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Sunnie Burningham, Managing Editor

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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/>.

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Office of Administrative Rules, Salt Lake City 84114

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TABLE OF CONTENTS

EXECUTIVE DOCUMENTS	1
PROCLAMATION (2020/06/E)	1
Moving the Utah COVID-19 Public Health Risk Status to Yellow With Certain Exceptions (2020/022/EO)	2
Suspending Enforcement of Statutes Relating to Telehealth Services and Updating Citations (2020/023/EO).....	3
Moving the Utah COVID-19 Public Health Risk Status in Summit County and Wasatch County to Yellow (Low Risk) (2020/024/EO).....	4
Moving the Utah COVID-19 Public Health Risk Status in Bluff and Mexican Hat to Orange (Moderate Risk) (2020/025/EO)	6
Updating the Utah COVID-19 Health Risk Status Phased Guidelines to Version 4.5 (2020/026/EO).....	8
NOTICES OF PROPOSED RULES	11
Commerce	
Consumer Protection	
R152-57. Maintenance Funding Practices Act Rule	12
Education	
Administration	
R277-101. Public Participation in Utah State Board of Education Meetings	14
R277-301. Educator Licensing	16
R277-302. Educator Licensing Renewal	18
R277-306. Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and Social Workers	20
R277-326. Early Learning Professional Learning Grant Program	21
R277-327. School Leadership Development Grant	23
R277-406. Early Literacy Program and Benchmark Reading Assessment	25
R277-419. Pupil Accounting	27
R277-476. Civics Engagement Pilot Program	29
R277-489. Kindergarten Entry and Exit Assessment - Early Intervention Program	31
R277-490. Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)	33
R277-493. Kindergarten Supplemental Enrichment Program	34
R277-500. Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks.....	36
R277-603. Autism Awareness Restricted Account Distribution	38
Environmental Quality	
Air Quality	
R307-410-4. Modeling of Criteria Pollutant Impacts in Attainment Areas.....	40
Governor	
Economic Development	
R357-29. Rural County Grant Program Rule.....	42

TABLE OF CONTENTS

Health

- Disease Control and Prevention, Health Promotion
 - R384-201. School-Based Vision Screening for Students in Public Schools44
- Disease Control and Prevention, HIV/AIDS, Tuberculosis Control/Refugee Health
 - R388-805. Ryan White Part B Program.....46
- Disease Control and Prevention, Laboratory Services
 - R438-15. Newborn Screening48

Human Services

- Substance Abuse and Mental Health
 - R523-21. Behavioral Health Receiving Centers Standards.....49

Lieutenant Governor

- Elections
 - R623-6. Verification of Requests to Withhold Voter Registration Information53

Public Service Commission

- Administration
 - R746-8-301. Calculation and Application of UUSF Surcharge55
- Utility Facility Review Board
 - R747-1. Utility Facility Review Board Rule57

Tax Commission

- Auditing
 - R865-19S-35. Residential or Commercial Use of Gas, Electricity, Heat, Coal, Fuel Oils or Other Fuels Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-10459
 - R865-19S-85. Sales and Use Tax Exemptions for Certain Purchases by a Manufacturing Facility60
 - R865-19S-99. Sales and Use Taxes on Vehicles Purchased in Another State Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-10462
- Motor Vehicle Enforcement
 - R877-23V-23. Secure Areas64

Technology Services

- Administration
 - R895-14. Access to Information Technology for Users with Disabilities65

NOTICES OF 120-DAY (EMERGENCY) RULES.....69

Governor

- Economic Development
 - R357-32. COVID-19 Commercial Rental Assistance Program Rule69

Health

- Administration
 - R380-400. Utah Medical Cannabis Act Rule70
 - R380-401. Electronic Verification System.....72
 - R380-402. Medical Cannabis Cards.....73
 - R380-403. Qualified Medical Providers74

R380-404. Dosing Parameters 76

R380-405. Pharmacy Medical Providers 77

R380-406. Medical Cannabis Pharmacy 78

R380-407. Medical Cannabis Pharmacy Agent..... 80

R380-408. Home Delivery and Courier..... 82

R380-409. State Central Patient Portal 83

R380-411. Administrative Hearing Procedures..... 85

Disease Control and Prevention, Epidemiology

 R386-702. Communicable Disease Rule..... 86

Human Services

 Juvenile Justice Services

 R547-13. Guidelines for Admission to Secure Youth Detention Facilities 88

Judicial Performance Evaluation Commission

 Administration

 R597-3-3. Courtroom Observation 89

 R597-4-2. Mid-level Evaluation of Justice Court Judges..... 90

Lieutenant Governor

 Elections

 R623-6. Verification of Requests to Withhold Voter Registration Information 91

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION 93

Insurance

 Administration

 R590-199. Plan of Orderly Withdrawal Rule Relating to Health Benefit Plans..... 93

School and Institutional Trust Lands

 Administration

 R850-150. Rare Plant Species 94

NOTICES OF RULE EFFECTIVE DATES..... 95

EXECUTIVE DOCUMENTS

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

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

PROCLAMATION

WHEREAS, since the close of the 2020 General Session of the 63rd Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 63rd Legislature of the State of Utah into the Sixth Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 13th day of May 2020, at 4:30 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2019 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 13 day of May 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/06/E

EXECUTIVE ORDER

Moving the Utah COVID-19 Public Health Risk Status to Yellow With Certain Exceptions

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

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

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

WHEREAS, the State must establish minimum standards to address a statewide emergency and recognizes the need for local authorities to impose directives and orders to address the unique circumstances in different locations in Utah;

WHEREAS, on April 17, 2020, the Utah Economic Response Task Force released version 2 of Utah Leads Together (hereinafter, "ULT 2.0"), which provides a color-coded health guidance system comprising four levels of activity designated as Red (High Risk), Orange (Moderate Risk), Yellow (Low Risk), and Green (Normal Risk) (hereinafter, "Utah COVID-19 Health Risk Status"), where Red is most restrictive and each level of guidance after Red becomes progressively less restrictive and more economically engaged while still protecting public health;

WHEREAS, on April 29, 2020, I ordered the Utah COVID-19 Public Health Risk Status moved from Red (High Risk) to Orange (Medium Risk);

WHEREAS, on May 15, 2020 the Utah Department of Health released version 4.4 of the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation as an addendum to ULT 2.0;

WHEREAS, Utah has maintained a COVID-19 transmission rate of less than 1.5 for 14 days, and statewide intensive care unit bed usage related to COVID-19 has not exceeded 10% for 14 days;

WHEREAS, the Utah Department of Health and local health departments agree that certain areas of the State should remain at Orange (Medium Risk);

WHEREAS, Utah Code § 53-2a-209(1) provides that orders issued by the governor under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act, have the "full force and effect of law";

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

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

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

1. As used in this Order, "Phased Guidelines" means the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation Version 4.4.
2. The Utah COVID-19 Public Health Risk Status is:
 - a. Orange (Moderate Risk) in Grand County, Summit County, Wasatch County, Salt Lake City, West Valley City, and Magna metro township; and
 - b. Yellow (Low Risk) in all other areas of the State not identified in Subsection (2)(a).
3. The provisions of the Phased Guidelines apply as follows:
 - a. An individual or business in an area identified in Subsection (2)(a) shall comply with the Orange (Moderate Risk) provisions of the Phased Guidelines;
 - b. An individual or business in an area identified in Subsection (2)(b) shall comply with the Yellow (Low Risk) provisions of the Phased Guidelines;
 - c. Notwithstanding any other provision of this Section (3), any reference in the Phased Guidelines to the use of a mask or face covering is adopted:
 - i. as an order with respect to:
 - A. each individual acting in the capacity as an employee of a business when the individual is unable to maintain a distance of six feet from another individual; and

- B. each individual in a healthcare setting; and
- ii. as a strong recommendation with respect to any individual not identified in Subsection (3)(c)(i).
- 4. A political subdivision desiring an exception to this Order or the Phased Guidelines shall submit the request and justification for the request through the applicable Local Health Department to the Utah Department of Health. The Utah Department of Health shall consult with the Office of the Governor as necessary.

This Order is declared effective at 12:01 a.m. on May 16, 2020, and shall remain in effect until 11:59 p.m. on May 29, 2020, unless otherwise lawfully modified, amended, rescinded, or superseded.

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 15th day of May, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/022/EO

EXECUTIVE ORDER

Suspending Enforcement of Statutes Relating to Telehealth Services and Updating Citations

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

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

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

WHEREAS, the Centers for Disease Control and Prevention issued guidelines encouraging healthcare facilities to use telehealth services to reduce in-person healthcare visits and to prevent transmission of COVID-19 and other respiratory viruses;

WHEREAS, during the current state of emergency state and local health authorities have encouraged patients needing access to healthcare to use telehealth services when possible rather than go to a healthcare facility or doctor's office;

WHEREAS, the use of telehealth services is critical to ensure that the healthcare system is not overwhelmed during this state of emergency and to mitigate the continuing spread of COVID-19;

WHEREAS, Utah Code Title 26, Chapter 60, Telehealth Act governs the use of telehealth services in Utah;

WHEREAS, on March 25, 2020, I issued Executive Order 2020-7 suspending the enforcement of certain statutes governing the use of telehealth services;

WHEREAS, recent legislation has moved the provisions of the telehealth statutes suspended in Executive Order 2020-7 to Utah Code §§ 26-60-102(9)(b)(ii) and 26-60-103(4)(a);

WHEREAS, Utah Code §§ 26-60-102(9)(b)(ii) and 26-60-103(4)(a) may limit the ability of a healthcare provider to offer telehealth services during this state of emergency;

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

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

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

1. Executive Order 2020-7 is rescinded and replaced by this Order.
2. Enforcement of the following statutes is suspended:
 - a. Utah Code § 26-60-102(9)(b)(ii); and
 - b. Utah Code § 26-60-103(4)(a) to the extent that it interferes with a medical provider's ability to offer telehealth services.

A medical provider that pursuant to this Order offers telehealth services that do not comply with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended, or the federal Health Information Technology for Economic and Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226, 467, as amended, shall:

1. inform the patient the the telehealth service does not comply with those federal acts;
2. give the patient an opportunity to decline use of the telehealth service; and
3. take reasonable care to ensure security and privacy of the telehealth service.

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

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 15th day of May, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/023/EO

EXECUTIVE ORDER

Moving the Utah COVID-19 Public Health Risk Status in Summit County and Wasatch County to Yellow (Low Risk)

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

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

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

WHEREAS, the State must establish minimum standards to address a statewide emergency and recognizes the need for local authorities to impose directives and orders to address the unique circumstances in different locations in Utah;

WHEREAS, the Utah Economic Response Task Force has prepared and updated the Utah Leads Together plan for health and economic recovery to guide the State's efforts to stabilize and reconstitute the state economy while protecting public health, including by presenting economic phases, introducing color-coded health guidance and data tools, and providing plans to assist Utah's high risk individuals and multicultural communities that have been disproportionately impacted by COVID-19;

WHEREAS, the Utah Department of Health has released and updated as an addendum to the Utah Leads Together plan the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation, which provides a color-coded health guidance system comprising four levels of activity designated as Red (High Risk), Orange (Moderate Risk), Yellow (Low Risk), and Green (Normal Risk) (hereinafter, "Utah COVID-19 Health Risk Status"), where Red is most restrictive and each level of guidance after Red becomes progressively less restrictive and more economically engaged while still protecting public health;

WHEREAS, on April 29, 2020, I ordered the Utah COVID-19 Public Health Risk Status moved from Red (High Risk) to Orange (Medium Risk);

WHEREAS, on May 16, 2020, I ordered the Utah COVID-19 Public Health Risk Status moved from Orange (Medium Risk) to Yellow (Low Risk) in all areas of the state, except Grand County, Summit County, Wasatch County, Salt Lake City, West Valley City, and Magna metro township;

WHEREAS, Utah has maintained a COVID-19 transmission rate of less than 1.5 for 21 days, and statewide intensive care unit bed usage related to COVID-19 has not exceeded 10% for 21 days;

WHEREAS, intensive care unit bed usage related to COVID-19 in Summit County and Wasatch County is less than 5%;

WHEREAS, the Utah Department of Health, the Summit County Health Department, and the Wasatch County Health Department agree that Summit County and Wasatch County should move to Yellow (Low Risk);

WHEREAS, the Utah Department of Health and local health departments agree that Grand County, Salt Lake City, West Valley City, and Magna metro township should remain at Orange (Medium Risk);

WHEREAS, Utah Code § 53-2a-209(1) provides that orders issued by the governor under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act, have the "full force and effect of law";

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

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

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

1. As used in this Order, "Phased Guidelines" means the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation Version 4.4.
2. The Utah COVID-19 Public Health Risk Status is:
 - a. Orange (Moderate Risk) in Grand County, Salt Lake City, West Valley City, and Magna metro township; and
 - b. Yellow (Low Risk) in all other areas of the State not identified in Subsection (2)(a).
3. The provisions of the Phased Guidelines apply as follows:
 - a. An individual or business in an area identified in Subsection (2)(a) shall comply with the Orange (Moderate Risk) provisions of the Phased Guidelines;
 - b. An individual or business in an area identified in Subsection (2)(b) shall comply with the Yellow (Low Risk) provisions of the Phased Guidelines;
 - c. Notwithstanding any other provision of this Section (3), any reference in the Phased Guidelines to the use of a mask or face covering is adopted:
 - i. as an order with respect to:

EXECUTIVE DOCUMENTS

- A. each individual acting in the capacity as an employee of a business when the individual is unable to maintain a distance of six feet from another individual; and
- B. each individual in a healthcare setting; and
 - ii. as a strong recommendation with respect to any individual not identified in Subsection (3)(c)(i).
- 4. A political subdivision desiring an exception to this Order or the Phased Guidelines shall submit the request and justification for the request through the applicable Local Health Department to the Utah Department of Health. The Utah Department of Health shall consult with the Office of the Governor as necessary.
- 5. The following orders are rescinded and replaced by this Order: Executive Order 2020-19, Executive Order 2020-20, and Executive Order 2020-22.

This Order is declared effective immediately, and shall remain in effect until 11:59 p.m. on May 29, 2020, unless otherwise lawfully modified, amended, rescinded, or superseded.

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 21st day of May, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/024/EO

EXECUTIVE ORDER

Moving the Utah COVID-19 Public Health Risk Status in Bluff and Mexican Hat to Orange (Moderate Risk)

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

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

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

WHEREAS, the State must establish minimum standards to address a statewide emergency and recognizes the need for local authorities to impose directives and orders to address the unique circumstances in different locations in Utah;

WHEREAS, the Utah Economic Response Task Force has prepared and updated the Utah Leads Together plan for health and economic recovery to guide the State's efforts to stabilize and reconstitute the state economy while protecting public health, including by presenting economic phases, introducing color-coded health guidance and data tools, and providing plans to assist Utah's high risk individuals and multicultural communities that have been disproportionately impacted by COVID-19;

WHEREAS, the Utah Department of Health has released and updated as an addendum to the Utah Leads Together plan the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation, which provides a color-coded health guidance system comprising four levels of activity designated as Red (High Risk), Orange (Moderate Risk), Yellow (Low Risk), and Green (Normal Risk) (hereinafter, "Utah COVID-19 Health Risk Status"), where Red is most restrictive and each level of guidance after Red becomes progressively less restrictive and more economically engaged while still protecting public health;

WHEREAS, on April 29, 2020, I ordered the Utah COVID-19 Public Health Risk Status moved from Red (High Risk) to Orange (Medium Risk);

WHEREAS, on May 16, 2020, I ordered the Utah COVID-19 Public Health Risk Status moved from Orange (Medium Risk) to Yellow (Low Risk) in all areas of the state, except Grand County, Summit County, Wasatch County, Salt Lake City, West Valley City, and Magna metro township;

WHEREAS, Utah has maintained a COVID-19 transmission rate of less than 1.5 for 21 days, and statewide intensive care unit bed usage related to COVID-19 has not exceeded 10% for 21 days;

WHEREAS, the Town of Bluff and the census-designated place Mexican Hat are located near areas with higher COVID-19 infection rates;

WHEREAS, the Utah Department of Health and the San Juan Public Health Department agree that Bluff and Mexican Hat should move to Orange (Medium Risk);

WHEREAS, the Utah Department of Health and local health departments agree that Grand County, Salt Lake City, West Valley City, and Magna metro township should remain at Orange (Medium Risk);

WHEREAS, Utah Code § 53-2a-209(1) provides that orders issued by the governor under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act, have the "full force and effect of law";

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

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

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

1. As used in this Order, "Phased Guidelines" means the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation Version 4.4.
2. The Utah COVID-19 Public Health Risk Status is:
 - a. Orange (Moderate Risk) in Grand County, Salt Lake City, West Valley City, Magna metro township, the Town of Bluff, and the census designated place Mexican Hat; and
 - b. Yellow (Low Risk) in all other areas of the State not identified in Subsection (2)(a).
3. The provisions of the Phased Guidelines apply as follows:
 - a. An individual or business in an area identified in Subsection (2)(a) shall comply with the Orange (Moderate Risk) provisions of the Phased Guidelines;
 - b. An individual or business in an area identified in Subsection (2)(b) shall comply with the Yellow (Low Risk) provisions of the Phased Guidelines;
 - c. Notwithstanding any other provision of this Section (3), any reference in the Phased Guidelines to the use of a mask or face covering is adopted:
 - i. as an order with respect to:
 - A. each individual acting in the capacity as an employee of a business when the individual is unable to maintain a distance of six feet from another individual; and
 - B. each individual in a healthcare setting; and
 - ii. as a strong recommendation with respect to any individual not identified in Subsection (3)(c)(i).
4. A political subdivision desiring an exception to this Order or the Phased Guidelines shall submit the request and justification for the request through the applicable Local Health Department to the Utah Department of Health. The Utah Department of Health shall consult with the Office of the Governor as necessary.
5. Executive Order 2020-24 is rescinded and replaced by this Order.

This Order is declared effective immediately, and shall remain in effect until 11:59 p.m. on May 29, 2020, unless otherwise lawfully modified, amended, rescinded, or superseded.

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 22nd day of May, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/025/EO

EXECUTIVE ORDER

Updating the Utah COVID-19 Health Risk Status Phased Guidelines to Version 4.5

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

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

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

WHEREAS, the State must establish minimum standards to address a statewide emergency and recognizes the need for local authorities to impose directives and orders to address the unique circumstances in different locations in Utah;

WHEREAS, the Utah Economic Response Task Force has prepared and updated the Utah Leads Together plan for health and economic recovery to guide the State's efforts to stabilize and reconstitute the state economy while protecting public health, including by presenting economic phases, introducing color-coded health guidance and data tools, and providing plans to assist Utah's high risk individuals and multicultural communities that have been disproportionately impacted by COVID-19;

WHEREAS, the Utah Department of Health has released and updated as an addendum to the Utah Leads Together plan the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation, which provide a color-coded health guidance system comprising four levels of activity designated as Red (High Risk), Orange (Moderate Risk), Yellow (Low Risk), and Green (Normal Risk) (hereinafter, "Utah COVID-19 Health Risk Status"), where Red is most restrictive and each level of guidance after Red becomes progressively less restrictive and more economically engaged while still protecting public health;

WHEREAS, on May 27, 2020, the Utah Department of Health released version 4.5 of the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation;

WHEREAS, Utah Code § 53-2a-209(1) provides that orders issued by the governor under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act, have the "full force and effect of law";

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

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

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

1. As used in this Order, "Phased Guidelines" means the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation Version 4.5.
2. The Utah COVID-19 Public Health Risk Status is:
 - a. Orange (Moderate Risk) in Grand County, Salt Lake City, West Valley City, and Magna metro township; and
 - b. Yellow (Low Risk) in all other areas of the State not identified in Subsection (2)(a).
3. The provisions of the Phased Guidelines apply as follows:
 - a. An individual or business in an area identified in Subsection (2)(a) shall comply with the Orange (Moderate Risk) provisions of the Phased Guidelines;
 - b. An individual or business in an area identified in Subsection (2)(b) shall comply with the Yellow (Low Risk) provisions of the Phased Guidelines;
 - c. Notwithstanding any other provision of this Section (3), any reference in the Phased Guidelines to the use of a mask or face covering is adopted:
 - i. as an order with respect to:
 - A. each individual acting in the capacity as an employee of a business when the individual is unable to maintain a distance of six feet from another individual; and
 - B. each individual in a healthcare setting; and
 - ii. as a strong recommendation with respect to any individual not identified in Subsection (3)(c)(i).
4. A political subdivision desiring an exception to this Order or the Phased Guidelines shall submit the request and justification for the request through the applicable Local Health Department to the Utah Department of Health. The Utah Department of Health shall consult with the Office of the Governor as necessary.
5. Executive Order 2020-25 is rescinded and replaced by this Order.

This Order is declared effective immediately and shall remain in effect until 11:59 p.m. on June 5, 2020, unless otherwise lawfully modified, amended, rescinded, or superseded.

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 27th day of May, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/026/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between May 02, 2020, 12:00 a.m., and May 15, 2020, 11:59 p.m. are included in this, the June 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 July 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 September 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.

The Proposed Rules Begin on the Following Page

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R152-57	Filing No. 52767

Agency Information

1. Department:	Commerce	
Agency:	Consumer Protection	
Building:	Heber Wells	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146704	
City, state, zip:	Salt Lake City, UT 84114-6704	
Contact person(s):		
Name:	Phone:	Email:
Daniel Larsen	801-530-6145	dblarsen@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R152-57. Maintenance Funding Practices Act Rule
3. Purpose of the new rule or reason for the change:
This rule is being enacted as a result of H.B. 312, passed in the 2020 General Session, codified as Title 13, Chapter 57, Maintenance Funding Practices Act. The purpose of this rule is to describe the information an applicant must provide in an application for registration as a maintenance funding provider, establish a process for registration as a maintenance funding provider, establish a process by which a maintenance funding provider may file required information with the division, and to carry out the provisions of Title 13, Chapter 57, Maintenance Funding Practices Act.
4. Summary of the new rule or change:
This rule establishes the registration process for a maintenance funding provider, the information required on an application for registration as a maintenance funding provider, and the annual reporting process for a maintenance funding provider. This rule also describes the reasons for which the Division of Consumer Protection (Division) may deny an application for registration as a maintenance funding provider.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule is not expected to have any fiscal impacts on state government revenues or expenditures. Any fiscal impact on state government was addressed in the Fiscal Note to H.B. 312 (2020).
B) Local governments:
This rule is not expected to have any fiscal impact on local governments' revenues or expenditures because it does not create any new requirements local governments must follow, nor does it otherwise constrain local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule is not expected to have any fiscal impact on small businesses because it does not impose requirements upon small businesses beyond what is required by Title 13, Chapter 57, Maintenance Funding Practices Act. Any fiscal impact on small businesses was addressed in the Fiscal Note to H.B. 312 (2020).
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This rule is not expected to have any fiscal impact on non-small businesses beyond what is required by Title 13, Chapter 57, Maintenance Funding Practices Act. Any fiscal impact on non-small businesses was addressed in the Fiscal Note to H.B. 312.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This rule is not expected to have any fiscal impacts on persons other than small businesses, non-small businesses, state, or local government entities because it does not impose requirements upon them beyond what is required by Title 13, Chapter 57, Maintenance Funding Practices Act.
F) Compliance costs for affected persons:
This rule does not impose compliance costs upon affected persons beyond what is required by Title 13, Chapter 57, Maintenance Funding Practices Act, and what was contemplated in the Fiscal Note to H.B. 312 (2020).

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Chris Parker, has reviewed and approved this fiscal analysis.

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

In Utah, maintenance funding is likely an ancillary duty to the positions of financial fund managers or fundraisers that plan, direct, coordinate, or solicit to maintain funds for special public projects, government contract projects, hospital facilities, or other nonprofit organizations. Due to the amorphous spread of maintenance funding positions across many industries, it is unlikely that this regulation will directly impact small businesses. Accordingly, no fiscal impact is expected for small businesses over and above any fiscal impact described in the fiscal note for the legislation as these costs are either inestimable or there is

no fiscal impact.
B) Name and title of department head commenting on the fiscal impacts:
Chris Parker, 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 13-2-5(1)	Subsection 13-57-201(2)(b)(ii)	Subsection 13-57-201(3)(b)(ii)
Subsections 13-57-401(1) through (4)		

Public Notice Information

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

A) Comments will be accepted until:	07/01/2020
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10. This rule change MAY become effective on:	07/08/2020
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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

Agency head or designee, and title:	Chris Parker, Executive Director	Date:	05/14/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-101	Filing No. 52770

Agency Information

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

General Information

2. Rule or section catchline:
R277-101. Public Participation in Utah State Board of Education Meetings
3. Purpose of the new rule or reason for the change:
The Utah State Board (Board) passed amendments to Rule R277-101 during its March 2020 meeting on an emergency basis to establish guidelines for electronic meetings in accordance with state law. The Board must enact changes through the regular rulemaking process within 120 days to make the amendments permanent.
4. Summary of the new rule or change:
The amendments include new definitions in Section R277-101-2 and a new Section R277-101-4, Electronic Meetings, was added to this rule.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. The Board passed amendments to Rule R277-101 during its March meeting on an emergency basis, in order to establish guidelines for electronic meetings in accordance with Section 52-4-207. The purpose of this rule change is to follow the Board's regular rulemaking process to make the March amendments permanent.

B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The Board passed amendments to Rule R277-101 during its March meeting on an emergency basis, in order to establish guidelines for electronic meetings in accordance with Section 52-4-207. The purpose of this rule change is to follow the Board's regular rulemaking process to make the March amendments permanent.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The Board passed amendments to Rule R277-101 during its March meeting on an emergency basis, in order to establish guidelines for electronic meetings in accordance with Section 52-4-207. The purpose of this rule change is to follow the Board's regular rulemaking process to make the March amendments permanent.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
This rule change is not expected to have independent fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The Board passed amendments to Rule R277-101 during its March meeting on an emergency basis, in order to establish guidelines for electronic meetings in accordance with Section 52-4-207. The purpose of this rule change is to follow the Board's regular rulemaking process to make the March amendments permanent.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. The Board passed amendments to Rule R277-101 during its March meeting on an emergency basis, in order to establish guidelines for electronic meetings in accordance with Section 52-4-207. The purpose of this rule change is to follow the Board's regular rulemaking process to make the March amendments permanent.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Superintendent, 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	Title 52, Chapter 4	Section 52-4-207
Subsection 53E-3-401(4)		

Public Notice Information

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

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

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

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/14/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-301	Filing No. 52771

Agency Information

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

General Information

2. Rule or section catchline:
R277-301. Educator Licensing
3. Purpose of the new rule or reason for the change:
This rule is being amended due to new licensing system learned through stakeholder feedback and implementation of the new licensing rules over the last year. Updates also have been made to correspond with the rules on Eminence and New Teacher Induction.
4. Summary of the new rule or change:
The amendments rename the Communications Disorder license area of concentration to Audiologist license area, extend the time prior to renewal for associate licenses, license areas, and endorsements, update requirements for associate licenses and out of state license applicants, allow local education agencies (LEAs) to issue LEA-specific special education and pre-school special education license areas with conditions, and incorporate eminence requirements, which were previously found in Rule R277-309.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have material fiscal impacts on state government revenues or expenditures. Over the last year, the Board has implemented a new

licensing system. This rule change provides clarifying amendments to reflect what the agency has learned from stakeholder input during that time. These changes are not expected to produce material fiscal impacts.

B) Local governments:

This rule change is not expected to have material fiscal impacts on local government revenues or expenditures. Over the last year, the Board has implemented a new licensing system. This rule change provides clarifying amendments to reflect what the agency has learned from stakeholder input during that time. These changes are not expected to produce material fiscal impacts.

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

This rule change is not expected to have material fiscal impacts on small business revenues or expenditures. Over the last year, the Board has implemented a new licensing system. This rule change provides clarifying amendments to reflect what the agency has learned from stakeholder input during that time. These changes are not expected to produce material fiscal impacts.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of or generate revenue for non-small businesses.

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

This rule change is not expected to have material fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Over the last year, the Board has implemented a new licensing system. This rule change provides clarifying amendments to reflect what the agency has learned from stakeholder input during that time. These changes are not expected to produce material fiscal impacts.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. Over the last year, the Board has implemented a new licensing system. This rule change provides clarifying amendments

to reflect what the agency has learned from stakeholder input during that time. These changes are not expected to produce material fiscal impacts.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The department head, 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 large 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)	Section 53E-6-201
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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: 07/01/2020

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

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R277-302	Filing No.	52773
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Agency Information

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

General Information

2. Rule or section catchline:
R277-302. Educator Licensing Renewal
3. Purpose of the new rule or reason for the change:
As part of the process of updating the licensing structure, Utah State Board of Education has changed the requirements for license renewal.
4. Summary of the new rule or change:
The new licensing renewal updates the requirements for renewing an educator license, including reduced point requirements, clarification of required steps to gain renewal points, and implementation of local education agency (LEA) training requirements to simplify renewal for active educators.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have material fiscal impact on state government revenues or expenditures. The agency believes the updated license renewal processes will be similarly or less burdensome to entities and individuals than the previous license renewal process.
B) Local governments:
This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. The agency believes the updated license renewal processes will be similarly or less burdensome to entities and individuals than the previous license renewal process.
C) Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. The agency believes the updated license renewal processes will be similarly or less burdensome to entities and individuals than the previous license renewal process.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The agency believes the updated license renewal processes will be similarly or less burdensome to entities and individuals than the previous license renewal process.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The agency believes the updated license renewal processes will be similarly or less burdensome to entities and individuals than the previous license renewal process.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Superintendent, 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 proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This rule change has no fiscal impact on LEAs and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53E-6-201
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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: 07/01/2020

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

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/15/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-306	Filing No. 52774

Agency Information

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

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

General Information

2. Rule or section catchline:
R277-306. Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, Counselors, and Social Workers
3. Purpose of the new rule or reason for the change:
The rule has been updated to change the requirements of school counselor preparation programs.
4. Summary of the new rule or change:
The amendments clarify the admissions requirements for a school counselor preparation program.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have material fiscal impact on state government revenues or expenditures. The amendments align with current practice and requirements for preparation programs operating in this space.
B) Local governments:
This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. The amendments align with current practice and requirements for preparation programs operating in this space.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. The amendments align with current practice and requirements for preparation programs operating in this space.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The amendments align with current practice and requirements for preparation programs operating in this space.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The amendments align with current practice and requirements for preparation programs operating in this space.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Superintendent, 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: 07/01/2020

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

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

will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R277-326	Filing No. 52775

Agency Information

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

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

General Information

2. Rule or section catchline:
R277-326. Early Learning Professional Learning Grant Program

3. Purpose of the new rule or reason for the change:
As a result of H.B. 114, Early Learning Training and Assessment Amendments passed in the 2020 General Session, new Rule R277-326 has been proposed to meet the statutory requirements of the State Board to provide the process and funding distribution of the professional learning grant created by H.B. 114 (2020).

4. Summary of the new rule or change:
The summary of this rule is to provide the required elements for the Early Learning Professional Learning Grant program including eligibility criteria that outlines the need to have an early learning plan to qualify; and a formula for the grant distribution that is based on an local education agency's (LEA) proportionate amount of pre-k to grade 3 teachers to the statewide total.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This proposed rule is not expected to have independent fiscal impacts on state government revenues or expenditures. H.B. 114 (2020) required the changes included in the new rule.

B) Local governments:

This proposed rule is not expected to have independent fiscal impact on local governments' revenues or expenditures. H.B. 114 (2020) required the changes included in the new rule.

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

This proposed rule is not expected to have independent fiscal impact on small businesses' revenues or expenditures. H.B. 114 (2020) required the changes included in the new rule.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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 is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. H.B. 114 (2020) required the changes included in the new rule.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. H.B. 114 (2020) required the changes included in the new rule.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Superintendent, 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 proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This proposed rule 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)	Section 53F-5-214

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	07/01/2020

10. This rule change MAY become effective on:	07/08/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/15/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R277-327	Filing No. 52776

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state:	Salt Lake City, UT 84111

Mailing address:	PO Box 144200	
City, state, zip:	Salt Lake City, UT 84114-4200	
Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R277-327. School Leadership Development Grant
3. Purpose of the new rule or reason for the change:
As a result of S.B. 99, School Leadership Development Amendments passed in the 2020 General Session, new Rule R277-327 have been created to outline the procedure and funding distribution for a school leadership development grant as created by S.B. 99 (2020).
4. Summary of the new rule or change:
This rule establishes the definition and parameters for a mentoring program requirements for new principals; creates the requirements for the grant application and award procedures including a formula for determining an eligible applicant's grant award amount for both a planning grant and a competitive implementation grant; establishes performance measures and reporting requirements for a grant recipient; and specifies what a grant recipient may use a grant award for.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed rule is not expected to have independent fiscal impact on state government revenues or expenditures. S.B. 99 (2020) required the passage of this rule.
B) Local governments:
This proposed rule is not expected to have independent fiscal impact on local governments' revenues or expenditures. S.B. 99 (2020) required the passage of this rule.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed rule is not expected to have independent fiscal impact on small businesses' revenues or expenditures. S.B. 99 (2020) required the passage of this rule.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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 is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. S.B. 99 (2020) required the passage of this rule.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. S.B. 99 (2020) required the passage of this rule.

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

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Superintendent, 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 proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This proposed rule 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)	Section 53F-5-214
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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:	07/01/2020
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10. This rule change MAY become effective on:	07/08/2020
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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

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/15/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R277-406	Filing No.	52777
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Agency Information

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

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

General Information

2. Rule or section catchline:
R277-406. Early Literacy Program and Benchmark Reading Assessment

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

As a result of H.B. 114, Early Learning Training and Assessment Amendments passed in the 2020 General Session, amendments to Rule R277-406 have been prepared to update the early literacy plans to include early mathematics as required by H.B. 114 (2020).

4. Summary of the new rule or change:

The amendments include renaming the Early Literacy Plan the Early Learning Plan; updating all references to the "benchmark reading assessment" to be the "benchmark assessment" and expand the definition of "benchmark assessment" to include an early mathematics assessment. This rule also includes a requirement for local education agencies (LEAs) to meet a statewide target growth percentage for the early mathematics assessment to mirror the same requirement for early literacy assessments; this rule also defines the components of mathematics learning.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. H.B. 114 (2020) required the changes included in these amendments.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. H.B. 114 (2020) required the changes included in these amendments.

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. H.B. 114 (2020) required the changes included in these amendments.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. H.B. 114 (2020) required the changes included in these amendments.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. H.B. 114 (2020) required the changes included in these amendments.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Superintendent, Sydnee Dickson, has reviewed and approved this fiscal analysis.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Section 53E-3-521	Subsection 53E-3-401(4)
Subsection 53F-2-503(14)(a)	Section 53E-4-307	Section 53E-4-307.5

Public Notice Information

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

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

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

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/15/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-419	Filing No. 52769

Agency Information

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

General Information

2. Rule or section catchline:
R277-419. Pupil Accounting
3. Purpose of the new rule or reason for the change:
The reason for the amendments is to update provisions and address local education agency (LEA) funding during the school closure caused by the COVID-19 pandemic.
4. Summary of the new rule or change:
The amendments clarify that Utah State Board of Education (USBE) will calculate student membership during the school closure period by taking an average of an LEA's membership for the remainder of the 19-20 school year. The amendments also update language regarding audits and monitoring and incorporate USBE's continuity of education plan form by reference.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have material fiscal impact on state government revenues or expenditures. Due to school closures after March 26, 2020, it would be

difficult to calculate attendance for purposes of determining membership after that date. This rule clarifies the intent of schools submitting continuity of education plans, which is for schools to provide students with services until the end of each LEA's 2019-2020 school calendar. This rule change provides USBE the flexibility needed to determine an LEA's membership based on the dates for which the agency has data, which is July 1, 2019 through March 13, 2020.

B) Local governments:

This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. Due to school closures after March 26, 2020, it would be difficult to calculate attendance for purposes of determining membership after that date. This rule clarifies the intent of schools submitting continuity of education plans, which is for schools to provide students with services until the end of each LEA's 2019-2020 school calendar. This rule change provides USBE the flexibility needed to determine an LEA's membership based on the dates for which the agency has data, which is July 1, 2019 through March 13, 2020.

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

This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. Due to school closures after March 26, 2020, it would be difficult to calculate attendance for purposes of determining membership after that date. This rule clarifies the intent of schools submitting continuity of education plans, which is for schools to provide students with services until the end of each LEA's 2019-2020 school calendar. This rule change provides USBE the flexibility needed to determine an LEA's membership based on the dates for which the agency has data, which is July 1, 2019 through March 13, 2020.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Due to school closures after March 26, 2020, it would be difficult to calculate attendance for purposes of determining membership after that date. This rule clarifies the intent of schools submitting continuity of education plans, which is for schools to provide students with services until the end of each LEA's 2019-2020 school calendar. This rule change provides USBE the flexibility needed to determine an LEA's membership based on the dates for which the agency has data, which is July 1, 2019 through March 13, 2020.

F) Compliance costs for affected persons:

There are no expected compliance costs for affected persons. Due to school closures after March 26, 2020, it would be difficult to calculate attendance for purposes of determining membership after that date. This rule clarifies the intent of schools submitting continuity of education plans, which is for schools to provide students with services until the end of each LEA's 2019-2020 school calendar. This rule change provides USBE the flexibility needed to determine an LEA's membership based on the dates for which the agency has data, which is July 1, 2019 through March 13, 2020.

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

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Superintendent, Sydnee Dickson, has reviewed and approved this fiscal analysis.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (NAICS 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Section 53G-4-404	Subsection 53E-3-401(4)
Subsection 53E-3-501(1)(e)	Subsection 53G-5-404(4)	

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:

	First Incorporation
Official Title of Materials Incorporated (from title page)	Continuity of Education Plan Form
Publisher	Utah State Board of Education

Date Issued	May 7, 2020
Issue, or version	Version 1

Public Notice Information

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

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

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

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	R277-476	Filing No.	52778
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Agency Information

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

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

General Information**2. Rule or section catchline:**

R277-476. Civics Engagement Pilot Program

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

As a result of H.B. 334, Civics Engagement Pilot Program passed in the 2020 General Session, new Rule R277-476 has been created to establish the parameters of the pilot program created in H.B. 334 (2020).

4. Summary of the new rule or change:

This rule creates a pilot civics engagement project program; establish eligibility requirements to participate in the program including local education agency (LEA) diversity, program alignment to Utah Core Standards for Social studies, and ability to implement competency based approaches to civics education; creates an application process; and establishes reporting criteria.

Fiscal Information**5. Aggregate anticipated cost or savings to:****A) State budget:**

This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. H.B. 334 (2020) required passage of this new rule.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. H.B. 334 (2020) required passage of this new rule.

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. H.B. 334 (2020) required passage of this new rule.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or

expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. H.B. 334 (2020) required passage of this new rule.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. H.B. 334 (2020) required passage of this new rule.

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

Net Benefits	Fiscal \$0	\$0	\$0
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H) Department head approval of regulatory impact analysis:

The Superintendent, 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 proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This proposed rule has no fiscal impact on LEAs and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Subsection 53E-3-401(4)	Section 53G-10-204

Public Notice Information

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

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

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

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

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/15/2020
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NOTICE OF PROPOSED RULE	
TYPE OF RULE: Amendment	
Utah Admin. Code Ref (R no.):	R277-489
Filing No.	52779

Agency Information

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

General Information

2. Rule or section catchline:
R277-489. Kindergarten Entry and Exit Assessment - Early Intervention Program
3. Purpose of the new rule or reason for the change:
Updates to Rule R277-489 are required for the Optional Extended Kindergarten program created by H.B. 99 passed in the 2020 General Session. The rule reflects new performance measures.
4. Summary of the new rule or change:
This rule is being amended to reflect changes made to the Optional Enhanced Kindergarten program pursuant to H.B. 99 (2020). The rule expands performance measures and makes technical changes.
This rule takes the required performance measure that applied to the Kindergarten Supplement Education Program and now requires the same measures for the Optional Enhanced Kindergarten Program as required by H.B. 99 (2020). This rule also updates the name of the

Early Intervention program to be the Optional Enhanced Kindergarten program and makes other technical changes.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. H.B. 99 (2020) required the updates included in this rule change.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. H.B. 99 (2020) required the updates included in this rule change.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. H.B. 99 (2020) required the updates included in this rule change.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. H.B. 99 (2020) required the updates included in this rule change.
F) Compliance costs for affected persons:
There are no independent compliance costs for affected persons. H.B. 99 (2020) required the updates included in this rule change.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Superintendent, 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)	Section 53F-2-507
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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: 07/01/2020

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

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/15/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-490	Filing No. 52780

Agency Information

1. Department:	Education
Agency:	Administration

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

General Information

2. Rule or section catchline:
R277-490. Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)
3. Purpose of the new rule or reason for the change:
Rule R277-490 has been changed to conform the rule to changes in the licensing structure.
4. Summary of the new rule or change:
Rule R277-490 has been amended to update terminology use.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This rule change is not expected to have material fiscal impact on state government revenues or expenditures. The updates are clarifying and technical in nature.
B) Local governments:
This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. The updates are clarifying and technical in nature.
C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. The updates are clarifying and technical in nature.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are

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

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

This rule change is not expected to have material fiscal impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The updates are clarifying and technical in nature.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The updates are clarifying and technical in nature.

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

NOTICES OF PROPOSED RULES

Net Benefits	Fiscal	\$0	\$0	\$0
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H) Department head approval of regulatory impact analysis:

The Superintendent, 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)	Section 53F-2-506
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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: 07/01/2020

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

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/15/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	R277-493	Filing No. 52781

Agency Information

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

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

General Information

2. Rule or section catchline:
R277-493. Kindergarten Supplemental Enrichment Program

3. Purpose of the new rule or reason for the change:
Rule R277-493 is being repealed because H.B. 99 from the 2020 General Session, repealed the Kindergarten supplemental enrichment program.

4. Summary of the new rule or change:
Rule R277-493 has merged corresponding elements into the Optional Enhanced Kindergarten program via amendments being proposed to Rule R277-489.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have independent fiscal impact on state government revenues or expenditures. Rule R277-493 is being repealed because H.B. 99 (2020) repealed the Kindergarten Supplemental Enrichment Program.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. Rule R277-493 is being repealed because H.B. 99 (2020) repealed the Kindergarten Supplemental Enrichment Program.

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

This rule change is not expected to have independent fiscal impact on small businesses' revenues or expenditures. Rule R277-493 is being repealed because H.B. 99 (2020) repealed the Kindergarten Supplemental Enrichment Program.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (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 repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Rule R277-493 is being repealed because H.B. 99 (2020) repealed the Kindergarten Supplemental Enrichment Program.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. Rule R277-493 is being repealed because H.B. 99 (2020) repealed the Kindergarten Supplemental Enrichment Program.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Superintendent, 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 repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This rule repeal has no fiscal impact on local education

NOTICES OF PROPOSED RULES

agencies and will not have a fiscal impact on small businesses either.

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

Sydnee Dickson, State Superintendent

Citation Information

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

Article X, Section 3	Section 53F-4-205	Subsection 53E-3-401(4)
Subsection 53F-4-205(7)		

Public Notice Information

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

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

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

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/15/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Repeal

Utah Admin. Code Ref (R no.):	R277-500	Filing No.	52782
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Agency Information

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

Contact person(s):		
Name:	Phone:	Email:
Angie Stallings	801-538-7830	angie.stallings@schools.utah.gov

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

General Information

2. Rule or section catchline:
R277-500. Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks

3. Purpose of the new rule or reason for the change:
Rule R277-500 is being repealed because the rule requirements will be incorporated into new State Board of Education Rule (Board) R277-302. (EDITOR'S NOTE: The proposed new Rule R277-302 is under ID No. 52773 in this issue, June 1, 2020, of the Bulletin.)

4. Summary of the new rule or change:
This rule is being repealed due to the renumbering of educator licensing rules. The educator licensing renewal procedures, timelines and required background check, plus new educator licensing policies will be incorporated into new Board Rule R277-302.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
This rule repeal is not expected to have independent fiscal impact on state government revenues or expenditures. This rule is being repealed in its entirety because the rule requirements were incorporated into new Board Rule R277-302.

B) Local governments:
This rule repeal is not expected to have independent fiscal impact on local governments' revenues or expenditures. The rule is being repealed in its entirety because the rule requirements were incorporated into new Board Rule R277-302.

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

This rule repeal is not expected to have independent fiscal impact on small businesses' revenues or expenditures. The rule is being repealed in its entirety because the rule requirements were incorporated into new Board Rule R277-302.

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

There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (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 repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule repeal is not expected to have independent fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The rule is being repealed in its entirety because the rule requirements were incorporated into new Board Rule R277-302.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Superintendent, 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 repeal is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses. This rule 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)	
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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: 07/01/2020

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

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

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/15/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R277-603	Filing No. 52783

Agency Information

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

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

General Information

2. Rule or section catchline:
R277-603. Autism Awareness Restricted Account Distribution

3. Purpose of the new rule or reason for the change:
The purposes of this rule change is to update the deadline for the Superintendent to announce the availability of funds in accordance with this rule.

4. Summary of the new rule or change:
The deadline for the Superintendent to announce the availability of funds has been updated in Rule R277-603 from March to May.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:
This rule change is not expected to have material fiscal impact on state government revenues or expenditures. The change in the date for announcement of availability of funds should not have any significant impacts.

B) Local governments:
This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. The change in the date for announcement of availability of funds should not have any significant impacts.

C) Small businesses ("small business" means a business employing 1-49 persons):
This rule change is not expected to have material fiscal impact on small businesses' revenues or expenditures. The change in the date for announcement of availability of funds should not have any significant impacts.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There are no non-small businesses in the industry in question, Elementary and Secondary Schools (North American Industry Classification System (NAICS) 611110). Because there are no non-small businesses, they do not account for any service delivery for Elementary and Secondary Schools. Therefore, non-small businesses are not expected to receive increased or decreased revenues per year. This proposed rule change is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because there are no applicable non-small businesses and it does not require any expenditures of, or generate revenue for non-small businesses.

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

This rule change is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The change in the date for announcement of availability of funds should not have any significant impacts.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. The change in the date for announcement of availability of funds should not have any significant impacts.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Superintendent, 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 large 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)	Section 53F-9-401
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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: 07/01/2020

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

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

will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	Date:	05/15/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R307-410-4	Filing No. 52751

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state, zip:	Salt Lake City, UT 84116-4820	
Contact person(s):		
Name:	Phone:	Email:
Liam Thrailkill	801-536-4419	lthrailkill@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R307-410-4. Modeling of Criteria Pollutant Impacts in Attainment Areas
3. Purpose of the new rule or reason for the change:
The amendment to Section R307-410-4 is being done in anticipation of redesignation of attainment for PM2.5 nonattainment areas. The amendment adds a PM2.5 modeling threshold for attainment areas. When an area is designated attainment, modeling is an important part of the New Source Review (NSR) program to ensure that a modification or new source will not cause or contribute to a violation of the NAAQS. The Division of Air Quality wants to ensure that the appropriate requirements are in place for evaluating the impact of a new source or modification after the redesignation of the PM2.5 nonattainment areas.
4. Summary of the new rule or change:
The amendment adds PM2.5 to the modeling thresholds for attainment areas. The PM2.5 modeling threshold has been added to Table 1 in Section R307-410-4. The proposed modeling threshold of 10 tons per year (tpy) is

the PM2.5 significant emission rate (SER) for direct emissions of primary PM2.5 established by EPA in 40 CFR 51.166(b)(23).

A public hearing is set for Wednesday, July 2, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Tuesday, July 1, 2020, at 5:00PM MDT. The final status of the public hearing will be posted on Tuesday, July 1, after 5:00PM MDT. The status of the public hearing may be checked at the following website location under the corresponding rule. <https://deq.utah.gov/public-notices-archive/air-quality-rule-plan-changes-open-public-comment>

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This amendment will not result in any costs or savings to the state budget as this amendment to this rule is covered in the existing permitting process.
B) Local governments:
This amendment will not result in any costs or savings to local governments as this amendment does not apply to local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):
Small businesses may have costs due to the amendment to Section R307-410-4. The amendment adds PM2.5 to the modeling threshold for attainment areas. If a small business applies for a permit for a new approval order or a modification to an existing approval order that meets or exceeds the PM2.5 threshold of 10 tpy, the small business would then have to conduct modeling for PM2.5. In the past two years, there were one to two permit actions per year that would have been impacted by the proposed PM2.5 threshold. The anticipated cost of modeling is anywhere from \$5,000 to \$10,000. For a conservative estimate, the financial impact is based on two permit actions per year that exceed the PM2.5 threshold and a cost of \$10,000 for a modeling impact analysis, for a total of \$20,000 per year. There is no definite answer as to how many small businesses this amendment would impact in the future, but the table below shows the financial impact based on recent permit actions.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Non-small businesses may have costs due to the amendment to Section R307-410-4. The amendment adds PM2.5 to the modeling threshold for attainment areas. If a non-small business applies for a permit for a new approval order or a modification to an existing approval order that meets or exceeds the PM2.5 threshold of 10 tpy, the non-small business would then have to

conduct modeling for PM2.5. In the past two years there were one to two permit actions per year that would have been impacted by the proposed PM2.5 threshold. The anticipated cost of modeling is anywhere from \$5,000 to \$10,000. For a conservative estimate, the financial impact is based on two permit actions per year that exceed the PM2.5 threshold and a cost of \$10,000 for a modeling impact analysis, for a total of \$20,000 per year. There is no definite answer as to how many non-small businesses this amendment would impact in the future, but the table below shows the financial impact based on recent permit actions.

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 amendment will not result in any costs or savings to persons other than small businesses, non-small businesses, state, or local government entities because this rule would not apply to those persons.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons due to the rule amendment because this rule amendment is not applicable to other 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	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$20,000	\$20,000	\$20,000
Non-Small Businesses	\$20,000	\$20,000	\$20,000
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$40,000	\$40,000	\$40,000
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	-\$40,000	-\$40,000	-\$40,000

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, L. Scott Baird, 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 amendments made to Section R307-410-4 could have a fiscal impact on small and non-small businesses, but the impact is anticipated to be to few businesses overall. Many new approval orders or modifications to existing approval orders for non-small businesses exceeding this proposed PM2.5 threshold will likely also trigger modeling for other pollutants in Table 1 of Section R307-410-4 and PM2.5 would be added to the already required modeling analyses. The number of businesses this will fiscally impact is anticipated to be low.

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

L. Scott Baird, 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 19-2-104

Public Notice Information

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

A) Comments will be accepted until: 07/02/2020

B) A public hearing (optional) will be held:		
On:	At:	At:
07/02/2020	09:00AM MDT	Division of Air Quality, 195 N 1950 W, Multi Agency State Office Building, Fourth Floor, Salt Lake City, UT For remote connection: Conference Line: 1-877-820-7831, Passcode: 915298#

10. This rule change MAY become effective on:	07/08/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Bryce Bird, Director	Date:	04/21/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R357-29	Filing No. 52785

Agency Information

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

General Information

2. Rule or section catchline:
R357-29. Rural County Grant Program Rule
3. Purpose of the new rule or reason for the change:
S.B. 95, passed by the Legislature during the 2020 General Session, created the Rural County Grant Program. 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.
4. Summary of the new rule or change:
This rule will codify the Rural County Grant Program by establishing definitions, authority, application requirements, funding distributions, and reporting and cooperation requirements. The program will provide grants to counties that have created County Economic Development Advisory Boards.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There is no aggregate anticipated cost or savings to the state budget. The rule is merely creating the requirements for the Rural County Grant Program that was created by the passing of S.B. 95 (2020).
B) Local governments:
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 rule 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 persons other than small businesses, businesses, or local government entities because this proposed rule 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.

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 rule 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	FY2021	FY2022	FY2023
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director of the 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:

The purpose of this proposed rule filing is to clarify the standards for participation in the Rural County Grant Program. The program is designed to provide grants to counties that have created County Economic Development Advisory Boards. Thus, this rule will have no impact on businesses.

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 17-54-103	Section 63N-4-104	
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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: 07/01/2020

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

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

Agency Authorization Information

Agency head or designee, and title:	Val Hale, Executive Director	Date:	05/15/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R384-201	Filing No. 52772

Agency Information

1. Department:	Health	
Agency:	Disease Control and Prevention, Health Promotion	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142102	
City, state, zip:	Salt Lake City, UT 84114-2102	
Contact person(s):		
Name:	Phone:	Email:
BettySue Hinkson	801-419-1078	bhinkson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R384-201. School-Based Vision Screening for Students in Public Schools
3. Purpose of the new rule or reason for the change:
This amendment addresses areas of concern submitted by stakeholders such as schools, Utah State Board of Education, and school nurses.
4. Summary of the new rule or change:
It was reported that local education agencies (LEAs) found the original rule unclear on what was required for students enrolled in special education. The revisions clarify the previously vague statements. There are also some minor grammatical corrections included.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The Utah Department of Health's (Department) Environment, Policy, and Improved Clinical Care Program (EPICC Program) will monitor the vision screening

requirement in Utah public schools. It is estimated that this rule will cost EPICC program \$32,000 annually starting with FY 2020 to monitor. The EPICC program is expected to experience an ongoing direct fiscal cost of \$32,000.

B) Local governments:

Across the 1,253 public schools (elementary and secondary schools North American Industry Classification System (NAICS) 611110) will be required to provide vision screening to students. It is estimated that the cost to each school will be an ongoing cost of \$905 for school nurse salary and benefits. Local governments are expected to experience direct fiscal costs of \$1,133,965 ongoing.

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

There are six types of healthcare providers who are currently allowed by statute to provide the vision screening required to enter Utah schools: optometrist (NAICS 621320), MD physician (NAICS 621111), DO physician (NAICS 621111), advance practice registered nurse (NAICS 621399), physician assistant (NAICS 621399), vision therapist (NAICS 621399). Only two of these six types of providers are classified as eye care professionals (optometrist and ophthalmologist) who may provide a comprehensive eye exam for referrals when a student is not able to pass the vision screening. It is not possible to determine the number of referrals to an eye care professional. It is also not possible to determine the number of optometry and ophthalmology offices, and to further determine if those offices are small businesses or non-small businesses. The precise fiscal benefit to small healthcare provider business cannot be estimated due to the unavailability of data and high cost of conducting research to determine the estimates.

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

The regulatory and fiscal impact to non-small businesses is inestimable. It is unknown how many students may require referral to an eye care professional (optometrist or ophthalmologist) for a more comprehensive eye exam.

Additionally, a doctor of ophthalmology is included in the physician category under both NAICS and Utah Division of Occupational and Professional Licensing. It is unknown how many licensed physicians specialize in ophthalmology. According to Department of Workforce Services Firm Find Data, no optometrists are listed as a non-small business.

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 658,952 students in Utah public schools that could experience an inestimable indirect non-fiscal benefit by receiving vision screening at no cost to their family. These screenings can detect many vision difficulties that may have gone undetected and untreated. It is difficult to estimate the monetary value of good vision health. An exact estimate of the non-fiscal benefit to these students is not possible because the data necessary to determine the benefit is not available.

F) Compliance costs for affected persons:

It will cost local governments \$1,133,965 per year to comply with these rule changes.

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
State Government	\$32,000	\$32,000	\$32,000
Local Governments	\$1,133,965	\$1,133,965	\$1,133,965
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$1,165,965	\$1,165,965	\$1,165,965
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	-\$1,165,965	-\$1,165,965	-\$1,165,965

H) Department head approval of regulatory impact analysis:

This fiscal analysis has been reviewed and approved by Joseph K. Miner, M.D. Executive Director of the Utah Department of Health.

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

The number of students who may need a referral to an eye care professional is not known, therefore fiscal impact on businesses is inestimable at this time.

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

Joseph K. Miner, MD, Executive Director

Citation Information

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

Section 53G-9-404		
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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: 07/01/2020

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

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

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	05/15/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R388-805	Filing No. 52750

Agency Information

1. Department:	Health	
Agency:	Disease Control and Prevention, HIV/AIDS, Tuberculosis Control/Refugee Health	
Room no.:	2nd Floor	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142102	
City, state, zip:	Salt Lake City, UT 84114-2102	
Contact person(s):		
Name:	Phone:	Email:
Tyler Fisher	801-538-6353	tfisher@utah.gov
Allison Allred	801-538-6311	aallred@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R388-805. Ryan White Part B Program
3. Purpose of the new rule or reason for the change:
This change modifies income requirement language to allow the Utah Ryan White Part B Program to be rapidly responsive to community need.
4. Summary of the new rule or change:
This change replaces Subsections R388-805-6(2) and (3) with a new (2) to receive services under the Ryan White Part B Program an individual must meet gross annual household income guidelines in accordance with the current Utah Ryan White Part B Program Manual which is incorporated by reference.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
Enacting the proposed changes to Section R388-805-6 will not result in a cost or saving to the state budget because the proposed rule changes do not require a change to current state operations or programs, and it

does not include requirements for the payment of fines or fees.

B) Local governments:

Enacting the proposed changes to Section R388-805-6 will not result in a cost or saving to local governments because the proposed rule changes do not require a change to current local operations or programs, and it does not include requirements for the payment of fines or fees.

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

Enacting the proposed changes to Section R388-805-6 will not result in a cost or saving to small businesses because the proposed rule changes do not require a change to current small business operations or programs, and it does not include requirements for the payment of fines or fees.

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

Enacting the proposed changes to Section R388-805-6 will not result in a cost or saving to non-small businesses because the proposed rule changes do not require a change to current non-small business operations or programs, and it does not include requirements for the payment of fines or fees.

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

Enacting the proposed changes to Section R388-805-6 will not result in a cost or benefit to other persons because the proposed rule does not require a change to current operations or programs, and it does not include requirements for the payment of fines or fees.

F) Compliance costs for affected persons:

These revisions do not add additional requirements of time or financial resources for affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2021	FY2022	FY2023
State	\$0	\$0	\$0
Government			

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Health, Joseph Miner, MD, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
The rule amendment removes the specific eligibility income requirements of 250% and 500% of the federal poverty level and replaces it with income eligibility requirements in accordance with the Utah Ryan White Part B Manual.			
There is no fiscal impact on businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Joseph K. Miner, MD, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 26-1-5	Subection 26-1-30(4)	

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:	
	First Incorporation
Official Title of Materials Incorporated (from title page)	Utah Ryan White Part B Program Manual
Publisher	Utah Department of Health
Date Issued	04/01/2020

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	07/01/2020

10. This rule change MAY become effective on:	07/08/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	05/02/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment			
Utah Admin. Code Ref (R no.):	R438-15	Filing No.	52786

Agency Information

1. Department:	Health
Agency:	Disease Control and Prevention, Laboratory Services

Building:	Utah Public Health Laboratory	
Street address:	4431 S Constitution Blvd	
City, state:	Taylorsville, UT 84129	
Contact person(s):		
Name:	Phone:	Email:
Kim Hart	801-965-2495	kimhart@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R438-15. Newborn Screening
3. Purpose of the new rule or reason for the change:
X-Linked Adrenoleukodystrophy (XALD) is added to the list of screened disorders per recommendation of the Newborn Screening Advisory Committee. Additionally, the term disability and mental retardation will be removed and replaced with developmental delay, which is terminology used by the Individuals with Disabilities Education Act (IDEA).
4. Summary of the new rule or change:
This rule change will add XALD to Utah's Newborn Screening Panel per recommendation of the Newborn Screening Advisory Committee under R438-15-4. Additionally, in Section R438-15-1 the term disability and mental retardation will be removed and replaced with developmental delay, which is terminology used by the Individuals with Disabilities Education Act (IDEA).

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
XALD has an estimated population frequency of 2 to 3 cases per 50,000 births. Presymptomatic identification of individuals affected by XALD is possible through Newborn Screening (NBS). Treatment of individuals affected by XALD before the onset of symptoms will result in savings of \$350,000 to \$2,000,000 per case. The estimated cost of screening for XALD for each newborn is \$2.93. Based on 2015 Medicaid data indicating 31% of Utah births are Medicaid eligible and an assumption of cost coverage requirements by Medicaid for Medicaid eligible patients, would result in 15,233 babies or a total impact of \$44,633 annually. The seriousness of XALD is demonstrated by the fact that once symptoms manifest disease progression is irreversible ultimately leading to death around 4 to 8 years of age.

B) Local governments:																								
Since the fee for Newborn Screening is covered directly through the NBS kit fee, which is paid through health insurance, there is no anticipated financial impact on local governments.																								
C) Small businesses ("small business" means a business employing 1-49 persons):																								
The Department of Health does not have sufficient data to estimate the cost to small businesses. Additional cost of XALD screening is passed on to Medicaid and third-party payers.																								
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):																								
The additional costs to third party payers are \$104,141 based on 2015 non-Medicaid deliveries. This is calculated as \$2.93 x 35,543 births. Costs are offset through reduced disease management components.																								
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):																								
There is no anticipated financial impact on Persons other than small businesses, non-small businesses, state, or local government entities.																								
F) Compliance costs for affected persons:																								
The compliance cost will be \$2.93 per newborn screened. The Department does not have sufficient data to estimate the cost to any particular third party payer who pays for the screening.																								
G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)																								
Regulatory Impact Table																								
<table border="1"> <thead> <tr> <th>Fiscal Cost</th> <th>FY2021</th> <th>FY2022</th> <th>FY2023</th> </tr> </thead> <tbody> <tr> <td>State Government</td> <td>\$44,633</td> <td>\$44,633</td> <td>\$44,633</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>\$104,141</td> <td>\$104,141</td> <td>\$104,141</td> </tr> <tr> <td>Other Persons</td> <td>\$0</td> <td>\$0</td> <td>\$0</td> </tr> </tbody> </table>	Fiscal Cost	FY2021	FY2022	FY2023	State Government	\$44,633	\$44,633	\$44,633	Local Governments	\$0	\$0	\$0	Small Businesses	\$0	\$0	\$0	Non-Small Businesses	\$104,141	\$104,141	\$104,141	Other Persons	\$0	\$0	\$0
Fiscal Cost	FY2021	FY2022	FY2023																					
State Government	\$44,633	\$44,633	\$44,633																					
Local Governments	\$0	\$0	\$0																					
Small Businesses	\$0	\$0	\$0																					
Non-Small Businesses	\$104,141	\$104,141	\$104,141																					
Other Persons	\$0	\$0	\$0																					

Total Fiscal Cost	\$148,774	\$148,774	\$148,774
Fiscal Benefits			
State Government	\$350,000+	\$350,000+	\$350,000+
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$350,000+	\$350,000+	\$350,000+
Net Fiscal Benefits	\$201,226+	\$201,226+	\$201,226+
H) Department head approval of regulatory impact analysis:			
The Executive Director of the Department of Health, Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.			
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:			
The additional cost to third party payers is \$104,141 based on 2015 non-Medicaid deliveries. This is calculated as \$2.93 x 35,543 births.			
B) Name and title of department head commenting on the fiscal impacts:			
Joseph K. Miner, MD, Executive Director			

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 26-10-6	Section 26-1-30	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	07/01/2020

10. This rule change MAY become effective on:	07/08/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	05/15/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New			
Utah Admin. Code Ref (R no.):	R523-21	Filing No.	52768

Agency Information

1. Department:	Human Services		
Agency:	Substance Abuse and Mental Health		
Room no.:	Second Floor		
Building:	Multi Agency State Office Building		
Street address:	195 N 1950 W.		
City, state:	Salt Lake City, UT		
Mailing address:	195 N 1950 W.		
City, state, zip:	Salt Lake City, UT 84116		
Contact person(s):			
Name:	Phone:	Email:	
Thom Dunford	801-538-4181	tdunford@utah.gov	
Jonah Shaw	801-538-4219	jshaw@utah.gov	

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

General Information

2. Rule or section catchline:
R523-21. Behavioral Health Receiving Centers Standards
3. Purpose of the new rule or reason for the change:
This proposed rule sets forth guidelines, procedures, and standards for the establishment of Behavioral Health Receiving Centers that are funded by the Division of Substance Abuse and Mental Health (DSAMH).

4. Summary of the new rule or change:

This rule requires Local Mental Health Authorities that use grant funds to establish a Behavioral Health Receiving Center to:

1. Accept all walk-ins and first responder drop-offs and provide an assessment;
2. Accept all walk-ins and first responder drop-offs without prior medical clearance, and work to achieve in-house medical stability;
3. Provide mental health and substance use disorder treatment;
4. Provide physical health care for minor issues, and provide for transfer to a higher level of care where indicated;
5. Provide year-round 24 hour staffing and services with a staff capable of providing psychiatry, nursing, psychotherapy and peer support;
6. Never reject a first responder referral;
7. Have capacity to provide 23 hour observation as specified;
8. Screen and assess for suicide and violence risk; and
9. Provide or refer for the full array of mental health and substance use levels of care.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

DSAMH does not anticipate any budget savings related to compliance with this rule, but there will be an administrative overhead cost withholding of 2% that is applied to the funds given to DSAMH as part of the budgetary allocation to pay for the behavioral health receiving centers created in this rule. The 2% administrative overhead cost withholding is a federal requirement under the state's agreement with Medicaid and is a usual and customary reduction in all Cost Allocation Plans (CAP). The withholding for year one is \$160,700, and the following years will be \$113,040. This is based on the \$8,035,000 in ongoing general funds, and \$5,652,000 one-time general funds allocated to DSAMH from the legislature. There is an estimable budgetary cost related to the one-time administrative process that DSAMH will need to engage in, for implementation of a Request For Proposal (RFP) for distributing funds to counties. The costs incurred come from the following anticipated onetime activities:

1. DSAMH will create a medium sized group of 6 employees to create the RFP, consisting of 2 Program Administrator 3 (\$37.82 per hour), a Program Administrator 2 (\$35.05 per hour), a Program Manager (\$25.95 per hour), an Assistant Director (\$44.36 per hour), and an Administrative Services staff for budgeting (\$15.07 per hour). The RFP will take up to 20 hours to complete and be ready for issuance. The total salary cost per hour will be \$195.07 times the total number of hours 20 for an anticipated cost of \$3,921.40; and

2. A small committee of 3 employees will be convened to review, and award the funds tied to the RFPs consisting of a Program Administrator 3 (\$37.82 per hour), a Program Administrator 2 (\$35.05 per hour), and an Assistant Director (\$44.36 per hour) for a total hourly cost of \$117.23. DSAMH will take up to 10 hours to complete this task for a total cost of \$1,172.30.

This entire process is anticipated to incur a onetime cost to the state budget of $\$3,921.40 + 1,172.30 = \$5,093.70$. DSAMH will round up to \$5,094 as the total cost being reported for this rule, but this cost will be offset by the 2% CAP, and will not have an effect on DSAMH 's budget overall.

Each year thereafter, DSAMH will engage in an annual monitoring and review visit of each Behavioral Health Crisis Center to ensure fidelity to the model and the certification. It is estimated this activity will require the services of 1 Program Manager (\$26.01 per hour) a 1 Program Administrator 2 (\$36.05 per hour), and an Auditor 4 (\$29.75 per hour) for a total hourly cost of \$91.81. This activity should take no more than 40 hours to accomplish for a total of \$3,672.40 per year. DSAMH will report \$3,672 for this cost.

B) Local governments:

DSAMH does not anticipate a budget savings for local governments to comply with this rule. There will be a slight offset for cost from DSAMH to aid in the creation and maintenance of the crisis centers established in this rule. As was mentioned above, DSAMH has taken a 2% administrative overhead cut from this funding which leaves the counties with \$7,874,300 in ongoing general funds, and an additional \$5,538,960 in onetime general funds that will be passed on to assist in startup costs for the centers.

DSAMH is unable to estimate correctly the cost of compliance for all counties budgets at this time. One major mitigating factor is that the legislative intent for passing this statute was to increase access to inpatient behavioral health crisis services statewide. With this in mind, DSAMH plans to award funds to multiple counties, 2 at the least, and up to 4 at the most via an RFP. This is an issue because some of the offset funding will come from the pass through funds tied to the legislation prompting this rule. DSAMH is unsure which counties will apply, or what each county's level of operational readiness is currently in place. Also, if 2 counties are awarded grant funds then each would hypothetically reactive 6,706,630 in state general funds for the first year, and \$3,937,150 in ongoing funds each succeeding year. If DSAMH awards 4 counties grant funds, each county would hypothetically receive \$3,353,315 in the first year and \$1,968,575 in ongoing funds each succeeding year. Overall, DSAMH has received reports from some counties, and they are estimating their centers will cost upwards to \$10,000,000 in finances, and in-kind donation for the first year. These financial and in-kind donation resources would come from county general funds, County Development Block Grant

funds, and other private funds, and by establishing public and private partnerships, and putting land and other in-kind donations towards their projects.

Ongoing cost to maintain the receiving centers is also inestimable at this time. This funding will come from the yearly state general pass through funds identified above, and the amount committed to the project by the counties, which will be identified in their RFPs. DSAMH 's best estimate is somewhere between \$2,000,000 and \$5,000,000 per agency per year, depending on the size of the center, variable costs, and the cost of any contractual services being offered.

The table below will reflect the costs and benefits of two counties being awarded grants for this rule.

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

There are possible inestimable small business budget savings and costs. There is a requirement to provide a full array of services that more than likely will not be possible for some counties, unless the receiving centers contract with other agencies to provide those services that are outside of their capacity. The most likely contracted services will be psychiatry and nursing which most likely will come through a contact with a local health clinic described in NAIC 6211 code Office of Physicians services. The number of firms in this category is 2011. DSAMH does not know which Local Mental Health Authority will endeavor to create a Behavioral Health Receiving Center, or which doctor's office would be used, so all are being reported at this time. It is anticipated that a few small business agencies meeting this anticipated need could contract with the counties to provide said services, but it is not known how much funding will be offered, or if the contractual agreement will add costs or savings to the contracted small businesses' budget. Overall, the factors are too varied to provide an estimable cost or benefit to this group.

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

There are possible inestimable non-small businesses' budget savings and costs. There is a requirement to provide a full array of services that more than likely will not be possible for some counties, unless the receiving centers contract with other agencies to provide those services that are outside of their capacity. The most likely contracted services will be psychiatry and nursing which most likely will come through a contact with a local hospital described in NAIC 621110 code General Medical and Surgical Hospitals. The number of firms in this category is 94. DSAMH does not know which Local Mental Health Authority will endeavor to create a Behavioral Health Receiving Center, or which hospital would be used, so all are being reported at this time. It is anticipated that a few non-small businesses' agencies meeting this description could contract with the counties to provide said services, but it is not known how much funding will be offered, or if

the contractual agreement will add costs or savings to the contracted non-small businesses' budget.

Also, conventional wisdom tells us that for every 8 receiving center chairs occupied by an individual, there are 3,000 people per year diverted from an emergency department. The low end of an emergency department visit is a cost savings of \$1,000/person that is diverted. DSAMH also knows that about 30% of the people going to the receiving center will need to be sent to a higher level of care. At the lowest level, DSAMH can assume there will be 2,100 diversions per 8 receiving center slots per year at a minimum savings of \$2,100,000 per year in emergency room costs. This savings is anticipated, and DSAMH is not able to estimate the number of receiving center slots that will be created. Overall, the factors are too varied to provide an estimable cost or benefit to this group.

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 possible inestimable savings and costs to persons other than small businesses, non-small businesses, state, or local government entities. There is a requirement to provide a full array of services that more than likely will not be possible for some counties, unless the receiving centers contract with other agencies to provide those services that are outside of their capacity. The most likely contracted services will be psychiatry and nursing which most likely will come through a contact with a local professional in the two categories of advanced practice registered nurses (APRN) prescriber and a physician. The Division of Occupational and Professional Licensing currently reports that there are 322 active APRN prescriber licensed individuals and 10,816 physicians in the state. DSAMH is not going to report these numbers as actual data, because there is no way to identify the APRNs that have the background in psychiatry to meet this requirement and the count of physicians include surgeons and other specialties that would not be likely candidate for a contract of this nature. It is anticipated that a few in this class of agencies meeting this description could contract with the counties to provide said services, but it is not known how much funding will be offered, or if the contractual agreement will add costs or savings to the contracted agency's/entities' budgets. Overall, the factors are too varied to provide an estimable cost or benefit to this group.

F) Compliance costs for affected persons:

Persons receiving services through the receiving centers created in this rule will not be charged for receiving those services other than what would be normally considered a customary co-payment when receiving any other behavioral health service, based on their funding source. The number of individuals who would meet the requirements of accessing a Behavioral Health Crisis

Center is inestimable currently, because this type of data is not accurately tracked by any entity statewide at this time. Overall, the factors are too varied to provide an estimable cost or benefit to this group.

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
State Government	\$5,094	\$3,672	\$3,672
Local Governments	\$20,000,000	\$10,000,000	\$10,000,000
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$20,005,094	\$10,003,672	\$10,003,672
Fiscal Benefits			
State Government	\$160,700	\$113,040	\$113,040
Local Governments	\$13,413,260	\$7,874,300	\$7,874,300
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$13,573,960	\$7,987,340	\$7,987,340
Net Fiscal Benefits	-\$6,431,134	-\$2,016,332	-\$2,016,332

H) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis.

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

Businesses may be financially impacted by this rule through potential contracting opportunities. The Department of Human Service is unable to estimate those financial impacts at this time.

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

Ann Williamson, Executive Director

Citation Information

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

Section 62A-15-118		
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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: 07/01/2020

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

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

Agency Authorization Information

Agency head or designee, and title:	Doug Thomas, Director	Date:	04/29/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R623-6	Filing No. 52758

Agency Information

1. Department:	Lieutenant Governor
Agency:	Elections
Room no.:	220
Building:	Utah State Capitol
Street address:	350 N State Street

City, state:	Salt Lake City, UT 84103	
Mailing address:	PO Box 142325	
City, state, zip:	Salt Lake City, UT 84114-2325	
Contact person(s):		
Name:	Phone:	Email:
Derek Brenchley	801-538-1746	dbrenchley@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R623-6. Verification of Requests to Withhold Voter Registration Information
3. Purpose of the new rule or reason for the change:
<p>S.B. 83, passed in the 2020 General Session, essentially created three classifications of voter registrations and specified how that information may be released to the public:</p> <ol style="list-style-type: none"> 1. Public registrations – the registration can be obtained by the public and all third parties. 2. Private registrations – the registration cannot be obtained by the public, but it can be obtained by political parties and candidates for public office. Any registered voter may classify their record as a private registration. 3. Withheld registrations – the registration cannot be obtained by any third party, including political parties and candidates. <p>S.B. 83 (2020) specifies that only certain individuals are eligible to classify their registration as "withheld" (refer to lines 664-674). These individuals include law enforcement officers, members of the armed forces, victims or potential victims of domestic or dating violence, public figures, and an individual protected by a protective order or protection order.</p> <p>S.B. 83 (2020) also requires that some of these individuals provide verification of their eligibility (refer to lines 667-668). In lines 683-685, S.B. 83 (2020) instructs the director of elections within the Office of the Lieutenant Governor (Office) to make administrative rules establishing requirements for individuals to provide this verification.</p>
4. Summary of the new rule or change:
<p>This new administrative rule creates verification requirements for individuals who are eligible to withhold their voter registration information. This rule provides the lieutenant governor and county clerks with the ability to require additional documentation if 1) an individual does not provide verification, or 2) the lieutenant governor or county clerk reasonably believes that the individual is not eligible to withhold his or her voter registration information.</p>

(EDITOR'S NOTE: A corresponding 120-day emergency Rule R623-6 that is effective as of 05/15/2020 is under ID No. 52784 in this issue, June 1, 2020, of the Bulletin.)

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The state budget is not regulated or affected by this rule.
B) Local governments:
Local governments are not regulated or affected by this rule.
C) Small businesses ("small business" means a business employing 1-49 persons):
Small businesses are not regulated or affected by this rule.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Non-small businesses are not regulated or affected by 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):
Affected individuals are registered voters who are eligible to withhold their voter registration information. This includes the following individuals:
<ol style="list-style-type: none"> 1. Law enforcement officers; 2. Members of the armed forces; 3. Individuals protected by a protection or protective order; 4. Public figures; 5. Individuals who are or may be victims of domestic or dating violence; 6. Individuals who reside with the individuals listed above. <p>Although these individuals are affected by this rule, the rule does not pose a fiscal impact for them.</p>
F) Compliance costs for affected persons:
Affected individuals may request to withhold their voter registration information by submitting a paper form (or a fillable PDF) and verification of their eligibility. The verification required by the administrative rule is a written statement that explains why the individual is eligible to withhold their voter registration information. If the lieutenant governor or county clerk reasonably believes that the individual is not eligible, the lieutenant governor or county clerk may require the individual to provide additional documentation for eligibility. The administrative rule outlines acceptable types of this documentation.

The Office estimates that compliance will not impose a fiscal impact on individuals, but it will take approximately 5 to 10 minutes for an individual to complete the form and submit it to the lieutenant governor and county clerk. The individual may have an additional compliance burden if the lieutenant governor or county clerk requires additional documentation. This may require an individual to gather and submit a copy of the documentation (e.g., scanning and sending an employee ID card).

The Office does not anticipate that compliance will result in a fiscal impact for individuals.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Director of the Elections Office, Justin Lee, has reviewed and approved this fiscal analysis.

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

Businesses are not regulated or affected by this rule

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

Justin Lee, Director of Elections

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 20A-2-104

Public Notice Information

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

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

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

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

Agency Authorization Information

Agency head or designee, and title: Justin Lee, Director
Date: 05/12/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.): R746-8-301
Filing No.: 52732

Agency Information

1. Department:	Public Service Commission	
Agency:	Administration	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 4558	
City, state, zip:	Salt Lake City, UT 84114-4558	
Contact person(s):		
Name:	Phone:	Email:
Yvonne Hogle	801-530-6709	yhogle@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R746-8-301. Calculation and Application of UUSF Surcharge
3. Purpose of the new rule or reason for the change:
The purpose of this rule amendment is to decrease the monthly Utah Universal Public Telecommunications Service Support Fund (UUSF) remittal amount from \$0.60 to \$0.54 per access line to ensure the UUSF fund remains at a manageable level and is not overinflated.
4. Summary of the new rule or change:
This amendment decreases the monthly UUSF surcharge from \$0.60 to \$0.54 per access line. The amendment makes only three textual edits, revising the rule's three references to the \$0.60 surcharge to reflect the new \$0.54 surcharge. As explained in response to Item 3, the decrease in the surcharge is necessary to ensure the UUSF fund remains within policy norms. The Public Service Commission (PSC) anticipates making this rule amendment effective on July 8, 2020.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
Not affected except to the extent state agencies are billed for access lines and will see a reduced surcharge, or savings, as compared to the current rate. The PSC and the Division of Public Utilities have been administering the UUSF for many years and have the budget to continue doing so. The reduction in the surcharge amount will not have a fiscal impact on the state budget.

B) Local governments:
Not affected except to the extent local governments are billed for access lines and will pay a reduced surcharge, or savings, as compared to the current rate. Local governments are not required to comply with or enforce the rules through which the UUSF is funded. No fiscal impact to local governments is anticipated.
C) Small businesses ("small business" means a business employing 1-49 persons):
Affected--Small businesses that provide access lines will be required to make minor adjustments to their billing in order to collect a lower surcharge. However, such adjustments should be nominal insofar as such small businesses are presently collecting the monthly surcharge. That is, the mechanisms for collecting the surcharge should already be in place and this amendment should only require a simple adjustment to the amount the mechanism collects. This change will not impose a fiscal burden on such businesses. In addition, small businesses that are billed for access lines will, like other customers, be subject to the lower surcharge as explained in greater detail under other persons.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
Affected--Non-small businesses that provide access lines will be required to make minor adjustments to their billing in order to collect a lower surcharge. However, such adjustments should be nominal insofar as such businesses are presently collecting the monthly surcharge. That is, the mechanisms for collecting the surcharge should already be in place and this amendment should only require a simple adjustment to the amount the mechanism collects. This change will not impose a fiscal burden on non-small businesses. In addition, non-small businesses that are billed for access lines will, like other customers, be subject to the lower surcharge as explained in greater detail under other persons.
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>):
Affected--All customers who are billed for an access line presently pay \$0.60 per month per access line for the UUSF surcharge. Under the new \$0.54 rate, all such customers will pay \$0.06 less per month per access line. Presently, an average of 2,748,554.87 access lines are assessed the surcharge every month. At the current rate, this results in approximately \$1,649,132.92 being collected from such customers to fund the UUSF on a monthly basis. Under the new rate, these customers will cumulatively pay approximately \$1,484,219.63 per month, generating approximately \$17,810,635.56 per year and \$1,484,219.63 per month as compared to the current rate to fund the UUSF. While the proposed reduction in the rate will result in a reduction of \$164,913.29 per month, or

\$1,978,959.48 per year in the balance of the UUSF, as compared to the current rate to fund the UUSF, this has no fiscal impact on any group. No group will experience a fiscal "benefit" or "savings" because the funds collected or funds saved are specifically earmarked for UUSF spending. The PSC presently does not have access to the commercially sensitive information that would be necessary to determine what portion of the access lines paying the surcharge are small businesses, larger businesses, or individuals. However, this decrease should affect all customers and customer classes equally on a per access line basis.

F) Compliance costs for affected persons:

To comply, affected persons must decrease the amount they presently collect from their customers for the UUSF surcharge. The associated benefits will vary and cannot be precisely anticipated, but the PSC expects they will be nominal because affected persons should already have mechanisms in place to collect the monthly surcharge on an access line basis. In addition, as discussed under other persons above, all customers will incur a benefit savings of \$0.06 per month per access line to which they subscribe.

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

Other Persons	\$1,978,959.48*	\$0	\$0
Total Fiscal Benefits	\$1,978,959.48*	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

*While the proposed reduction in the rate will result in a reduction of \$164,913.29 per month, or \$1,978,959.48 per year, as compared to the current rate to fund the UUSF, this has no real impact to the "Other Persons" group in this Table. No "benefit" or "savings" will be experienced because the funds collected or funds saved are specifically earmarked for the UUSF.

H) Department head approval of regulatory impact analysis:

PSC Chair Thad LeVar has reviewed and approved this fiscal analysis.

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

All telecommunications customers in Utah will experience a \$0.06 reduction in their monthly telecommunications bill. This will better align the Utah Universal Service Fund with the performance goal of maintaining a sufficient balance in the fund to pay three months' worth of disbursements, without accruing an unnecessary balance above that threshold.

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

Thad LeVar, PSC Chair

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 54-3-1	Section 54-4-1	Section 54-8b-15
Section 54-8b-10		

Public Notice Information

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

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

10. This rule change MAY become effective on:	07/08/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.	

Agency Authorization Information

Agency head or designee, and title:	Thad LeVar, PSC Chair	Date:	05/21/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	R747-1	Filing No. 52739

Agency Information

1. Department:	Public Service Commission	
Agency:	Utility Facility Review Board	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state:	Salt Lake City, UT 84111	
Mailing address:	PO Box 4558	
City, state, zip:	Salt Lake City, UT 84114-4558	
Contact person(s):		
Name:	Phone:	Email:
Mike Hammer	801-530-6729	michaelhammer@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R747-1. Utility Facility Review Board Rule
3. Purpose of the new rule or reason for the change:
The Utility Facility Review Board (Board) unanimously agreed to submit this proposed rule for publication in the Utah State Bulletin during a noticed public hearing on March 31, 2020. The proposed rule allows the Board to conduct electronic meetings, which have been increasingly necessary owing to the State's response to COVID-19. Staff of the Public Service Commission (PSC) make this filing in accordance with its obligation to provide administrative support to the Board pursuant to Section 54-14-302.

4. Summary of the new rule or change:
This rule establishes the Board's authority to schedule electronic meetings and interested parties' opportunity to request electronic meetings.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
There are no anticipated costs or savings to the state budget. Because this rule simply allows the Board to conduct electronic meetings, anticipated to be primarily telephonic, the costs to implement should be nominal and covered out of the PSC's existing budget.
B) Local governments:
There are no meaningful anticipated costs or savings to local governments. Local governments occasionally appear as parties in proceedings before the Board and allowing alternatives, in appropriate circumstances, for their electronic participation may allow them to avoid expenses they would otherwise incur to be physically present. Such savings may or may not materialize in any given year and are not reliably quantifiable.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are no anticipated costs or savings to small businesses. Small businesses that are public utilities may conceivably appear as parties in proceedings before the Board and allowing alternatives, in appropriate circumstances, for their electronic participation may allow them to avoid expenses they would otherwise incur to be physically present. Such savings may or may not materialize in any given year and are not reliably quantifiable.
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. Utilities occasionally appear as parties in proceedings before the Board and allowing alternatives, in appropriate circumstances, for their electronic participation may allow them to avoid expenses they would otherwise incur to be physically present. Such savings may or may not materialize in any given year and are not reliably quantifiable.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
There are no meaningful anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities. Utilities occasionally appear as parties in proceedings before the

Board and allowing alternatives, in appropriate circumstances, for their electronic participation may allow them to avoid expenses they would otherwise incur to be physically present. Such savings may or may not materialize in any given year and are not reliably quantifiable.

F) Compliance costs for affected persons:

No anticipated compliance costs exist. Because this rule simply allows the Board to conduct electronic meetings, anticipated to be primarily telephonic, the costs to implement should be nominal and covered out of the PSC's existing budget.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

Utility Facility Review Board Chair, Thad LeVar, has reviewed and approved this fiscal analysis.

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

This rule should not have a meaningful fiscal impact on businesses. When businesses that are public utilities participate in a proceeding before the Board, they may realize some fiscal benefit in the event the Board holds an electronic meeting. Such benefit would be limited to the avoided costs associated with physical attendance and are not reliably quantifiable.

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

Thad LeVar, Chair

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 54-14-104	Subsection 52-4-207(2)	
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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: 07/01/2020

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

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

Agency Authorization Information

Agency head or designee, and title:	Thad LeVar, Chair	Date:	05/21/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R865-19S-35	Filing No. 52764

Agency Information

1. Department:	Tax Commission	
Agency:	Auditing	
Building:	Utah State Tax Commission	
Street address:	210 N 1950 W	
City, state:	Salt Lake City, UT 84134	
Mailing address:	210 N 1950 W	
City, state, zip:	Salt Lake City, UT 84134	
Contact person(s):		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R865-19S-35. Residential or Commercial Use of Gas, Electricity, Heat, Coal, Fuel Oils or Other Fuels Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104
3. Purpose of the new rule or reason for the change:
The purpose of this change is to eliminate from this section unnecessary language that was codified under H.B. 56 passed in the 2020 General Session.
4. Summary of the new rule or change:
This change removes language from this section regarding the sales taxation of fuels furnished at a single meter for residential, commercial, and industrial use because the situation was addressed in statute under H.B. 56 (2020).

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed amendment is not expected to have any fiscal impact on state government revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for H.B. 56 (2020) which codified current practice.

B) Local governments:
This proposed amendment is not expected to have any fiscal impact on local governments' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for H.B. 56 (2020) which codified current practice.

C) Small businesses ("small business" means a business employing 1-49 persons):
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This proposed amendment is not expected to have any fiscal impact on small businesses' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for H.B. 56 (2020) which codified current practice.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
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This proposed amendment is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for H.B. 56 (2020) which codified current practice.

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):
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This proposed amendment is not expected to result in costs or savings to persons other than small businesses or local governments because any fiscal impact would have been addressed in the legislative fiscal note for H.B. 56 (2020) which codified current practice.

F) Compliance costs for affected persons:
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This proposed amendment is not expected to impose any compliance costs on affected persons because it codifies current practice.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0
H) Department head approval of regulatory impact analysis:			
Commissioner Rebecca L. Rockwell of the Utah State Tax Commission 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 amendment is unlikely to result in either costs or savings to businesses.			
B) Name and title of department head commenting on the fiscal impacts:			
Rebecca Rockwell, 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 59-12-104	Section 59-12-103	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members.

Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	07/01/2020
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10. This rule change MAY become effective on:	07/08/2020
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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

Agency head or designee, and title:	Rebecca L. Rockwell, Commissioner	Date:	05/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R865-19S-85	Filing No. 52763

Agency Information

1. Department:	Tax Commission	
Agency:	Auditing	
Building:	Utah State Tax Commission	
Street address:	210 N 1950 W	
City, state:	Salt Lake City, UT 84134	
Mailing address:	210 N 1950 W	
City, state, zip:	Salt Lake City, UT 84134	
Contact person(s):		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov

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

General Information

2. Rule or section catchline:
R865-19S-85. Sales and Use Tax Exemptions for Certain Purchases by a Manufacturing Facility
3. Purpose of the new rule or reason for the change:
The purpose of this amendment is to clarify the definition of "machinery, equipment, parts, and materials" consistent

with statutory changes to the manufacturing sales and use tax exemption pursuant to S.B. 2001 passed in the 2018 Second Special Session.

4. Summary of the new rule or change:

The change clarifies definitions to be consistent with S.B. 2001 (2018) and current practice that items incorporated into the manufacturing process of tangible personal property to be sold are exempt from sales and use tax.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This proposed amendment is not expected to have any fiscal impact on state government revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for S.B. 2001 (2018).

B) Local governments:

This proposed amendment is not expected to have any fiscal impact on local governments' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for S.B. 2001 (2018).

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

This proposed amendment is not expected to have any fiscal impact on small businesses' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for S.B. 2001 (2018).

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

This proposed amendment is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for S.B. 2001 (2018).

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 amendment is not expected to result in costs or savings to persons other than small businesses or local governments because any fiscal impact would have been addressed in the legislative fiscal note for S.B. 2001 (2018).

F) Compliance costs for affected persons:

This proposed amendment is not expected to impose any compliance costs on affected persons because it codifies current practice.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

Commissioner Rebecca L. Rockwell of the Utah State Tax Commission 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 amendment is unlikely to result in either costs or savings to businesses.

NOTICES OF PROPOSED RULES

B) Name and title of department head commenting on the fiscal impacts:
Rebecca Rockwell, 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 59-12-104

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until: 07/01/2020

10. This rule change MAY become effective on: 07/08/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Agency Authorization Information

Agency head or designee, and title: Rebecca L. Rockwell, Commissioner	Date: 05/14/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R865-19S-99	Filing No. 52762

Agency Information

1. Department:	Tax Commission
Agency:	Auditing
Building:	Utah State Tax Commission
Street address:	210 N 1950 W
City, state:	Salt Lake City, UT 84134

Mailing address:	210 N 1950 W	
City, state, zip:	Salt Lake City, UT 84134	
Contact person(s):		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R865-19S-99. Sales and Use Taxes on Vehicles Purchased in Another State Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104
3. Purpose of the new rule or reason for the change:
As a result of the passage of H.B. 212 in the 2020 General Session, this section of this rule is no longer necessary.
4. Summary of the new rule or change:
This section of this rule is being removed because the sales and use taxation of vehicles purchased in another state is adequately addressed in the Utah code.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed amendment is not expected to have any fiscal impact on state government revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for H.B. 212 (2020).
B) Local governments:
This proposed amendment is not expected to have any fiscal impact on local governments' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for H.B. 212 (2020).
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed amendment is not expected to have any fiscal impact on small businesses' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for H.B. 212 (2020).
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This proposed amendment is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because any fiscal impact would have been addressed in the legislative fiscal note for H.B. 212 (2020).

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 amendment is not expected to result in costs or savings to persons other than small businesses or local governments because any fiscal impact would have been addressed in the legislative fiscal note for H.B. 212 (2020).

F) Compliance costs for affected persons:

This proposed amendment is not expected to impose any compliance costs on affected persons because it codifies current practice.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

Commissioner Rebecca L. Rockwell of the Utah State Tax Commission 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 amendment is unlikely to result in either costs or savings to businesses.

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

Rebecca Rockwell, 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 59-12-103	Section 59-12-104	
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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: 07/01/2020

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

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

Agency Authorization Information

Agency head or designee, and title:	Rebecca L. Rockwell, Commissioner	Date:	05/14/2020
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NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R877-23V-23	Filing No. 52761

Agency Information

1. Department:	Tax Commission	
Agency:	Motor Vehicle Enforcement	
Building:	Utah State Tax Commission	
Street address:	210 N 1950 W	
City, state:	Salt Lake City, UT 84134	
Mailing address:	210 N 1950 W	
City, state, zip:	Salt Lake City, UT 84134	
Contact person(s):		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R877-23V-23. Secure Areas
3. Purpose of the new rule or reason for the change:
This proposed amendment is to prohibit certain items from areas designated as secure.
4. Summary of the new rule or change:
This proposed amendment clarifies that a firearm, ammunition, a dangerous weapon, or an explosive is prohibited from any area designated as secure and operated by the Motor Vehicle Enforcement Division.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
This proposed amendment is not expected to have any fiscal impact on state government revenues or expenditures because the prohibition of these items in secure areas is not related to any foreseeable cost or savings for any party.
B) Local governments:
This proposed amendment is not expected to have any fiscal impact on local governments' revenues or expenditures because the prohibition of these items in secure areas is not related to any foreseeable cost or savings for any party.

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

This proposed amendment is not expected to have any fiscal impact on small businesses' revenues or expenditures because the prohibition of these items in secure areas is not related to any foreseeable cost or savings for any party.

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

This proposed amendment is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because the prohibition of these items in secure areas is not related to any foreseeable cost or savings for any party.

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 amendment is not expected to result in costs or savings to persons other than small businesses or local governments because the prohibition of these items in secure areas is not related to any foreseeable cost or savings for any party.

F) Compliance costs for affected persons:

This proposed amendment clarifies that a firearm, ammunition, a dangerous weapon, or an explosive is prohibited from any area designated as secure and operated by the Motor Vehicle Enforcement Division. This proposed amendment is not expected to impose any costs on affected persons because the prohibition of these items in secure areas is not related to any foreseeable cost or savings for any party.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

Commissioner Rebecca L. Rockwell of the Utah State Tax Commission 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 amendment is unlikely to result in either costs or savings to businesses.

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

Rebecca Rockwell, 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 53-1-102	Section 76-10-523.5	Section 53-5-710
Section 76-8-311.1		

Public Notice Information

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

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

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

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

Agency Authorization Information

Agency head or designee, and title:	Rebecca L. Rockwell, Commissioner	Date:	05/14/2020
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NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	R895-14	Filing No.	52626
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Agency Information

1. Department:	Technology Services
Agency:	Administration
Room no.:	6th Floor
Street address:	1 State Office Building
City, state:	Salt Lake City, UT 84114
Mailing address:	1 State Office Building, 6th Floor
City, state, zip:	Salt Lake City, UT 84114

Contact person(s):

Name:	Phone:	Email:
Stephanie Weteling	801-538-3284	stephanie@utah.gov

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

General Information

2. Rule or section catchline:

R895-14. Access to Information Technology for Users with Disabilities

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

This amendment is to update version of W3C Web Content Accessibility Guidelines to the current version, from 2.0 to 2.1.

4. Summary of the new rule or change:
 The changes update version of W3C Web Content Accessibility Guidelines from 2.0 to 2.1.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

No anticipated cost or savings to the state budget. The major changes from WGAC Version 2.0 to 2.1 impact mobile devices. The Division of Technology Services (Division) does not expect a significant cost to implement the changes needed for mobile devices.

B) Local governments:

No anticipated cost or savings to local governments. The major changes from WGAC Version 2.0 to 2.1 impact mobile devices. The Division does not expect a significant cost to implement the changes needed for mobile devices.

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

No anticipated cost or savings to small businesses. The major changes from WGAC Version 2.0 to 2.1 impact mobile devices. The Division does not expect a significant cost to implement the changes needed for mobile devices.

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

No anticipated cost or savings to non-small businesses. The major changes from WGAC Version 2.0 to 2.1 impact mobile devices. The Division does not expect a significant cost to implement the changes needed for mobile devices.

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*):

No anticipated cost or savings to persons other than small businesses, non-small businesses, or state or local government entities. The major changes from WGAC Version 2.0 to 2.1 impact mobile devices. The Division does not expect a significant cost to implement the changes needed for mobile devices.

F) Compliance costs for affected persons:

No compliance costs for affected persons. The major changes from WGAC Version 2.0 to 2.1 impact mobile devices. The Division does not expect a significant cost to implement the changes needed for mobile devices.

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
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

The Executive Director and CIO of the Department of Technology Services, Michael Hussey, 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 on businesses due to the rule change. The major changes from WGAC Version 2.0 to 2.1 impact mobile devices. The Division does not expect a significant cost to implement the changes needed for mobile devices.

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

Michael Hussey, 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 63F-1-102	Section 63F-1-205	Section 63F-1-206
Section 63F-1-210		

Incorporations by Reference Information

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:

	First Incorporation
Official Title of Materials Incorporated (from title page)	Web Content Accessibility Guidelines (WCAG) 2.1
Publisher	W3C
Date Issued	06/05/2018
Issue, or version	Version 2.1

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the

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

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

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

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

Agency Authorization Information

Agency head or designee, and title:	Michael Hussey, Executive Director	Date:	05/15/2020
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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.

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.):	R357-32	Filing No. 52754

Agency Information

1. Department:	Governor	
Agency:	Economic Development	
Building:	World Trade Center	
Street address:	60 E South Temple	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	60 E South Temple	
City, state, zip:	Salt Lake City, UT 84111	
Contact person(s):		
Name:	Phone:	Email:
Dane Ishihara	801-538-8664	dishihara@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R357-32. COVID-19 Commercial Rental Assistance Program Rule
3. Effective Date:
05/08/2020

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

During the 2020 Fourth Special Session, S.B. 3006 passed and directed the Governor's Office of Economic Development (GOED) to establish and administer the COVID-19 Commercial Rental Assistance Program that grants rental relief to certain businesses that have lost revenue as a result of measures taken to minimize the public's exposure to COVID-19.

5. Summary of the new rule or change:

This new rule will codify the administration of the COVID-19 Commercial Rental Assistance Program by establishing definitions, authority, program and documentation requirements, and a revenue loss calculation. The program will provide assistance to small businesses in the state that have been impacted by the COVID-19 pandemic.

6. Regular rulemaking would:

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | cause an imminent peril to the public health, safety, or welfare; |
| <input type="checkbox"/> | cause an imminent budget reduction because of budget restraints or federal requirements; or |
| <input type="checkbox"/> | place the agency in violation of federal or state law. |

Specific reason and justification:

GOED is responsible for economic development in the state and is tasked with, among other things, administering grant programs to enhance the economic health and vitality of the state and its business community. This rule will govern the new COVID-19 Commercial Rental

Assistance Program that will provide assistance to small businesses in the state that have been impacted by the COVID-19 pandemic.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

There is no aggregate anticipated cost or savings to the state budget. This rule establishes the requirements for participation in the COVID-19 Commercial Rental Assistance Program.

B) Local governments:

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):

Forty million in funds will be awarded to small businesses in the state. The COVID-19 Commercial Rental Assistance Program is designed to serve Utah's small businesses that have been impacted by the COVID-19 pandemic.

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

There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this proposed rule 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.

8. Compliance costs for affected persons:

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

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

I have reviewed this fiscal analysis and agree with the described fiscal impacts associated with this rule. The Commercial Rental Assistance Program will help many of Utah's commercial property leasees in need of help because of the coronavirus pandemic. GOED hopes the grants that are distributed will help Utah businesses get back on their feet as quickly as possible.

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

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-14-202		

Agency Authorization Information

Agency head or designee, and title:	Val Hale, Executive Director	Date:	05/08/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R380-400	Filing No. 52680
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Agency Information

1. Department:	Health	
Agency:	Administration	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141000	
City, state, zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Richard Oborn	801-538-6504	medicalcannabis@utah.gov

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

General Information

2. Rule or section catchline:

R380-400. Utah Medical Cannabis Act Rule

3. Effective Date:

05/11/2020

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

The Utah Medical Cannabis Act, Title 26, Chapter 61a, requires that the Utah Department of Health (Department) establish rules related to medical cannabis cardholders, medical cannabis pharmacies, medical cannabis home delivery services, qualified medical providers, pharmacy

medical providers, medical cannabis pharmacy agents, medical cannabis couriers, medical cannabis courier agents, and other rules.

5. Summary of the new rule or change:

This rule filing defines terms used in Title 26, Chapter 61a, Utah Medical Cannabis Act and Rules R380-400 through R380-411. (EDITOR'S NOTE: A corresponding proposed Rule R380-400 is under ID No. 52606 that was published in the April 15, 2020, issue of the Bulletin.)

6. Regular rulemaking would:

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

Specific reason and justification:

The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation. This rule includes definitions applicable to critical health and safety standards appearing in other rules and the Department is unable to enforce those standards without the definitions set forth in the this rule.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

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

B) Local governments:

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

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

Defining child care facility or preschool as only those approved by the Department to have a capacity of 300 or more children in Subsection R380-400-2(4) decreases the number applicable facilities from 375 to 3. This change will likely have savings impact on medical cannabis pharmacies because it reduces restrictions on where they can locate and increases the number of available real estate options. At this time, the extent of savings impact on medical cannabis pharmacies prompted by this rule is unknown.

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

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

8. Compliance costs for affected persons:

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

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

This rule sets out the authority and definitions used throughout the rules administering the medical cannabis program. It is necessary to use the emergency rulemaking process because it would cause imminent peril to public health and safety to delay its implementation. This rule includes definitions applicable to critical health and safety standards appearing in other rules and the Department is unable to enforce those standards without the definitions set forth in this rule. It has been determined that this rule will not have a fiscal impact on businesses.

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

Joseph K. Miner, MD, 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):

Title 26, Chapter 61a		
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Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	04/20/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R380-401	Filing No. 52681
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Agency Information

1. Department:	Health	
Agency:	Administration	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141000	
City, state, zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Richard Oborn	801-538-6504	medicalcannabis@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:	
R380-401. Electronic Verification System	
3. Effective Date:	
05/11/2020	
4. Purpose of the new rule or reason for the change:	
The Utah Medical Cannabis Act, Title 26, Chapter 61a, requires the Utah Department of Health (Department) to establish rules related to medical cannabis cardholders, medical cannabis pharmacies, medical cannabis home delivery services, qualified medical providers, pharmacy medical providers, medical cannabis pharmacy agents, medical cannabis courier, medical cannabis courier agents, and other rules.	
5. Summary of the new rule or change:	
This rule filing establishes electronic verification system and inventory control system access limitations and standards and confidentiality requirements. (EDITOR'S NOTE: A corresponding proposed Rule R380-401 is under ID No. 52607 that was published in the April 15, 2020, issue of the Bulletin.)	
6. Regular rulemaking would:	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.
Specific reason and justification:	
The basis for filing this as an emergency rule is that it would cause imminent peril to public health and safety to delay its implementation. This rule establishes critical definitions and standards related to access to and confidentiality of data stored in medical cannabis	

electronic systems and the Department is unable to enforce those critical definitions and standards without the definitions and standards set forth in the this rule.

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
This proposed rule only establishes electronic verification system and inventory control system access limitations and standards and confidentiality requirements and it has no anticipated cost or savings impact on the state budget.
B) Local governments:
This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed rule will not result in a fiscal impact to small businesses because this rule does not establish requirements for small businesses.
D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
This proposed rule only establishes electronic verification system and inventory control system access limitations and standards and confidentiality requirements and it has no anticipated cost or savings impact on persons other than small businesses, businesses, or local government entities.
8. Compliance costs for affected persons:
This rule only establishes electronic verification system and inventory control system access limitations and standards and confidentiality requirements, and it has no anticipated cost or savings impact on affected persons.
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:
This rule filing establishes electronic verification system and inventory control system access limitations and standards and confidentiality requirements. It would cause imminent peril to public health and safety to delay the implementation of this rule because it establishes critical definitions and standards related to access to and confidentiality of data stored in medical cannabis electronic systems and the Department is unable to enforce those critical definitions and standards without the definitions and standards set forth in the this rule.

It has been determined that this rule will not have a fiscal impact on businesses.
B) Name and title of department head commenting on the fiscal impacts:
Joseph K. Miner, MD, 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):		
Subsection 26-61a-103(4)	Subsection 26-1-5(1)	Title 26, Chapter 61a

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	04/20/2020
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NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R380-402	Filing No. 52683

Agency Information

1. Department:	Health	
Agency:	Administration	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141000	
City, state, zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Richard Oborn	801-538-6504	medicalcannabis@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R380-402. Medical Cannabis Cards
3. Effective Date:
05/11/2020
4. Purpose of the new rule or reason for the change:
The Utah Medical Cannabis Act, Section 26-61a-201 requires that the Utah Department of Health (Department)

establish rules related to medical cannabis cardholders.
5. Summary of the new rule or change:
This proposed rule establishes medical cannabis card application procedures and renewal application procedures. (EDITOR'S NOTE: A corresponding proposed Rule R380-402 is under ID No. 52608 that was published in the April 15, 2020, issue of the Bulletin.)
6. Regular rulemaking would:
X cause an imminent peril to the public health, safety, or welfare;
cause an imminent budget reduction because of budget restraints or federal requirements; or
place the agency in violation of federal or state law.
Specific reason and justification:
The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation. This rule establishes critical definitions and standards related to access to and confidentiality of data stored in medical cannabis electronic systems and the Department is unable to enforce those critical definitions and standards without the definitions and standards set forth in the this rule.

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
This proposed rule will result in cost savings impact on the state budget because it allows the Department to send correspondence via email rather than regular mail unless a cardholder requests that they receive correspondence via regular mail. The Department estimates that by making this rule, it will incur a cost savings of approximately \$400 a year. Cost savings was calculated by multiplying 1,000 by \$0.40 (1,000 letters of correspondence x \$0.40 per mailing).
B) Local governments:
This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed rule will not result in a fiscal impact to small businesses because this rule does not establish requirements for small businesses.
D) 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>):

NOTICES OF 120-DAY (EMERGENCY) RULES

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.

8. 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.

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

This proposed rule establishes medical cannabis card application procedures and renewal application procedures. It is necessary to use the emergency rulemaking process in order to use these rules in the current Request for Proposal (RFP) process to issue licenses for medical cannabis pharmacies within the statutory time frame set out in the Utah Medical Cannabis Act.

It has been determined that this rule will not have a fiscal impact on businesses.

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

Joseph K. Miner, MD, 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):

Subsection 26-61a-201(8)	Title 26, Chapter 61a	Subsection 26-1-5(1)
Subsection 26-61a-201(9)		

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	04/20/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R380-403	Filing No. 52684
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Agency Information

1. Department:	Health
Agency:	Administration
Building:	Cannon Health Building
Street address:	288 N 1460 W
City, state, zip:	Salt Lake City, UT 84116

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

General Information

2. Rule or section catchline:

R380-403. Qualified Medical Providers

3. Effective Date:

05/11/2020

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

Subsection 26-61a-106(3) requires the Utah Department of Health (Department) to establish rules related to qualified medical providers.

5. Summary of the new rule or change:

This proposed rule establishes definitions of terms used in the rule and application procedures and continuing education requirements for qualified medical providers (QMPs). (EDITOR'S NOTE: A corresponding proposed Rule R380-403 is under ID No. 52609 that was published in the April 15, 2020, issue of the Bulletin.)

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:

The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation. This rule establishes critical definitions and standards related to application procedures and education requirements related to qualified medical providers and the Department is unable to enforce those critical definitions and standards without the emergency filing of this rule.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Under Section R380-403-5, minimal savings impact on the state budget comes as a result of the Department adopting a rule that allows businesses to create continuing

education coursework to be approved by the Department rather than having the Department contract with a vendor to create this coursework. The Department is unable to estimate how much it would cost to contract with a single vendor to create it but work involved would include working with the Division of Purchasing on posting an Request for Proposal (RFP) or coordinating with an existing state vendor.

B) Local governments:

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

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

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

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

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

8. Compliance costs for affected persons:

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

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

The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation. This rule establishes critical definitions and standards related to application procedures and education requirements related to qualified medical providers and the Department is unable to enforce those critical definitions and standards without the emergency filing of this rule.

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

This rule will necessarily fiscally impact any business that provides or pays for the coursework and applications for medical professionals to become qualified medical providers.

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

Joseph K. Miner, MD, 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):

Title 26, Chapter 61a	Subsection 26-61a-106(3)	
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Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	04/20/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R380-404	Filing No. 52685
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Agency Information

1. Department:	Health
Agency:	Administration
Building:	Cannon Health Building

Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141000	
City, state, zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Richard Oborn	801-538-6504	medicalcannabis@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:	
R380-404. Dosing Parameters	
3. Effective Date:	
05/11/2020	
4. Purpose of the new rule or reason for the change:	
The Utah Medical Cannabis Act, Title 26, Chapter 61a, requires the Utah Department of Health (Department) to establish rules related to medical cannabis cardholders, medical cannabis pharmacies, qualified medical providers, and pharmacy medical providers.	
5. Summary of the new rule or change:	
This proposed rule establishes general standards for dosage parameters in a medical cannabis recommendation. (EDITOR'S NOTE: A corresponding proposed Rule R380-404 is under ID No. 52610 that was published in the April 15, 2020, issue of the Bulletin.)	
6. Regular rulemaking would:	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.
Specific reason and justification:	
The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation. This rule establishes critical standards related to dosing parameters in a medical cannabis recommendation and the Department is unable to enforce those critical standards without the definitions and standards set forth in this rule.	

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
This proposed rule will not result in a fiscal impact to the state budget because this rule does not establish new requirements for Department.
B) Local governments:
This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed rule will not result in a fiscal impact to the small businesses because this rule does not establish new requirements for small businesses.
D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):
This proposed rule will not result in a fiscal impact to persons other than small businesses, businesses, or local government entities because this rule does not establish new requirements for these persons.
8. Compliance costs for affected persons:
This proposed rule will not result in a fiscal impact to affected persons because this rule does not establish new requirements for these persons.
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:
This proposed rule establishes general standards for dosage parameters in a medical cannabis recommendation. The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation because the Department is unable to enforce those critical standards without the standards set forth in the this rule.
It has been determined that this rule will not have a fiscal impact on businesses.
B) Name and title of department head commenting on the fiscal impacts:
Joseph K. Miner, MD, 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):

Title 26, Chapter 61a	Title 63G, Chapter 3	Subsection 26-1-5(1)
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Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	04/20/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R380-405	Filing No. 52686
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Agency Information

1. Department:	Health	
Agency:	Administration	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141000	
City, state, zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Richard Oborn	801-538-6504	medicalcannabis@utah.gov

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

General Information

2. Rule or section catchline:
R380-405. Pharmacy Medical Providers
3. Effective Date:
05/11/2020
4. Purpose of the new rule or reason for the change:
Subsection 26-61a-403(3) requires the Utah Department of Health (Department) to establish rules related to qualified medical providers.
5. Summary of the new rule or change:
This rule filing establishes definitions, pharmacy medical provider (PMP) application procedures, and PMP continuing education requirements. (EDITOR'S NOTE: A corresponding proposed Rule R380-405 is under ID No.

52611 that was published in the April 15, 2020, issue of the Bulletin.)

6. Regular rulemaking would:

X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.

Specific reason and justification:

The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation. This rule establishes critical definitions and standards related to application procedures and education requirements related to qualified medical providers and the Department is unable to enforce those critical definitions and standards without the emergency filing of this this rule.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Under Section R380-405-5, minimal savings impact on the state budget comes as a result of the Department adopting a rule that allows businesses to create continuing education coursework to be approved by the Department rather than having the Department contract with a vendor to create this coursework. The Department is unable to estimate how much it would cost to contract with a single vendor to create it but work involved would include working with the Division of Purchasing on posting a Request for Proposal (RFP) or coordinating with an existing state vendor.

B) Local governments:

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

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

Section R380-405-5 allows small businesses to create continuing education coursework to be approved by the Department rather than having the Department contract with a vendor to create this coursework. This enables small businesses to provide approved coursework at a cost to applicants seeking registration as a pharmacy medical provider. Small businesses are expected to charge a course registration fee of \$150 to \$300. The number of small businesses impacted by this rule is unknown because the Department has no way of knowing how many small businesses will decide to provide these courses.

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

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

8. Compliance costs for affected persons:

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

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

This rule filing establishes definitions, pharmacy medical provider (PMP) application procedures and PMP continuing education requirements. The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation because the Department is unable to enforce those critical definitions and standards without the emergency filing of this rule.

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

It has been determined that this rule will not have a fiscal impact on businesses.

This rule will fiscally impact any business that provides or pays for the coursework and applications for medical professionals to become qualified medical providers.

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

Joseph K. Miner, MD, 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):

Title 26, Chapter 61a	Subsection 26-1-5(1)	Subsection 26-61a-403(3)
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Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	04/20/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R380-406	Filing No. 52687
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Agency Information

1. Department:	Health	
Agency:	Administration	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141000	
City, state, zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Richard Oborn	801-538-6504	medicalcannabis@utah.gov

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

General Information

2. Rule or section catchline:
R380-406. Medical Cannabis Pharmacy
3. Effective Date:
05/11/2020
4. Purpose of the new rule or reason for the change:
Sections 26-61a-501, 26-61a-503, and 26-61a-605 of the Utah Medical Cannabis Act require the Utah Department of Health (Department) to establish rules related to medical cannabis pharmacies.
5. Summary of the new rule or change:
This proposed rule establishes definitions, general medical cannabis pharmacy operating standards, partial fill standards, medical cannabis pharmacy operating plan requirements, cannabis product transportation standards,

cannabis product waste and disposal standards, cannabis product recall standards, duties and requirements of a pharmacist-in-charge, security standards, supervision standards, inventory standards, cannabis product packaging standards, and standards related to closing a medical cannabis pharmacy. (EDITOR'S NOTE: A corresponding proposed Rule R380-406 is under ID No. 52614 that was published in the April 15, 2020, issue of the Bulletin.)

6. Regular rulemaking would:

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

Specific reason and justification:

The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation. This rule establishes critical definitions and standards related to medical cannabis pharmacy operations and the Department is unable to enforce those critical definitions and standards without the emergency filing of this rule.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

This proposed rule will not result in a fiscal impact to the state budget because it does not establish requirements for the Department.

B) Local governments:

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

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

Section R380-406-3 prohibits a medical cannabis pharmacy from selling or transferring their license. This may have cost impact on small businesses that have a medical cannabis pharmacy license and want the option of selling or transferring the license to another business for a price. Rather than selling or transferring the license, the small business must abandon it and the Department would post an Request for Proposal (RFP) through the Division of Purchasing, accept applications, and award the license to the top applicant. The market price for a medical cannabis pharmacy license in Utah would depend on a lot of factors, such as market size and the location of a facility being purchased. The Department does not have enough information to estimate market price.

Section R380-406-3 establishes general operating

standards for medical cannabis pharmacies. One standard is that a medical cannabis pharmacy must protect at all times confidential cardholder data and information stored in the EVS. This means that each medical cannabis pharmacy must purchase the 's designated EVS which is MicroPact's entellitrak software programmed to Utah's specifications. The cost of the software depends on the number of users. It is anticipated that most medical cannabis pharmacies will have five or less concurrent users and therefore purchase the entellitrak Professional Edition which has a one-time perpetual license fee of \$76,302 and an annual support and upgrade subscription fee of \$15,260. The \$15,260 annual support and subscription fee will not increase more than 2% annually unless a compelling business need arises, and with consultation and approval of the Department.

Section R380-406-7 establishes security standards for medical cannabis pharmacies. According to the industry, estimated costs of security equipment (i.e. cameras and monitors, access control, panic button(s), burglary system) range from \$34,000 to \$60,000 for initial purchase and installation. Annual maintenance of this security equipment ranges between \$1,000 and \$1,500 per year. Estimated costs of infrastructure (i.e. installing steel doors, adding walls, bullet proof glass, building vaults) range between \$80,000 and \$100,000 for initial installation. Maintenance costs of these items will be low.

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

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

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

8. Compliance costs for affected persons:

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

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

This proposed rule establishes definitions, general medical cannabis pharmacy operating standards, partial fill standards, medical cannabis pharmacy operating plan

requirements, cannabis product transportation standards, cannabis product waste and disposal standards, cannabis product recall standards, duties and requirements of a pharmacist-in-charge, security standards, supervision standards, inventory standards, cannabis product packaging standards, and standards related to closing a medical cannabis pharmacy. The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation because the Department is unable to enforce those critical definitions and standards without the emergency filing of this rule.

The requirements in this rule will fiscally impact a licensed medical cannabis pharmacies option of selling or transferring the license to another business for a price. Rather than selling or transferring the license, the business must abandon it and the Department would post an RFP through the Division of Purchasing, accept applications, and award the license to the top applicant. The market price for a medical cannabis pharmacy license in Utah would depend on a lot of factors, such as market size and the location of a facility being purchased. The Department does not have enough information to estimate market price. Also, each medical cannabis pharmacy must purchase the 's designated EVS which is MicroPact's entellitrak software programmed to Utah's specifications. The cost of the software depends on the number of users. It is anticipated that most medical cannabis pharmacies will have five or less concurrent users and therefore purchase the entellitrak Professional Edition which has a one-time perpetual license fee of \$76,302 and an annual support and upgrade subscription fee of \$15,260. The \$15,260 annual support and subscription fee will not increase more than 2% annually unless a compelling business need arises, and with consultation and approval of the Department.

Section R380-406-7 establishes security standards for medical cannabis pharmacies. According to the industry, estimated costs of security equipment (i.e. cameras and monitors, access control, panic button(s), burglary system) range from \$34,000 to \$60,000 for initial purchase and installation. Annual maintenance of this security equipment ranges between \$1,000 and \$1,500 per year. Estimated costs of infrastructure (i.e. installing steel doors, adding walls, bullet proof glass, building vaults) range between \$80,000 and \$100,000 for initial installation. Maintenance costs of these items will be low.

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

This rule will fiscally impact only businesses who are awarded a medical cannabis pharmacy licenses through the procurement process.

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

Joseph K. Miner, MD, 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):

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

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	04/20/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R380-407	Filing No. 52688
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Agency Information

1. Department:	Health	
Agency:	Administration	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141000	
City, state, zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Richard Oborn	801-538-6504	medicalcannabis@utah.gov

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

General Information

2. Rule or section catchline:
R380-407. Medical Cannabis Pharmacy Agent
3. Effective Date:
05/11/2020

4. Purpose of the new rule or reason for the change:	
Subsection 26-61a-401(5) of the Utah Medical Cannabis Act requires that the Utah Department of Health (Department) establish rules related to medical cannabis pharmacy agents.	
5. Summary of the new rule or change:	
This rule filing establishes medical cannabis pharmacy agent duties and responsibilities, application procedures, renewal application procedures, and certification standards. (EDITOR'S NOTE: A corresponding proposed Rule R380-407 is under ID No. 52615 that was published in the April 15, 2020, issue of the Bulletin.)	
6. Regular rulemaking would:	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.
Specific reason and justification:	
The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation. This rule establishes critical definitions and standards related to pharmacy agent duties and responsibilities, application procedures, renewal application procedures, and certification standards and the Department is unable to enforce those critical definitions and standards without the emergency filing of this rule.	

Fiscal Information

7. Aggregate anticipated cost or savings to:	
A) State budget:	
Under Section R380-407-5, minimal cost impact on the state budget comes as a result of the Department adopting a rule that requires that the certification standard for initial and renewal of registration of a pharmacy agent will be successful completion of an online course developed by the Department. The extent of this course will be a review of information related to laws applicable to practice as a pharmacy agent and an electronic acknowledgement of having understood the laws.	
B) Local governments:	
This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies.	
C) Small businesses ("small business" means a business employing 1-49 persons):	
Under Section R380-407-5, minimal savings impact on medical cannabis pharmacies comes as a result of the Department adopting a rule that requires that the certification standard for initial and renewal of registration	

of a pharmacy agent will be successful completion of an online course developed by the Department. The extent of this course will be a review of information related to laws applicable to practice as a pharmacy agent and an electronic acknowledgement of having understood the laws. Had the Department required that pharmacy agent complete a course provided by a private vendor, the cost of the courses would likely be paid by medical cannabis pharmacies. The cost of those courses would likely be between \$150 and \$300 during every two year renewal cycle.	
D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):	
Under Section R380-407-5, minimal savings impact on medical cannabis pharmacy agents comes as a result of the Department adopting a rule that requires that the certification standard for initial and renewal of registration of a pharmacy agent will be successful completion of an online course developed by the Department. The extent of this course will be a review of information related to laws applicable to practice as a pharmacy agent and an electronic acknowledgement of having understood the laws. Had the Department required that pharmacy agent complete a course provided by a private vendor, applicants for agent registration would have to pay the cost of those courses which would likely be between \$150 and \$300 during every two-year renewal cycle.	
8. Compliance costs for affected persons:	
Under Section R380-407-5, minimal savings impact on medical cannabis pharmacy agents comes as a result of the Department adopting a rule that requires that the certification standard for initial and renewal of registration of a pharmacy agent will be successful completion of an online course developed by the Department. The extent of this course will be a review of information related to laws applicable to practice as a pharmacy agent and an electronic acknowledgement of having understood the laws. Had the Department required that pharmacy agent complete a course provided by a private vendor, applicants for agent registration would have to pay the cost of those courses which would likely be between \$150 and \$300 during every two-year renewal cycle.	
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:	
This rule filing establishes medical cannabis pharmacy agent duties and responsibilities, application procedures, renewal application procedures, and certification standards. The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation because the Department is unable to enforce those critical definitions and standards without the emergency filing of this rule.	

NOTICES OF 120-DAY (EMERGENCY) RULES

Under Section R380-407-5, minimal savings impact on medical cannabis pharmacies and pharmacy agents come as a result of the Department adopting a rule that requires that the certification standard for initial and renewal of registration of a pharmacy agent will be successful completion of an online course developed by the Department. The extent of this course will be a review of information related to laws applicable to practice as a pharmacy agent and an electronic acknowledgement of having understood the laws. Had the Department required that pharmacy agent complete a course provided by a private vendor, the cost of the courses would likely be paid by medical cannabis pharmacies. The cost of those courses would likely be between \$150 and \$300 during every two-year renewal cycle.

This rule will fiscally impact any business that provides or pays for the coursework and applications for medical professionals to become qualified medical providers.

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

Joseph K. Miner, MD, 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):

Title 26, Chapter 61a	Title 63G, Chapter 3	Subsection 26-1-5(1)
Subsection 26-61a-401(5)		

NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R380-408	Filing No. 52689
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Agency Information

1. Department:	Health	
Agency:	Administration	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141000	
City, state, zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Richard Oborn	801-538-6504	medicalcannabis@utah.gov

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

General Information

2. Rule or section catchline:

R380-408. Home Delivery and Courier

3. Effective Date:

05/11/2020

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

Section 26-61a-606, Utah Medical Cannabis Act requires the Utah Department of Health (Department) to establish rules related to medical cannabis couriers and medical cannabis courier agents.

5. Summary of the new rule or change:

This proposed rule establishes the requirements for home delivery operating standards, home delivery agent operating standards, courier agent application procedures, and courier agent renewal application procedures and courier agent certification standards. (EDITOR'S NOTE: A corresponding proposed Rule R380-408 is under ID No. 52616 that was published in the April 15, 2020, issue of the Bulletin.)

6. Regular rulemaking would:

<input checked="" type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/>	place the agency in violation of federal or state law.

Specific reason and justification:

The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation. This rule establishes critical standards related to home delivery of medical cannabis and courier agents and the Department is unable to enforce those critical definitions and standards without the emergency filing of this rule.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

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

B) Local governments:

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

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

Section R380-408-2 establishes operating standards for medical cannabis home delivery services. The cost impact to a home delivery medical cannabis pharmacy or a medical cannabis courier equipping their vehicle with a GPS tracking system that provides real time tracking to off-site locations (i.e. the pharmacy) ranges from \$350 to \$1,100 per year. The estimated cost impact to a home delivery medical cannabis pharmacy or a medical cannabis courier equipping their vehicle with an alarm system ranges from \$98 to \$400 per vehicle.

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

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

8. Compliance costs for affected persons:

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

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

This proposed rule establishes the requirements for home delivery operating standards, home delivery agent operating standards, courier agent application procedures, and courier agent renewal application procedures and courier agent certification standards. The basis for filing this as an emergency rule is that it would cause imminent peril to the public health and safety to delay its implementation because the Department is unable to enforce those standards and procedures without the emergency filing of this rule.

According to the industry, estimated costs of security equipment (i.e. cameras and monitors, access control, panic button(s), burglary system) range from \$34,000 to \$60,000 for initial purchase and installation. Annual maintenance of this security equipment ranges between \$1,000 and \$1,500 per year. Estimated costs of infrastructure (i.e. installing steel doors, adding walls, bullet proof glass, building vaults) range between \$80,000 and \$100,000 for initial installation. Maintenance costs of these items will be low. The impact of the operating standards set by the rule to a home delivery medical cannabis pharmacy or a medical cannabis courier equipping their vehicle with a GPS tracking system that provides real time tracking to off-site locations (i.e. the pharmacy) ranges from \$350 to \$1,100 per year. The estimated cost impact to a home delivery medical cannabis pharmacy or a medical cannabis courier equipping their vehicle with an alarm system ranges from

\$98 to \$400 per vehicle.
This rule will fiscally impact only businesses that are authorized to operate home delivery of medical cannabis products.

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

Joseph K. Miner, MD, 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):

Title 26, Chapter 61a	Section 26-41a-605	Subsection 26-41a-604(14)
Section 26-61a-606	Section 26-41a-606	Subsection 26-1-5(1)
Section 26-41a-607		

Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	04/20/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R380-409	Filing No. 52690
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Agency Information

1. Department:	Health	
Agency:	Administration	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141000	
City, state, zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Richard Oborn	801-538-6504	medicalcannabis@utah.gov

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

General Information

2. Rule or section catchline:

R380-409. State Central Patient Portal

3. Effective Date:	
05/11/2020	
4. Purpose of the new rule or reason for the change:	
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.	
5. Summary of the new rule or change:	
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. (EDITOR'S NOTE: A corresponding proposed Rule R380-409 is under ID No. 52617 that was published in the May 1, 2020, issue of the Bulletin.)	
6. Regular rulemaking would:	
X	cause an imminent peril to the public health, safety, or welfare;
	cause an imminent budget reduction because of budget restraints or federal requirements; or
	place the agency in violation of federal or state law.
Specific reason and justification:	
The basis for filing this as an emergency rule is to formally notify individuals interested in applying to obtain 1 of 14 medical cannabis pharmacy licenses of a rule that will impact them. Individuals had until Monday, December 2, 2019, to apply for medical cannabis pharmacy licenses via the Request for Proposal (RFP) process administrated by the Division of Purchasing. Filing this as an emergency rule provides applicants sufficient time to review this proposed rule and incorporate essential information about this rule in their responses to the RFP. Using the regular rulemaking process would delay the licensing of medical cannabis pharmacies, placing the Department in danger of not meeting statutory deadlines established in the Utah Medical Cannabis Act.	

Fiscal Information

7. Aggregate anticipated cost or savings to:	
A) State budget:	
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 their own website for online ordering.	

B) Local governments:	
This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies.	
C) Small businesses ("small business" means a business employing 1-49 persons):	
Section R380-409-2 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.	
D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):	
This proposed 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.	
8. 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.	
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:	
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. It is necessary to use the emergency rulemaking process in order to use these rules in the current RFP process to issue licenses for medical cannabis pharmacies within the statutory time frame set out in the Utah Medical Cannabis Act.	
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.

It has been determined that this rule fiscally impact on a medical cannabis pharmacy businesses that provide a home delivery service.

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

Joseph K. Miner, MD, 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):

Subsection 26-61a-601(3)		
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Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	04/20/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R380-411	Filing No. 52691
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Agency Information

1. Department:	Health	
Agency:	Administration	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 141000	
City, state, zip:	Salt Lake City, UT 84114-1000	
Contact person(s):		
Name:	Phone:	Email:
Richard Oborn	801-538-6504	medicalcannabis@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R380-411. Administrative Hearing Procedures
3. Effective Date:
05/11/2020

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

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.

5. Summary of the new rule or change:

This rule filing defines terms and establishes procedures related to administrative adjudicative proceedings. (EDITOR'S NOTE: A corresponding proposed Rule R380-411 is under ID No. 52619 that was published in the May 1, 2020, issue of the Bulletin.)

6. Regular rulemaking would:

<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.

Specific reason and justification:

The basis for filing this as an emergency rule is to formally notify individuals desiring to request agency review of an action taken by the Center for Medical Cannabis of the rules applicable to those requests. Using the regular rulemaking process would cause the Department to delay some actions it plans to take, and the delay would put the Department in violation of state law.

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
This proposed rule will not result in a fiscal impact to the state budget because this rule does not establish requirements for the Department.
B) Local governments:
This proposed rule will not result in a fiscal impact to local governments because this rule does not establish requirements for enforcement by local agencies.
C) Small businesses ("small business" means a business employing 1-49 persons):
This proposed rule will not result in a fiscal impact to small businesses because this rule does not establish requirements for small businesses.
D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):

This proposed 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.

8. 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.

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

This rule establishes defines terms and establishes procedures related to administrative adjudicative proceedings. The basis for filing this as an emergency rule is to formally notify individuals desiring to request agency review of an action taken by the Center for Medical Cannabis of the rules applicable to those requests. Using the regular rulemaking process would cause the Department to delay some actions it plans to take, and the delay would put the Department in violation of state law. It has been determined that this rule will not have a fiscal impact on businesses.

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

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

Joseph K. Miner, MD, 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):

Title 26, Chapter 61a	Section 26-1-24	Section 63G-4-102
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Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	04/20/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R386-702	Filing No. 52756
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Agency Information

1. Department:	Health	
Agency:	Disease Control and Prevention, Epidemiology	
Building:	Cannon Health Building	
Street address:	288 N 1460 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 142104	
City, state, zip:	Salt Lake City, UT 84114-2104	
Contact person(s):		
Name:	Phone:	Email:
Cindy Burnett	801-538-6692	cburnett@utah.gov
Rachelle Boulton	801-538-6185	rboulton@utah.gov

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

General Information

2. Rule or section catchline:
R386-702. Communicable Disease Rule
3. Effective Date:
05/15/2020
4. Purpose of the new rule or reason for the change:
The purpose of this rule change is to amend the list of reportable diseases and clarify language to improve interpretation of this rule's requirements.
5. Summary of the new rule or change:
COVID-19 is added to the communicable disease rule as an immediately reportable condition, and all test results for COVID-19 are reportable by electronic reporters. Language is clarified in Section R386-702-7 to specify that all patient demographic information must be submitted to a performing laboratory for appropriate reporting to public health.
6. Regular rulemaking would:
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.

Specific reason and justification:
COVID-19 has emerged as a novel condition of extreme public health concern and public health must be able to collect comprehensive data immediately in order to protect the public and inform policy.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

This rule amendment will result in a cost to the Utah Department of Health (Department) of \$2,000 to pay for personnel time to configure surveillance systems and establish electronic laboratory reporting.

B) Local governments:

This rule change will have no fiscal impact on local governments. Changes to Utah's disease surveillance system and working with labs and health care facilities to ensure compliance occur are the responsibility of the Department.

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

Affected industries include healthcare systems and laboratories performing COVID-19 testing. A search of small business using Department of Workforce Services' (DWS) Firm Find did not identify any small businesses that would be impacted by this rule change.

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

Affected industries include healthcare systems and laboratories performing COVID-19 testing. Using DWS Firm Find, information from the Utah Public Health Laboratory, and information in Utah's EpiTrax database, we identified 35 healthcare facilities and laboratories that are currently conducting COVID-19 testing. Additional healthcare facilities are laboratories are planning to bring on COVID-19 testing in the near future. The Department estimates a total of 50 healthcare facilities and labs will be impacted by this rule. The Department estimates it will take 5 hours of programming time at \$75/hour to configure electronic reporting systems (total \$18,750).

8. Compliance costs for affected persons:

Affected persons are as follows:
State: Utah Department of Health. It will cost \$2,000 to configure systems and establish ELR feeds (as outlined above). Once ELR is established there are no ongoing costs for state entities.

Non-Small Businesses: The cost of coming into compliance for affected businesses is estimated to be \$18,750. Once ELR feeds are established, there are no on-going costs to comply with this rule change.

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

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

There are no small businesses that will be fiscally impacted by this change. Each of the identified 50 non-small businesses will likely see a cost for 5 hours to configure electronic reporting systems at \$75 per hours, a total impact of \$18,750 for all 50 facilities.

The need for COVID-19 testing and reporting during this public health emergency justifies the minimum fiscal impact on business.

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

Joseph K. Miner, MD, 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 26-1-30	Section 26-6-3	Title 26, Chapter 23b
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Agency Authorization Information

Agency head or designee, and title:	Joseph K. Miner, MD, Executive Director	Date:	05/12/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R547-13	Filing No. 52753
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Agency Information

1. Department:	Human Services	
Agency:	Juvenile Justice Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	Phone:	Email:
Jonah Shaw	801-538-4219	jshaw@utah.gov

NOTICES OF 120-DAY (EMERGENCY) RULES

Nate Winters	801-538-4312	natewinters@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R547-13. Guidelines for Admission to Secure Youth Detention Facilities
3. Effective Date:
05/12/2020
4. Purpose of the new rule or reason for the change:
H.B. 262, passed in the 2020 General Session, changed the law to prohibit the prosecution of children under 12 years old except for certain offenses. In accordance with this statute change, the Division of Juvenile Justice Services (Division) is changing the detention guidelines to reflect this bill, and clarifying some other aspects of detention, home detention, and diversion programs.
5. Summary of the new rule or change:
This emergency filing amends the detention guidelines to reflect H.B. 262 (2020) while clarifying some other aspects of detention, home detention, and diversion programs.
6. Regular rulemaking would:
<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.
Specific reason and justification:
With the passage of H.B. 262 (2020), effective date of May 12, 2020, this emergency rule filing will need to be in place to support the statute change. An amendment will be filed simultaneously for ongoing practice.

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
The implementation of these standards may provide a net savings of \$128,100 ongoing from the General Fund beginning in Fiscal Year (FY) 2021 (July 1, 2020). Due to reduced case processing, it is estimated that the Division may see a savings of \$73,100 and the Courts may see a \$55,000 ongoing savings. These savings were already captured by the legislature.

B) Local governments:
The standards set forth through this rule may save local governments an inestimable amount due to reduced prosecution and defense costs.
C) Small businesses ("small business" means a business employing 1-49 persons):
Small businesses will not see a fiscal impact as these practices do not impact small businesses.
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>):
It is not estimated that persons other than small businesses, non-small businesses, state, or local government entities, will see a fiscal impact as these changes will not impact the practices in place for this population.
8. Compliance costs for affected persons:
No compliance costs are anticipated for affected persons.
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:
After conducting a thorough analysis, it has been determined that this proposed emergency amendment will result in a fiscal impact.
B) Name and title of department head commenting on the fiscal impacts:
Ann Williamson, Executive Director

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):
Section 62A-1-111 Section 78A-6-105

Agency Authorization Information

Agency head or designee, and title:	Ann Williamson, Executive Director	Date:	05/08/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R597-3-3	Filing No. 52759
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Agency Information

1. Department:	Judicial Performance Evaluation Commission	
Agency:	Administration	
Building:	Utah State Capitol, Senate Building, Suite 330	
Mailing address:	PO Box 142330	
City, state, zip:	Salt Lake City, UT 84114-2330	
Contact person(s):		
Name:	Phone: Email:	
Jennifer Yim		jyim@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:	
R597-3-3. Courtroom Observation	
3. Effective Date:	
05/12/2020	
4. Purpose of the new rule or reason for the change:	
The reason for this change is physical restrictions created by COVID-19, and the inability to perform courtroom observations.	
5. Summary of the new rule or change:	
Due to the physical restrictions created by COVID-19, courtroom observations are currently not available. This emergency rule is to allow for alternative courtroom observation options.	
6. Regular rulemaking would:	
<input checked="" type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/>	place the agency in violation of federal or state law.
Specific reason and justification:	
Courtroom observation is required as part of the judicial performance reviews.	

Fiscal Information

7. Aggregate anticipated cost or savings to:	
A) State budget:	
This change will save state monies paid to courtroom observers to reimburse travel. Total savings will depend on the ability of the court system to return to in-person hearings, both percentage of return and time of return. At its current rate, at the current in-person court hearing rate, savings is approximately \$53.42 per observation. If the	

rate remains constant through the end of Judicial Performance Evaluation Commission's (JPEC's) evaluation period, state budget savings is estimated at \$13,675.52.

B) Local governments:

There are no anticipated costs or savings to local governments. Local governments have been given access to the technology required to conduct online hearings and make them available to the public electronically by the Utah State Courts.

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

There are no anticipated costs or savings to small businesses. Small businesses do not participate in this process.

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

There are no anticipated costs or savings to persons other than small businesses, non-small business, state or local government entities. Persons other than those listed do not participate in this process.

8. Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons. Local governments have been given access to the technology required to conduct online hearings and make them available to the public electronically by the Utah State Courts.

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

There are no anticipated fiscal impacts that this rule change is expected to have on businesses.

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

Jennifer Yim, 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 78A-12-201	Section 78A-12-204	Section 78A-12-202
Section 78A-12-203	Section 78A-12-205	Section 78A-12-206

Agency Authorization Information

Agency head or designee, and title:	Dave Roth, Chairperson	Date:	05/12/2020
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NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	R597-4-2	Filing No. 52760

Agency Information

1. Department:	Judicial Performance Evaluation Commission	
Agency:	Administration	
Building:	Utah State Capitol, Senate Building, Suite 330	
Mailing address:	PO Box 142330	
City, state, zip:	Salt Lake City, UT 84114-2330	
Contact person(s):		
Name:	Phone: Email:	
Jennifer Yim		jyim@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:	
R597-4-2. Mid-level Evaluation of Justice Court Judges	
3. Effective Date:	
05/12/2020	
4. Purpose of the new rule or reason for the change:	
The reason for the change is physical restrictions created by COVID-19, and the inability to perform courtroom observations.	
5. Summary of the new rule or change:	
Due to the physical restrictions created by COVID-19, mid-level evaluations for justice court judges are currently not available. This emergency rule is to allow for alternative evaluation options.	
6. Regular rulemaking would:	
<input checked="" type="checkbox"/>	cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/>	cause an imminent budget reduction because of budget restraints or federal requirements; or
<input checked="" type="checkbox"/>	place the agency in violation of federal or state law.
Specific reason and justification:	
Conducting midlevel evaluations of justice court judges is required by statute in Subsection 78A-12-203(3).	

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
Average cost per midlevel evaluation is \$126 (excluding staff time). The addition of electronic means to evaluate at midlevel could result in a state budget savings of up to \$3,276.10, depending on the rate of return to in-person hearings in these smaller caseload courts. As the rule contemplates, multiple means may be used to evaluate judges, making the cost savings likely somewhat less, depending on in-person caseloads, virus impacts, etc.
B) Local governments:
There are no anticipated costs or savings to local governments. Local governments have been given access to the technology required to conduct online hearings and make them available to the public electronically by the Utah State Courts.
C) Small businesses ("small business" means a business employing 1-49 persons):
There are no anticipated costs or savings to small businesses. Small businesses do not participate in this process.
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>):
There are no anticipated costs or savings to persons other than small businesses, non-small business, state or local government entities. Persons other than listed above do not participate in this process.
8. Compliance costs for affected persons:
There are no anticipated compliance costs for affected persons. Local governments have been given access to the technology required to conduct online hearings and make them available to the public electronically by the Utah State Courts.
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:
There are no anticipated fiscal impacts that this rule change is expected to have on businesses.
B) Name and title of department head commenting on the fiscal impacts:
Jennifer Yim, 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 78A-12-201	Section 78A-12-204	Section 78A-12-202
Section 78A-12-203	Section 78A-12-205	Section 78A-12-206

Agency Authorization Information

Agency head or designee, and title:	Dave Roth, Chairperson	Date:	05/12/2020
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NOTICE OF EMERGENCY (120-DAY) RULE

Utah Admin. Code Ref (R no.):	R623-6	Filing No. 52784
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Agency Information

1. Department:	Lieutenant Governor	
Agency:	Elections	
Room no.:	220	
Building:	Utah State Capitol	
Street address:	350 N State Street	
City, state, zip:	Salt Lake City, UT 84103	
Mailing address:	PO Box 142325	
City, state, zip:	Salt Lake City, UT 84114-2325	
Contact person(s):		
Name:	Phone:	Email:
Derek Branchley	801-538-1746	branchleyderek@gmail.com

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

General Information

2. Rule or section catchline:
R623-6. Verification of Requests to Withhold Voter Registration Information
3. Effective Date:
05/15/2020
4. Purpose of the new rule or reason for the change:
S.B. 83, passed in the 2020 General Session, essentially created three classifications of voter registrations and specified how that information may be released to the public:
1. Public registrations – the registration can be obtained

by the public and all third parties

2. Private registrations – the registration cannot be obtained by the public, but it can be obtained by political parties and candidates for public office. Any registered voter may classify their record as a private registration.

3. Withheld registrations – the registration cannot be obtained by any third party, including political parties and candidates.

S.B. 83 specifies that only certain individuals are eligible to classify their registration as "withheld" (refer to lines 664-674). These individuals include law enforcement officers, members of the armed forces, victims or potential victims of domestic or dating violence, public figures, and an individual protected by a protective order or protection order.

S.B. 83 also requires that some of these individuals provide verification of their eligibility (refer to lines 667-668). In lines 683-685, the bill instructs the director of elections within the Office of the Lieutenant Governor (Office) to make administrative rules establishing requirements for individuals to provide this verification.

5. Summary of the new rule or change:

This new administrative rule creates verification requirements for individuals who are eligible to withhold their voter registration information. This rule provides the lieutenant governor and county clerks with the ability to require additional documentation if: 1) an individual does not provide verification, or 2) the lieutenant governor or county clerk reasonably believes that the individual is not eligible to withhold his or her voter registration information. (EDITOR'S NOTE: A corresponding proposed new Rule R623-6 is under ID No. 52758 in this issue, June 1, 2020, of the Bulletin.)

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:

Individuals can begin submitting requests to withhold their voter registration information on May 12, 2020, the effective date of S.B. 83 (2020). The legislation requires administrative rules to provide standards of verification for these requests, but the regular rulemaking process would not be finalized until months after the bill's effective date. This would create a gap of several months in which these requests could not be processed or verification standards would not exist, which would be contrary to the statute.

The Office could not begin the regular administrative rule process prior to May 12, 2020, because our authority to create this rule did not exist until S.B. 83 went into effect.

Fiscal Information

7. Aggregate anticipated cost or savings to:
A) State budget:
The state budget is not regulated or affected by this rule.
B) Local governments:
Local governments are not regulated or affected by this rule.
C) Small businesses ("small business" means a business employing 1-49 persons):
Small businesses are not regulated or affected by this rule.
D) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
Affected individuals are registered voters who are eligible to withhold their voter registration information. This includes the following individuals:
<ol style="list-style-type: none"> 1. Law enforcement officers; 2. Members of the armed forces; 3. Individuals protected by a protection or protective order; 4. Public figures; 5. Individuals who are or may be victims of domestic or dating violence; 6. Individuals who reside with the individuals listed above.
Although these individuals are affected by this rule, the rule does not pose a fiscal impact for them.
8. Compliance costs for affected persons:
Affected individuals may request to withhold their voter registration information by submitting a paper form (or a fillable PDF) and verification of their eligibility. The verification required by the administrative rule is a written statement that explains why the individual is eligible to

withhold their voter registration information. If the lieutenant governor or county clerk reasonably believes that the individual is not eligible, the lieutenant governor or county clerk may require the individual to provide additional documentation for eligibility. The administrative rule outlines acceptable types of this documentation.
The Office estimates that compliance will not impose a fiscal impact on individuals, but it will take approximately 5 to 10 minutes for an individual to complete the form and submit it to the lieutenant governor and county clerk. The individual may have an additional compliance burden if the lieutenant governor or county clerk requires additional documentation. This may require an individual to gather and submit a copy of the documentation (e.g., scanning and sending an employee ID card).
9. A) Comments by the department head on the fiscal impact this rule may have on businesses:
Small businesses are not regulated or affected by this rule.
B) Name and title of department head commenting on the fiscal impacts:
Justin Lee, Director of Elections

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 20A-2-104

Agency Authorization Information

Agency head or designee, and title:	Justin Lee, Director	Date:	05/15/2020
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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.):	R590-199	Filing No. 51394

Agency Information

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

General Information

2. Rule catchline:
R590-199. Plan of Orderly Withdrawal Rule Relating to Health Benefit Plans
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 31A-2-201(3) authorizes the Insurance Commissioner to write rules to implement the provisions of Title 31A, Insurance Code. Subsection 31A-4-115(8) authorizes the Insurance Commissioner to write rules to

implement this section regarding an insurer's "Plan of Orderly Withdrawal." This rule sets the information that is to be included in an insurer's withdrawal plan and the way in which it is to be implemented, including to whom and when notification of the withdrawal is to be sent.

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

The Department of Insurance has received no written comments regarding this rule during the past five years.

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 requires specific information to be provided to the Insurance Commissioner for purposes of approving a plan of orderly withdrawal. This rule is necessary to maintain a health benefit market that is stable, fair, and efficient for individuals and small employers. This rule promotes an orderly process by which an insurer can elect to non-renew health benefit plan coverages. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer I	Date:	05/04/2020
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FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	R850-150	Filing No. 52054

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agency Information

1. Department:	School and Institutional Trust Lands	
Agency:	Administration	
Room no.:	Suite 500	
Street address:	675 E 500 S	
City, state, zip:	Salt Lake City, UT 84102-2818	
Mailing address:	675 E 500 S	
City, state, zip:	Salt Lake City, UT 84102-2818	
Contact person(s):		
Name:	Phone:	Email:
Mike Johnson	801-538-5180	mjohnson@utah.gov
Lisa Wells	801-538-5154	lisawells@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R850-150. Rare Plant Species
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 implements Section 53C-1-101 et seq. This rule is specifically authorized by Section 53C-2-202 which

authorizes the director to make determinations with respect to the management, protection, and conservation of plant species located on trust lands which are listed under the federal Endangered Species 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 have been received by the agency for this rule since the initial enactment.

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 defines "Conservation Agreement" as being the Conservation Agreement and Strategy for Graham's Beardtongue and White River Beardtongue, dated July 22, 2014. It also defines "Conservation Area" as any trust lands located within the Conservation Area described in Appendices A and B of the Conservation Agreement. This rule further restricts surface disturbance within Conservation Areas without prior agency approval. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	David Ure, Director	Date	04/24/2020
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Administrative Services

Facilities Construction and Management

No. 52492 (Repeal): R23-33. Rules for the Prioritization and Scoring of Capital Improvements by the Utah State Building Board
Published: 02/01/2020
Effective: 05/20/2020

Purchasing and General Services

No. 52485 (Amendment): R33-26. State Surplus Property
Published: 02/01/2020
Effective: 05/20/2020

Education

Administration

No. 52635 (Amendment): R277-419. Pupil Accounting
Published: 04/15/2020
Effective: 05/26/2020

No. 52637 (Amendment): R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program
Published: 04/15/2020
Effective: 05/26/2020

No. 52570 (Amendment): R277-553. Charter School Oversight, Monitoring and Appeals
Published: 04/15/2020
Effective: 05/26/2020

No. 52638 (Amendment): R277-604. Private School, Home School, and Bureau of Indian Affairs (BIA) Student Participation in Public School Achievement Tests
Published: 04/15/2020
Effective: 05/26/2020

No. 52639 (Amendment): R277-613. LEA Disruptive Student Behavior, Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct Policies and Training
Published: 04/15/2020
Effective: 05/26/2020

No. 52640 (Amendment): R277-708. Enhancement for At-Risk Students
Published: 04/15/2020
Effective: 05/26/2020

Human Services

Administration

No. 52591 (Amendment): R495-810. Government Records Access and Management Act
Published: 03/15/2020
Effective: 05/11/2020

Administration, Administrative Services, Licensing
No. 52595 (Amendment): R501-12. Foster Care Services
Published: 03/15/2020
Effective: 05/11/2020

No. 52578 (Amendment): R501-22. Residential Support Programs
Published: 03/01/2020
Effective: 05/11/2020

Labor Commission

Boiler, Elevator and Coal Mine Safety

No. 52612 (Amendment): R616-3. Elevator Rules
Published: 04/01/2020
Effective: 05/11/2020

NOTICES OF RULE EFFECTIVE DATES

UTech Board of Trustees

Administration

No. 52603 (Amendment): R945-1. UTech Technical College
Scholarship

Published: 04/01/2020

Effective: 05/11/2020

Workforce Services

Employment Development

No. 52604 (Amendment): R986-700. Child Care Assistance

Published: 04/01/2020

Effective: 05/09/2020

Housing and Community Development

No. 52602 (Amendment): R990-101. Qualified Emergency

Food Agencies Fund (QEFAF)

Published: 04/01/2020

Effective: 05/09/2020

End of the Notices of Rule Effective Dates Section