deputy Superintendent | Date: | 3/20/2020 |
|--|--|--------------|-----------|

| NOTICE OF EMERGENCY (120-DAY) RULE | | |
|--------------------------------------|-----------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R539-5-5 | Filing No. 52643 |

Agency Information

| | | |
|--|---------------------------------------|-------------------|
| 1. Department: | Human Services | |
| Agency: | Services for People with Disabilities | |
| Building: | MASOB | |
| Street address: | 195 N 1950 W | |
| City, state, zip: | Salt Lake City, UT 84116 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Kelly Thomson | (435) 669-4855 | kthomson@utah.gov |
| Jonah Shaw | (801) 538-4219 | jshaw@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| | |
|---|---|
| 2. Rule or section catchline: | |
| R539-5-5. Employee Requirements | |
| 3. Effective Date: | |
| 04/01/2020 | |
| 4. Purpose of the new rule or reason for the change: | |
| The Centers for Medicare and Medicaid Services will waive restrictions on payment to legally responsible caregivers and guardians when requested by the state through Appendix K. The Division of Services for People with Disabilities (DSPD) must also revise a current rule that restricts payment. In anticipation of Appendix K approval with a retroactive start date of January 1, 2020, DSPD is filing a temporary rule change to permit payment. | |
| 5. Summary of the new rule or change: | |
| Addition of an exception that allows legally responsible caregivers and spouses to be paid support staff during the COVID-19 emergency. | |
| 6. Regular rulemaking would: | |
| <input checked="" type="checkbox"/> | cause an imminent peril to the public health, safety, or welfare; |
| <input type="checkbox"/> | cause an imminent budget reduction because of budget |

| | |
|---|--|
| <input type="checkbox"/> | restraints or federal requirements; or |
| <input type="checkbox"/> | place the agency in violation of federal or state law. |
| Specific reason and justification: | |
| The COVID-19 emergency has reduced the provider network available to people with intellectual/developmental disabilities, acquired brain injuries, and physical disabilities. The people served by DSPD services rely on those services to complete daily tasks, care for themselves, and stay safe. Current state and federal guidance encourage people to stay home and limit contact in order to slow the spread of the virus. Many people receiving services live with a family member who can provide care, but may need to reduce other employment to do so. As the virus spreads, direct support professionals may become ill and unable to work, which will reduce the availability of support staff. | |

Fiscal Information

| |
|---|
| 7. Aggregate anticipated cost or savings to: |
| A) State budget: |
| DSPD estimates that the temporary rule will cost \$1,212,300 over 120 days. |
| B) Local governments: |
| No fiscal impact to local governments, DSPD services are operated at the state level. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| No fiscal impact to small businesses. Family members will be paid by the state. |
| D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>): |
| Family members will be paid by the state through this change. It is estimated that over 120 days, a \$1,212,300 fiscal benefit will be distributed to persons other than small businesses, non-small businesses, state, or local government entities. |
| 8. Compliance costs for affected persons: |
| The exception is permissive and lacks a compliance component. No compliance costs for the person. |
| 9. A) Comments by the department head on the fiscal impact this rule may have on businesses: |
| After conducting a thorough analysis, it was determined that this proposed emergency rule amendment will not result in a fiscal impact to businesses. |

| |
|---|
| B) Name and title of department head commenting on the fiscal impacts: |
| Ann Williamson, Executive Director |

Citation Information

| |
|---|
| 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required): |
| Section 62A-5-102 Section 62A-5-103 |

Agency Authorization Information

| | | | |
|--|------------------------------------|--------------|------------|
| Agency head or designee, and title: | Ann Williamson, Executive Director | Date: | 04/01/2020 |
|--|------------------------------------|--------------|------------|

| | | |
|---|-------------------|-------------------------|
| NOTICE OF EMERGENCY (120-DAY) RULE | | |
| Utah Admin. Code Ref (R no.): | R861-1A-42 | Filing No. 52629 |

Agency Information

| | | |
|--|---------------------------|-----------------------|
| 1. Department: | Tax Commission | |
| Agency: | Administration | |
| Building: | Utah State Tax Commission | |
| Street address: | 210 N 1950 W | |
| City, state, zip: | Salt Lake City, Ut. 84134 | |
| Mailing address: | 210 N 1950 W | |
| City, state, zip: | Salt Lake City, Ut. 84134 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Jason Gardner | 801-297-3902 | jasongardner@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|---|
| 2. Rule or section catchline: |
| R861-1A-42. Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401 |
| 3. Effective Date: |
| 03/26/2020 |
| 4. Purpose of the new rule or reason for the change: |
| This change is because of circumstances related to the COVID-19 emergency. |

| |
|--|
| 5. Summary of the new rule or change: |
| This proposed change authorizes the waiver of interest accrued between April 15, 2020, and July 15, 2020, on unpaid 2019 income tax liability. |
| 6. Regular rulemaking would: |
| <input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare; |
| <input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or |
| <input type="checkbox"/> place the agency in violation of federal or state law. |
| Specific reason and justification: |
| The reason for the change is to provide economic relief to taxpayers impacted by the COVID-19 emergency. |

Fiscal Information

| |
|---|
| 7. Aggregate anticipated cost or savings to: |
| A) State budget: |
| This proposed change may result in minimal fiscal impact on state government revenues. The potential impact is limited to forgone interest that could have been collected from taxpayers that would have filed or paid income taxes late regardless of the COVID-19 emergency. |
| B) Local governments: |
| This proposed change is not expected to have any fiscal impact on local governments' revenues or expenditures because it only impacts income taxes. |
| C) Small businesses ("small business" means a business employing 1-49 persons): |
| This proposed change is expected to result in savings to certain small businesses who file or pay income taxes after April 15, 2020, but before July 15, 2020, by allowing the interest associated with the late filing or payment to be waived. |
| D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>): |
| This proposed change is expected to result in savings to persons other than small businesses or local governments who file or pay income taxes after April 15, 2020, but before July 15, 2020, by allowing the interest associated with the late filing or payment to be waived. |
| 8. Compliance costs for affected persons: |
| This proposed change is expected to result in reduced compliance costs for affected persons by allowing income taxes due on April 15, 2020, to be delayed until July 15, 2020, without the assessment of interest on unpaid amounts. |

NOTICES OF 120-DAY (EMERGENCY) RULES

9. A) Comments by the department head on the fiscal impact this rule may have on businesses:

This proposed change is expected to result in savings to persons who file or pay income taxes after April 15, 2020, but before July 15, 2020, by allowing the Tax Commission to waive the interest associated with the late filing.

B) Name and title of department head commenting on the fiscal impacts:

Rebecca Rockwell, Commissioner

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):

| | | |
|------------------|--|--|
| Section 59-1-401 | | |
|------------------|--|--|

Agency Authorization Information

| | | | |
|--|--------------------------------|--------------|------------|
| Agency head or designee, and title: | Rebecca Rockwell, Commissioner | Date: | 03/26/2020 |
|--|--------------------------------|--------------|------------|

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.

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|--|---------|------------------|
| Utah Admin. Code Ref (R no.): | R162-2f | Filing No. 50323 |

Agency Information

| | | |
|--|-------------------------------|-----------------------|
| 1. Department: | Commerce | |
| Agency: | Real Estate | |
| Room no.: | 2nd Floor | |
| Building: | Heber M Wells Bldg | |
| Street address: | 160 E 300 S | |
| City, state, zip: | Salt Lake City, UT 84111-2316 | |
| Mailing address: | PO Box 146711 | |
| City, state, zip: | Salt Lake City, UT 84114-6711 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Justin Barney | 801-530-6603 | justinbarney@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|---|
| 2. Rule catchline: |
| R162-2f. Real Estate Licensing and Practices Rules |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| This rule was adopted under the statutory provisions of Title 61, Chapter 2f, the Real Estate Licensing and Practices Act (the "Act"). The purpose of the rule was to reorganize the real estate rules in place at the time of adoption into a statutory numbering format and to update |

rules that, given online technologies, no longer tracked with general real estate business practices. Section 61-2f-103 provides that the Real Estate Commission shall make rules for the administration of Chapter 2 that are not inconsistent with the Act. Other sections authorize rulemaking including Sections 61-2f-203, 61-2f-204, 61-2f-206, 61-2f-208, 61-2f-305, 61-2f-307, and 61-2f-401. Numerous changes and updates to this rule have been made since its adoption. This rule provides direction to the staff of the Division of Real Estate (Division) regarding the administration and enforcement of the Act helps guide real estate licensees with regard to their duties and obligations as licensees under the Act.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

This rule has been amended numerous times since the last five-year review.

On 03/07/2017, a proposed rule amendment was filed which proposed, among other proposals, to allow a licensed associate broker or a sales agent to simultaneously provide real estate sales services and property management sales services in certain circumstances when affiliated with a licensed dual broker. The Division received one public comment on the proposed amendment. The person enthusiastically supported the proposed amendment. This was the only written comment received by the Division with regard to any of the proposed rule amendments since the last five-year review. The rule amendment was made effective 05/10/2017.

Other proposed amendments were generally supported by the real estate industry and became effective without any written public comment from interested persons being received by the Division.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The statutory requirements and authorizations found in Title 61, Chapter 2f, remain in effect or have been updated at the time of this five-year review. The rulemaking authority from the statute continues in effect as does the need for rules to implement and administer the statute. Therefore, this rule should be continued.

Agency Authorization Information

| | | | |
|--|-------------------------------|--------------|------------|
| Agency head or designee, and title: | Jonathan C. Stewart, Director | Date: | 03/26/2020 |
|--|-------------------------------|--------------|------------|

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

| | | |
|--------------------------------------|-----------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R277-477 | Filing No. 50439 |
|--------------------------------------|-----------------|-------------------------|

Agency Information

| | | |
|--|-------------------------------|----------------------------------|
| 1. Department: | Education | |
| Agency: | Administration | |
| Building: | Board of Education | |
| Street address: | 250 E 500 S | |
| City, state, zip: | Salt Lake City, UT 84114 | |
| Mailing address: | PO Box 144200 | |
| City, state, zip: | Salt Lake City, UT 84114-4200 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Angie Stallings | 801-538-7830 | angie.stallings@schools.utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule catchline: |
| R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program |

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is authorized by Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the State Board of Education (Board); Subsection 53F-2-404(2)(d), which allows the Board to adopt rules regarding the time and manner in which a student count shall be made for allocation of funds; and 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.

In accordance with Section 53D-2-202, through representation on the Land Trusts Protection and Advocacy Committee, the Board exercises trust oversight of the Common School Trust; the School for the Deaf Trust; and the School for the Blind Trust.

The Board implements the School LAND Trust Program and provides oversight, support, and training for school community councils and Charter Trust Land Councils consistent with Subsection 53G-7-1206(2), Rule R277-491, and this Rule R277-477.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no written comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule continues to be necessary because it:

- a) provide financial resources to a public school to implement a component of a school's Teacher and Student Success Plan in order to enhance and improve student academic achievement;
- b) provide a means to involve a parent of a school's student in decision-making regarding the expenditure of School LAND Trust Program funds allocated to the school;
- c) provide direction in the distribution of funds from the Trust Distribution Account, as funded in Section 53F-2-404;
- d) provide for appropriate and adequate oversight of the expenditure and use of funds by a designated local board of education, an approving entity, and the Board;
- e) provide for proper allocation of funds as stated in Section 53F-2-404, and the appropriate and timely distribution of the funds;
- f) enforce compliance with statutory and rule requirements, including the responsibility for a school community council to notify school community members regarding the use of funds; and
- g) define the roles, duties, and responsibilities of the Superintendent with regards to the School Children's Trust.

Therefore, this rule should be continued.

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Angie Stallings, Deputy Superintendent | Date: | 03/30/2020 |
|--|--|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|--|----------|------------------|
| Utah Admin. Code Ref (R no.): | R277-708 | Filing No. 50522 |

Agency Information

| | | |
|--|-------------------------------|-----------------------------------|
| 1. Department: | Education | |
| Agency: | Administration | |
| Building: | Board of Education | |
| Street address: | 250 E 500 S | |
| City, state, zip: | Salt Lake City, UT 84114 | |
| Mailing address: | PO Box 144200 | |
| City, state, zip: | Salt Lake City, UT 84114-4200 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Angie Stallings | 801-538-7830 | angie.stallings@schools.uta.h.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule catchline: |
| R277-708. Enhancement for At-Risk Students |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| This rule is authorized by Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the State Board of Education (Board); Section 53F-2-410, which directs the Board to manage the Enhancement for At-Risk Students interventions by developing a funding formula; developing performance criteria; supporting LEA implementation of evidence-based interventions; distributing the appropriation; and monitoring and reporting the effectiveness of the evidence-based interventions; and 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. |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |
| There were no written comments received. |
| 5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any: |
| This rule continues to be necessary because it establishes criteria and procedures for distributing Enhancement for At-Risk Students funds to LEAs. The intent of this rule and the legislative appropriation is to improve academic |

achievement of students who are at risk of academic failure. Therefore, this rule should be continued.

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Angie Stallings, Deputy Superintendent | Date: | 03/30/2020 |
|--|--|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|--|---------|------------------|
| Utah Admin. Code Ref (R no.): | R357-12 | Filing No. 50856 |

Agency Information

| | | |
|--|--------------------------|--------------------|
| 1. Department: | Governor | |
| Agency: | Economic Development | |
| Building: | World Trade Center | |
| Street address: | 60 E South Temple | |
| City, state, zip: | Salt Lake City, UT 84111 | |
| Mailing address: | 60 E South Temple | |
| City, state, zip: | Salt Lake City, UT 84111 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Dane Ishihara | 801-792-8764 | dishihara@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule catchline: |
| R357-12. Fiscal Emergency Contingent Management of Federal Lands |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| In accordance with Section 79-4-1103, this rule establishes the priority for opening and maintaining national parks, national monuments, national forests, and national recreation areas in the state during a fiscal emergency. |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |
| The office is not aware of any opposition to this rule by any groups or individuals. |

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is required under Section 79-4-1103 and is necessary to outline the priority of national parks, national monuments, national forests, and national recreation areas in the state during a fiscal emergency. Therefore, this rule should be continued.

Agency Authorization Information

| | | | |
|--|------------------------------------|--------------|------------|
| Agency head or designee, and title: | Val Hale, Executive Director | Date: | 03/19/2020 |
|--|------------------------------------|--------------|------------|

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

| | | |
|--------------------------------------|-----------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R392-600 | Filing No. 50931 |
|--------------------------------------|-----------------|-------------------------|

Agency Information

| | | |
|---------------------------|--|---------------------|
| 1. Department: | Health | |
| Agency: | Disease Control and Prevention, Environmental Services | |
| Building: | Cannon Health Building | |
| Street address: | 288 North 1460 West | |
| City, state, zip: | Salt Lake City, UT 84116 | |
| Mailing address: | PO Box 142104 | |
| City, state, zip: | Salt Lake City, UT 84114-2104 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Mark E. Jones | (801) 538- 6191 | markejones@utah.gov |

Please address questions regarding information on this notice to the agency.

General Information

| |
|---|
| 2. Rule catchline: |
| R392-600. Illegal Drug Operations Decontamination Standards |

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Rule R392-600 is authorized under Section 19-6-906. This section authorizes the Department of Health (Department) to adopt rules and enforce minimum standards for testing, sampling and decontamination of interior surfaces, furnishing, outside property soils, and septic tanks, associated with buildings contaminated with hazardous wastes resulting from the illicit production and use of methamphetamine.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

There were no comments received in opposition, to the continuation of Rule R392-600. The last substantive amendment was enacted on 08/24/2018.

Summary of comments received:

- 1) Utah Department of Environmental Quality:
 - a) Solid and Hazardous Waste Control Board is now Waste Management and Radiation Control.
- 2) Certified Decontamination Specialists:
 - a) Remove the definitions for "Highly suggestive of contamination" and "Non-highly suggestive of contamination" and remove all references to the definitions.
 - b) Decontamination Specialist shall conduct confirmation sampling only.
 - c) Specify the size and number ply gauze pad for composite sampling.
 - d) Remove of Ephedrine and Pseudoephedrine.
- 3) Utah Apartment and Realtors Associations:
 - a) The decontamination standard is too low.
 - b) Change how the composite sample result is calculated.
 - c) The housing industry should be involved in the rule making process.
- 4) Local Health Department:
 - a) Define Confirmation, Non-confirmation sampling and Composite sample.
 - b) Revise sampling procedures for Preliminary Assessment.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The Department recommends the continuation of Rule R392-600 because hazardous chemical materials are used in the production of methamphetamine. The production of methamphetamine generates hazardous chemical wastes. Illicit drug labs produce methamphetamine without controlling for the hazardous chemical contamination of the facilities and properties housing the lab. Owners, future buyers, tenants, and the general public, can be exposed to these hazardous chemical contaminations present on the building surfaces, furnishings, and property soils. This rule provides standards that protect those individuals from exposure to hazardous chemical contaminants associated with illicit drug production and use. This rule establishes procedures for the management and removal of hazardous waste materials from illicit drug lab operations. The Department received no comments in opposition to the continuation of Rule R392-600.

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 03/30/2020 |
|--|---|--------------|------------|

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

| | | |
|--------------------------------------|----------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R414-59 | Filing No. 51016 |
|--------------------------------------|----------------|-------------------------|

Agency Information

| | | | |
|--|--|-----------------------|--|
| 1. Department: | Health | | |
| Agency: | Health Care Financing, Coverage and Reimbursement Policy | | |
| Building: | Cannon Health Building | | |
| Street address: | 288 North 1460 West | | |
| City, state, zip: | Salt Lake City, UT 84116 | | |
| Mailing address: | PO Box 143102 | | |
| City, state, zip: | Salt Lake City, UT 84114-3102 | | |
| Contact person(s): | | | |
| Name: | Phone: | Email: | |
| Craig Devashrayee | 801-538-6641 | cdevashrayee@utah.gov | |
| Please address questions regarding information on this notice to the agency. | | | |

General Information

| |
|---|
| 2. Rule catchline: |
| R414-59. Audiology Services |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| Section 26-18-3 requires the Department of Health (Department) to implement the Medicaid program through administrative rules, and Section 26-1-5 authorizes the Department to adopt rules as necessary for the provision of Medicaid services. |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |
| The Department did not receive any written or oral comments regarding this rule. |
| 5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any: |
| The Department will continue this rule because it implements audiology services for Medicaid members, as described in the Medicaid provider manual and in the |

Medicaid State Plan.

Agency Authorization Information

| | | | |
|--|---|--------------|------------|
| Agency head or designee, and title: | Joseph K. Miner, MD, Executive Director | Date: | 03/26/2020 |
|--|---|--------------|------------|

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

| | | |
|--------------------------------------|----------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R501-19 | Filing No. 51199 |
|--------------------------------------|----------------|-------------------------|

Agency Information

| | | | |
|--|--|---------------------|--|
| 1. Department: | Human Services | | |
| Agency: | Administration, Administrative Services, Licensing | | |
| Building: | MASOB | | |
| Street address: | 195 N 1950 W | | |
| City, state, zip: | Salt Lake City, UT 84116 | | |
| Contact person(s): | | | |
| Name: | Phone: | Email: | |
| Jonah Shaw | 801-538-4219 | jshaw@utah.gov | |
| Elisabeth Kitchens | 385-303-2593 | ehkitchens@utah.gov | |
| Janice Weinman | 385-321-5586 | jweinman@utah.gov | |
| Please address questions regarding information on this notice to the agency. | | | |

General Information

| |
|---|
| 2. Rule catchline: |
| R501-19. Residential Treatment Programs |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| The Office of Licensing (OL) is statutorily required under Sections 62A-2-101 and 62A-2-106 to write rules pertaining to the license categories as defined for licensure. |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |
| No written comments have been received. Out of anticipation for future comments, the OL plans to engage stakeholders to contribute to a significant content re-write. |

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is statutorily required by Sections 62A-2-101 and 62A-2-106. The OL intends to significantly alter this rule's content in a repeal and reenactment within a matter of months, at which time all necessary changes will be made and incorporated into the OL database checklists. Therefore, this rule should be continued.

Agency Authorization Information

| | | | |
|--|------------------------------------|--------------|------------|
| Agency head or designee, and title: | Ann Williamson, Executive Director | Date: | 03/30/2020 |
|--|------------------------------------|--------------|------------|

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

| | | |
|--------------------------------------|----------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R501-20 | Filing No. 51190 |
|--------------------------------------|----------------|-------------------------|

Agency Information

| | | |
|---------------------------|-------------------------------------|---------------------|
| 1. Department: | Human Services | |
| Agency: | Administration, Services, Licensing | Administrative |
| Building: | MASOB | |
| Street address: | 195 North 1950 West | |
| City, state, zip: | Salt Lake City, UT 84116 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Jonah Shaw | 801-538-4219 | jshaw@utah.gov |
| Elisabeth Kitchens | 385-303-2593 | ehkitchens@utah.gov |
| Janice Weinman | 385-321-5586 | jweinman@utah.gov |

Please address questions regarding information on this notice to the agency.

General Information

| |
|---------------------------------|
| 2. Rule catchline: |
| R501-20. Day Treatment Programs |

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The Office of Licensing (OL) is statutorily required to write rules under Sections 62A-2-101 and 62A-2-106 pertaining to the license categories as defined for licensure.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The OL has not received any written comments since the last five-year review. In anticipation for future comments or concerns, the OL will be assembling a stakeholder group to review it thoroughly in the coming months.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is statutorily required by Sections 62A-2-101 and 62A-2-106. The OL intends to significantly alter this rule's content within a matter of months, at which time all necessary changes will be made and incorporated into the database. Therefore, this rule should be continued.

Agency Authorization Information

| | | | |
|--|------------------------------------|--------------|------------|
| Agency head or designee, and title: | Ann Williamson, Executive Director | Date: | 03/30/2020 |
|--|------------------------------------|--------------|------------|

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

| | | |
|--------------------------------------|----------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R501-21 | Filing No. 51191 |
|--------------------------------------|----------------|-------------------------|

Agency Information

| | | |
|---------------------------|-------------------------------------|---------------------|
| 1. Department: | Human Services | |
| Agency: | Administration, Services, Licensing | Administrative |
| Building: | MASOB | |
| Street address: | 195 North 1950 West | |
| City, state, zip: | Salt Lake City, UT 84116 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Jonah Shaw | 801-538-4219 | jshaw@utah.gov |
| Elisabeth Kitchens | 385-303-2593 | ehkitchens@utah.gov |
| Janice Weinman | 385-321-5586 | jweinman@utah.gov |

Please address questions regarding information on this notice to the agency.

General Information

| |
|--|
| 2. Rule catchline: |
| R501-21. Outpatient Treatment Programs |

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The Office of Licensing (OL) is statutorily required to write rules under Sections 62A-2-101 and 62A-2-106 pertaining to the license categories as defined for licensure.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received. The last substantive amendment to this rule was in February 2019. As industry practices continue to evolve (particularly in substance abuse treatment), the OL is aware of the need to make further substantive changes following the enactment of legislation from the 2020 General Session. This will require stakeholder input and cannot be done fully at the time of this rule review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

As-is this rule is working well and not facing any opposition. It will only be updated upon consensus from all involved stakeholders after May 2020. Therefore, this rule should be continued.

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Ann Williamson, Executive Director | Date: | 03/30/2020 |
|--|--|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|--|----------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R501-22 | Filing No. 51202 |

Agency Information

| | | |
|---------------------------|--|---------------------|
| 1. Department: | Human Services | |
| Agency: | Administration, Services, Licensing | Administrative |
| Building: | MASOB | |
| Street address: | 195 N 1950 W | |
| City, state, zip: | Salt Lake City, UT 84116 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Jonah Shaw | 801-538-4219 | jshaw@utah.gov |
| Elisabeth Kitchens | 385-303-2593 | ehkitchens@utah.gov |

| | | |
|--|--------------|-------------------|
| Janice Weinman | 385-321-5586 | jweinman@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

2. Rule catchline:

R501-22. Residential Support Programs

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

The Office of Licensing (OL) is statutorily required to write rules under Sections 62A-2-101 and 62A-2-106 pertaining to the license categories as defined for licensure.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The OL has not received any comments in regard to this rule. Any amendment or change, much like the recent repeal and reenactment, have been out of anticipation of comments that may have been received otherwise.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The rule encompasses new populations to be licensed and needs to remain in-place in order to protect vulnerable citizens. Therefore, this rule should be continued.

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Ann Williamson, Executive Director | Date: | 03/30/2020 |
|--|--|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|--|---------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R595-1 | Filing No. 51474 |

Agency Information

| | |
|------------------------|-----------------------------|
| 1. Department: | Judicial Conduct Commission |
| Agency: | Administration |
| Room no.: | 143 |
| Building: | Admin South |
| Street address: | 1385 S State Street |

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

| | | |
|--|--------------------------|--------------------|
| City, state, zip: | Salt Lake City, UT 84115 | |
| Mailing address: | Same | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Alex G. Peterson | 801-468-0021 | apeterson@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

| | | |
|--|--------------------------|--------------------|
| Street address: | 1385 S State Street | |
| City, state, zip: | Salt Lake City, UT 84115 | |
| Mailing address: | Same | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Alex G. Peterson | 801-468-0021 | apeterson@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|---|
| 2. Rule catchline: |
| R595-1. General Provisions |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| Pursuant to Utah Code Subsection 78A-11-103(11), the Judicial Conduct Commission is required to make rules "outlining its procedures and the appointment of masters." |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |
| No written comments have been received during or since the last five-year review. |
| 5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any: |
| Continuation of this rule is necessary in order for the Judicial Conduct Commission to conduct its constitutionally and statutorily mandated obligation to investigate and resolve allegations of judicial misconduct or judicial disability. |

General Information

| |
|---|
| 2. Rule catchline: |
| R595-2. Administration |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| Pursuant to Utah Code Subsection 78A-11-103(11), the Judicial Conduct Commission is required to make rules "outlining its procedures and the appointment of masters." |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |
| No written comments have been received during or since the last five-year review. |
| 5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any: |
| Continuation of this rule is necessary in order for the Judicial Conduct Commission to conduct its constitutionally and statutorily mandated obligation to investigate and resolve allegations of judicial misconduct or judicial disability. |

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Alex G. Peterson, Executive Director | Date: | 04/01/2020 |
|--|--|--------------|------------|

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Alex G. Peterson, Executive Director | Date: | 04/01/2020 |
|--|--|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|--|--------|-------------------------|
| Utah Admin. Code Ref (R no.): | R595-2 | Filing No. 51471 |

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|--|--------|-------------------------|
| Utah Admin. Code Ref (R no.): | R595-3 | Filing No. 51473 |

Agency Information

| | |
|-----------------------|-----------------------------|
| 1. Department: | Judicial Conduct Commission |
| Agency: | Administration |
| Room no.: | 143 |
| Building: | Admin South |

Agency Information

| | |
|-----------------------|-----------------------------|
| 1. Department: | Judicial Conduct Commission |
| Agency: | Administration |
| Room no.: | 143 |

| | | |
|--|--------------------------|--------------------|
| Building: | Admin South | |
| Street address: | 1385 S State Street | |
| City, state, zip: | Salt Lake City, UT 84115 | |
| Mailing address: | Same | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Alex G. Peterson | 801-468-0021 | apeterson@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|---|
| 2. Rule catchline: |
| R595-3. Procedure |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| Pursuant to Utah Code Subsection 78A-11-103(11), the Judicial Conduct Commission is required to make rules "outlining its procedures and the appointment of masters." |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |
| No written comments have been received during or since the last five-year review. |
| 5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any: |
| Continuation of this rule is necessary in order for the Judicial Conduct Commission to conduct its constitutionally and statutorily mandated obligation to investigate and resolve allegations of judicial misconduct or judicial disability. |

Agency Authorization Information

| | | | |
|--|--------------------------------------|--------------|------------|
| Agency head or designee, and title: | Alex G. Peterson, Executive Director | Date: | 04/01/2020 |
|--|--------------------------------------|--------------|------------|

| FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION | | |
|---|---------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R595-4 | Filing No. 51480 |

Agency Information

| | | |
|--|-----------------------------|--------------------|
| 1. Department: | Judicial Conduct Commission | |
| Agency: | Administration | |
| Room no.: | 143 | |
| Building: | Admin South | |
| Street address: | 1385 S State Street | |
| City, state, zip: | Salt Lake City, UT 84115 | |
| Mailing address: | Same | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Alex G. Peterson | 801-468-0021 | apeterson@utah.gov |
| Please address questions regarding information on this notice to the agency. | | |

General Information

| |
|--|
| 2. Rule catchline: |
| R595-4. Sanctions |
| 3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule: |
| Pursuant to Utah Code Subection 78A-11-103(11), the Judicial Conduct Commission is required to make rules "outlining its procedures and the appointment of masters." |
| 4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule: |
| No written comments have been received during or since the last five-year review. |
| 5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any: |

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Continuation of this rule is necessary in order for the Judicial Conduct Commission to conduct its constitutionally and statutorily mandated obligation to investigate and resolve allegations of judicial misconduct or judicial disability.

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Alex G. Peterson, Executive Director | Date: | 04/01/2020 |
|--|--|--------------|------------|

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

| | | |
|--------------------------------------|---------------|-------------------------|
| Utah Admin. Code Ref (R no.): | R895-2 | Filing No. 52076 |
|--------------------------------------|---------------|-------------------------|

Agency Information

| | | |
|---------------------------|------------------------------------|--------------------|
| 1. Department: | Technology Services | |
| Agency: | Administration | |
| Room no.: | 6000 | |
| Street address: | 450 N State St, SOB | |
| City, state, zip: | Salt Lake City, UT 84114 | |
| Mailing address: | 1 State Office Building, 6th Floor | |
| City, state, zip: | Salt Lake City, UT 84114 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Stephanie Weteling | 801-538-3284 | stephanie@utah.gov |

Please address questions regarding information on this notice to the agency.

General Information

| |
|---|
| 2. Rule catchline: |
| R895-2. Americans With Disabilities Act (ADA) Complaint Procedure |

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

This rule is promulgated pursuant to Section 63F-1-206 and Section 63G-3-201 of the State Administrative Rulemaking Act. The Department of Technology Services hereby adopts and defines a complaint procedure to provide for prompt and equitable resolution of complaints filed in accordance with Title II of the Americans With Disabilities Act, pursuant to 28 CFR 35.107, 1992 edition.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments were received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The rule is needed to define the complaint procedure to provide for prompt and equitable resolution of complaints filed. Therefore, this rule should be continued.

Agency Authorization Information

| | | | |
|--|--|--------------|------------|
| Agency head or designee, and title: | Michael Hussey, Executive Director and CIO | Date: | 03/23/2020 |
|--|--|--------------|------------|

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

| NOTICE OF FIVE-YEAR REVIEW EXTENSION | | |
|--------------------------------------|---------|------------------|
| Utah Admin. Code Ref (R no.): | R357-11 | Filing No. 50853 |

Agency Information

| | | |
|---------------------------|--------------------------|--------------------|
| 1. Department: | Governor | |
| Agency: | Economic Development | |
| Building: | World Trade Center | |
| Street address: | 60 E South Temple | |
| City, state, zip: | Salt Lake City, UT 84111 | |
| Mailing address: | 60 E South Temple | |
| City, state, zip: | Salt Lake City, UT 84111 | |
| Contact person(s): | | |
| Name: | Phone: | Email: |
| Dane Ishihara | 801-792-8764 | dishihara@utah.gov |

Please address questions regarding information on this notice to the agency.

General Information

| |
|--|
| 2. Rule catchline: |
| R357-11. Technology Commercialization and Innovation Program (TCIP) |
| 3. Reason for requesting the extension and the new deadline date: |
| The extension is requested to thoroughly evaluate if the rule should be continued or repealed. The new deadline is 07/21/2020. |

Agency Authorization Information

| | | | |
|--|------------------------------|--------------|------------|
| Agency head or designee, and title: | Val Hale, Executive Director | Date: | 03/20/2020 |
|--|------------------------------|--------------|------------|

End of the Notices of Five-Year Review Extensions 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.

Commerce

Occupational and Professional Licensing
No. 52505 (Amendment): R156-11a. Cosmetology and
Associated Professions Licensing Act Rule
Published: 02/15/2020
Effective: 03/24/2020

Education

Administration
No. 52547 (Amendment): R277-108. Annual Assurance of
Compliance by Local School Boards
Published: 03/01/2020
Effective: 04/09/2020

No. 52556 (Amendment): R277-121. Board Waiver of
Administrative Rules
Published: 03/01/2020
Effective: 04/09/2020

No. 52576 (Amendment): R277-459. Teacher Supplies and
Materials Appropriation
Published: 03/01/2020
Effective: 04/09/2020

No. 52559 (Amendment): R277-702. Procedures for the
Utah High School Completion Diploma
Published: 03/01/2020
Effective: 04/09/2020

No. 52577 (New Rule): R277-714. Unsafe School Choice
Option
Published: 03/01/2020
Effective: 04/09/2020

No. 52560 (Amendment): R277-733. Adult Education
Programs
Published: 03/01/2020
Effective: 04/09/2020

No. 52561 (Repeal): R277-735. Corrections Education

Programs

Published: 03/01/2020
Effective: 04/09/2020

Environmental Quality

Waste Management and Radiation Control, Radiation
No. 52562 (Amendment): R313-16. General Requirements
Applicable to the Installation, Registration, Inspection, and
Use of Radiation Machines. Application for Registration of
Inspection Services
Published: 03/01/2020
Effective: 04/13/2020

Waste Management and Radiation Control, Waste
Management
No. 52563 (Amendment): R315-15. Standards for
Management of Used Oil. DIYer Reimbursement
Published: 03/01/2020
Effective: 04/13/2020

No. 52564 (Amendment): R315-260. Hazardous Waste
Management System
Published: 03/01/2020
Effective: 04/13/2020

No. 52565 (Amendment): R315-262. Hazardous Waste
Generator Requirements
Published: 03/01/2020
Effective: 04/13/2020

No. 52566 (Amendment): R315-263. Standards Applicable
to Transporters of Hazardous Waste and Standards
Applicable to Emergency Control of Spills for All Hazardous
Waste Handlers
Published: 03/01/2020
Effective: 04/13/2020

No. 52567 (Amendment): R315-264. Standards for Owners
and Operators of Hazardous Waste Treatment, Storage, and
Disposal Facilities

NOTICES OF RULE EFFECTIVE DATES

Published: 03/01/2020
Effective: 04/13/2020

No. 52568 (Amendment): R315-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
Published: 03/01/2020
Effective: 04/13/2020

Water Quality

No. 52488 (Amendment): R317-8. Review Procedures
Published: 02/01/2020
Effective: 04/01/2020

No. 52487 (Repeal and Reenact): R317-401. Graywater Systems
Published: 02/01/2020
Effective: 03/26/2020

Governor

Economic Development
(EDITOR'S NOTE: This notice makes a second Rule R357-15a effective. Administrative Rules is working with the Office of Economic Development to work this out because the two rules are different.)

No. 52537 (New Rule): R357-15a. Targeted Business Tax Credit Rule
Published: 02/15/2020
Effective: 03/30/2020

Economic Development, Pete Suazo Utah Athletic Commission

No. 52583 (Amendment): R359-1. Pete Suazo Utah Athletic Commission Act Rule
Published: 03/01/2020
Effective: 04/08/2020

Health

Disease Control and Prevention, Environmental Services
No. 52486 (New Rule): R392-702. Cosmetology Facility Sanitation
Published: 02/01/2020
Effective: 03/30/2020

Health Care Financing, Coverage and Reimbursement Policy
No. 52482 (Amendment): R414-311. Targeted Adult Medicaid
Published: 02/01/2020
Effective: 03/27/2020

No. 52479 (Amendment): R414-312. Adult Expansion Medicaid
Published: 02/01/2020
Effective: 03/27/2020

No. 52528 (Amendment): R414-513. Intergovernmental Transfers
Published: 02/15/2020
Effective: 03/27/2020

Family Health and Preparedness, Emergency Medical Services
No. 52518 (Amendment): R426-5. Epinephrine Auto-Injector Use
Published: 02/15/2020
Effective: 04/08/2020

Family Health and Preparedness, Child Care Licensing
No. 52373 (Amendment): R430-50. Residential Certificate Child Care
Published: 12/15/2019
Effective: 04/03/2020

No. 52374 (Amendment): R430-90. Licensed Family Child Care
Published: 12/15/2019
Effective: 04/03/2020

Human Services

Services for People with Disabilities
No. 52519 (Amendment): R539-1. Non-Waiver Services for People with Intellectual Disabilities or Related Conditions
Published: 03/01/2020
Effective: 04/08/2020

Natural Resources

Parks and Recreation
No. 52477 (Amendment): R651-301. State Recreation Fiscal Assistance Programs
Published: 02/01/2020
Effective: 04/07/2020

Water Resources

No. 52473 (Amendment): R653-2. Financial Assistance from the Board of Water Resources
Published: 02/01/2020
Effective: 03/26/2020

Wildlife Resources

No. 52522 (Amendment): R657-10. Taking Cougar
Published: 02/15/2020
Effective: 03/24/2020

No. 52523 (Amendment): R657-33. Taking Bear
Published: 02/15/2020
Effective: 03/24/2020

No. 52554 (Amendment): R657-52. Commercial Harvesting of Brine Shrimp and Brine Shrimp Eggs
Published: 03/01/2020
Effective: 04/08/2020

Tax Commission Administration

No. 52377 (Amendment): R861-1a. State Board of Equalization Procedures
Published: 03/01/2020
Effective: 04/09/2020

Auditing

No. 52579 (Amendment): R865-9i. Property Tax Relief For Individuals Pursuant to Utah Code Ann. Sections 59-2-1201 through 59-2-1220
Published: 03/01/2020
Effective: 04/09/2020

No. 52580 (Amendment): R865-19s. Tourist Home, Hotel, Motel, or Trailer Court Accommodations and Services Defined Pursuant to Utah Code Ann. Sections 59-12-103, 59-12-301, 59-12-352, and 59-12-353
Published: 03/01/2020
Effective: 04/09/2020

No. 52581 (Amendment): R865-19s. Transient Room Tax Collection Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-301
Published: 03/01/2020
Effective: 04/09/2020

Property Tax

No. 52382 (Amendment): R884-24p. County Board of Equalization Procedures and Appeals
Published: 03/01/2020
Effective: 04/09/2020

End of the Notices of Rule Effective Dates Section