

# UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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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

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# EXECUTIVE DOCUMENTS

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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.

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## DIRECTIVE TO THE STATE OF UTAH

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

Updated April 17, 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**

- 1. Except as otherwise lawfully required, nothing in this Directive should be interpreted to prohibit the following persons from fulfilling their duties and responsibilities:
  - a. healthcare professionals;
  - b. law enforcement officers and other first responders;
  - c. faith leaders and faith workers; and
  - d. charitable and social services organizations.
- 2. Part I, Subsection (2)(a) does not apply to an individual who travels out of state pursuant to the individual's regular and ordinary duties as an employee of a transportation business or entity.

**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 17th day of April, 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

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**THIRD SPECIAL SESSION**

(EDITOR'S NOTE: The Utah State Legislature called itself into a third special session under the provisions of Utah State Constitution Article VI, Section 2. The joint proclamation calling the session is available at this address: <https://le.utah.gov/session/2020S3/Proclamation.pdf>.)

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**PROCLAMATION**

**WHEREAS**, since the adjournment of the 2020 General Session of the Sixty-third Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

**WHEREAS**, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

EXECUTIVE DOCUMENTS

**NOW, THEREFORE**, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Sixty-third Legislature of the State of Utah into a Fourth Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 23rd day of April 2020, at or after 1 pm, to consider the following:

1. appropriating certain federal funds accepted by the Legislature in S.J.R. 301 during the Third Special Session of the Sixty-third Legislature of the State of Utah;
2. extending the deadline for payment of the renewal fee for a bar establishment license;
3. making changes to the sales and use tax exemption for sales of fuel to a rail carrier for use in a locomotive engine and enacting related provisions; and
4. creating a program to provide scholarships for students with disabilities to help cover certain costs to attend qualifying private schools, are creating related corporate and individual tax credits for certain donations to the scholarship program.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 21st day of April 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/4/S

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**EXECUTIVE ORDER**

Wildland Fire Management

**WHEREAS**, the danger from wildland fires is high throughout the State of Utah;

**WHEREAS**, Winter was mild with average snowpack;

**WHEREAS**, Current Spring precipitation in Utah is contributing to high fuel loads of wildland vegetation; and

**WHEREAS**, some of the areas are extremely remote and inaccessible and the situation has the potential to greatly worsen if left unattended;

**WHEREAS**, immediate action will be required to suppress fires and mitigate post burn flash floods to protect public safety, property, natural resources and the environment should these dangerous conditions escalate to active wildfires;

**WHEREAS**; COVID-19 has exhausted State and Local resources and will increase the complexity of wildfire response;

**WHEREAS**, these conditions do create the potential for a disaster emergency within the scope of the Disaster Response and Recovery Act of 1981;



**NOW THEREFORE**, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists Statewide due to the threat to public safety, property, critical infrastructure, natural resources and the environment, effective for the month of May 2020, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

**IN TESTIMONY, WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 1st day of May 2020.

(State Seal)

**Gary R. Herbert**  
Governor

ATTEST:

**Spencer J. Cox**  
Lieutenant Governor

2020/017/EO

**End of the Executive Documents Section**



## NOTICES OF PROPOSED RULES

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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 April 02, 2020, 12:00 a.m., and April 15, 2020, 11:59 p.m. are included in this, the May 01, 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 June 01, 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 29, 2020, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** 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.

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**The Proposed Rules Begin on the Following Page**

NOTICE OF PROPOSED RULE			
TYPE OF RULE: New			
Utah Admin. Code Ref (R no.):	R25-22	Filing No. 52655	

**Agency Information**

<b>1. Department:</b>	Administrative Services		
<b>Agency:</b>	Finance		
<b>Building:</b>	Taylorsville State Office Building		
<b>Street address:</b>	4315 S 2700 W Floor 3		
<b>City, state:</b>	Taylorsville, UT 84127-2128		
<b>Mailing address:</b>	PO Box 141031		
<b>City, state, zip:</b>	Salt Lake City, UT 84114-1031		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
John Reidhead	801-957-7734	jreidhead@utah.gov	
Please address questions regarding information on this notice to the agency.			

**General Information**

<b>2. Rule or section catchline:</b>
R25-22. Financial Institution Validation for Access to Medical Inventory Control System
<b>3. Purpose of the new rule or reason for the change:</b>
This rule is enacted under the authority of Subection 4-41a-103(6)(a) which establishes the process for the Division of Finance (Division) to validate financial institutions requesting access to the inventory of a medical cannabis establishment or medical cannabis pharmacy.
<b>4. Summary of the new rule or change:</b>
This rule establishes a process for a validated financial institution to request access to medical cannabis production and cannabis pharmacy's inventory control system. (EDITOR'S NOTE: A corresponding 120-day (emergency) Rule R25-22 that is effective as of 04/10/2020 is under ID No. 52665 in this issue, May 1, 2020, of the Bulletin.)

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule will cost the Division \$3,000 in the first year and estimates a cost of \$2,500 per year thereafter. To determine the cost to the Division, employee's hourly rates and the estimates of hours each would spend was used to determine the cost to the Division. This amount is higher the first year because most financial institutions will request access up front than in future years.

<b>B) Local governments:</b>			
There is no anticipated costs to local governments. This rule only affects state budgets, and will not impact local governments.			
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>			
There is no anticipated costs to small businesses. This rule only applies to state budgets, and will not impact small businesses.			
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>			
Financial Institutions wishing to participate in the medical cannabis industry will incur a nominal, but inestimable, cost to draft a letter and assemble already existing documents to present to the Division.			
<b>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>):</b>			
This proposed rule applies only to financial institutions requesting access to any cannabis establishment's inventory. Financial Institutions will incur a small, but incalculable, cost to assemble existing reports, and draft a self-certification letter.			
<b>F) Compliance costs for affected persons:</b>			
There are no other affected persons aside from the Division and financial institutions wishing to participate.			
<b>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.)</b>			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>
State Government	(\$3,000)	(\$2,500)	(\$2,500)
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			

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
<b>Total Fiscal Benefits</b>	<b>(\$3,000)</b>	<b>(\$2,500)</b>	<b>(\$2,500)</b>
<b>Net Fiscal Benefits</b>	<b>(\$3,000)</b>	<b>(\$2,500)</b>	<b>(\$2,500)</b>

**H) Department head approval of regulatory impact analysis:**

I have reviewed the regulatory impact table, and agree with the described fiscal impacts associated with this rule.

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

I have reviewed this rule and agree with the impact described in Sections 5C - 5F as associated with this rule.

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

Tani Pack Downing, 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 4-41a-103(6)(a)		
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**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

**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**

<b>Agency head or designee, and title:</b>	John Reidhead, Division Director	<b>Date:</b>	04/07/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R70-101</b>	<b>Filing No. 52653</b>
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**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Regulatory Services	
<b>Street address:</b>	350 N Redwood Road	
<b>City, state:</b>	Salt Lake City, UT 84116	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Travis Waller	801-538-7150	twaller@utah.gov
Michelle Jack	801-538-7151	mjack@utah.gov

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

**General Information**

**2. Rule or section catchline:**  
R70-101. Bedding, Upholstered Furniture, and Quilted Clothing

**3. Purpose of the new rule or reason for the change:**  
These changes are necessary for compliance with H.B. 290 which passed during the 2020 General Session limiting the use of the word "license."

**4. Summary of the new rule or change:**  
 The changes amend the use of the word "license" to "permit" or "registration" and also make technical and conforming changes, as well as regulate the use of the word "recycled" on products.

**Fiscal Information**

**5. Aggregate anticipated cost or savings to:**

**A) State budget:**

These changes do not create an anticipated costs or savings to the state budget because they are technical changes and do not require any additional inspection, or testing on the part of the Department of Agriculture and Food (Department).

**B) Local governments:**

These changes do not create anticipated costs or savings to local governments because they do not regulate bedding, upholstered furniture, or quilted clothing products.

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

These changes do not create any additional costs for small businesses. No fees charged by the Department are affected by these changes.

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

These changes do not create any additional costs for non-small businesses because no fees charged by the Department are affected by the 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*):

These changes do not create any additional costs or savings for others because they are technical and conforming changes only.

**F) Compliance costs for affected persons:**

There are no compliance costs for affected persons related to these rule changes as they are technical and confirming changes and have no effect on any fees charged by the Department.

**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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
H) Department head approval of regulatory impact analysis:			
Kelly Pehrson, the Deputy Commissioner of the Utah Department of Agriculture and Food, has reviewed and approved this fiscal impact analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
These rule changes are necessary to bring the bedding, upholstered furniture, and quilted clothing rule into compliance with state law and should not have a fiscal impact on businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Kelly Pehrson, Deputy 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):**

Section 4-10-103		
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**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	
<b>Official Title of Materials Incorporated (from title page)</b>	Rules and Regulations under the Textile Fiber Products Identification Act, Fur Products Labeling Act, and Wool Products Labeling Act found in 16 CFR parts 300, 301, and 303
<b>Publisher</b>	US Printing Office
<b>Date Issued</b>	Part 300- July 15, 1941; Part 301 July 8, 1952; Part 303-June 2, 1959

Second Incorporation	
<b>Official Title of Materials Incorporated (from title page)</b>	Global Recycling Standard
<b>Publisher</b>	Textile Exchange
<b>Date Issued</b>	July 1, 2017
<b>Issue, or version</b>	4.0

Third Incorporation	
<b>Official Title of Materials Incorporated (from title page)</b>	Standard Performance Specification for Feather and Down Fillings for Textile Products
<b>Publisher</b>	ASTM International
<b>Date Issued</b>	2014
<b>Issue, or version</b>	D4522-14

Fourth Incorporation	
<b>Official Title of Materials Incorporated (from title page)</b>	USA-2000 Labeling Standards-Down and Feather Products (Jan. 2009) Bedding and Apparel
<b>Publisher</b>	IDFL
<b>Date Issued</b>	September 25, 2013

**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.)

<b>A) Comments will be accepted until:</b>	06/01/2020
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<b>10. This rule change MAY become effective on:</b>	06/08/2020
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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**

<b>Agency head or designee, and title:</b>	Kelly Pehrson, Deputy Commissioner	<b>Date:</b>	04/06/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> New			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R70-580</b>	<b>Filing No.</b>	<b>52663</b>

**Agency Information**

<b>1. Department:</b>	Agriculture and Food		
<b>Agency:</b>	Regulatory Services		
<b>Street address:</b>	350 N Redwood Road		
<b>City, state:</b>	Salt Lake City, UT 84116		
<b>Mailing address:</b>	PO Box 146500		
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6500		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Amber Brown	385-245-5222	ambermbrown@utah.gov	
Travis Waller	801-538-7150	twaller@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:**

R70-580. Kratom Product Registration and Labeling

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

As directed by Section 4-45-107, this new rule governs the registration of kratom product and kratom processors in this state, as well as provides guidelines for labeling and testing of kratom products for safety and transparency.

**4. Summary of the new rule or change:**

This rule sets guidelines for the Department of Agriculture and Food (Department) regulation of kratom products to ensure that those sold are safe for consumers. It governs registration of kratom products and processors, testing requirements, labeling requirements, and limitations regarding product ingredients, appearance, and flavor.

**Fiscal Information**

**5. Aggregate anticipated cost or savings to:**

**A) State budget:**

There will be costs for the state budget to administer the kratom product registration and compliance program. The Department employs one full time coordinator for this program. The Department will utilize current food establishment and weights and measures inspectors to inspect kratom establishments at least once a year. Because this is a new program, the Department does not yet know how many establishments or products will be registered. The program will generate revenue from the kratom product registration fee (\$200 per product) and processing fee (\$40), as well as fees collected when kratom processors register as food establishments (\$50 to \$400 depending on the size of the facility). It is difficult to know how many products or processors will register as it is a new program, however, the Department anticipates that the fees collected will be equal to or greater than the costs to administer the program. Because it is impossible to estimate how many products or registrations will be registered or require inspection, the Department is not able to fill out the regulatory impact table at this time.

**B) Local governments:**

The department does not anticipate that local governments will see costs or savings associated with this rule because they do not act as kratom processors or regulate kratom production.

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

There will be costs to small businesses to register kratom products (\$200 plus a \$40 processing fee) and register as

food establishments (\$50 to \$400 depending on the size of the facility). The Department will try to reduce the costs to businesses by allowing businesses that are registered with the Division of Weights and Measures to use their current registration as their food establishment registration. Because it is impossible to know how many businesses will need to register, the Department is not able to fill out the regulatory impact table at this time.

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

There may be costs to businesses employing more than 50 people similar to costs to small businesses, including the cost to register kratom products (\$200 plus a \$40 processing fee) and the costs for businesses to register as food establishments (\$50 to \$400 depending on the size of the facility). The Department is unable to estimate how many products or establishments will register because this is a new program and it is unclear how many kratom products are currently sold in Utah.

**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 that others will be affected by this new rule outside of kratom processors and the Department.

**F) Compliance costs for affected persons:**

The compliance costs for affected persons will be the costs to register kratom products (\$200 and a \$40 processing fee) and the costs for kratom processors to register as a food establishment (\$50 - \$400 depending on the size of the facility).

**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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The Deputy Commissioner of the Utah Department of Agriculture and Food, Kelly Pehrson, has reviewed and approves the regulatory impact analysis.

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

This rule will have a limited fiscal impact on businesses, which is required to allow for the Department to administer the new kratom program and ensure that kratom product sold in Utah is safe for consumers.

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

Kelly Pehrson, Deputy 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):**

Section 4-45-107

**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 :**

<b>First Incorporation</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	Official Title USP Chemical Tests 561, Articles of Botanical Origin
<b>Publisher</b>	US Pharmacopeia

<b>Date Issued</b>	April 2015
<b>Issue, or version</b>	USP38-NF33

**B) This rule adds, updates, or removes the following title of materials incorporated by references :**

<b>Second Incorporation</b>	
<b>Official Title of Materials Incorporated (from title page)</b>	USP Chemical Tests 232, Elemental Impurities-Limits
<b>Publisher</b>	US Pharmacopeia
<b>Date Issued</b>	July 2015
<b>Issue, or version</b>	USP 39

**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

**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**

<b>Agency head or designee, and title:</b>	Kelly Pehrson, Deputy Commissioner	<b>Date:</b>	04/10/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** Amendment

<b>Utah Admin. Code Ref (R no.):</b>	<b>R277-306</b>	<b>Filing No. 52652</b>
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**Agency Information**

<b>1. Department:</b>	Education	
<b>Agency:</b>	Administration	
<b>Building:</b>	Board of Education	
<b>Street address:</b>	250 E 500 S	
<b>City, state:</b>	Salt Lake City, UT 84111-3272	
<b>Mailing address:</b>	PO Box 144200	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-4200	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R277-306. Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, and Counselors
<b>3. Purpose of the new rule or reason for the change:</b>
Following a recent public hearing, the State Board of Education made the rule effective on January 14, 2020 but directed staff to bring the rule back for review with specific language for on-going maintenance of school social worker licensing.
<b>4. Summary of the new rule or change:</b>
Section R277-306-7 regarding school social worker preparation programs was added to this rule, with corresponding changes in the rule title and purpose section. The amendments establish standards for school social worker preparation programs.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
This rule change is not expected to have material fiscal impacts on state government revenues or expenditures. It outlines the requirements for an institution of higher education to offer a school social worker preparation program. The University of Utah and Utah State University are the only institutions in the state that offer these types of programs. Both programs meet all requirements set forth in the proposed rule change. Therefore, there is no expected fiscal impact for this rule.

<b>B) Local governments:</b>
This rule change is not expected to have material fiscal impacts on local governments' revenues or expenditures. It outlines the requirements for an institution of higher education to offer a school social worker preparation program. The University of Utah and Utah State University are the only institutions in the state that offer these types of programs. Both programs meet all requirements set forth in the proposed rule change. Therefore, there is no expected fiscal impact for this rule.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This rule change is not expected to have material fiscal impacts on small businesses' revenues or expenditures. It outlines the requirements for an institution of higher education to offer a school social worker preparation program. The University of Utah and Utah State University are the only institutions in the state that offer these types of programs. Both programs meet all requirements set forth in the proposed rule change. Therefore, there is no expected fiscal impact for this rule.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
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.
<b>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>):</b>
This rule change is not expected to have material fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. It outlines the requirements for an institution of higher education to offer a school social worker preparation program. The University of Utah and Utah State University are the only institutions in the state that offer these types of programs. Both programs meet all requirements set forth in the proposed rule change. Therefore, there is no expected fiscal impact for this rule.
<b>F) Compliance costs for affected persons:</b>
There were 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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The Superintendent of 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-3-401(4)	Subsection 53E-6-201(3)(a)
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**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

**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**

<b>Agency head or designee, and title:</b>	Angie Stallings, Deputy Superintendent	<b>Date:</b>	03/30/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R357-28</b>	<b>Filing No.:</b>	<b>52670</b>
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**Agency Information**

<b>1. Department:</b>	Governor
<b>Agency:</b>	Economic Development

<b>Building:</b>	World Trade Center	
<b>Street address:</b>	60 E South Temple	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	60 E. South Temple	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dane Ishihara	801-538-8864	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R357-28. Talent Ready Connections Program
<b>3. Purpose of the new rule or reason for the change:</b>
H.B. 68, passed by the Legislature during the 2020 General Session, created the Professional and Technical Workforce Development Programs. The new statutory language permits the office to promulgate rules to administer the program. The purpose of this rule filing is to clarify the standards for participation in the program.
<b>4. Summary of the new rule or change:</b>
This rule will codify the Professional and Technical Workforce Development Programs by establishing definitions, methods for selecting partners, requiring a contract, contract modification requirements, funding distributions, reporting and cooperation requirements, and coordinator duties. The program will provide a support system for youth apprenticeships and work-based learning programs tailored to the specific needs of high demand industries.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no aggregate anticipated cost or savings to the state budget. The rule is merely creating the requirements for the Professional and Technical Workforce Development Programs that were created by the passing of H.B. 68 (2020).
<b>B) Local governments:</b>
There is no aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.

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

There is no aggregate anticipated cost or savings to small businesses because this proposed amendment does not create new obligations for small businesses, nor does it increase the costs associated with any existing obligation. Participation in the program is optional.

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

There is no aggregate anticipated cost or savings to non-small businesses because this proposed amendment does not create new obligations for non-small businesses nor does it increase the costs associated with any existing obligation.

**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 aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed amendment does not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.

**F) Compliance costs for affected persons:**

There are no compliance costs for affected persons because participation in the program is optional.

**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

<b>Total Fiscal Cost</b>	\$0	\$0	\$0
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	\$0	\$0	\$0
<b>Net Fiscal Benefits</b>	\$0	\$0	\$0

**H) Department head approval of regulatory impact analysis:**

The Executive Director of the Governor's Office of Economic Development, Val Hale, 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 new rule implements H.B. 68 (2020) which created the Professional and Technical Workforce Development Programs. The purpose of this rule filing is to clarify the standards for participation in the program. The program will provide a support system for youth apprenticeship and work-based learning programs tailored to the specific needs of high demand industries.

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

Val Hale, 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 63N-12-507		
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**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

**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**

<b>Agency head or designee, and title:</b>	Val Hale, Executive Director	<b>Date:</b>	04/15/2020
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**NOTICE OF PROPOSED RULE**

**TYPE OF RULE:** New

<b>Utah Admin. Code Ref (R no.):</b>	<b>R364-2</b>	<b>Filing No. 52660</b>
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**Agency Information**

<b>1. Department:</b>	Governor	
<b>Agency:</b>	Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission	
<b>Street address:</b>	370 E South Temple, Suite 500	
<b>City, state:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	370 E South Temple, Suite 500	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Joanna Landau	801-209-5440	jlandau@utah.gov

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

**General Information**

**2. Rule or section catchline:**

R364-2. Indigent Defense Commission Complaint Rule

<p><b>3. Purpose of the new rule or reason for the change:</b></p> <p>The purpose of this rule is to establish standards and procedures to receive and resolve complaints regarding the provision of indigent defense services by an indigent defense system.</p>
<p><b>4. Summary of the new rule or change:</b></p> <p>A complainant may file a written complaint regarding the provision of indigent defense services by an indigent defense system. The rule establishes a review process comprised of an office review by the director and an appeal review by the Indigent Defense Commission.</p>

**Fiscal Information**

<p><b>5. Aggregate anticipated cost or savings to:</b></p>
<p><b>A) State budget:</b></p> <p>This rule has no aggregate anticipated cost or savings to state budget because it does not require additional personnel or other resources that would have a fiscal impact on the state budget.</p>
<p><b>B) Local governments:</b></p> <p>This rule has no aggregate anticipated cost or savings to local governments because it does not have a fiscal impact on local government budgets.</p>
<p><b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):</p> <p>This rule has no aggregate anticipated cost or savings to small businesses because it does not have a fiscal impact on small businesses' operations or budgets.</p>
<p><b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):</p> <p>This rule has no aggregate anticipated cost or saving to non-small businesses because it does not have a fiscal impact on non-small businesses' operations or budgets.</p>
<p><b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):</p> <p>This rule has no aggregate anticipated cost or saving to persons other than small businesses, non-small businesses, state, or local government entities because it does not have a fiscal impact on such persons' operations or budgets.</p>

<p><b>F) Compliance costs for affected persons:</b></p> <p>This rule has no aggregate anticipated cost or saving to compliance costs for affected persons because it does not have a fiscal impact on such persons' operations or budgets.</p>
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**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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The Director of the Indigent Defense Commission, Joanna Landau, 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 proposed rule has no fiscal impact on businesses.

<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Joanna Landau, Director

**Citation Information**

<b>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):</b>		
Subsection 78B-22-404(1)(f)	Subsection 63G-4-201(2)	

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (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.)	
<b>A) Comments will be accepted until:</b>	06/01/2020

<b>10. This rule change MAY become effective on:</b>	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**

<b>Agency head or designee, and title:</b>	Joanna Landau, Director	<b>Date:</b>	04/10/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> New			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R380-409</b>	<b>Filing No.</b>	<b>52617</b>

**Agency Information**

<b>1. Department:</b>	Health
<b>Agency:</b>	Administration
<b>Building:</b>	Martha Hughes Cannon Building
<b>Street address:</b>	288 N 1460 W
<b>City, state:</b>	Salt Lake City, UT

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

**General Information**

<b>2. Rule or section catchline:</b>
R380-409. State Central Patient Portal
<b>3. Purpose of the new rule or reason for the change:</b>
Section 26-61a-601 of the Utah Medical Cannabis Act requires the Utah Department of Health (Department) to establish rules related to the state central patient portal.
<b>4. Summary of the new rule or change:</b>
This rule filing establishes standards related to the state central patient portal's facilitation of an electronic medical cannabis order to a home delivery medical cannabis pharmacy.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
Section R380-409-2 is written such that the Department's cost of facilitating electronic medical cannabis orders will be minimal because it will be limited to including links to individual websites established by home delivery medical cannabis pharmacies where cardholders may view available inventory and order medical cannabis products and medical cannabis devices, or educational material related to the use of medical cannabis. The Department will not be responsible for setting up a website where cardholders will view, order, and make electronic payment for product ordered online. Each home delivery medical cannabis pharmacy is responsible to set up a website for online ordering.

**B) Local governments:**

This proposed rule will not result in a fiscal impact to the local governments' budget 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 R380-409-2 states that the state central patient portal website will include links to individual websites established by home delivery medical cannabis pharmacies where cardholders may view available

inventory and order medical cannabis products and medical cannabis devices, or educational material related to the use of medical cannabis. This means that each home delivery medical cannabis pharmacy is responsible to set up a website for online ordering. The cost impact to a home delivery medical cannabis pharmacy for setting up an online ordering website is estimated to be between \$50,000 and \$500,000 depending on the platform and requirements. To calculate this fiscal impact, the Department took the average of the range, which is \$275,000, multiplied it by the 14 pharmacies (assuming that each medical cannabis pharmacy sets up an online ordering website), and calculated the total small business fiscal impact at \$3,850,000. The basis for setting the number of medical cannabis pharmacies at 14 is that Utah Code Subsection 26-61a-305(1) requires that the Department issue 14 medical cannabis pharmacies. The Department assumes that all 14 licensed pharmacies will set up a website for online ordering. There will be an ongoing cost to pharmacies for maintaining the online ordering websites but this amount is inestimable at this time.

**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	(\$3,850,000)	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>(\$3,850,000)</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>(\$3,850,000)</b>	<b>\$0</b>	<b>\$0</b>

**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 have minimal effect on the Department. Pharmacies providing home delivery will see that largest fiscal impact. The cost to medical cannabis pharmacies is estimated to be \$3,850,000. The fiscal impact of this rule will depend on the platform each individual pharmacy chooses to utilize. That is decided solely by 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 26-61a-601(3)
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**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.)

<b>A) Comments will be accepted until:</b>		06/01/2020
<b>B) A public hearing (optional) will be held:</b>		
<b>On:</b>	<b>At:</b>	<b>At:</b>
05/18/2020	01:00 PM	288 N 1460 W, Room 125, Salt Lake City, UT meet.google.com/k ex-wdum-ohv 1 513-796-6543 PIN: 251 553 837#

<b>10. This rule change MAY become effective on:</b>	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**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	01/30/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> New			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R380-410</b>	<b>Filing No.</b>	<b>52618</b>

**Agency Information**

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

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

**General Information**

<b>2. Rule or section catchline:</b>
R380-410. Agreement with a Tribe
<b>3. Purpose of the new rule or reason for the change:</b>
Section 26-61a-108, Utah Medical Cannabis Act is vague and requires the Utah Department of Health (Department) establish rules related to operation of state medical cannabis pharmacies on tribal lands.
<b>4. Summary of the new rule or change:</b>
This proposed rule defines and clarifies the requirements to enter into an agreement between the and a federally recognized Indian tribe or Indian band to operate a medical cannabis pharmacy on tribal lands located within Utah boundaries.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
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>B) Local governments:</b>
This proposed rule will not result in a fiscal impact to the local governments' revenues or expenditures because this rule does not establish requirements for enforcement by local agencies.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
This proposed rule will not result in a fiscal impact to small businesses because this rule does not establish requirements for small businesses.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
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.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation,</b>

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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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	Section 26-61-108	26 U.S.C. 1603 (14)
18 U.S.C. 1151		

**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	02:00 PM	288 N 1460 W, Room 125, Salt Lake City, UT meet.google.com/kex-wdum-ohv 1 513-796-6543 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**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	01/30/2020
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NOTICE OF PROPOSED RULE			
<b>TYPE OF RULE:</b> New			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R380-411</b>	<b>Filing No.</b>	<b>52619</b>

**Agency Information**

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

**General Information**

<b>2. Rule or section catchline:</b>
R380-411. Administrative Hearing Procedures
<b>3. Purpose of the new rule or reason for the change:</b>
Sections 26-1-24 and 63G-4-102 authorize the Utah Department of Health (Department) to establish rules related to administrative adjudicative procedures for actions taken by the Department pursuant to the Utah Medical Cannabis Act.
<b>4. Summary of the new rule or change:</b>
This rule filing defines terms and establishes procedures related to administrative adjudicative proceedings.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
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>B) Local governments:</b>																												
This proposed rule will not result in a fiscal impact to the local governments' revenues or expenditures because this rule does not establish requirements for enforcement by local agencies.																												
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>																												
This proposed rule will not result in a fiscal impact to small businesses because this rule does not establish requirements for small businesses.																												
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>																												
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.																												
<b>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>):</b>																												
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.																												
<b>F) Compliance costs for affected persons:</b>																												
This proposed rule will not result in a fiscal impact to affected persons because this rule does not establish requirements for these persons.																												
<b>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.)</b>																												
<b>Regulatory Impact Table</b>																												
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2020</th> <th>FY2021</th> <th>FY2022</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Local Governments</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Non-Small Businesses</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Other Persons</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td><b>Total Fiscal Cost</b></td> <td><b>\$0</b></td> <td><b>\$0</b></td> <td><b>\$0</b></td> </tr> </tbody> </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	<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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																									
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>																									

NOTICES OF PROPOSED RULES

<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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	Section 26-1-24	Section 63G-4-102
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**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:**

<b>On:</b>	<b>At:</b>	<b>At:</b>
05/18/2020	01:00 PM	288 N 1460 W, Room 125, Salt Lake City, UT meet.google.com/kex-wdum-ohv 1 513-796-6543 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**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	01/30/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-60-5</b>	<b>Filing No.:</b>	<b>52668</b>

**Agency Information**

<b>1. Department:</b>	Health
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 North 1460 West
<b>Mailing address:</b>	PO Box 143102
<b>City, state, zip:</b>	Salt Lake City, UT 84114-3102

<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R414-60-5. Limitations
<b>3. Purpose of the new rule or reason for the change:</b>
The primary purpose of this change is to modify the prescription refill tolerance to 85%, to allow a four-day early fill allowance for controlled substances. The secondary purpose is to update and clarify language in the text.
<b>4. Summary of the new rule or change:</b>
This amendment modifies the prescription refill tolerance for controlled substances to 85%. It also makes other technical changes.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no impact to the state budget as prescription refills fall within appropriations set forth by the Legislature.
<b>B) Local governments:</b>
There is no impact on local governments because they neither fund nor provide prescriptions to members under the Medicaid program.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
There is no impact on small businesses as prescription refills fall within appropriations set forth by the Legislature.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
There is no impact on non-small businesses as prescription refills fall within appropriations set forth by the Legislature.
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
There is no impact on Medicaid providers and Medicaid members as prescription refills fall within appropriations set forth by the Legislature.
<b>F) Compliance costs for affected persons:</b>
There are no compliance costs for a single Medicaid provider or for a Medicaid member, as prescription refills fall within appropriations set forth by the Legislature.

**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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
Businesses will not see revenue nor cost as prescription refills fall within appropriations set forth by the Legislature.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Joseph K. Miner, MD, Executive Director			

**Citation Information**

<b>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):</b>		
Section 26-1-5	Section 26-18-3	

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (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.)	
<b>A) Comments will be accepted until:</b>	06/01/2020

<b>10. This rule change MAY become effective on:</b>	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**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	04/14/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R426-8</b>	<b>Filing No.</b>	<b>52667</b>

**Agency Information**

<b>1. Department:</b>	Health
<b>Agency:</b>	Family Health and Preparedness, Emergency Medical Services
<b>Room no.:</b>	416
<b>Building:</b>	Highland Office
<b>Street address:</b>	3760 S. Highland Drive
<b>City, state:</b>	Salt Lake City, UT 84116
<b>Mailing address:</b>	PO Box 142102
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2102

<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Guy Dansie	801-560-1544	gdansie@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R426-8. Emergency Medical Services Ground Ambulance Rates and Charges
<b>3. Purpose of the new rule or reason for the change:</b>
Section 26-8a-403 mandates the department to set of ground ambulance rates. This is performed annually and made effective on the first day of the new fiscal year.
<b>4. Summary of the new rule or change:</b>
The rule amendments increase the ground ambulance rates by 14%. This includes the mileage rate for patient transportation. Rates are determined based on analysis of fiscal data collected from all ground ambulance providers.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
No anticipated costs or saving to the state budget. The amendments do not affect costs or revenues since the state does not provide ground ambulance services.
<b>B) Local governments:</b>
80 local governments including counties, cities, towns, and special service districts provide ground ambulance services based licensed issued by the Utah Department of Health (Department).
Anticipated revenues for local governments that provide ground ambulance services will have a net increase of 4.3% based on a gross rate increase of 14%. The net revenue increase is based on a statewide estimate of allowable billing charges compared to actual revenue collections. Factors that reduce billable charges to collected revenues include fixed payer amounts for Medicare, Medicaid, and Veterans, non-payments, negotiated payments, and private insurance payments. Mileage rates are included as part of the 14% increase to compensate increased market vehicle costs. Financial data is obtained directly from all ground ambulance providers. Local government operated ground ambulance patient transports total is estimated at 84,956 based on the previous reported calendar year.
Increased rates will require additional costs for local

governments to the State EMS Medicaid fund of an additional estimate of \$5 per transport. 84,956 (total estimated transports) X \$5 (EMS Medicaid assessment rate increase) = \$424,680 (estimated local government costs).

Gross revenues for local governments are estimated from past annual fiscal reports and billing data. A projected gross revenue total of \$6,079,072 was calculated using the proposed increased to ambulance rates.

Net revenues for local governments are calculated as follows: \$6,079,072 (gross revenue estimate) - \$424,680 (Medicaid assessment increase) = \$5,654,392 (net revenue for local governments).

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

One small business operates an ambulance service in Utah based on licenses issued by the Department.

Anticipated revenues for small businesses that provide ground ambulance services will have a net increase of 4.3% based on a gross rate increase of 14%. The net revenue increase is based on a statewide estimate of allowable billing charges compared to actual revenue collections. Factors that reduce billable charges to collected revenues include fixed payer amounts for Medicare, Medicaid, and Veterans, non-payments, negotiated payments, and private insurance payments. Mileage rates are included as part of the 14% increase to compensate increased market vehicle costs. Financial data is obtained directly from all ground ambulance providers. Small business operated ground ambulance patient transports total is estimated at 480 based on the previous reported calendar year.

Increased rates will require additional costs for small businesses to the State EMS Medicaid fund of an additional estimate of \$5 per transport. 480 (total estimated transports) X \$5 (EMS Medicaid assessment rate increase) = \$2,400 (estimated local government costs).

Gross revenues for small businesses are estimated from past annual fiscal reports and billing data. A projected gross revenue total of \$32,653 was calculated using the proposed increased to ambulance rates.

Net revenues for small businesses are calculated as follows: \$32,653 (gross revenue estimate) - \$2,400 (Medicaid assessment increase) = \$30,253 (net revenue for small businesses).

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

Eight non-small businesses including one for profit and seven non-profit provide ground ambulance services based licensed issued by the Department.

Anticipated revenues for non-small businesses that provide ground ambulance services will have a net increase of 4.3% based on a gross rate increase of 14%. The net revenue increase is based on a statewide estimate of allowable billing charges compared to actual revenue collections. Factors that reduce billable charges to collected revenues include fixed payer amounts for Medicare, Medicaid, and Veterans, non-payments, negotiated payments, and private insurance payments. Mileage rates are included as part of the 14% increase to compensate increased market vehicle costs. Financial data is obtained directly from all ground ambulance providers. Non-small business operated ground ambulance patient transports total is estimated at 54,605 based on the previous reported calendar year.

Increased rates will require additional costs for non-small businesses to the State EMS Medicaid fund of an additional estimate of \$5 per transport. 54,605 (total estimated transports) X \$5 (EMS Medicaid assessment rate increase) = \$273,025 (estimated non-small business costs).

Gross revenues for non-small businesses are estimated from past annual fiscal reports and billing data. A projected gross revenue total of \$4,024,355 was calculated using the proposed increased to ambulance rates.

Net revenues for non-small businesses are calculated as follows: \$4,024,355 (gross revenue estimate) - \$273,025 (Medicaid assessment increase) = \$3,751,330 (net 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*):

There may be indirect costs or benefits due to increasing federal Medicaid funding due to the increase in base rates created by proposed rule amendments. Other affected persons will have an additional estimated aggregated cost of \$9,435,955. This cost is estimated due to the increased payment for ground ambulance transport rates and fees created by the proposed rule amendments.

**F) Compliance costs for affected persons:**

Compliance cost remain unchanged.

**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	FY2021	FY2022	FY2023
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NOTICES OF PROPOSED RULES

State Government	\$0	\$0	\$0
Local Governments	\$424,680	\$424,680	\$424,680
Small Businesses	\$2,400	\$2,400	\$2,400
Non-Small Businesses	\$273,025	\$273,025	\$273,025
Other Persons	\$9,435,955	\$9,435,955	\$9,435,955
<b>Total Fiscal Cost</b>	<b>\$10,136,060</b>	<b>\$10,136,060</b>	<b>\$10,136,060</b>
<b>Fiscal Benefits</b>			
State Government	\$0	\$0	\$0
Local Governments	\$6,079,072	\$6,079,072	\$6,079,072
Small Businesses	\$32,653	\$32,653	\$32,653
Non-Small Businesses	\$4,024,355	\$4,024,355	\$4,024,355
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$10,136,080</b>	<b>\$10,136,680</b>	<b>\$10,136,680</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
Businesses providing ground ambulance services will experience an increase in revenue due to the increase in rates.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Joseph K. Miner, MD, Executive Director			

**Citation Information**

<b>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):</b>		
Section 26-8a-403		

**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.)

<b>A) Comments will be accepted until:</b>	06/01/2020
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<b>10. This rule change MAY become effective on:</b>	06/08/2020
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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**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	04/13/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Repeal			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R433-1</b>	<b>Filing No. 52662</b>	

**Agency Information**

<b>1. Department:</b>	Health		
<b>Agency:</b>	Family Health and Preparedness, Maternal and Infant Health		
<b>Street address:</b>	3760 S. Highland Drive		
<b>City, state:</b>	Salt Lake City, UT 84106		
<b>Mailing address:</b>	PO Box 142002		
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2002		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Heather Sarin	801-273-2856	hsarin@utah.gov	
Laurie Baksh	801-273-2857	lbaksh@utah.gov	

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



**General Information**

<b>2. Rule or section catchline:</b>
R433-1. Very Low Birth Weight Infant Reporting
<b>3. Purpose of the new rule or reason for the change:</b>
Based on feedback from stakeholders who report very low birth weight data, the decision was made to repeal this rule. The feedback included various data collection challenges including the cumbersome nature of collecting and reporting the data which resulted in a reduction in compliance with the rule. There was also minimal utility of the data as well. The section on establishing reporting of care capabilities will be added to the Perinatal Services Section under Section R432-100-18.
<b>4. Summary of the new rule or change:</b>
Hospitals will not have to enter the very low birth weight data going forward. This will save hospitals time and resources.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There were no fiscal savings or costs associated with this rule, so the repeal will not have an impact.
<b>B) Local governments:</b>
This will not have fiscal impact on local governments. They were not involved with this rule.
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):
This will not have fiscal impact on small businesses. They were not involved with this rule.
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):
All Utah hospitals, including those that employ over 50 people, will not have to report this data going forward. There were no fiscal savings or costs associated with this rule, so the repeal will not have an impact
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):
All Utah hospitals will not have to report this data going forward. There were no fiscal savings or costs associated with this rule, so the repeal will not have an impact.

<b>F) Compliance costs for affected persons:</b>
There will not be any compliance costs associated with the repeal of this rule. There were no fiscal savings or costs associated with this rule, so the repeal will not have an impact.

**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.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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:**

Repealing this rule will not have a fiscal impact on businesses.

<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Joseph K. Miner, MD, Executive Director

**Citation Information**

<b>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):</b>		
Title 63G, Chapter 3	Subsections 26-1-30(2)(c), (d), (e), and (p)	Subsections 26-10-1(a) and (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.)

<b>A) Comments will be accepted until:</b>	06/01/2020
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<b>10. This rule change MAY become effective on:</b>	06/08/2020
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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**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	02/13/2020
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<b>NOTICE OF PROPOSED RULE</b>			
<b>TYPE OF RULE:</b> Amendment			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R590-160</b>	<b>Filing No.</b>	<b>52647</b>

**Agency Information**

<b>1. Department:</b>	Insurance
<b>Agency:</b>	Administration
<b>Room no.:</b>	3110
<b>Building:</b>	State Office Building

<b>Street address:</b>	450 N State St.	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R590-160. Adjudicative Proceedings
<b>3. Purpose of the new rule or reason for the change:</b>
The rule is being amended to make it comply with Administrative Rules' Rulewriting Manual for Utah.
<b>4. Summary of the new rule or change:</b>
The changes are largely stylistic to improve readability and clarity. The words "Section", "Subsection", and "Rule" have been added in multiple areas as appropriate. Capitalization, punctuation, and number usage have been corrected. Section R590-160-11 has been updated to reflect the Department's current language.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no anticipated cost or savings to the state budget. The changes are clerical in nature and don't add or remove any requirements to this rule.
<b>B) Local governments:</b>
There is no anticipated cost or savings to local governments. The changes are clerical in nature and don't add or remove any requirements to this rule.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
There is no anticipated cost or savings to small businesses. The changes are clerical in nature and don't add or remove any requirements to this rule.
<b>D) Non-small businesses ("non-small business" means a business employing 50 or more persons):</b>
There is no anticipated cost or savings to non-small businesses. The changes are clerical in nature and don't add or remove any requirements to this rule.

**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 anticipated cost or savings to any other persons. The changes are clerical in nature and don't add or remove any requirements to this rule.

**F) Compliance costs for affected persons:**

There are no compliance costs for any 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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The Commissioner of the Insurance Department, Todd E. Kiser, 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:**

Todd E. Kiser, 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):**

Section 31A-2-201	Section 63G-4-102	Section 63G-4-203
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**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

**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**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer I	<b>Date:</b>	04/03/2020
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NOTICE OF PROPOSED RULE			
<b>TYPE OF RULE:</b> Repeal			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R590-278</b>	<b>Filing No. 52648</b>	

**Agency Information**

<b>1. Department:</b>	Insurance	
<b>Agency:</b>	Administration	
<b>Room no.:</b>	3110	
<b>Building:</b>	State Office Building	
<b>Street address:</b>	450 N State St.	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Mailing address:</b>	PO Box 146901	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6901	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-538-3803	sgooch@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R590-278. Consent Requests Under 18 USC 1033(e)(2)
<b>3. Purpose of the new rule or reason for the change:</b>
The rule is being repealed because the Insurance Department (Department) is changing its process for handling consent requests under 18 USC 1033(e)(2).
<b>4. Summary of the new rule or change:</b>
The Department has determined that the process outlined in this rule is ineffective and time-consuming. The Department is repealing this rule and instituting a new internal process that will be more efficient and effective. The rule will be repealed in its entirety.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
The Department will likely see some small savings related to increased processing efficiency. These savings will come in the form of reduced wages due to less time spent processing consent requests, but the extent of the reduction is unknown. The Department expects that the savings will be fairly minimal.
<b>B) Local governments:</b>
There are no anticipated costs or savings to local governments. The repeal affects the Department's internal processes and will not affect any external entities.

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

There are no anticipated costs or savings to small businesses. The repeal affects the Department's internal processes and will not affect any external entities.

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

There are no anticipated costs or savings to non-small businesses. The repeal affects the Department's internal processes and will not affect any external entities.

**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 are no anticipated costs or savings to any other persons. The repeal affects the Department's internal processes and will not affect any external entities.

**F) Compliance costs for affected persons:**

There are no compliance costs for any persons. The repeal affects the Department's internal processes and will not affect any external entities.

**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**

<b>Fiscal Cost</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head approval of regulatory impact analysis:**

The Commissioner of the Insurance Department, Todd E. Kiser, 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 repealing this rule will not result in a fiscal impact to businesses.

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

Todd E. Kiser, 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 31A-2-201(3)	Subsection 31A-23a-111(5)(b)
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**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

**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**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer I	<b>Date:</b>	04/03/2020
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**NOTICE OF PROPOSED RULE**

<b>TYPE OF RULE:</b> Amendment			
<b>Utah Admin. Code Ref (R no.):</b>	<b>R590-281-4</b>	<b>Filing No.:</b>	<b>52649</b>

**Agency Information**

<b>1. Department:</b>	Insurance		
<b>Agency:</b>	Administration		
<b>Room no.:</b>	3110		
<b>Building:</b>	State Office Building		
<b>Street address:</b>	450 N State St.		
<b>City, state, zip:</b>	Salt Lake City, UT 84114		
<b>Mailing address:</b>	PO Box 146901		
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6901		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Steve Gooch	801-538-3803	sgooch@utah.gov	

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

**General Information**

<b>2. Rule or section catchline:</b>
R590-281-4. Eligibility to Apply for a License
<b>3. Purpose of the new rule or reason for the change:</b>
The rule is being amended to remove references to Rule R590-278, which is being repealed, and to correct a formatting error. (EDITOR'S NOTE: The proposed repeal of Rule R590-278 is under ID No. 52648 in this issue, May 1, 2020, of the Bulletin.)
<b>4. Summary of the new rule or change:</b>
The change removes two references to Rule R590-278, which is being repealed, and makes a formatting change to meet the standards in the Rulewriting Manual for Utah.

**Fiscal Information**

<b>5. Aggregate anticipated cost or savings to:</b>			
<b>A) State budget:</b>			
There are no anticipated costs or savings to the state budget. The amendment merely makes a couple of clerical changes.			
<b>B) Local governments:</b>			
There are no anticipated costs or savings to local governments. The amendment merely makes a couple of clerical changes.			
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):			
There are no anticipated costs or savings to small businesses. The amendment merely makes a couple of clerical changes.			
<b>D) Non-small businesses</b> ("non-small business" means a business employing 50 or more persons):			
There are no anticipated costs or savings to non-small businesses. The amendment merely makes a couple of clerical changes.			
<b>E) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):			
There are no anticipated costs or savings to any other persons. The amendment merely makes a couple of clerical changes.			
<b>F) Compliance costs for affected persons:</b>			
There are no compliance costs for any affected persons. The amendment merely makes a couple of clerical changes.			
<b>G) Regulatory Impact Summary Table</b> (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.)			
<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>
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
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>			
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
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>H) Department head approval of regulatory impact analysis:</b>			
The Commissioner of the Insurance Department, Todd E. Kiser, has reviewed and approved this fiscal analysis.			
<b>6. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>			
After conducting a thorough analysis, it was determined that this proposed amendment will not result in a fiscal impact on businesses.			
<b>B) Name and title of department head commenting on the fiscal impacts:</b>			
Todd E. Kiser, Commissioner			

**Citation Information**

<b>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):</b>		
Subsection 31A-2-201(3)		

**Public Notice Information**

<b>9. The public may submit written or oral comments to the agency identified in box 1.</b> (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.)
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<b>A) Comments will be accepted until:</b>	06/01/2020
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<b>10. This rule change MAY become effective on:</b>	06/08/2020
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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**

<b>Agency head or designee, and title:</b>	Steve Gooch, Public Information Officer I	<b>Date:</b>	04/03/2020
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**End of the Notices of Proposed Rules Section**





## NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text (~~example~~). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (. . . . .) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R25-22	Filing No. 52665

### Agency Information

<b>1. Department:</b>	Administrative Services	
<b>Agency:</b>	Finance	
<b>Building:</b>	Taylorsville State Office Building	
<b>Street address:</b>	4315 S 2700 W Floor 3	
<b>City, state, zip:</b>	Taylorsville, UT 84127-2128	
<b>Mailing address:</b>	PO Box 141031	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-1031	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
John Reidhead	801-957-7734	jreidhead@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule or section catchline:</b>
R25-22. Financial Institution Validation for Access to Medical Inventory Control System
<b>3. Effective Date:</b>
04/10/2020
<b>4. Purpose of the new rule or reason for the change:</b>
This rule is enacted under the authority of Subsection 4-41a-103(6)(a) which establishes the process for the Division of Finance (Division) to validate financial institutions requesting access to the inventory of a medical cannabis establishment or medical cannabis pharmacy. This rule will supersede the previous emergency rule filing for Rule R25-22, ID No. 52656.
<b>5. Summary of the new rule or change:</b>
This rule establishes a process for a validated financial institution to request access to medical cannabis production and cannabis pharmacy's inventory control system. (EDITOR'S NOTE: A corresponding proposed new Rule R25-22 is under ID No. 52655 in this issue, May 1, 2020, of the Bulletin.)

<b>6. Regular rulemaking would:</b>	
<input 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.
<b>Specific reason and justification:</b>	
The authorizing statute became effective 03/01/2020. Businesses wishing to comply with statute, need this rule for guidance.	

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>	
<b>A) State budget:</b>	
This rule will cost the Division \$3,000 in the first year and estimates a cost of \$2,500 per year thereafter. To determine the cost to the Division, employee's hourly rates and the estimates of hours each would spend was used to determine the cost to the Division. This amount is higher the first year, because most financial institutions will request access up front than in future years.	
<b>B) Local governments:</b>	
There is no anticipated costs to local governments. This rule only affects state budgets, and will not impact local governments.	
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>	
There is no anticipated costs to small businesses. This rule only applies to state budgets, and will not impact small businesses.	
<b>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>):</b>	
The proposed rule applies only to financial institutions requesting access to any cannabis establishment's inventory. Financial Institutions will incur a small, but incalculable, cost to assemble existing reports and draft a self-certification letter.	
<b>8. Compliance costs for affected persons:</b>	
There are no other affected persons aside from the Division and the financial institutions wishing to participate.	
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>	
I have reviewed this fiscal analysis, and agree with the described fiscal impacts associated with this rule.	

<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Tani Pack Downing, Executive Director

**Citation Information**

<b>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):</b>
Subsection 4-41a-103(6)(a)

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	John Reidhead, Division Director	<b>Date:</b>	04/07/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R52-7</b>	<b>Filing No. 52651</b>
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**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Horse Racing Commission (Utah)	
<b>Street address:</b>	350 N Redwood Road	
<b>City, state, zip:</b>	Salt Lake City, UT 84115	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Leann Hunting	385-290-2383	leannhunting@utah.gov
Kelly Pehrson	801-538-7102	kwpehrson@utah.gov

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

**General Information**

<b>2. Rule or section catchline:</b>
R52-7. Horse Racing
<b>3. Effective Date:</b>
04/06/2020

<b>4. Purpose of the new rule or reason for the change:</b>	
The rule changes make necessary adjustment to Horse Racing Commission guidelines.	
<b>5. Summary of the new rule or change:</b>	
The rule changes adjust Horse Racing Commission guidelines related to veterinary practices and use of drugs and medication.	
<b>6. Regular rulemaking would:</b>	
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
	place the agency in violation of federal or state law.
<b>Specific reason and justification:</b>	
Emergency rulemaking is necessary so that the changes can take affect prior to the (possible) start of the horse racing season on May 1st.	

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>	
<b>A) State budget:</b>	
These rule changes expand the Department of Agriculture and Food's (Department) role in testing, which will lead to increased costs, however, the Utah Quarter Horse Racing Association (UQHRA) is planning to reimburse the Department for the costs, making the changes revenue neutral. The UQHRA is proposing to increase their fees to account for the additional cost of testing. Adopting the model rule could bring additional revenue into the state because owners may bring horses here from other states, however, any revenue benefit is difficult to quantify at this time.	
<b>B) Local governments:</b>	
These rule changes are not anticipated to create any costs or savings to local governments because they do not typically race horses and do not have jurisdiction over the Horse Racing Commission.	
<b>C) Small businesses</b> ("small business" means a business employing 1-49 persons):	
These rule changes do not increase costs for small businesses. While the UQHRA has proposed increasing their testing fees (possibly from \$100 to \$150) that could be paid by small businesses, those fees are not paid to the Department. It is impossible to know at this time how many small businesses will pay this increased fee.	

<b>D) Persons other than small businesses, non-small businesses, state, or local government entities</b> ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <b>agency</b> ):	
These rule changes do not increase costs to other individuals. While an individual horse owner may pay an increased fee for testing, the fee will be charged by the UQHRA and not the department. It is impossible to know at this time how many individuals will pay this increased fee.	
<b>8. Compliance costs for affected persons:</b>	
Affected persons may pay an increased testing fee to race horses (\$150 instead of \$100 potentially), however, that fee will be paid to the UQHRA and not the Department.	
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>	
These rule changes adopt model horse racing rules and should not have a negative impact on businesses. The changes could have a positive fiscal impact because they will make Utah a more attractive location for horse racing as compared to other states.	
<b>B) Name and title of department head commenting on the fiscal impacts:</b>	
Kelly Pehrson, Deputy Commissioner	

**Citation Information**

<b>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):</b>	
Section 4-38-104	

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Kelly Pehrson, Deputy Commissioner	<b>Date:</b>	04/06/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R357-30</b>	<b>Filing No. 52646</b>
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**Agency Information**

<b>1. Department:</b>	Governor
<b>Agency:</b>	Economic Development
<b>Building:</b>	World Trade Center

<b>Street address:</b>	60 E South Temple	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	60 E. South Temple	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Dane Ishihara	801-538-8664	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule or section catchline:</b>
R357-30. Utah Leads Together Small Business Bridge Loan Program
<b>3. Effective Date:</b>
04/02/2020
<b>4. Purpose of the new rule or reason for the change:</b>
The purpose of this rule filing is to create the Utah Leads Together Small Business Bridge Loan Program to support small businesses and the retention of jobs throughout the State during the state of emergency due to novel coronavirus disease 2019 (COVID-19).
<b>5. Summary of the new rule or change:</b>
This rule will codify the Utah Leads Together Small Business Bridge Loan Program by establishing the purpose, authority, eligible business entity criteria, minimum application requirements, and the approval process. The program will provide immediate assistance to small businesses in the state that have been impacted by the COVID-19 pandemic.
<b>6. Regular rulemaking would:</b>
<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.
<b>Specific reason and justification:</b>
The Governor's Office of Economic Development (GOED) is responsible for economic development in the state and is tasked with, among other things, administering grant and loan programs to enhance the economic health and vitality of the state and its business community. This rule will govern the new Utah Leads Together Small Business Bridge Loan Program that will provide immediate assistance to small businesses in the state that have been impacted by the COVID-19 pandemic. This is necessary to get short-term working capital to small businesses prior to federal stimulus funds becoming available.

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>
<b>A) State budget:</b>
There is no aggregate anticipated cost or savings to the state budget. This rule establishes the requirements for participation in the Utah Leads Together Small Business Loan Program.
<b>B) Local governments:</b>
There is no aggregate anticipated cost or savings to local governments because local governments are not required to comply with or enforce this rule.
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>
Economic development funds will be awarded to small businesses in the state. The Utah Leads Together Small Business Bridge Loan Program is designed to serve Utah's successful small businesses that have been impacted by the COVID-19 pandemic.
<b>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>):</b>
There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because these proposed changes do not create new obligations for persons other than small businesses, businesses, or local government entities, nor does it increase the costs associated with any existing obligation.
<b>8. Compliance costs for affected persons:</b>
There are no compliance costs for affected persons because participation in the program is optional.
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>
This new program will help many Utah small businesses struggling with impacts from the COVID-19 pandemic and in need of assistance during this emergency in our country and our state. GOED hopes that this loan program will help keep Utah workers employed and businesses open for business, at least in some fashion, as people face today's difficult challenges and uncertain health and economic conditions.
<b>B) Name and title of department head commenting on the fiscal impacts:</b>
Val Hale, 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	63N-1-402	
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**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Val Hale, Executive Director	<b>Date:</b>	03/30/2020
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R600-4</b>	<b>Filing No. 52657</b>
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**Agency Information**

<b>1. Department:</b>	Labor Commission	
<b>Agency:</b>	Administration	
<b>Building:</b>	Heber M. Wells	
<b>Street address:</b>	160 East 300 South, 3rd Floor	
<b>City, state, zip:</b>	Salt Lake City, UT 84111	
<b>Mailing address:</b>	PO Box 146600	
<b>City, state, zip:</b>	Salt Lake City UT 84114-6600	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Chris Hill	801-530-6113	chill@utah.gov

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

**General Information**

**2. Rule or section catchline:**  
R600-4. Definitions Applicable to Disease Testing for Peace Officers, Health Care Providers and Volunteers

**3. Effective Date:**  
04/08/2020

**4. Purpose of the new rule or reason for the change:**  
The purpose of this rule is to add COVID-19 and its transmission method to the list of diseases for peace officers, health care providers, and volunteers. The need for this emergency rule is due to the COVID-19 pandemic and to provide further safety measures for peace officers, health care providers, and volunteers.

**5. Summary of the new rule or change:**  
This rule adds COVID-19 and its transmission method to

the list of diseases for peace officers, health care providers, and volunteers

- 6. Regular rulemaking would:**
- cause an imminent peril to the public health, safety, or welfare;
  - cause an imminent budget reduction because of budget restraints or federal requirements; or
  - place the agency in violation of federal or state law.

**Specific reason and justification:**  
Section 78B-8-401 et seq. allows for peace officers, health care providers, and volunteers who are significantly exposed to certain infectious diseases during the course of performing their duties to petition the district court for an order requiring the person to whom the peace officer, health care provider, or volunteer was significantly exposed submit to testing to determine whether that person is infected and that the results of that test be disclosed to the petitioner by the Department of Health (Department). The current statute only defines three diseases: HIV, Hepatitis B, and Hepatitis C.

Due to the current pandemic caused by the novel coronavirus, COVID-19, it has become necessary to add that disease and its method of transmission to the list of diseases and transmission methods currently in statute. This will allow peace officers, health care providers, and volunteers who are exposed, while in the course of their duties, to a person who refuses to submit to a test for COVID-19 to petition the court and obtain an order from the court requiring such a test. This will allow peace officers, health care providers, and volunteers to more quickly determine whether or not they have been exposed to a person who has tested positive for COVID-19. If the test is negative, the peace officers, health care providers, and volunteers will not need to be quarantined and therefore, can return to their places of work which are vital and essential to the safety and health of the public during this pandemic.

**Fiscal Information**

**7. Aggregate anticipated cost or savings to:**

**A) State budget:**  
The impact to the state budget will be neutral. The reason that the fiscal impact will be neutral is because the testing for COVID-19 is free. The Department stated that if a test for COVID-19 is performed by the state lab as ordered by a local public health department, the testing is free as it is considered part of the Department's public health responsibilities. Adding COVID-19 and its method of transmission to the already existing list of diseases and methods of transmission found in Section 78B-8-401 for which testing can be required will have a neutral fiscal impact because the testing is free.

<p><b>B) Local governments:</b></p> <p>The impact to local governments will be neutral. The reason that the fiscal impact will be neutral is because the testing for COVID-19 is free. The Department stated that if a test for COVID-19 is performed by the state lab as ordered by a local public health department, the testing is free as it is considered part of the Department's public health responsibilities. Adding COVID-19 and its method of transmission to the already existing list of diseases and methods of transmission found in Section 78B-8-401 for which testing can be required will have a neutral fiscal impact because the testing is free.</p>
<p><b>C) Small businesses ("small business" means a business employing 1-49 persons):</b></p> <p>The impact to small businesses will be neutral. The reason that the fiscal impact will be neutral is because the testing for COVID-19 is free. The Department stated that if a test for COVID-19 is performed by the state lab as ordered by a local public health department, the testing is free as it is considered part of the Department's public health responsibilities. Adding COVID-19 and its method of transmission to the already existing list of diseases and methods of transmission found in Section 78B-8-401 for which testing can be required will have a neutral fiscal impact because the testing is free.</p>
<p><b>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>):</b></p> <p>The impact to persons other than small businesses, non-small businesses, state, or local government entities will be neutral. The reason that the fiscal impact will be neutral is because the testing for COVID-19 is free. The Department stated that if a test for COVID-19 is performed by the state lab as ordered by a local public health department, the testing is free as it is considered part of the Department's public health responsibilities. Adding COVID-19 and its method of transmission to the already existing list of diseases and methods of transmission found in Section 78B-8-401 for which testing can be required will have a neutral fiscal impact because the testing is free.</p>
<p><b>8. Compliance costs for affected persons:</b></p> <p>There will be limited to no costs for affected persons. The reason that the fiscal impact will be neutral is because the testing for COVID-19 is free. The Department stated that if a test for COVID-19 is performed by the state lab as ordered by a local public health department, the testing is free as it is considered part of the Department's public health responsibilities. Adding COVID-19 and its method of transmission to the already existing list of diseases and methods of transmission found in Section 78B-8-401 for which testing can be required will have a neutral fiscal impact because the testing is free.</p>

<p><b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b></p> <p>Adding COVID-19 to the list of diseases and its method of transmission to the already-existing diseases and methods of transmission found in Section 78B-8-401 will have little to no fiscal impact on the state, local governments, small businesses, and individuals. After consultation with the Department, the Department indicated that if a test for COVID-19 is performed by the state lab as ordered by a local public health department, the test is free as it is considered part of the Department's public health responsibilities. However, provider ordered tests performed at other labs within the state are charged to the individual or that individual's health insurance.</p>
<p><b>B) Name and title of department head commenting on the fiscal impacts:</b></p> <p>Jaceson R. Maughan, Commissioner</p>

**Citation Information**

<p><b>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):</b></p>			
<table border="1"> <tr> <td>Section 78B-8-401</td> <td>Section 78B-8-404</td> <td></td> </tr> </table>	Section 78B-8-401	Section 78B-8-404	
Section 78B-8-401	Section 78B-8-404		

**Agency Authorization Information**

<p><b>Agency head or designee, and title:</b></p> <p>Jaceson R. Maughan, Commissioner</p>	<p><b>Date:</b></p> <p>04/08/2020</p>
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**NOTICE OF EMERGENCY (120-DAY) RULE**

<p><b>Utah Admin. Code Ref (R no.):</b></p>	<p><b>R612-300</b></p>	<p><b>Filing No. 52666</b></p>
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**Agency Information**

<p><b>1. Department:</b></p>	<p>Labor Commission</p>	
<p><b>Agency:</b></p>	<p>Industrial Accidents</p>	
<p><b>Room no.:</b></p>	<p>Division of Industrial Accidents</p>	
<p><b>Building:</b></p>	<p>Heber Wells Building</p>	
<p><b>Street address:</b></p>	<p>160 E 300 S</p>	
<p><b>City, state, zip:</b></p>	<p>Salt Lake City, UT 84111-2316</p>	
<p><b>Mailing address:</b></p>	<p>PO Box 146610</p>	
<p><b>City, state, zip:</b></p>	<p>Salt Lake City, UT 84114-6610</p>	
<p><b>Contact person(s):</b></p>		
<p><b>Name:</b></p>	<p><b>Phone:</b></p>	<p><b>Email:</b></p>
<p>Ron Dressler</p>	<p>801-530-6841</p>	<p>rdressler@utah.gov</p>
<p>Please address questions regarding information on this notice to the agency.</p>		

**General Information**

<b>2. Rule or section catchline:</b>	
R612-300. Workers' Compensation Rules - Medical Care	
<b>3. Effective Date:</b>	
04/13/2020	
<b>4. Purpose of the new rule or reason for the change:</b>	
The purpose of this change is to establish telemedicine reimbursement rates for medical providers treating injured workers, due to the COVID 19 pandemic.	
<b>5. Summary of the new rule or change:</b>	
The new rule sections define telemedicine and outline reimbursement rates for the telemedicine services. Specifically, codes are listed that physicians, physical therapists, and non-physicians use for reimbursement and the amounts will be at "parity," or at a comparable rate as an in person visit.	
<b>6. Regular rulemaking would:</b>	
<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.
<b>Specific reason and justification:</b>	
There is currently no reimbursement schedule for telemedicine treatment which means there isn't consistency in reimbursement rates, or no reimbursement at all. Failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned. COVID-19-related actions to promote social distancing have disrupted workers' ability to receive in-person care for their job-related injuries and illnesses. Continuity of care is essential to monitor the progress of recovery, including whether any temporary total disability should continue and when the worker may return to modified or regular work. Treatment delays impede recovery and may increase claims costs. Increasing reimbursement for remote services to levels equivalent to in-person care should promote use of these alternatives to in-office care.	

**Fiscal Information**

<b>7. Aggregate anticipated cost or savings to:</b>	
<b>A) State budget:</b>	
The impact to the state budget will be neutral. The reason is that when medical providers bill for telemedicine services, they will be using the same codes as when they bill for in person visits. As such, the reimbursement amounts will be the same.	

<b>B) Local governments:</b>	
The impact to local governments will be neutral. The reason is that when medical providers bill for telemedicine services, they will be using the same codes as when they bill for in person visits. As such, the reimbursement amounts will be the same.	
<b>C) Small businesses ("small business" means a business employing 1-49 persons):</b>	
The impact to small businesses will be neutral. The reason is that when medical providers bill for telemedicine services, they will be using the same codes as when they bill for in person visits. As such, the reimbursement amounts will be the same.	
<b>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>):</b>	
The impact to persons other than small businesses, non-small businesses, state, or local government entities will be neutral. The reason is that when medical providers bill for telemedicine services, they will be using the same codes as when they bill for in person visits. As such, the reimbursement amounts will be the same.	
<b>8. Compliance costs for affected persons:</b>	
The compliance costs for affected persons will be neutral. The reason is that when medical providers bill for telemedicine services, they will be using the same codes as when they bill for in person visits. As such, the reimbursement amounts will be the same.	
<b>9. A) Comments by the department head on the fiscal impact this rule may have on businesses:</b>	
There will be limited or no fiscal impact on businesses. When medical providers bill for telemedicine services, they will be using the same codes as when they bill for in-person visits. Therefore, the reimbursement amounts will be the same.	
<b>B) Name and title of department head commenting on the fiscal impacts:</b>	
Jaceson R Maughan, Commissioner	

**Citation Information**

<b>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):</b>		
Section 34A-1-104	Section 34A-2-201	

NOTICES OF 120-DAY (EMERGENCY) RULES

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Jaceson R. Maughan, Commissioner	<b>Date:</b>	04/13/2020
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**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.):	R68-1	Filing No. 50135

### Agency Information

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant Industry	
<b>Street address:</b>	350 N Redwood Road	
<b>City, state, zip:</b>	Salt Lake City, UT 84115	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6500	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	ambermbrown@utah.gov
Robert Hougaard	801-538-7180	rhougaard@utah.gov
Kelly Pehrson	801-538-7102	Kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

### General Information

<b>2. Rule catchline:</b>
R68-1. Utah Bee Inspection Act Governing Inspection of Bees

### 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 under the authority of Section 4-11-103, that allows the Department of Agriculture and Food (Department) to make and enforce rules to administer Title 4, Chapter 11, the Utah Bee Inspection 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:

No written comments were 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 should continue because it provides guidelines regarding the registration of those who possess bees in the , including related to identification of apiaries and salvage operations.

### Agency Authorization Information

<b>Agency head or designee, and title:</b>	Kelly Pehrson, Deputy Commissioner	<b>Date:</b>	04/06/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R68-6	Filing No. 50140

**Agency Information**

<b>1. Department:</b>	Agriculture and Food	
<b>Agency:</b>	Plant Industry	
<b>Street address:</b>	350 N Redwood Road	
<b>City, state, zip:</b>	Salt Lake City, UT 84115	
<b>Mailing address:</b>	PO Box 146500	
<b>City, state, zip:</b>	Salt Lake City, UT 84114	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Amber Brown	385-245-5222	Ambermbrown@utah.gov
Robert Hougaard	801-538-7180	rhougaard@utah.gov
Kelly Pehrson	801-538-7102	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R68-6. Utah Nursery Act
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule is promulgated under the authority of Section 4-15-104 because it is necessary to ensure that nurseries produce healthy plants and that nursery stock shipped to other nurseries, brokers, and out-of-state customers meets national nursery stock cleanliness standards.
<b>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:</b>
No written comments were received.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule should continue because it provides important guidelines governing the condition, transport, and labeling of nursery stock sold in Utah that protect businesses and citizens.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Kelly Pehrson, Deputy Commissioner	<b>Date:</b>	04/06/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R162-2a</b>	<b>Filing No. 50325</b>

**Agency Information**

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

**General Information**

<b>2. Rule catchline:</b>
R162-2a. Utah Housing Opportunity Restricted Account
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule was adopted under the statutory provisions of Title 61, Chapter 2, the Division of Real Estate. The purpose of the rule is to make rules providing procedures for an organization to apply to receive money pursuant to Section 61-2-204. Section 61-2-103 provides that the Division of Real Estate (Division) shall make rules to provide procedures for an organization to apply to receive money from the Utah Housing Opportunity Restricted Account.
<b>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:</b>
This rule has not been amended since the last five-year review. No written comments have been received during or since the last five-year review of this rule either supporting or opposing this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The statutory requirement found in Title 61, Chapter 2, remains in effect at the time of this five-year review. For this reason, the rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Jonathan C. Stewart, Director	<b>Date:</b>	03/26/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R381-60</b>	<b>Filing No. 50892</b>

**Agency Information**

<b>1. Department:</b>	Health		
<b>Agency:</b>	Child Care Center Licensing Committee		
<b>Building:</b>	Highland		
<b>Street address:</b>	3760 South Highland Drive		
<b>City, state, zip:</b>	Salt Lake City, UT 84106		
<b>Mailing address:</b>	PO Box 142003		
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2003		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Simon Bolivar	801-803-4618	sbolivar@utah.gov	
Please address questions regarding information on this notice to the agency.			

**General Information**

<b>2. Rule catchline:</b>
R381-60. Hourly Child Care Centers
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 26-39-203(1) allows the Department of Health (Department) in concurrence with the Child Care Center Licensing Committee (Committee) to make rules that govern center based child care, and Subsection 26-39-301(2) allows the Department to enforce these rules. Both making and enforcing of these rules are necessary to protect children's common needs for a safe and healthy environment.
<b>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:</b>
There have been no comments submitted to the Committee regarding this rule other than specific comments submitted to the amendments to this rule in December 2019. Those comments were addressed in the adoption of the amended 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 continuation of this rule is necessary for the Department and the Committee to comply with their statutory duty to make, for the Committee and the Department, and to enforce, for the Department, rule in accordance with Utah code to regulate child care programs for the health and safety of children. Any comments received were congruent with the amendments proposed by the Department and the Committee.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	04/14/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R381-70</b>	<b>Filing No. 50893</b>

**Agency Information**

<b>1. Department:</b>	Health		
<b>Agency:</b>	Child Care Center Licensing Committee		
<b>Building:</b>	Highland		
<b>Street address:</b>	3760 South Highland Drive		
<b>City, state, zip:</b>	Salt Lake City, UT 84106		
<b>Mailing address:</b>	PO Box 142003		
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2003		
<b>Contact person(s):</b>			
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>	
Simon Bolivar	801-803-4618	sbolivar@utah.gov	
Please address questions regarding information on this notice to the agency.			

**General Information**

<b>2. Rule catchline:</b>
R381-70. Out of School Time Child Care Programs
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 26-39-203(1) allows the Department of Health (Department) in concurrence with the Child Care Center Licensing Committee (Committee) to make rules that govern center based child care, and Subsection 26-39-301(2) allows the Department to enforce these rules. Both making and enforcing of these rules are necessary to

protect children's common needs for a safe and healthy environment.

**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 have been no comments submitted to the Committee regarding this rule other than specific comments submitted to the amendments to this rule in December 2019. Those comments were addressed in the adoption of the amended 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 continuation of this rule is necessary for the Department and the Committee to comply with their statutory duty to make, for the Committee and the Department, and to enforce, for the Department, rule in accordance with Utah code to regulate child care programs for the health and safety of children. Any comments received were congruent with the amendments proposed by the Department and the Committee.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	04/14/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R381-100</b>	<b>Filing No. 50894</b>

**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Child Care Center Licensing Committee	
<b>Building:</b>	Highland	
<b>Street address:</b>	3760 South Highland Drive	
<b>City, state, zip:</b>	Salt Lake City, UT 84106	
<b>Mailing address:</b>	PO Box 142003	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-2003	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Simon Bolivar	801-803-4618	sbolivar@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R381-100. Child Care Centers
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Subsection 26-39-203(1) allows the Department of Health (Department) in concurrence with the Child Care Center Licensing Committee (Committee) to make rules that govern center based child care, and Subsection 26-39-301(2) allows the Department to enforce these rules. Both making and enforcing of these rules are necessary to protect children's common needs for a safe and healthy environment.
<b>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:</b>
There have been no comments submitted to the Committee regarding this rule other than specific comments submitted to the amendments to this rule in December 2019. Those comments were addressed in the adoption of the amended rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The continuation of this rule is necessary for the Department and the Committee to comply with their statutory duty to make, for the Committee and the Department, and to enforce, for the Department, rule in accordance with Utah code to regulate child care programs for the health and safety of children. Any comments received were congruent with the amendments proposed by the Department and the Committee.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	04/14/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-506</b>	<b>Filing No. 50996</b>

**Agency Information**

<b>1. Department:</b>	Health
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy
<b>Building:</b>	Cannon Health Building
<b>Street address:</b>	288 N 1460 W

<b>City, state, zip:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 143102	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R414-506. Hospital Provider Assessments
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
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 reimbursement of Medicaid services. In addition, Title 26, Chapter 36d, sets forth provisions of the hospital provider assessment.
<b>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:</b>
The Department did not receive any written or oral comments regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Department will continue this rule because it defines the scope of the hospital provider assessment and ensures cost-effective and quality hospital care.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	04/13/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R414-507</b>	<b>Filing No. 51001</b>

**Agency Information**

<b>1. Department:</b>	Health
<b>Agency:</b>	Health Care Financing, Coverage and Reimbursement Policy

<b>Building:</b>	Cannon Health Building	
<b>Street address:</b>	288 N 1460 W	
<b>City, state, zip:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 143102	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-3102	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Craig Devashrayee	801-538-6641	cdevashrayee@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R414-507. Ground Ambulance Service Provider Assessments
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Title 26, Chapter 37a, specifies payment and assessment provisions for providers of ground ambulance services and requires the Department of Health (Department) to implement standards and procedures by rule. Section 26-1-5 further authorizes the Department to adopt rules as necessary for this purpose.
<b>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:</b>
The Department did not receive any written or oral comments regarding this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
The Department will continue this rule because it implements payment and assessment procedures for providers of ground ambulance services, which ensure quality and cost-effective services for Medicaid members.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	04/08/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
<b>Utah Admin. Code Ref (R no.):</b>	<b>R433-1</b>	<b>Filing No. 51096</b>

**Agency Information**

<b>1. Department:</b>	Health	
<b>Agency:</b>	Family Health and Preparedness, Maternal and Child Health	
<b>Street address:</b>	3760 S. Highland Drive	
<b>City, state, zip:</b>	Salt Lake City, UT	
<b>Mailing address:</b>	PO Box 142002	
<b>City, state, zip:</b>	Salt Lake City UT 84114-2002	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Heather Sarin	801-273-2856	hsarin@utah.gov
Laurie Baksh	801-273-2857	lbaksh@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R433-1. Very Low Birth Weight Infant Reporting
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
This rule establishes reporting and records access requirements for certain morbidities of Very Low Birth Weight infants. It establishes reporting of newborn care capabilities by Utah hospitals. Subsections 26-1-30(2)(b), (c), (d), (e), and (p) provide authority for this rule.
<b>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:</b>
No written comments have been received to date.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
Based on feedback from stakeholders who report very low birth weight data, the decision was made to repeal this rule. The feedback included various data collection challenges including the cumbersome nature of collecting and reporting the data which resulted in a reduction in compliance with the rule. There was also minimal utility of the data as well. The section on establishing reporting of care capabilities will be added to the Perinatal Services in Section R432-100-18. This rule is continued until the repeal finishes the rulemaking process. (EDITOR'S NOTE: The proposed repeal of Rule R433-1 is under ID No. 52662 in this issue, May 1, 2020, of the Bulletin.)

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Joseph K. Miner, MD, Executive Director	<b>Date:</b>	02/13/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R495-808</b>	<b>Filing No. 51172</b>
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**Agency Information**

<b>1. Department:</b>	Human Services	
<b>Agency:</b>	Administration	
<b>Building:</b>	MASOB	
<b>Street address:</b>	195 N 1950 W	
<b>City, state, zip:</b>	Salt Lake City, UT 84116	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R495-808. Fatality Review Act
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
In accordance with Sections 62A-16-101 and 62A-1-111, this rule sets forth the legal criteria and requirements for Department of Human Services (Department) fatality reviews.
<b>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:</b>
No comments have been received since the last five-year review period of this rule.
<b>5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:</b>
This rule clarifies reporting and reviews of fatality reports for the Department. The continuation of this rule is necessary to uphold the standards that Title 62A, Chapter 16 sets forth.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Ann Williamson, Executive Director	<b>Date:</b>	04/10/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R527-254</b>	<b>Filing No. 51287</b>
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**Agency Information**

<b>1. Department:</b>	Human Services	
<b>Agency:</b>	Recovery Services	
<b>Street address:</b>	515 E 100 S	
<b>City, state, zip:</b>	Salt Lake City, UT 84102-4211	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Scott Weight	801-741-7435	sweigh2@utah.gov
Casey Cole	801-741-7253	cacole@utah.gov
Jonah Shaw	801-538-4219	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R527-254. Limitations on Collection of Arrears
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Section 62A-11-107 gives the Office of Recovery Services (ORS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law. Section 62-11-502 allows for the enforcement of support arrears by immediate income withholding. Section 78B-12-113 defines the necessary conditions which allow for ORS to enforce a right of support against an obligor. 45 CFR 303.11 outlines the federal requirements which must be met in order for ORS to close a child support case.
<b>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:</b>
This is the initial five-year review of this rule. There have been no comments received since the enactment of 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:**

This rule provides information regarding when ORS will collect support arrears and what is needed by ORS to collect support arrears which accrue outside of the timeframe in which a IV-D case is open with ORS. The state and federal statutory provisions upon which this rule is based are still in effect. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Liesa Stockdale, ORS Director	<b>Date:</b>	04/09/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R657-55</b>	<b>Filing No. 51783</b>
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**Agency Information**

<b>1. Department:</b>	Natural Resources	
<b>Agency:</b>	Wildlife Resources	
<b>Room no.:</b>	Suite 2110	
<b>Building:</b>	Department of Natural Resources	
<b>Street address:</b>	1594 W North Temple	
<b>City, state, zip:</b>	Salt Lake City, UT 84116-3154	
<b>Mailing address:</b>	PO Box 146301	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-6301	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the agency.		

**General Information**

<b>2. Rule catchline:</b>
R657-55. Wildlife Expo Permits
<b>3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:</b>
Under Sections 23-14-18 and 23-14-19, the Wildlife Board is authorized and required to provide rules to regulate the management of big game species. This rule provides the standards and procedures for conservation groups to distribute hunting permits at the annual wildlife expo.

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

**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 supporting or opposing Rule R657-55 were received since 06/01/2015, when the rule was last reviewed.

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

Rule R657-55 provides the requirements, procedures, and standards for conservation groups to issue the 200 hunting permits made available at the wildlife expo. This rule provides the opportunity for residents and nonresidents to visit Utah during the expo for an opportunity to obtain one of the permits. The wildlife expo brings hundreds of thousands of dollars into the state each year. The provisions adopted in this rule are effective in providing the requirements, procedures, and standards for managing the wildlife expo permit program. Continuation of this rule is necessary for continued success of this program.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Mike Fowlks, Director	<b>Date:</b>	04/06/2020
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**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

<b>Utah Admin. Code Ref (R no.):</b>	<b>R722-300</b>	<b>Filing No. 51932</b>
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**Agency Information**

<b>1. Department:</b>	Public Safety	
<b>Agency:</b>	Criminal Investigations and Technical Services, Criminal Identification	
<b>Street address:</b>	3888 W 5400 S	
<b>City, state, zip:</b>	Taylorsville, UT 84118	
<b>Mailing address:</b>	PO Box 148280	
<b>City, state, zip:</b>	Salt Lake City, UT 84114-8280	
<b>Contact person(s):</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Kim Gibb	801-965-4018	kgibb@utah.gov

Nicole Borgeson	801-281-5072	nshepherd@utah.gov
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Greg Willmore	801-965-4533	gwillmor@utah.gov
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Please address questions regarding information on this notice to the agency.

**General Information**

**2. Rule catchline:**

R722-300. Concealed Firearm Permit and Instructor Rule

**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 Subsection 53-5-704(17) which provides that the commissioner may make rules necessary to administer Title 53, Chapter 5; and Section 53-5-707.6, which requires the Bureau of Criminal Identification (Bureau) to make rules that establish procedures for producing and distributing a firearms safety and suicide prevention video, and providing access to the video to an applicant seeking renewal of a firearm permit.

**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 have not been any written comments received during or since the last five-year review of 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:**

This rule is authorized by Subsection 53-5-704(17) and Section 53-5-707.6, and is needed in order to establish procedures for administration of the Concealed Firearms Act in accordance with Title 53, Chapter 5, Part 7, for producing and distributing a firearms safety and suicide prevention video, and for providing access to the video to an applicant seeking renewal of a firearm permit. Therefore, this rule should be continued.

**Agency Authorization Information**

<b>Agency head or designee, and title:</b>	Greg Willmore, Bureau Director	<b>Date:</b>	04/14/2020
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**End of the Five-Year Notices of Review and Statements of Continuation Section**



## NOTICES OF RULE EFFECTIVE DATES

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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.

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### 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  
Published: 03/01/2020  
Effective: 04/13/2020

## NOTICES OF RULE EFFECTIVE DATES

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

### Governor

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

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

### Insurance

Administration  
No. 52585 (Amendment): R590-277. Prohibited Policy Provisions  
Published: 03/15/2020  
Effective: 04/22/2020

### Natural Resources

Parks and Recreation  
No. 52477 (Amendment): R651-301. State Recreation Fiscal Assistance Programs  
Published: 02/01/2020  
Effective: 04/07/2020

### Wildlife Resources

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-9. State Board of Equalization Procedures  
Published: 03/01/2020  
Effective: 04/09/2020

### Auditing

No. 52579 (Amendment): R865-9I-34. 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-79. 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-96. 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-66. County Board of Equalization Procedures and Appeals  
Published: 03/01/2020  
Effective: 04/09/2020

### Workforce Services

Employment Development  
No. 52521 (Amendment): R986-100. A Client Must Inform the Department of All Material Changes  
Published: 03/15/2020  
Effective: 04/20/2020

### Unemployment Insurance

No. 52589 (Amendment): R994-508. Appeal Filing Procedures Amendments  
Published: 03/15/2020  
Effective: 04/22/2020

## **End of the Notices of Rule Effective Dates Section**