UTAH STATE DIGEST

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed June 02, 2020, 12:00 a.m. through June 15, 2020, 11:59 p.m.

Number 2020-13
July 01, 2020

Sunnie Burningham, Managing Editor

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

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

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Digest* should be addressed to the contact person for the rule. Questions about the *Digest* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at https://rules.utah.gov/.

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

Office of Administrative Rules, Salt Lake City 84114

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

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

KFU38.U8
348.792'025--DDC 86-658042

TABLE OF CONTENTS

EXECUTIVE DOCUMENTS 1
Updating the Utah COVID-19 Health Risk Status in Certain Areas and Adopting Version 4.6 of the Phased Guidelines (2020/031/EO) 1
Proclamation -- Fifth Special Session 2
Updating the Utah COVID-19 Health Risk Status in Certain Counties (2020/032?EO) 3
Adopting Version 4.7 of the State COVID-19 Public Health Risk Status Phased Guidelines (2020/033/EO) 5
Requiring Face Coverings in State Facilities (2020/034/EO) 6

NOTICES OF PROPOSED RULES 9
Agriculture and Food
Administration
R51-7. Open and Public Meetings Act Electronic Meetings 10
Horse Racing Commission (Utah) 11
R52-7. Horse Racing 11
Plant Industry 13
R68-26. Industrial Hemp Product Registration and Labeling 14
R68-28. Cannabis Processing 15
R68-29. Quality Assurance Testing on Cannabis 17
Commerce
Consumer Protection
R152-32a. Pawnshop and Secondhand Merchandise Transaction Information Act Rule 19
Occupational and Professional Licensing
R156-73-501. Unprofessional Conduct 21
Education
Administration
R277-113. LEA Fiscal and Auditing Policies 24
R277-303. Educator Preparation Programs 25
R277-318. Teacher Salary Supplement Program 27
R277-409. Public School Membership in Associations 29
R277-444. Distribution of Money to Arts and Science Organizations 31
R277-460. Distribution of Substance Abuse Prevention Account 33
R277-483. LEA Reporting and Accounting Requirements 35
R277-497. School Accountability System 36
R277-498. Grant for Math Teaching Training 38
R277-500. Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks 40
R277-550. Charter Schools - Definitions 42
R277-552. Charter School Timelines and Approval Processes 44
R277-607. Truancy Prevention 46
R277-609. Standards for LEA Discipline Plans and Emergency Safety Interventions 47
R277-615. Standards and Procedures for Student Searches 49
R277-625. Mental Health Screener 51
R277-910. Underage Drinking Prevention Program 53
R277-924. Partnerships for Student Success Grant Program 55

Environmental Quality
Air Quality
R307-101-2. Definitions 57
R307-150. Emission Inventories 59
R307-401. Permit: New and Modified Sources 61
R307-415-9. Fees for Operating Permits 63
R307-801-1. Purpose and Authority 65
Health
Child Care Center Licensing Committee
R381-60. Hourly Child Care Centers 67
R381-70. Out of School Time Child Care Programs 69
R381-100. Child Care Centers 71
Family Health and Preparedness, Child Care Licensing
R430-8. Exemptions From Child Care Licensing 73
R430-50. Residential Certificate Child Care 75
R430-90. Licensed Family Child Care 77
Human Services
Child and Family Services
R512-80. Definitions of Abuse, Neglect, and Dependency 79
Substance Abuse and Mental Health
R523-4. Certification Requirements for Screening, Assessment, Prevention, Treatment and Recovery Support Programs for Adults 80
R523-22. Assertive Community Treatment Standards 82
Insurance
Administration
R590-102. Insurance Department Fee Payment Rule 85
Natural Resources
Wildlife Resources
R657-6. Tagging Requirements 86
R657-9. Taking Waterfowl, Wilson's Snipe and Coot 88
R657-54. Taking Wild Turkey 90
Workforce Services
Employment Development
R986-700-901. Unearned Income, Pandemic 91

NOTICES OF CHANGES IN PROPOSED RULES 95
Environmental Quality
Air Quality
R307-165. Stack Testing 96

NOTICES OF 120-DAY (EMERGENCY) RULES 99
Agriculture and Food
Plant Industry
R68-32. Sale and Transfer of Industrial Hemp Waste to Medical Cannabis Cultivators 99
Workforce Services
Employment Development
R986-700-900. Emergency Rules, Pandemic 100

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION 103
Capitol Preservation Board (State)
Administration
R131-6. Board Designation of Space 103
Commerce
Securities
R164-32. Codification of Precedent 104
Corrections
Administration
R251-104. Declaratory Orders 104
R251-303. Offenders' Use of Telephones 105
R251-712. Release 105
Education
Administration
R277-444. Distribution of Money to Arts and Science Organizations 106
R277-491. School Community Councils 106
R277-497. School Accountability System 107
R277-607. Truancy Prevention 108
R277-752. Special Education Intensive Services Fund 108
Human Services
Administration
R495-890. Department of Human Services Conflict Investigation Procedure 109
Insurance
Administration
R590-271. Data Reporting for Consumer Quality Comparison 109
Technology Services
Administration
R895-8. State Privacy Policy and Agency Privacy Policies 110
Transportation
Operations, Construction
R916-4. Construction Manager/General Contractor and Progressive Construction Manager/General Contractor Contracts 110
Program Development
R926-8. Guidelines for Partnering with Local Governments 111

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS 113
Corrections
Administration
R251-110. Sex Offender Registration Program 113

NOTICES OF RULE EFFECTIVE DATES 115

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.

EXECUTIVE ORDER

Updating the Utah COVID-19 Health Risk Status in Certain Areas and Adopting Version 4.6 of the Phased Guidelines

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 Department of Health has released and updated 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, the Utah Department of Health has determined that it is appropriate to change the Utah COVID-19 Health Risk Status for Kane County to Green (Normal Risk) and for the town of Bluff and the census-designated place Mexican Hat to Yellow (Low 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 4.6.

2. The Utah COVID-19 Public Health Risk Status is:

a. Orange (Moderate Risk) in Salt Lake City;

b. Green (Normal Risk) in Kane County; and

c. Yellow (Low Risk) in each area of the State not identified in Subsection (2)(a) or (2)(b).

3. The provisions of the Phased Guidelines apply as follows:

An individual or business in an area identified in Subsection (2)(a) shall comply with the Orange (Moderate Risk) provisions of the Phased Guidelines;

a. An individual or business in an area identified in Subsection (2)(b) shall comply with the Green (Normal Risk) provisions of the Phased Guidelines;

b. An individual or business in an area identified in Subsection (2)(c) shall comply with the Yellow (Low Risk) provisions of the Phased Guidelines; and

c. Notwithstanding any other provision of Section (3), any reference in the Phased Guidelines to the use of a mask or face covering is adopted:

i. as an order for:

A. each individual who is 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. s a strong recommendation for any individual not identified in Subsection (3)(d)(i).

4. A political subdivision desiring an exception to this Order or the Phased Guidelines or desiring to move to Green (Normal Risk) 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 2020-30 is rescinded and replaced by this Order.

This Order is declared effective on June 12, 2020 at 10:00 a.m. and shall remain in effect until 11:59 p.m. on June 26, 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 12th day of June, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/031/EO

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

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

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

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Sixty-third Legislature of the State of Utah into a Fifth Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 18th day of June 2020, at 9:30 a.m., to consider the following:

1. adjusting the fiscal year 2020 and fiscal year 2021 budgets and making statutory changes relating to those budgets;

2. making changes to data privacy provisions relating to the State's response to COVID-19;
3. providing rent and mortgage assistance for individuals and small businesses affected by COVID-19;
4. recognizing the students graduating from high school and institutions of higher education in 2020;
5. changing private investigator residency requirements;
6. amending provisions relating to the unveiling of the statue of Martha Hughes Cannon in the United States Capitol and extending the repeal date of the Martha Hughes Cannon Capitol Statue Oversight Committee;
7. correcting a mistake made in S.B. 90 from the 2020 General Session;
8. making technical corrections to the Utah Code;
9. making changes to municipal annexation requirements;
10. modifying alcohol policies at the Salt Lake City International Airport;
11. modifying unemployment insurance provisions;
12. addressing certain methods of restraint by peace officers;
13. extending the COVID-19 state of emergency;
14. making changes to the Federal Funds Procedures Act and the Emergency Management Act to require notification by the governor to the Legislature before the expenditure of federal funds received during a pandemic emergency;
15. addressing the operation of the Open and Public Meetings Act during an emergency;
16. addressing governmental immunity related to exposure to COVID-19;
17. addressing exposure to bodily fluids by first responders and correctional facilities staff;
18. addressing testing for COVID-19 of staff and residents of residential care facilities;
19. establishing targeted assistance programs with CARES Act Funding;
20. making adjustments to the Utah Fund of Funds;
21. providing approval of the purchase of two pieces of real property and transferring funds from the Fleet Motor Pool Fund to the State Fuel Network Fund for the purchase of the real property;
22. approving a proposed settlement agreement to resolve the Hepatitis C class action lawsuit against the State of Utah and the Department of Corrections;
23. addressing the transfer of reserve funds from the state health insurance pool to the state;
24. modifying Section 53F-8-303 to allow school districts to use revenue generated by the Capital Levy to fund the school district's general fund for the FY21;
25. making changes to the state's workers' compensation insurance program related to first responders who allege that they contracted COVID-19 during the performance of their job duties; and
26. For the Senate to consent to appointments made by the Governor.

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 16th day of June 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/5/S

EXECUTIVE ORDER

Updating the Utah COVID-19 Health Risk Status in Certain Counties

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 Department of Health has released and updated 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, the Utah Department of Health, local officials, and I have determined that it is appropriate to change the Utah COVID-19 Health Risk Status to Green (Normal Risk) for Beaver County, Daggett County, Duchesne County, Emery County, Garfield County, Millard County, Piute County, Uintah County, and Wayne County;

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 4.6.
2. The Utah COVID-19 Public Health Risk Status is:
a. Orange (Moderate Risk) in Salt Lake City;
b. Green (Normal Risk) in Beaver County, Daggett County, Duchesne County, Emery County, Garfield County, Kane County, Millard County, Piute County, Uintah County, and Wayne County; and
c. Yellow (Low Risk) in each area of the State not identified in Subsection (2)(a) or (2)(b).
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 Green (Normal Risk) provisions of the Phased Guidelines;
c. An individual or business in an area identified in Subsection (2)(c) shall comply with the Yellow (Low Risk) provisions of the Phased Guidelines; and
d. Notwithstanding any other provision of Section (3), any reference in the Phased Guidelines to the use of a mask or face covering is adopted:
i. as an order for:
A. each individual who is 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 for any individual not identified in Subsection (3)(d)(i).
4. A political subdivision desiring an exception to this Order or the Phased Guidelines or desiring to move to Green (Normal Risk) 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 2020-31 is rescinded and replaced by this Order.

This Order is declared effective at 1:00 p.m. on June 19, 2020 and shall remain in effect until 11:59 p.m. on July 3, 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 19th day of June, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/032/EO

EXECUTIVE ORDER

Adopting Version 4.7 of the State COVID-19 Public Health Risk Status Phased Guidelines

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 Department of Health has released and updated 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, the Utah Department of Health has updated the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation to version 4.7;

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 4.7.
2. The Utah COVID-19 Public Health Risk Status is:
a. Orange (Moderate Risk) in Salt Lake City;
b. Green (Normal Risk) in Beaver County, Daggett County, Duchesne County, Emery County, Garfield County, Kane County, Millard County, Piute County, Uintah County, and Wayne County; and

c. Yellow (Low Risk) in each area of the State not identified in Subsection (2)(a) or (2)(b).

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 Green (Normal Risk) provisions of the Phased Guidelines;

c. An individual or business in an area identified in Subsection (2)(c) shall comply with the Yellow (Low Risk) provisions of the Phased Guidelines; and

d. Notwithstanding any other provision of Section (3), any reference in the Phased Guidelines to the use of a mask or face covering is adopted:

i. as an order for:

A. each individual who is 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 for any individual not identified in Subsection (3)(d)(i).

4. A political subdivision desiring an exception to this Order or the Phased Guidelines or desiring to move to Green (Normal Risk) 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. This Order rescinds and replaces Executive Order 2020-32.

This Order is declared effective at 5:00 p.m. on June 26, 2020 and shall remain in effect until 11:59 p.m. on July 10, 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 26th day of June, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/033/EO

EXECUTIVE ORDER

Requiring Face Coverings in State Facilities

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, COVID-19 can spread between individuals in close proximity through respiratory droplets produced when an infected individual speaks, coughs, or sneezes;

WHEREAS, an infected individual can transmit COVID-19 even if the individual does not present symptoms;

WHEREAS, the United States Centers for Disease Control and Prevention and the Utah Department of Health have recommended the use of face masks or other face coverings to mitigate the transmission of COVID-19;

WHEREAS, the Utah Department of Health and I have determined that it is appropriate to require individuals to wear face coverings while in a state facility to protect public health;

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:
a. "Face covering" means a cloth mask or similar covering that covers the nose and mouth.
b.i. "State facility" means any portion of a building or structure, including any part thereof, that is owned or leased by the state or a state governmental entity.
ii. "State facility" does not mean:
A. a state prison or state community correctional center; or
B. a building or structure, or part thereof, that is exclusively owned, leased, occupied, or controlled by:
I. the legislative branch of the state;
II. the judicial branch of the state;
III. the Attorney General's Office;
IV. the State Auditor's Office;
V. the State Treasurer's Office; or
VI. an independent entity as defined in Utah Code § 53B-3-102.
c. "State governmental entity" means any department, board, commission, institution, agency, or institution of higher education of the state.
2. Each individual in a state facility shall wear a face covering, except as provided in Section (3).
3. Section (2) does not apply to:
a. a child who:
i. is in a childcare setting;
ii. is younger than two years old; or
iii. is two years old or older if the parent, guardian, or individual responsible for caring for the child cannot place the face covering safely on the child's face;
b. an individual with a medical condition, mental health condition, or disability that prevents wearing a face covering, including an individual with a medical condition for whom wearing a face covering could cause harm or obstruct breathing, or who is unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
c. an individual who is hearing impaired, or communicating with an individual who is hearing impaired, where the ability to see the mouth is essential for communication;
d. an individual who is obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
e. an individual who is outdoors;
f. an individual in a vehicle; or
g. an individual who is eating or drinking and maintains a physical distance of at least six feet from any other individual who is not from the same household or residence;
4. An individual who pursuant to Subsection (3)(b) does not comply with Section (2) shall not be required to produce medical documentation verifying the medical condition, mental health condition, or disability.
5. The Utah Department of Corrections shall implement requirements regarding the wearing of face coverings in a state prison or state community correctional center to protect the health and safety of employees, visitors, and incarcerated individuals.

This Order is declared effective at 8:00 a.m. on June 29, 2020 and shall remain in effect until 11:59 p.m. on July 10, 2020, or until 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 26th day of June, 2020.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/034/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 June 02, 2020, 12:00 a.m., and June 15, 2020, 11:59 p.m. are included in this, the July 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 31, 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 October 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.):	**R51-7**	**Filing No. 52825**

Agency Information

1. Department:	Agriculture and Food	
Agency:	Administration	
Street address:	350 N Redwood Road	
City, state:	Salt Lake City, UT 84115	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	**Phone:**	**Email:**
Amber Brown	801-982-2202	ambermbrown@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

R51-7. Open and Public Meetings Act Electronic Meetings

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

This new rule allows public bodies organized under Title 4 or by the Department of Agriculture and Food (Department) rule to hold public meetings and is required by Section 52-4-207.

4. Summary of the new rule or change:

This rule provides guidelines for public bodies organized under Title 4 or Department rule to hold electronic meetings consistent with the Utah Open and Public Meetings Act. This rule details when, how, and where electronic meetings can be held, and how members and the public can participate.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule should not create any anticipated cost or savings to the state budget because the Department can hold electronic meetings without requiring purchase of any additional equipment.

B) Local governments:

This rule should not create any anticipated cost or savings to local governments because they are not members of public bodies created under Title 4 or Department rule.

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

This rule should not create any anticipated cost or savings to small businesses because they can still participate in electronic public meetings without any additional financial investment.

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

This rule should not create any anticipated cost or savings to non-small businesses because they can still participate in electronic public meetings without any additional financial investment.

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 should not create any anticipated costs or savings to others because they can still participate in electronic public meetings without additional financial investment.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons because they continue to be able to participate in public meetings free of charge.

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 R. Logan Wilde, Utah Department of Agriculture and Food, has reviewed and approves this regulatory impact analysis.

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

This rule will allow public bodies organized under Title 4 or Department rule to hold electronic meetings consistent with state law as the need arises and will not have a fiscal impact on businesses.

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

R. Logan Wilde, 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 52-4-207	Section 63G-3-201	Section 4-2-103

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:	07/31/2020

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

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:	R. Logan Wilde, Commissioner	**Date:**	06/09/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	**R52-7**	**Filing No. 52824**

Agency Information

1. Department:	Agriculture and Food
Agency:	Horse Racing Commission (Utah)
Street address:	350 N Redwood Road
City, state:	Salt Lake City, UT 84115
Mailing address:	PO Box 146500
City, state, zip:	Salt Lake City, UT 84114

Contact person(s):

Name:	**Phone:**	**Email:**
Amber Brown	801-982-2204	ambermbrown@utah.gov
Cody James	801-982-2376	codyjames@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov

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

General Information

2. Rule or section catchline:

R52-7. Horse Racing

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

The rule changes make necessary adjustments to Horse Racing Commission guidelines with the goal of adopting portions of model horse racing rules.

4. Summary of the new rule or change:

The rule changes adjust Horse Racing Commission guidelines related to veterinary practices and use of drugs and medication.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

These rule changes expand the Department of Agriculture and Food's (Department's) role in testing, which will lead to increased costs, however, the Utah Quarter Horse Racing Association (UQHRA) is planning to reimburse the Department for the costs, making the changes revenue neutral. The UQHRA is proposing to increase their fees to account for the additional cost of testing. Adopting the model rule could bring additional revenue into the state because owners may bring horses here from other states, however, any revenue benefit is difficult to quantify at this time.

B) Local governments:

These rule changes are not anticipated to create any costs or savings to local governments because they do not typically race horses and do not have jurisdiction over the Horse Racing Commission.

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

These rule changes do not increase costs for small businesses. While the UQHRA has proposed increasing their testing fees (possibly from $100 to $150) that could be paid by small businesses, those fees are not paid to the Department. It is impossible to know at this time how many small businesses will pay this increased fee.

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

These rule changes do not increase costs for non-small businesses. While the UQHRA has proposed increasing their testing fees (possibly from $100 to $150) that could be paid by non-small businesses, those fees are not paid to the Department. It is impossible to know at this time how many small businesses will pay this increased fee.

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

These rule changes do not increase costs to other individuals. While an individual horse owner may pay an increased fee for testing, the fee will be charged by the UQHRA and not the Department. It is impossible to know at this time how many individuals will pay this increased fee.

F) Compliance costs for affected persons:

Affected persons may pay an increased testing fee to race horses ($150 instead of $100 potentially), however, that fee will be paid to the UQHRA and not the Department.

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 R. Logan Wilde, Utah Department of Agriculture and Food, has reviewed and approves this regulatory impact analysis.

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

These rule changes adopt model horse racing rules and should not have a negative impact on businesses. The changes could have a positive fiscal impact because they will make Utah a more attractive location for horse racing as compared to other states.

B) Name and title of department head commenting on the fiscal impacts:
R. Logan Wilde, Commissioner

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Section 4-38-104		

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

8. A) This rule adds, updates, or removes the following title of materials incorporated by references:	
	First Incorporation
Official Title of Materials Incorporated (from title page)	Annex I: Prohibited Substances
Publisher	Utah Department of Agriculture and Food
Date Issued	June 22, 2020

B) This rule adds, updates, or removes the following title of materials incorporated by references :	
	Second Incorporation
Official Title of Materials Incorporated (from title page)	Controlled Therapeutic Medication Schedule for Horses
Publisher	Utah Department of Agriculture and Food
Date Issued	June 22, 2020

C) This rule adds, updates, or removes the following title of materials incorporated by references :	
	Third Incorporation
Official Title of Materials Incorporated (from title page)	Recommended Penalties for Doping or Equine Endangerment Violations
Publisher	Utah Department of Agriculture and Food
Date Issued	June 22, 2020

D) This rule adds, updates, or removes the following title of materials incorporated by references :	
	Fourth Incorporation
Official Title of Materials Incorporated (from title page)	2019-08 Recommended Penalties by Substance
Publisher	Utah Department of Agriculture and Food
Date Issued	August 2019
Issue, or version	June 22, 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:	07/31/2020

10. This rule change MAY become effective on:	08/07/2020
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:	R. Logan Wilde, Commissioner	Date:	06/09/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R68-26**	**Filing No. 52822**

Agency Information

1. Department:	Agriculture and Food
Agency:	Plant Industry

Street address:	350 N Redwood Road	
City, state:	Salt Lake City, UT 84115	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	**Phone:**	**Email:**
Amber Brown	801-982-2204	ambermbrown@utah.gov
Cody James	801-982-2376	codyjames@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

R68-26. Industrial Hemp Product Registration and Labeling

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

This rule change provides clarification to industrial hemp processors and retailers regarding regulation of their products and department requirements. Also, this change makes state rules and federal regulations regarding labeling more consistent.

4. Summary of the new rule or change:

These rule changes provide guidance to industrial hemp processors and retailers regarding definitions, product registration, product testing, and labeling requirements that will make it easier for them to register and sell compliant and safe products to the public. The change is necessary because current labeling requirements put manufacturers in violation of federal law.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Department of Agriculture and Food (Department) does not anticipate that these changes will lead to any additional cost or savings to the state budget because the changes do not add any additional inspection requirements for the Department, nor should the changes lead to additional products being registered.

B) Local governments:

The Department does not anticipate any cost or savings to local governments because local governments do not regulate or operate as industrial hemp processors or retailers.

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

The Department does not anticipate any costs or savings to small businesses as there are no fees or violation changes included in this rule.

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

The Department does not anticipate any costs or savings to non-small businesses as there are no fees or violation changes included in 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***)**:**

No persons other than small businesses, non-small businesses, or local governments will be affected by this rule because they do not produce or regulate product of industrial hemp.

F) Compliance costs for affected persons:

These changes do not include any changes in 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:

Commissioner R. Logan Wilde, Utah Department of Agriculture and Food, has reviewed and approved the regulatory impact analysis.

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

These rule changes should not have a fiscal impact on businesses but will provide important guidance to businesses that produce industrial hemp products and allow them to label their products in accordance with both state rule and federal law.

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

R. Logan Wilde, Commissioner

Citation Information

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

Subsection 4-41-103(4)	Subsection 4-41-403(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:	07/31/2020

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

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:	R. Logan Wilde, Commissioner	**Date:**	06/09/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	**R68-28**	**Filing No. 52813**

Agency Information

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

Contact person(s):

Name:	**Phone:**	**Email:**
Amber Brown	385-245-5222	ambermbrown@utah.gov
Cody James	801-982-2376	codyjames@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov

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

General Information

2. Rule or section catchline:

R68-28. Cannabis Processing

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

These rule changes are needed to ensure that product is ready for the statutory deadline, make it easier for

processors to get products ready for sale, and to provide clarifications and definition consistent with statute and other rules governing the cannabis program.

4. Summary of the new rule or change:

These changes add several definitions to the rule, including: cannabis concentrate, cannabis cultivation byproduct, cannabis derivative product, cannabis plant product, and Total THC. These additional definitions provide needed clarity and specificity and are consistent with other rule changes recently filed. The definitions also allow for some simplification of the terminology used in the rule. The changes remove references to purchase of industrial hemp based on statutory changes during the 2020 General Session. The changes clarify the guidelines regarding license expiration and renewal to indicate that licenses are good for one year rather than expire on December 31st. The change increases the required resolution for security cameras and clarifies lighting requirements and visitor requirements for cannabis processing facilities. The changes adjust labeling requirements to allow slightly smaller font and remove logo limitations (as long as the logo does not obscure information required on the label).

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

These rule changes clarify an existing rule whose costs have already been determined. There are no costs to state budget associated with these changes.

B) Local governments:

These rule changes clarify an existing rule whose costs have already been determined. There are no costs to local governments associated with these changes.

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

These rule changes clarify an existing rule whose costs have already been determined. There are no costs to small businesses associated with these changes.

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

These rule changes clarify an existing rule whose costs have already been determined. There are no costs to non-small businesses associated with these changes.

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

No costs to persons other than small businesses, non-small businesses, or state and local governments should result from these changes to the existing rule.

F) Compliance costs for affected persons:

These rule changes do not affect compliance costs for affected person.

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

Regulatory Impact Table

Fiscal Cost	**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 R. Logan Wilde, Utah Department of Agriculture and Food, has reviewed and approved this fiscal analysis.
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:
It is expected that these rule changes will reduce the burden on cannabis processors and allow them produce and package products more effectively to get safe high-quality products ready to be sold by the statutory deadline. There should be no fiscal impact associated with these rule changes.
B) Name and title of department head commenting on the fiscal impacts:
R. Logan Wilde, Commissioner

Citation Information

7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):		
Subsection 4-41a-103(5)	Subsection 4-41a-404(3)	Subsection 4-41a-801(1)
Subsection 4-41a-701(3)	Subsection 4-2-103(1)(i)	Subsection 4-41a-405(2)(b)(iv)
Subsection 4-41a-302(3)(b)(ii)		

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:	07/31/2020

10. This rule change MAY become effective on:	08/07/2020
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:	R. Logan Wilde, Commissioner	**Date:**	06/08/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R68-29**	**Filing No. 52808**

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state:	Salt Lake City, UT 84115	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	**Phone:**	**Email:**
Amber Brown	385-245-5222	ambermbrown@utah.gov
Cody James	801-982-2376	codyjames@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R68-29. Quality Assurance Testing on Cannabis
3. Purpose of the new rule or reason for the change:
The purpose of this amendment is to clarify this rule and definitions, to remove references to cannabinoids, and to update testing requirements to make it easier for processors to comply.
4. Summary of the new rule or change:
These changes remove references to cannabinoids, which will be addressed in a separate rule. The changes also clarify the definitions of various cannabis products, including plant product, derivative product, cultivation by product, and cannabis concentrate. Finally, the changes update cannabis testing requirements to provide separate requirements based on the type of product being tested.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

These rule changes clarify an existing rule whose costs have already been determined. There are no costs or savings to the state budget associated with these changes.

B) Local governments:

These rule changes clarify an existing rule whose costs have already been determined. There are no costs or savings to local governments associated with these changes.

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

These rule changes clarify an existing rule whose costs have already been determined. There are no costs or savings to small businesses associated with these changes.

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

These rule changes clarify an existing rule whose costs have already been determined. There are no costs or savings to non-small businesses associated with these changes.

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

There is no cost to persons other than small businesses, non-small businesses, or state and local governments associated with these changes.

F) Compliance costs for affected persons:

The rule changes do not affect 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:

Commissioner R. Logan Wilde, Utah Department of Agriculture and Food, has reviewed and approves the regulatory impact analysis.

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

It is expected that this rule change will allow cannabis testing laboratories to ensure products are tested for safety and potency in accordance with state law. Providing clear and comprehensive guidelines will help producers get products to market faster. The proposed changes do not add any additional costs to the program and clarify the existing rule.

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

R. Logan Wilde, Commissioner

Citation Information

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

Subsection 4-41a-701(3)		

Public Notice Information

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

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

A) Comments will be accepted until:	07/31/2020

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

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:	R. Logan Wilde, Commissioner	**Date:**	06/03/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R152-32a**	**Filing No. 52858**

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:

R152-32a. Pawnshop and Secondhand Merchandise Transaction Information Act Rule

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

The amendment to this rule is being enacted to enable a pawn or secondhand business to act in accordance with Subsection 13-32a-104(7)(b)(ii)(A) by electronically extracting an identifying mark from the wireless communication device. This amendment also removes references to dates that have passed and makes nonsubstantive changes to conform to the Rulewriting Manual.

4. Summary of the new rule or change:

This amendment allows a pawn or secondhand business to act in accordance with Subsection 13-32a-104(7)(b)(ii)(A) by electronically extracting an identifying mark from a wireless communication device in lieu of photographing the identifying mark. Some pawn and secondhand businesses utilize automated kiosks to complete transactions with consumers, and current technology does not allow the kiosk to photograph each identifying mark on a wireless communication device. To properly document the identifying mark, the kiosks connect to the wireless communication device and electronically extract the identifying marks. This electronic extraction accurately and reliably documents the identifying mark on the transaction ticket and provides the same information to the central database that a photograph would provide. This amendment allows flexibility to pawn and secondhand businesses and allows them to continue kiosk-based operations with respect to wireless communication devices, while continuing to provide necessary information to law enforcement and the Division of Consumer Protection (Division).

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule is not expected to have any fiscal impact on state government revenues or expenditures because it does not impose any new requirements the state must follow, nor does it otherwise constrain the state.

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. The Division is unaware of any pawn or secondhand businesses that are small businesses and operate exclusively using automated kiosks to perform transactions involving wireless communication devices. This rule may allow a small business to realize inestimable fiscal benefits if it chooses to operate an automated kiosk

in the fashion contemplated by this rule, but any benefit would be speculative.

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

This rule is expected to provide fiscal benefit to at least one non-small business. The non-small business is a secondhand business that transacts exclusively using automated kiosks. This rule allows the business to continue operating in accordance with Subsection 13-32a-104(7)(b)(ii)(A). Without this rule, a pawn or secondhand business that transacts exclusively using automated kiosks would be unable to operate in the state without having to perform additional business operations, at a cost of approximately $400,000 per year for the next three years.

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 may indirectly benefit consumers by allowing them to sell a wireless communication device to a pawn or secondhand business at an automated kiosk. Although consumers could sell a wireless communication device to a pawn or secondhand business that does not operate an automated kiosk, additional choice and competition in the market for used wireless communication devices likely provides a fiscal benefit to consumers. Members of the pawn and secondhand business industry estimate the value of unwanted wireless communication devices in Utah to be $12,000,000, but it is unclear how many of those devices would be traded to pawn or secondhand businesses impacted by this rule. This rule's ultimate fiscal benefit to consumers is inestimable.

F) Compliance costs for affected persons:

This rule does not impose compliance costs upon affected persons beyond what is already required by Subsection 13-32a-104(7)(b)(ii)(A), and instead provides an alternative method by which a pawn or secondhand business can achieve compliance.

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	$400,000	$400,000	$400,000
Other Persons	$0	$0	$0
Total Fiscal Benefits	**$400,000**	**$400,000**	**$400,000**
Net Fiscal Benefits	**$400,000**	**$400,000**	**$400,000**

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:

This rule is not expected to have any fiscal impact on small businesses. The Division is unaware of any pawn or secondhand businesses that are small businesses and operate exclusively using automated kiosks to perform transactions involving wireless communication devices. This rule may indirectly benefit consumers by allowing them to sell a wireless communication device to a pawn or secondhand business at an automated kiosk. No other impact to the state is expected beyond a minimal cost to the Division to disseminate this rule once the proposed amendments are made effective. 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.

This rule is expected to provide fiscal benefit to at least one non-small secondhand business that transacts exclusively using automated kiosks and allows any business to continue operating in accordance with Subsection 13-32a-104(7)(b)(ii)(A). Without this rule, pawn brokers or secondhand businesses that transact exclusively using automated kiosks would be unable to operate in the state without having to incur a cost. No other fiscal impact is expected for the same reasons as described above for small business as to the costs being 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 13-32a-104(7)(b)(ii)(A)	Subsections 13-32a-106(1)(a) and (b)

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	07/31/2020

10. This rule change MAY become effective on:	08/07/2020
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:	Daniel O'Bannon, Director	**Date:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R156-73-501**	**Filing No. 52821**

Agency Information

1. Department:	Commerce
Agency:	Occupational and Professional Licensing
Building:	Heber M. Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City UT 84111-2316
Mailing address:	PO Box 146741
City, state, zip:	Salt Lake City UT 84114-6741

Contact person(s):		
Name:	**Phone:**	**Email:**
Allyson Pettley	801-530-6179	apettley@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R156-73-501. Unprofessional Conduct
3. Purpose of the new rule or reason for the change:
The Division of Occupational and Professional Licensing (Division) in collaboration with the Chiropractic Physician Licensing Board recommends these proposed amendments to define certain actions as unprofessional conduct.
4. Summary of the new rule or change:
In Subsection R156-73-501(2), makes a minor wording change to delete the term "which". In Subsection R156-73-501(7), clarifies that licensed chiropractors are to keep the Division informed of a current mailing address, current email address, and a current telephone number. In Subsection R156-73-501(15), the proposed rule amendment will establish unprofessional conduct for soliciting, receiving, or paying compensation to another party for sending or referring a patient in excess of $50 per patient. In Subsection R156-73-501(16), the proposed rule amendment will establish unprofessional conduct for soliciting, receiving, or paying compensation to another party for commission, rebates, kickbacks, or bribes. Also, other minor wording or punctuation changes have also been made.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
The Division estimates that the proposed amendments may result in on additional investigation of violations or complaints annually at a cost of $300. The amendments are not expected to impact any existing state practices or procedures, and as described below in the analysis for small business and non-small business, the Division does not expect any state agencies that may be acting as employers of licensees to experience any measurable fiscal impacts.

No other impact to the state is expected beyond a minimal cost to the Division of approximately $75 to disseminate this rule once the proposed amendments are made effective.

B) Local governments:

The Division estimates that the proposed amendments will have no measurable impact on local governments. None of these amendments are expected to impact local governments' practices or procedures. Additionally, as described below in the analysis for small businesses and non-small businesses, the Division does not expect any local governments that may be acting as employers or licensees to experience any measurable fiscal impacts.

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

The proposed amendments will regulate chiropractic physicians practicing in Utah, which may indirectly affect the estimated 470 small businesses in Utah owned by individuals in the chiropractic profession (North American Industry Classification System (NAICS) 621310). However, the amendments are not expected to result in any measurable fiscal impact to small businesses. The amendments will only affect licensees who violate this rule and as described below for other persons, for the typical licensee the amendments will have no fiscal impact. Accordingly, any impact from non-compliance will never be uniformly felt across the industry, and most small businesses will never be impacted. Although a small business owned by a licensee who is sanctioned may face indirect financial costs, it is impossible to estimate what those costs might be because any such violations are unforeseeable, and because any indirect costs that a small business may potentially experience will vary widely depending on the unique characteristics of the entity and the individual characteristics and actions of each licensee. This relevant data is unavailable and the cost of acquiring any such data is prohibitively expensive.

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

These proposed rule changes will not impact non-small business because there are no non-small businesses in Utah in this industry.

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 approximately 1,021 licensed chiropractic physicians who may be affected by these proposed amendments. No measurable fiscal impact to these persons is expected. The goal of this rule is to provide a deterrent, such that there is a $0 net impact on all parties involved and minimal occasions for noncompliance. Therefore, for the typical licensee the amendments are expected to have no direct or indirect fiscal impact. Further, although a licensee who is found to have violated this rule may experience a fiscal impact, it is impossible to estimate what those costs might be with any accuracy at present, both because they would apply only in cases of unforeseeable violations, and because any potential costs would depend on the unique characteristics and actions of each individual licensee. This relevant data is unavailable and the cost of acquiring any such data is prohibitively expensive.

F) Compliance costs for affected persons:

As described above for other persons, the Division does not anticipate any compliance costs for any affected persons from these proposed 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	$375	$300	$300
Local Governments	$0	$0	$0
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Cost	**$375**	**$300**	**$300**
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**	**$0**
Net Fiscal Benefits	**$(-375)**	**$(-300)**	**$(-300)**

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:

The Division is proposing two amendments to the Chiropractic Physician Practice Act Rule. Section R156-73-501 concerns unprofessional conduct. The new Subsection R156-73-501(15) proposes patient referral compensation limits and standards. The new Subsection R156-73-501(16) establishes standards for bribery, kickbacks, rebates, and commissions. There are also minor edits made to improve clarity. Small Businesses (less than 50 employees): In Utah, there are an estimated 470 small businesses in Utah owned by individuals in the chiropractic profession (NAICS 621310). There are approximately 1,021 licensed chiropractic physicians who may be affected by these proposed amendments. The purpose of this rule is for deterrence and the usual licensee will have no direct or indirect fiscal impact. The Division estimates that the proposed amendments may result in one additional investigation of violations or complaints annually at a cost of $300. No other impact to the state is expected beyond a minimal cost to the Division of approximately $75 to disseminate this rule once the proposed amendments are made effective. 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. Non-Small Businesses: the proposed rule change for the Chiropractic Physician Practice Act are not expected to impact non-small businesses because there are no non-small businesses that are exclusively in the chiropractic profession (NAICS 621310) in Utah. For the same reasons as described above for small business as to the costs being inestimable for the reasons stated, 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):

Section	Subsection	Subsection
58-73-101	58-1-106(1)(a)	58-1-202(1)(a)

Public Notice Information

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

A) Comments will be accepted until:	07/31/2020

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

On:	**At:**	**At:**
07/28/2020	9:00 am	Heber Wells Bldg, 160 E 300 S, fourth floor, Salt Lake City, UT. The rule hearing will be held electronically.

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

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:	Mark B. Steinagel, Division Director	**Date:**	06/09/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	**R277-113**	**Filing No. 52839**

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:

R277-113. LEA Fiscal and Auditing Policies

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

Rule R277-113 has been amended to incorporate requirements from H.B. 242 passed in the 2020 General Session applicable to charter schools.

4. Summary of the new rule or change:

Rule R277-113 has been amended to clarify requirements that local education agencies (LEAs) must include in fiscal and auditing policies, consolidate policy requirements and incorporate requirements from H.B. 242 (2020) applicable to charter schools.

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. H.B.242 (2020) requires charter schools to use the same accounting methods as school districts. These rule changes clarify charter school fiscal and auditing policies to help them accomplish this task.

B) Local governments:

This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. H.B. 242 (2020) requires charter schools to use the same accounting methods as school districts. These rule changes clarify charter school fiscal and auditing policies to help them accomplish this task.

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. H.B. 242 (2020) requires charter schools to use the same accounting methods as school districts. These rule changes clarify charter school fiscal and auditing policies to help them accomplish this task.

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 Industrial 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. H.B. 242 (2020) requires charter schools to use the same accounting methods as school districts. These rule changes clarify charter school fiscal and auditing policies to help them accomplish this task.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. H.B. 242 (2020) requires charter schools to use the same accounting methods as school districts. These rule changes clarify charter school fiscal and auditing policies to help them accomplish this task.

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 State Supertendent, 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-3-501(1)(e)(iv)	Section 53E-5-202
Subsection 53E-3-401(4)	Section 53E-3-602	Subsection 53G-5-404(4)
Subsection 53E-3-501(1)(e)(i)	Section 53E-3-603	

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:	07/31/2020

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

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 Stalling, Deputy Superintendent	**Date:**	06/18/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	**R277-303**	**Filing No. 52845**

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:

R277-303. Educator Preparation Programs

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

The amendments in this rule are made from feedback from stakeholders and experience gained in implementing the new licensing structure.

4. Summary of the new rule or change:

The amendments in the rule are technical changes made from feedback from stakeholders and experience gained in implementing the new licensing structure.

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 in this rule change are primarily technical and clarifying in nature.

B) Local governments:

This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. The amendments in this rule change are primarily technical and clarifying 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 amendments in this rule change are primarily technical and clarifying 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 Industrial 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 in this rule change are primarily technical and clarifying in nature.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The amendments in this rule change are primarily technical and clarifying 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**
Net Fiscal Benefits	**$0**	**$0**	**$0**

H) Department head approval of regulatory impact analysis:

The State 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-6-302	Subsection 53E-6-201(3)(a)
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:	07/31/2020

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

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:**	06/15/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	**R277-318**	**Filing No. 52811**

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:

R277-318. Teacher Salary Supplement Program

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

As a result of H.B. 141 passed in the 2020 General Session, this rule is being updated.

4. Summary of the new rule or change:

The amendments are updating the application deadline and making a technical change regarding funds distribution.

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. 141 (2020) required the updates to this rule.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. H.B. 141 (2020) required the updates to this 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. 141 (2020) required the updates to 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 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. 141 (2020) required the updates to this rule.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. H.B. 141 (2020) required the updates to 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 State 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 (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 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-2-504

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:	07/31/2020

10. This rule change MAY become effective on:	08/07/2020
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:**	06/04/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R277-409**	**Filing No. 52835**

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:
R277-409. Public School Membership in Associations
3. Purpose of the new rule or reason for the change:
H.B. 344, passed in the 2020 General Session, provides that a sex offender may not serve as an athletic coach, manager, or trainer for any sports team of which a minor is a member. The amendments in the rule are in response to H.B. 344.
4. Summary of the new rule or change:
The amendment clarifies that a sex offender may not serve in the positions specified in H.B. 344 (2020).

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. H.B. 344 from the 2020 General Session prohibits a sex offender from serving as an athletic coach, manager, or trainer for any sports team of which a minor is a member. This amendment incorporates these new requirements in law.
B) Local governments:
This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. H.B. 344 (2020) prohibits a sex offender from serving as an athletic coach, manager, or trainer for any sports team of which a minor is a member. This amendment incorporates these new requirements in law.
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. H.B. 344 (2020) prohibits a sex offender from serving as an athletic coach, manager, or trainer for any sports team of which a minor is a member. This amendment incorporates these new requirements in law.
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 Industrial 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. H.B. 344 (2020) prohibits a sex offender from serving as an athletic coach, manager, or trainer for any sports team of which a minor is a member. This amendment incorporates these new requirements in law.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. H.B. 344 (2020) prohibits a sex offender from serving as an athletic coach, manager, or trainer for any sports team of which a minor is a member. This amendment incorporates these new requirements in law.

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 State 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)	

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:	07/31/2020

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

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:**	06/18/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R277-444**	**Filing No. 52846**

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:

R277-444. Distribution of Money to Arts and Science Organizations

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

The rule change is an amendment and was up for its five-year review. The amendments include removal of portions of the programs that are outdated or no longer being implemented.

4. Summary of the new rule or change:

The rule was amended to delete outdated language references programs that no longer exist.

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 rule change removes outdated references to programs that no longer exist.

B) Local governments:

This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. The rule change removes outdated references to programs that no longer exist.

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 rule change removes outdated references to programs that no longer exist.

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 Industrial 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 rule change removes outdated references to programs that no longer exist.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The rule change removes outdated references to programs that no longer exist.

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 State 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 53E-3-501

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:	07/31/2020

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

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:**	06/15/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	**R277-460**	**Filing No. 52852**

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:

R277-460. Distribution of Substance Abuse Prevention Account

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

Rule R277-460 is amended due to H.B. 58, passed in the 2020 General Session, to update defined terms and other language included in this 2020 legislation.

4. Summary of the new rule or change:

The rule amendments include renaming the Underage Drinking Prevention Program to the Underage Drinking and Substance Abuse Prevention Program and adds electronic cigarette products to a list of substances included in school based substance abuse prevention programs.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This rule change is not expected to have independent fiscal impacts on state government revenues or expenditures. H.B. 58, from the 2020 General Session, defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

B) Local governments:

This rule change is not expected to have independent fiscal impacts on local government revenues or expenditures. H.B. 58, from the 2020 General Session, defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

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

This rule change is not expected to have independent fiscal impacts on small business revenues or expenditures. H.B. 58, from the 2020 General Session, defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

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 Industrial 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 expenditures for persons other than small businesses, businesses, or local government entities. H.B. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. H.B. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

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 State 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 51-9-405	Section 53G-10-405
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:	07/31/2020

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

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:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	**R277-483**	**Filing No. 52853**

Agency Information

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

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

General Information

2. Rule or section catchline:

R277-483. LEA Reporting and Accounting Requirements

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

Rule R277-483 is being repealed because the rule in no longer needed.

4. Summary of the new rule or change:

The Utah State Board of Education (Board) Rule R277-483 is being repealed in its entirety because the rule requirements will be incorporated into Board Rule R277-113. (EDITOR'S NOTE: The proposed amendment to Rule R277-113 is under Filing No. 52839 in this issue, July 1, 2020, of the Bulletin.)

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This repeal is not expected to have material fiscal impact on state government revenues or expenditures. Requirements in this rule are incorporated in Rule R277-113.

B) Local governments:

This repeal is not expected to have material fiscal impact on local governmenta' revenues or expenditures. Requirements in this rule are incorporated in Rule R277-113.

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

This repeal is not expected to have material fiscal impact on small businesses' revenues or expenditures. Requirements in this rule are incorporated in Rule R277-113.

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 Industrial 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 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 repeal is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. Requirements in this rule are incorporated in Rule R277-113.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. Requirements in this rule are incorporated in Rule R277-113.

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 State 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 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	Section 53A-1-401	Section 53E-5-202

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:	07/31/2020

10. This rule change MAY become effective on:	08/07/2020
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:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R277-497**	**Filing No. 52854**

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:
R277-497. School Accountability System
3. Purpose of the new rule or reason for the change:
The rule is being changed to make technical corrections by updating dates and repealing outdated language specific to school years that have passed.
4. Summary of the new rule or change:
The rule is being amended to update the school year references in Subsection R277-497-2(5) and remove unnessecary language in Subsection R277-467-4(3)(d).

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 are technical and clarifying in nature.

B) Local governments:

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

F) Compliance costs for affected persons:

There are no material compliance costs for affected persons. The amendments are technical and clarifying 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**
Net Fiscal Benefits	**$0**	**$0**	**$0**

H) Department head approval of regulatory impact analysis:

The State 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-5-202	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:	07/31/2020

10. This rule change MAY become effective on:	08/07/2020
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:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	**R277-498**	**Filing No. 52855**

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:

R277-498. Grant for Math Teaching Training

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

The Utah State Board of Education has reviewed this rule and determined that the rule is no longer needed and recommends it be repealed.

4. Summary of the new rule or change:

The program this rule governs no longer receives funding and was replaced by the STEM (Science, Technology, Engineering, and Mathmatics) Endorsement Initiative 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 program this rule governs no longer receives funding and was replaced by the STEM Endorsement Initiative Program.

B) Local governments:

This rule change is not expected to have material fiscal impact on local governments' revenues or expenditures. The program this rule governs no longer receives funding and was replaced by the STEM Endorsement Initiative Program.

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 program this rule governs no longer receives funding and was replaced by the STEM Endorsement Initiative 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 Industrial 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 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 material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The program this rule governs no longer receives funding and was replaced by the STEM Endorsement Initiative Program.

F) Compliance costs for affected persons:

There are no compliance costs for affected persons. The program this rule governs no longer receives funding and was replaced by the STEM Endorsement Initiative 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 State 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 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)	Subsection 53F-5-205(2)

Public Notice Information

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

A) Comments will be accepted until:	07/31/2020

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

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:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal		
Utah Admin. Code Ref (R no.):	**R277-500**	**Filing No. 52856**

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, which sunsets in July 2020, will no longer be necessary and therefore the Utah State Board of Education (Board) is repealing the rule.

4. Summary of the new rule or change:

As part of the licensing updates, the Board approved a new renewal rule, Rule R277-302 and the language from Rule R277-500 will be incorporated into the new rule. This rule is repealed in its entirety.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

This repeal is not expected to have material fiscal impact on state government revenues or expenditures. The Board approved Rule R277-302 and the language from Rule R277-500 is incorporated into the new rule. Rule R277-500 is no longer necessary and therefore, the rule is being repealed.

B) Local governments:

This repeal is not expected to have material fiscal impact on local governments' revenues or expenditures. The Board approved Rule R277-302 and the language from Rule R277-500 is incorporated into the new rule. Rule R277-500 is no longer necessary and therefore, the rule is being repealed.

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

This repeal is not expected to have material fiscal impact on small businesses' revenues or expenditures. The Board approved Rule R277-302 and the language from Rule R277-500 is incorporated into the new rule. Rule R277-500 is no longer necessary and therefore, the rule is being repealed.

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 Industrical 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 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 repeal is not expected to have material fiscal impact on revenues or expenditures for persons other than small businesses, businesses, or local government entities. The Board approved Rule R277-302 and the language from Rule R277-500 is incorporated into the new rule. Rule R277-500 is no longer necessary and therefore, the rule is being repealed.

F) Compliance costs for affected persons:

There were no compliance costs for affected persons. The Board approved Rule R277-302 and the language from Rule R277-500 is incorporated into the new rule. Rule R277-500 is no longer necessary and therefore, the rule is being repealed.

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 State 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 repeal 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

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:	07/31/2020

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

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:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R277-550**	**Filing No. 52857**

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:

R277-550. Charter Schools - Definitions

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

The Utah State Board of Education (Board) Rule R277-550 is being amended due to amendments in Board Rule R277-552 and due to H.B. 242 passed in the 2020 General Session. (EDITOR'S NOTE: The proposed amendment to Rule R277-552 is under Filing No. 52859 in this issue, July 1, 2020, of the Bulletin.)

4. Summary of the new rule or change:

Rule R277-550 is amended to update requirements for authorizer expansion and satellite school approval processes. In addition, other procedures for new school approval and changing authorizers have been updated.

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. 242 (2020) amended provisions related to charter schools. As a result, the Board updated Board Rule R277-552. This rule is being amended due to amendments in Rule R277-552.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. H.B. 242 (2020) amended provisions related to charter schools. As a result, the Board updated Board Rule R277-552. This rule is being amended due to amendments in Rule R277-552.

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. 242 (2020) amended provisions related to charter schools. As a result, the Board updated Board Rule R277-552. This rule is being amended due to amendments in Rule R277-552.

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 Industrial 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 impacts on revenues or expenditures for persons other than small businesses, businesses, or local government entities. H.B. 242 (2020) amended provisions related to charter schools. As a result, the Board updated Board Rule R277-552. This rule is being amended due to amendments in Rule R277-552.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. H.B. 242 (2020) amended provisions related to charter schools. As a result, the Board updated Board Rule R277-552. This rule is being amended due to amendments in Rule R277-552.

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 State 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)	Title 53G, Chapter 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:	07/31/2020

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

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:**	06/15/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	**R277-552**	**Filing No. 52859**

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:

R277-552. Charter School Timelines and Approval Processes

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

Rule R277-552 is being amended due to the Board's recent review of an authorizer's processes and due to H.B. 242, which was passed in the 2020 General Session.

4. Summary of the new rule or change:

Rule R277-552 is amended to update requirements for authorizer expansion and satellite school approval processes. In addition, other procedures for new school approval and changing authorizers have been updated.

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. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in this legislation.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. H.B. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in this legislation.

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. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in this legislation.

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 Industrial 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. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in this legislation.

F) Compliance costs for affected persons:

There are no expected independent compliance costs for affected persons. H.B. 242 (2020) amended charter school authorizer processes. The changes in this amendment are a result of requirements in this legislation

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 State 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	Sections 53G-5-304 through 53G-5-306	20 U.S.C. Sec. 8063
Subsection 53E-3-401(4)	Section 53F-2-702	Subsection 53G-6-504(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:	07/31/2020

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

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:**	06/15/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	**R277-607**	**Filing No. 52860**

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:

R277-607. Truancy Prevention

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

This rule is being amended to reflect updates to the Utah Code due to H.B. 14 passed in the 2020 General Session. The Utah Code updates definitions regarding what is an absence, valid excuse, and truancy.

4. Summary of the new rule or change:

The rule amends the title of the "truancy policy" to be the "absenteeism and truancy policy". The rule is also amended to include a requirement that each local education agency (LEA) create an attendance review team to review attendance data at least monthly to make prevention and intervention decisions.

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 rule is being amended to reflect statutory updates due to H.B. 14 (2020).

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The rule is being amended to reflect statutory updates due to H.B. 14 (2020).

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 rule is being amended to reflect statutory updates due to H.B. 14 (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 America 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. The rule is being amended to reflect statutory updates due to H.B. 14 (2020).

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. The rule is being amended to reflect statutory updates due to H.B. 14 (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 State 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 53G-6-206

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:	07/31/2020

10. This rule change MAY become effective on:	08/07/2020
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:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R277-609**	**Filing No. 52861**

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:
R277-609. Standards for LEA Discipline Plans and Emergency Safety Interventions
3. Purpose of the new rule or reason for the change:
Utah State Board of Education is amending Rule R277-609 due to H.B. 58, which was passed in the 2020 General Session.
4. Summary of the new rule or change:
Rule R277-609 is amended to require local education agencies (LEAs) to enact policies and procedures for responding to possession or use of electronic cigarette products by a student on school property as required by Section 53G-8-203. The rule has also been updated to include a new definition for electronic cigarette products.

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. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. H.B. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

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. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

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 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. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. H.B. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

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 State 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-3-509	Section 53G-8-302
Subsection 53E-3-401(4)	Section 53G-8-702	
Subsection 53E-3-501(1)(b)(v)	Section 53G-8-202	

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)	LRBI Technical Assistance Manual
Publisher	Utah State Board of Education
Date Issued	2015

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	07/31/2020

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

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:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R277-615**	**Filing No. 52862**

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:
R277-615. Standards and Procedures for Student Searches
3. Purpose of the new rule or reason for the change:
Rule R277-615 includes amendments due to H.B. 58, passed in the 2020 General Session.
4. Summary of the new rule or change:
The rule amendments include updated defined terms, including the term electronic cigarette products.

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. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. H.B. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

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

This rule change is not expected to have independent fiscal impacts on small businesses' revenues or expenditures. H.B. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

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 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. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. H.B. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

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 State 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-8-509	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:	07/31/2020

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

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:**	06/15/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: New

Utah Admin. Code Ref (R no.):	**R277-625**	**Filing No. 52873**

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:

R277-625. Mental Health Screener

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

This rule is being created due to H.B. 323, passed in the 2020 General Session.

4. Summary of the new rule or change:

The rule creates a process for a local education agency (LEA) to seek approval for administering a mental health screening tool to students. The rule also creates a process for an LEA to receive reimbursement for a qualifying parent to receive mental health treatment for the parent's student based on the results of the mental health screening. The rule also clarifies which parents constitute a qualifying parent and allows and LEA to seek funding for procuring a mental health screening tool.

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 rule is being created due to H.B. 323 (2020).

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. The rule is being created due to H.B. 323 (2020).

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 rule is being created due to H.B. 323 (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 Industrial 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. The rule is being created due to H.B. 323 (2020).

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. The rule is being created due to H.B. 323 (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 State 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 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-3-401(4)	Section 53F-2-522

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:	07/31/2020

10. This rule change MAY become effective on:	08/07/2020
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:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R277-910**	**Filing No. 52864**

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:

R277-910. Underage Drinking Prevention Program

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

Rule R277-910 is amended due to H.B. 58, passed in the 2020 General Session.

4. Summary of the new rule or change:

The amendments include renaming the Underage Drinking Prevention Program to the Underage Drinking and Substance Abuse Prevention Program and adds a requirement to include instruction on the risks of underage usage of electronic cigarette products. It also adds a requirement for a local education agency (LEA) to offer a school-based prevention program for students in grade 4 or 5.

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. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

B) Local governments:

This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. H.B. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

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. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

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. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. H.B. 58 (2020) defines and regulates the use of electronic cigarette products in schools. The amendments in this rule change are due to requirements in this legislation.

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 State 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 53G-10-406

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:	07/31/2020

10. This rule change MAY become effective on:	08/07/2020
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:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R277-924**	**Filing No. 52865**

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:
R277-924. Partnerships for Student Success Grant Program
3. Purpose of the new rule or reason for the change:
S.B. 137, passed in the 2020 General Session, requires the Utah State Board of Education to annually evaluate a partnership that receives a grant under the Partnerships for Student Success Program and prepare a written report of an evaluation and submit the report to the Education Interim Committee.
4. Summary of the new rule or change:
The rule is amended to clarify that the evaluation does not have to be performed by a third-party provider.

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. S.B. 137 (2020) revised requirements for the Partnerships for Student Success Program. The amendments in this rule change are due to this legislation.
B) Local governments:
This rule change is not expected to have independent fiscal impact on local governments' revenues or expenditures. S.B. 137 (2020) revised requirements for the Partnerships for Student Success Program. The amendments in this rule change are due to this legislation.
C) Small businesses ("small business" means a business employing 1-49 persons)**:**
This rule change is not expected to have independent fiscal impacts on small business revenues or expenditures. S.B. 137 (2020) revised requirements for the Partnerships for Student Success Program. The amendments in this rule change are due to this legislation.
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. S.B. 137 (2020) revised requirements for the Partnerships for Student Success Program. The amendments in this rule change are due to this legislation.

F) Compliance costs for affected persons:

There are no independent compliance costs for affected persons. S.B. 137 (2020) revised requirements for the Partnerships for Student Success Program. The amendments in this rule change are due to this legislation.

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 State 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 53F-5-406	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:	07/31/2020

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

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:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R307-101-2**	**Filing No. 52814**

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:

R307-101-2. Definitions

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

The Division of Air Quality (DAQ) has submitted all Clean Air Act (CAA) requirements to the Environmental Protection Agency for the 2006 24-hr $PM_{2.5}$ nonattainment areas to be redesignated to attainment. The maintenance areas must be defined so that the rules approved as part of the State Implementation Plan continue to apply throughout the maintenance period. Defining the maintenance areas in Rule R307-101 means that all Title R307 references to $PM_{2.5}$ maintenance areas will apply to the new maintenance areas, which prevents backsliding under CAA Section 110(l).

4. Summary of the new rule or change:

This amendment to Rule R307-101 adds the $PM_{2.5}$ Maintenance Area definitions to the Utah Air Quality Rules.

A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, July 31, 2020, at 5:00 PM MDT. The final status of the public hearing will be posted on Friday, July 31, after 5:00 PM 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

Interested Persons can participate electronically, via the internet:

https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=m357b639a97d449b240dc3856771885
Meeting Number: 126 260 8137
Meeting password: g5cWszbBg36 (45297922 from phones and video systems)
Join by Phone: 1-408-418-9288

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There will be no change in costs for state government. The addition of maintenance area definitions allows the rules currently applicable to continue when the areas are redesignated from nonattainment to attainment.

B) Local governments:

There will be no change in costs for local governments as the rule amendment is not applicable to local governments.

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

There will be no change in costs for small businesses since the air quality rules currently apply to small businesses.

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

There will be no change in costs for non-small businesses since the air quality rules currently apply to non-small businesses.

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

There will be no change in costs for persons other than small business, non-small business, state, or local government entities.

F) Compliance costs for affected persons:

The compliance cost for affected persons will remain the same as the current cost associated with all existing air quality rules that the new definitions apply to.

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 Environmental Quality, L. Scott Baird, has reviewed and approved the fiscal analysis.

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

This rule amendment adds definitions so that air quality rules continue to apply when areas are redesignated from nonattainment to attainment, so there will be no fiscal impacts on businesses.

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):

Subsection 19-2-104(1)(a)		

Public Notice Information

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

A) Comments will be accepted until:	08/03/2020

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

On:	**At:**	**At:**
08/03/2020	10:00 AM MDT	https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=m357b639a97d449b240dc3856771885

10. This rule change MAY become effective on:	09/03/2020

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:**	05/18/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	**R307-150**	**Filing No. 52815**

Agency Information

1. Department:	Environmental Quality
Agency:	Air Quality

Building:	MASOB	
Street address:	195 Nh 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144820	
City, state, zip:	Salt Lake City, UT 84114-4820	
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:

R307-150. Emission Inventories

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

Division of Air Quality (DAQ) staff are proposing two amendments to Rule R307-150. The first amendment is to convert all summary only reports to detailed reports. There are certain facilities that currently submit only summary reports, while others submit detailed reports. Staff is proposing to make the amendment so all sources have detailed reports to submit.

The second amendment is a new section which incorporates a requirement of the Clean Air Act for areas that have been designated as nonattainment for ozone. The has three areas that have been designated by the Environmental Protection Agency as marginal nonattainment for ozone and as such are required to have sources of oxides of nitrogen (NOx) and volatile organic compounds (VOCs) provide annual emission statements to the DAQ. This rule is required to be incorporated into the 's State Implementation Plan (SIP) within two years of designation and the first emission statements are due three years from designation. Three areas in Utah were designated nonattainment areas for ozone August 3, 2018.

4. Summary of the new rule or change:

For the first amendment, currently, sources subject to Section R307-150-7 submit facility totals for each pollutant (summary-only facilities), while all other sources submit specific information regarding each piece of permitted equipment (detailed facilities). Point Source staff would like to change this rule so that all sources are required to submit a detailed emissions inventory. Staff believe this will improve the reporting experience for the user, as well as the accuracy of the point source inventory. The point source inventory database, SLEIS, shows users how to calculate a detailed emissions inventory, whereas summary-only facilities have no prompts for completing calculations and usually have to create their own worksheets to determine totals. Once SLEIS has been tailored for each of a facility's emissions units, the following inventory cycles will be significantly easier because the next inventory report is generated from the previous one. Thus, some additional work in the short-term should provide a better experience in the long-term.

For the second amendment, the new Section R307-150-9 requires sources that have the potential to emit 25 tons of either NOx or VOCs provide an annual statement to the Division of Air Quality that documents the total actual emissions of NOx and VOCs for the previous calendar year. The statement had minimal requirements and needs to be certified as true and accurate.

A public hearing is set for Monday, August 3, 2020.
Interested persons may participate electronically, via the internet:

https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=m5f8ca399000263c519dfa067612596be
Meeting number: 126 911 2630
Meeting Password: rrKpMJpB747 (77576572 from phones and video systems)
Join by Phone: 1-408-418-9388

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The DAQ does not anticipate any cost to the DAQ. The DAQ believes current staff can manage this change, therefore there is no need to hire additional personnel.

B) Local governments:

There are no anticipated costs or savings to local governments as these rule amendments are not applicable to them.

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

There are approximately 50 companies that already report triennial inventories that will now need to report annual summaries, which will take roughly 8 to12 hours of work of either a staff member or a consultant to complete. It is estimated of those 50, approximately 25% are small business and the annual total cost to each source would be $2,000, for a total cost of about $30,000 for all small sources. As the triennial inventory is due in 2021, as well as the first emission statement, this cost would not occur until 2022.

For the amendment moving from summary-only reports to detailed inventory reports, it is possible that a small business would need to hire contract work to track and report the emissions, though staff expects most businesses to be able to absorb the workload with current personnel. The estimation is that, of the roughly 300 businesses going from summary to detail reports, 50 will hire outside work to complete the task, costing each small business $2,000. The belief is that after the first year of

the detailed reporting, most, if not all, of the small businesses will be able to complete the detailed report themselves without needing contracting work. Staff will be open to working with sources throughout the process to answer questions, as well. This cost will be incurred in 2021, when the first detailed report will be due.

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

An estimated 75% of the 50 businesses who will now need to report annually are expected to be non-small businesses. As the business may be more complex, it is estimated that 12 to 20 hours of staff time or consultant work will be needed with an estimated total cost to all of $50,000. Some non-small businesses may be able to absorb this additional reporting with current staff, whereas some may need to hire out the work. Due to the triennial inventory being due in 2021, this additional cost would not incur until 2022. Currently, there are an estimated three businesses in Toeele County that were not required to report an emission inventory under current rules that will now have to establish an emission inventory. This initial cost is estimated at $8,000 for all three combined. Another $1,500 each per year is estimated to report the inventories. The cost to these non-small businesses will be incurred in 2021.

For the amendment of moving from summary only to a detailed inventory report, staff expects businesses this large to either already have personnel tracking these emissions or be able to absorb the workload of tracking and reporting with current personnel.

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

These rule amendments are not directly applicable to persons other than small businesses, non-small businesses, state, or local government entities.

F) Compliance costs for affected persons:

Should any business fail to submit their emissions inventory report by the due date, compliance action may be taken.

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**	**FY2021**	**FY2022**
State Government	$0	$0	$0
Local Governments	$0	$0	$0
Small Businesses	$100,000	$30,000	$50,000
Non-Small Businesses	$8,000	$54,500	$54,500
Other Persons	$0	$0	$0
Total Fiscal Cost	**$108,000**	**$84,500**	**$104,500**
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 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 to this rule will result in fiscal costs for both small and non-small businesses. The plan is for the DAQ to have staff work with the businesses in every way possible to help limit and, when possible, eliminate these costs by assisting in the completion of their emission inventories. The heightened frequency of inventory reporting may cost businesses in the short-run to hire outside consulting, but the objective is to assist all businesses so they may be able to handle these additional reporting requirements with their current staff in the future.

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):		
Subsection 19-2-104(1)(c)		

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:		08/03/2020
B) A public hearing (optional) will be held:		
On:	**At:**	**At:**
08/03/2020	09:00 AM MDT	https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=m5f8ca399000263c519dfa067612596be

10. This rule change MAY become effective on:	09/03/2020
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:**	05/18/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R307-401**	**Filing No. 52816**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:	Fourth Floor	
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:
R307-401. Permit: New and Modified Sources
3. Purpose of the new rule or reason for the change:
Due to S.B. 88 being passed in the 2020 General Session, amendments were needed in Rule R307-401 to bring the rule in line with Utah Code.
4. Summary of the new rule or change:
The proposed changes to Rule R307-401 include the requirement that the sources that must have a permit cannot operate without first having obtained such a permit. In other words, operation without a permit--and not merely a failure to obtain a permit--is now a violation of Rule R307-401. Another change in Rule R307-401 due to the statute amendments is that sources are required to pay the applicable New Source Review permitting fee as part of the permit application, and the permit application is not complete without the payment of the fee. The final changes in this rule are to clean up the language to match the statute. A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, July 31, 2020, at 5:00 PM MDT. The final status of the public hearing will be posted on Friday, July 31, after 5:00 PM 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

Interested persons can participate electronically, via the internet:

https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=me86cb2376056a51b26bef1de0d6827d4
Meeting number: 126 786 2510
Meeting password: w23pJRe9sii (92375739 from phones and video systems)
Join by Phone: 1-408-418-9388

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

Due to these rule amendments, the only fiscal impacts for the state budget would be greater allocation to the general fund from compliance actions regarding the need to obtain a permit before operation.

B) Local governments:

These rule amendments do not apply to local governments and therefore will have no fiscal impact on them.

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

The only costs to small businesses would come from lack of compliance to the new rule amendments, specifically the failure to have a permit prior to operating. The actual numbers for this are inestimable as the Division of Air Quality (Division) does not know how many small businesses may be non-compliant in the future.

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

The only costs to non-small businesses would come from lack of compliance to the new rule amendments, specifically the failure to have a permit prior to operating. The actual numbers for this are inestimable as the Division does not know how many non-small businesses may be non-compliant in the future.

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

There are no anticipated costs to persons other than small businesses, non-small businesses, state, or local government entities because the amendments are not applicable to them.

F) Compliance costs for affected persons:

There are no further compliance costs for affected persons as a result of this rule amendment.

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 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 only fiscal impact these amendments to Rule R307-401, as a result of S.B. 88 (2020), may have on businesses, would be as a result of non-compliance.

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):		
Subsection 19-2-104(3)(q)	Section 19-2-108	

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:	08/03/2020

B) A public hearing (optional) will be held:		
On:	At:	At:
08/03/2020	11:00 AM MDT	https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=me86cb2376056a51b26bef1de0d6827d4

10. This rule change MAY become effective on:	09/03/2020
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:	05/18/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	R307-415-9	Filing No. 52817

Agency Information

1. Department:	Environmental Quality
Agency:	Air Quality
Room no.:	Fourth Floor
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:

R307-415-9. Fees for Operating Permits

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

Due to S.B. 88 being passed in the 2020 General Session, amendments were needed in Section R307-415-9 to bring the rule in line with Utah Code.

4. Summary of the new rule or change:

A general amendment throughout the subsections of Section R307-415-9 allows for additional fees to an annual emissions. The previous statutory language only allowed a uniform annual fee based on tons emitted. Examples of the fees that may be allowed by these language changes could include annual fees, varying fees for different source sizes and types, administrative fees, etc. All fees are proposed annually with the Department of Environmental Quality's fee package that has a public comment period and public hearing each Fall, and then goes to the Legislature for approval during the annual general session. Additionally, there were multiple amendments throughout Section R307-415-9 to align with the state statute and clean up outdated language.

A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, July 31, 2020, at 5:00 PM MDT. The final status of the public hearing will be posted on Friday, July 31, after 5:00 PM 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

Interested persons can participate electronically, via the internet:

https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=me86cb2376056a51b26bef1de0d6827d4
Meeting number: 126 786 2510
Meeting password: w23pJRe9sii (92375739 from phones and video systems)
Join by Phone: 1-408-418-9388

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There are no direct fiscal impacts to the state budget as a result of this rulemaking. The only fiscal impacts will come from the additional fees to an annual emissions fee that are now allowed as a result of this rulemaking. However, those fees are proposed from the Department of Environmental Quality's fee package which is sent to the Legislature for approval. Therefore, there are no fiscal impacts resulting from these amendments.

B) Local governments:

Local governments are not impacted from this rulemaking and therefore experience no fiscal impacts.

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

There are no direct fiscal impacts to small businesses as a result of this rulemaking. The only fiscal impacts will come from the additional fees to an annual emissions fee that are now allowed as a result of this rulemaking. However, those fees are proposed from the Department of Environmental Quality's fee package which is sent to the Legislature for approval. Therefore, there are no fiscal impacts resulting from these amendments.

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

There are no direct fiscal impacts to non-small businesses as a result of this rulemaking. The only fiscal impacts will come from the additional fees to an annual emissions fee that are now allowed as a result of this rulemaking. However, those fees are proposed from the Department of Environmental Quality's fee package which is sent to the Legislature for approval. Therefore, there are no fiscal impacts resulting from these amendments.

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 rule amendments to Section R307-415-9 do not apply to persons other than small businesses, non-small businesses, state, or local government entities and therefore have no fiscal impacts on them.

F) Compliance costs for affected persons:

There are no additional compliance costs for affected persons as a result of this rulemaking.

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 Environmental Quality, L. Scott Baird, has reviewed and approved of this fiscal analysis.
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:
This rulemaking, as required by S.B. 88 (2020), has no fiscal impact on businesses. The only changes may come in the future from the allowance of additional fees to an annual emissions fee, but those fees are enacted by the Legislature as proposed by the Department of Environmental Quality in the fee package sent each general session.
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	Section 19-2-108	

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:	08/03/2020	
B) A public hearing (optional) will be held:		
On:	**At:**	**At:**
08/03/2020	11:00 AM MDT	https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=me86cb2376056a51b26bef1de0d6827d4

10. This rule change MAY become effective on:	09/03/2020
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:**	05/18/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R307-801-1**	**Filing No. 52818**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:	Fourth Floor	
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:
R307-801-1. Purpose and Authority
3. Purpose of the new rule or reason for the change:
Due to S.B. 88 being passed in the 2020 General Session, amendments were needed in Section R307-801-1 to bring the rule in line with Utah Code.
4. Summary of the new rule or change:
The amendments to Section R307-801-1 merely update the reference to the Utah Code as amended by S.B. 88 (2020). A public hearing is set for Monday, August 3, 2020. Further details may be found below. The hearing will be cancelled should no request for one be made by Friday, July 31, 2020, at 5:00 PM MDT. The final status of the public hearing will be posted on Friday, July 31, after 5:00 PM 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

Interested persons can participate electronically, via the internet:

https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=me86cb2376056a51b26bef1de0d6827d4
Meeting number: 126 786 2510
Meeting password: w23pJRe9sii (92375739 from phones and video systems)
Join by Phone: 1-408-418-9388

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There are no anticipated costs or savings to the state budget because the amendments merely update the reference to the Utah Code as amended by S.B. 88 (2020).

B) Local governments:

There are no anticipated costs or savings to local governments because the amendments merely update the reference to the Utah Code as amended by S.B. 88 (2020).

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

There are no anticipated costs or savings to small businesses because the amendments merely update the reference to the Utah Code as amended by S.B. 88 (2020).

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 because the amendments merely update the reference to the Utah Code as amended by S.B. 88 (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***)**:**

There are no anticipated costs or savings to persons other than small businesses, non-small businesses, state, or local government entities as the amendments merely update the reference to the Utah Code as amended by S.B. 88 (2020).

F) Compliance costs for affected persons:

There are no compliance costs for affected persons as a result of this rulemaking, as the amendments merely update the reference to the Utah Code as amended by S.B. 88 (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 Environmental Quality, L. Scott Baird, has reviewed and approved of this fiscal analysis.

6. A) Comments by the department head on the fiscal impact this rule may have on businesses:
The amendments to Section R307-801-1 merely update the references to the Utah Code as amended in S.B. 88 (2020) and therefore, have no fiscal impact on businesses.
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):		
Subsection 19-2-104(1)(d)	Subsections 9-2-104(3)(r) through (t)	40 CFR Part 61 Subpart M
40 CFR Part 763 Subpart E		

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:	08/03/2020	
B) A public hearing (optional) will be held:		
On:	**At:**	**At:**
08/03/2020	11:00 AM MDT	https://meetingsamer15.webex.com/meetingsamer15/j.php?MTID=me86cb2376056a51b26bef1de0d6827d4

10. This rule change MAY become effective on:	09/03/2020
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:**	05/18/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	**R381-60**	**Filing No. 52829**

Agency Information

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

General Information

2. Rule or section catchline:
R381-60. Hourly Child Care Centers
3. Purpose of the new rule or reason for the change:
This repeal and reenact is filed to accommodate all required technical changes suggested by the governor's office and many others needed by the Department of Health procedures. These changes will make this rule be in compliance with the state rulewriting process. Since the required technical changes are many, a repeal and reenact will make this process simpler to be accomplished.
4. Summary of the new rule or change:
Most of the proposed changes are technical. They include re-writing sentences in active voice, deleting or adding punctuation, renumbering as needed, spelling, proper word choice, adding or deleting words to clarify language, and negative into positive sentences. The Child Care Center Licensing Committee (Agency) is also deleting unnecessary language, clarifying training topics as required by federal regulations and deleting required face-to-face training components, clarifying supervision for 16- and 17-year-old caregivers, clarifying room measurements, and clarifying the emergency preparedness and response language to delete the need for the Health and Safety Plan template.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Agency does not anticipate any additional costs or savings due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect the budget.

B) Local governments:

These proposed amendments are not expected to have any fiscal impacts on local governments' revenues or expenditures because the changes are mostly technical and do not add or delete requirements that may affect local governments.

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

The majority of child care centers in the state operate as small businesses. However, the Agency does not expect any costs or savings associated with the proposed rule amendments because the changes are mostly technical and do not add or delete requirements that may affect them.

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

The Agency does not anticipate any additional costs or savings to non-small businesses due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

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 Agency does not anticipate any additional costs or savings to persons other than small businesses, non-small businesses, state, or local entities due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

F) Compliance costs for affected persons:

The Agency does not anticipate any additional costs due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

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:

I have reviewed and approved this fiscal analysis. Joseph K. Miner, MD, Executive Director

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

This repeal and reenact is filed to accommodate all required technical changes suggested by the governor's office and many others needed by Department of Health procedures. These changes will make this rule be in compliance with the state rulewriting process. Since the required technical changes are many, a repeal and reenact will make this process simpler to be accomplished. The changes delete unnecessary language, clarify training topics as required by federal regulations and delete required face-to-face training components, clarify supervision for 16- and 17-year-old caregivers, clarify room measurements, and clarify the emergency preparedness and response language to delete the need for the Health and Safety Plan template.

Simon Bolivar worked closely with Holly Langton in the governor's office to ensure that the office agrees that the new rule language conforms to the requirements in the Rulewriting Manual.

There is no fiscal impact on businesses because there are no substantive changes to requirements on childcare 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):

Subsection 26-39-203(1)(a)		

Public Notice Information

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

A) Comments will be accepted until:	08/14/2020

10. This rule change MAY become effective on:	08/21/2020

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:**	06/18/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	**R381-70**	**Filing No. 52830**

Agency Information

1. Department:	Health
Agency:	Child Care Center Licensing Committee
Building:	Highland
Street address:	3760 South Highland Drive
City, state:	Salt Lake City, UT 84114
Mailing address:	PO Box 142003
City, state, zip:	Salt Lake City, UT 84114-2003

Contact person(s):

Name:	**Phone:**	**Email:**
Simon Bolivar	801-803-4618	sbolivar@utah.gov

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

General Information

2. Rule or section catchline:

R381-70. Out of School Time Child Care Programs

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

This repeal and reenact is filed to accommodate all required technical changes suggested by the governor's office and many others needed by the Department of Health procedures. These changes will make this rule be in compliance with the state rulewriting process. Since the required technical changes are many, a repeal and reenact will make this process simpler to be accomplished.

4. Summary of the new rule or change:

Most of the proposed changes are technical. They include re-writing sentences in active voice, deleting or adding punctuation, renumbering as needed, spelling, proper word choice, adding or deleting words to clarify language, and negative into positive sentences. The Child Care Center Licensing Committee (Agency) is also deleting unnecessary language, clarifying training topics as required by federal regulations and deleting required face-to-face training components, clarifying supervision for 16- and 17-year-old caregivers, clarifying room measurements, and clarifying the emergency preparedness and response language to delete the need for the Health and Safety Plan template.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Agency does not anticipate any additional costs or savings due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect the budget.

B) Local governments:

These proposed amendments are not expected to have any fiscal impact on local governments' revenues or expenditures because the changes are mostly technical and do not add or delete requirements that may affect local governments.

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

The majority of child care centers in the state operate as small businesses. However, the Agency does not expect any costs or savings associated with the proposed rule amendments because the changes are mostly technical and do not add or delete requirements that may affect them.

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

The Agency does not anticipate any additional costs or savings to non-small businesses due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

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 Agency does not anticipate any additional costs or savings to persons other than small businesses, non-small businesses, state, or local entities due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

F) Compliance costs for affected persons:

The Agency does not anticipate any additional costs due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

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:

I have reviewed and approved this fiscal analysis. Joseph K. Miner, MD, Executive Director

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

This repeal and reenact is filed to accommodate all required technical changes suggested by the governor's office and many others needed by the Department of Health procedures. These changes will make this rule be in compliance with the state rulewriting process. Since the required technical changes are many, a repeal and reenact will make this process simpler to be accomplished. The changes delete unnecessary language, clarify training topics as required by federal regulations and delete required face-to-face training components, clarify supervision for 16- and 17-year-old caregivers, clarify room measurements, and clarify the emergency preparedness and response language to delete the need for the Health and Safety Plan template.

Simon Bolivar worked closely with Holly Langton in the governor's office to ensure that the office agrees that the new rule language conforms to the requirements in the Rulewriting Manual.

There is no fiscal impact on businesses because there are no substantive changes to requirements on childcare 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):		
Subsection 26-39-203(1)(a)		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	08/14/2020

10. This rule change MAY become effective on:	08/21/2020
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:**	06/18/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	**R381-100**	**Filing No. 52832**

Agency Information

1. Department:	Health
Agency:	Child Care Center Licensing Committee
Building:	Highland
Street address:	3760 South Highland Drive
City, state:	Salt Lake City, UT 84114
Mailing address:	PO Box 142003
City, state, zip:	Salt Lake City, UT 84114-2003

Contact person(s):		
Name:	**Phone:**	**Email:**
Simon Bolivar	801-803-4618	sbolivar@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

R381-100. Child Care Centers

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

This repeal and reenact is filed to accommodate all required technical changes suggested by the governor's office and many others needed by the Department of Health procedures. These changes will make this rule be in compliance with the state rulewriting process. Since the required technical changes are many, a repeal and reenact will make this process simpler to be accomplished.

4. Summary of the new rule or change:

Most of the proposed changes are technical. They include re-writing sentences in active voice, deleting or adding punctuation, renumbering as needed, spelling, proper word choice, adding or deleting words to clarify language, and negative into positive sentences. The Child Care Center Licensing Committee (Agency) is also deleting unnecessary language, clarifying training topics as required by federal regulations and deleting required face-to-face training components, clarifying supervision for 16- and 17-year-old caregivers, clarifying room measurements, and clarifying the emergency preparedness and response language to delete the need for the Health and Safety Plan template.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Agency does not anticipate any additional costs or savings due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect the budget.

B) Local governments:

These proposed amendments are not expected to have any fiscal impact on local governments' revenues or expenditures because the changes are mostly technical and do not add or delete requirements that may affect local governments.

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

The majority of child care centers in the state operate as small businesses. However, the agency does not expect any costs or savings associated with the proposed rule amendments because the changes are mostly technical and do not add or delete requirements that may affect them.

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

The Agency does not anticipate any additional costs or savings to non-small businesses due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

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 Agency does not anticipate any additional costs or savings to persons other than small businesses, non-small businesses, state, or local entities due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

F) Compliance costs for affected persons:

The Agency does not anticipate any additional costs due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

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:

I have reviewed and approved this fiscal analysis. Joseph K. Miner, MD, Executive Director

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

This repeal and reenact is filed to accommodate all required technical changes suggested by the governor's office and many others needed by the Department of Health procedures. These changes will make this rule be in compliance with the state rulewriting process. Since the required technical changes are many, a repeal and reenact will make this process simpler to be accomplished. The changes delete unnecessary language, clarify training topics as required by federal regulations and delete required face-to-face training components, clarify supervision for 16- and 17-year-old caregivers, clarify room measurements, and clarify the emergency preparedness and response language to delete the need for the Health and Safety Plan template.

Simon Bolivar worked closely with Holly Langton in the governor's office to ensure that the office agrees that the new rule language conforms to the requirements in the Rulewriting Manual.

There is no fiscal impact on businesses because there are no substantive changes to requirements on childcare 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):

Subsection 26-39-203(1)(a)		

Public Notice Information

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

A) Comments will be accepted until:	08/14/2020

10. This rule change MAY become effective on:	08/21/2020

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:**	06/18/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	**R430-8**	**Filing No. 52850**

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Child Care Licensing	
Building:	Highland	
Street address:	3760 South Highland Drive	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state, zip:	Salt Lake City, UT 84114-2003	
Contact person(s):		
Name:	**Phone:**	**Email:**
Simon Bolivar	801-803-4618	sbolivar@utah.gov

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

General Information

2. Rule or section catchline:
R430-8. Exemptions From Child Care Licensing
3. Purpose of the new rule or reason for the change:
This repeal and reenact is filed to accommodate all required technical changes suggested by the governor's office and many others needed by the Department of Health procedures. These changes will make this rule be in compliance with the state rulewriting process. Since the required technical changes are many, a repeal and reenact will make this process simpler to be accomplished.
4. Summary of the new rule or change:
Most of the proposed changes are technical. They include re-writing sentences in active voice, deleting or adding punctuation, renumbering as needed, spelling, proper word choice, adding or deleting words to clarify language, negative into positive sentences, and also deleting unnecessary language.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
Family Health and Preparedness, Child Care Licensing (Agency) does not anticipate any additional costs or savings due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect the budget.
B) Local governments:
These proposed amendments are not expected to have any fiscal impact on local governments' revenues or expenditures because the changes are mostly technical and do not add or delete requirements that may affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons)**:**
The Agency does not expect any costs or savings associated with the proposed rule amendments because the changes are mostly technical and do not add or delete requirements that may affect them.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons)**:**
The Agency does not anticipate any additional costs or savings to non-small businesses due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

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 Agency does not anticipate any additional costs or savings to persons other than small businesses, non-small businesses, state, or local entities due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

F) Compliance costs for affected persons:

The Agency does not anticipate any additional costs due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

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:

I have reviewed and approved this fiscal analysis. Joseph K. Miner, MD, Executive Director

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

This repeal and reenact is filed to accommodate all required technical changes suggested by the governor's office and many others needed by the Department of Health procedures. These changes will make this rule be in compliance with the state rulewriting process. Since the required technical changes are many, a repeal and reenact will make this process simpler to be accomplished.

Simon Bolivar worked closely with Holly Langton in the governor's office to ensure that the office agrees that the new rule language conforms to the requirements in the Rulewriting Manual.

There is no fiscal impact on businesses because there are not substantive changes to requirements on childcare 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):

Title 26, Chapter 39		

Public Notice Information

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

A) Comments will be accepted until:	08/14/2020

10. This rule change MAY become effective on:	08/21/2020

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:**	06/14/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	**R430-50**	**Filing No. 52851**

Agency Information

1. Department:	Health	
Agency:	Family Health and Preparedness, Child Care Licensing	
Building:	Highland	
Street address:	3760 South Highland Drive	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 142003	
City, state, zip:	Salt Lake City, UT 84114-2003	
Contact person(s):		
Name:	**Phone:**	**Email:**
Simon Bolivar	801-803-4618	sbolivar@utah.gov

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

General Information

2. Rule or section catchline:

R430-50. Residential Certificate Child Care

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

This repeal and reenact is filed to accommodate all required technical changes suggested by the governor's office and many others needed by the Department of Health procedures. These changes will make this rule be in compliance with the state rulewriting process. Since the required technical changes are many, a repeal and reenact will make this process simpler to be accomplished.

4. Summary of the new rule or change:

Most of the proposed changes are technical. They include re-writing sentences in active voice, deleting or adding punctuation, renumbering as needed, spelling, proper word choice, adding or deleting words to clarify language, and negative into positive sentences. Family Health and Preparedness, Child Care Licensing (Agency) is also deleting unnecessary language, clarifying training topics as required by federal regulations, clarifying supervision for 16- and 17-year-old caregivers, and clarifying the emergency preparedness and response language to delete the need for the Health and Safety Plan template.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Agency does not anticipate any additional costs or savings due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect the budget.

B) Local governments:

These proposed amendments are not expected to have any fiscal impact on local governments' revenues or expenditures because the changes are mostly technical and do not add or delete requirements that may affect local governments.

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

All child care homes in the state operate as small businesses. However, the Agency does not expect any costs or savings associated with the proposed rule amendments because the changes are mostly technical and do not add or delete requirements that may affect them.

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

The Agency does not anticipate any additional costs or savings to non-small businesses due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

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 Agency does not anticipate any additional costs or savings to persons other than small businesses, non-small businesses, state, or local entities due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

F) Compliance costs for affected persons:

The Agency does not anticipate any additional costs due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

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:

I have reviewed and approved this fiscal analysis. Joseph K, Miner, MD, Executive Director

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

This repeal and reenact is filed to accommodate all required technical changes suggested by the governor's office and many others needed by the Department of Health procedures. These changes will make this rule be in compliance with the state rulewriting process. Since the required technical changes are many, a repeal and reenact will make this process simpler to be accomplished. The changes delete unnecessary language, clarify training topics as required by federal regulations, clarify supervision for 16- and 17-year-old caregivers, and clarify the emergency preparedness and response language to delete the need for the Health and Safety Plan template

Simon Bolivar worked closely with Holly Langton in the governor's office to ensure that the office agrees that the new rule language conforms to the requirements in the Rulewriting Manual.

There is no fiscal impact on businesses because there are not substantive changes to requirements on childcare 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):

Title 26, Chapter 39		

Public Notice Information

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

A) Comments will be accepted until:	08/14/2020

10. This rule change MAY become effective on:	08/21/2020

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:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Repeal and Reenact		
Utah Admin. Code Ref (R no.):	**R430-90**	**Filing No. 52849**

Agency Information

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

General Information

2. Rule or section catchline:

R430-90. Licensed Family Child Care

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

This repeal and reenact is filed to accommodate all required technical changes suggested by the governor's office and many others needed by the Department of Health procedures. These changes will make this rule be in compliance with the state rulewriting process. Since the required technical changes are many, a repeal and reenact will make this process simpler to be accomplished.

4. Summary of the new rule or change:

Most of the proposed changes are technical. They include re-writing sentences in active voice, deleting or adding punctuation, renumbering as needed, spelling, proper word choice, adding or deleting words to clarify language, and negative into positive sentences. Family Health and Preparedness, Child Care Licensing (Agency) is also deleting unnecessary language, clarifying training topics as required by federal regulations, clarifying supervision for 16- and 17-year-old caregivers, and clarifying the emergency preparedness and response language to delete the need for the Health and Safety Plan template.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Agency does not anticipate any additional costs or savings due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect the budget.

B) Local governments:

These proposed amendments are not expected to have any fiscal impact on local governments' revenues or expenditures because the changes are mostly technical and do not add or delete requirements that may affect local governments.

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

All child care homes in the state operate as small businesses. However, the Agency does not expect any costs or savings associated with the proposed rule amendments because the changes are mostly technical and do not add or delete requirements that may affect them.

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

The Agency does not anticipate any additional costs or savings to non-small businesses due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

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 Agency does not anticipate any additional costs or savings to persons other than small businesses, non-small businesses, state, or local entities due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

F) Compliance costs for affected persons:

The Agency does not anticipate any additional costs due to the proposed rule changes because the changes are mostly technical and do not add or delete requirements that may affect them.

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:

I have reviewed and approve this fiscal analysis. Joseph K. Miner, MD, Executive Director

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

This repeal and reenact is filed to accommodate all required technical changes suggested by the governor's office and many others needed by the Department of Health procedures. These changes will make this rule be in compliance with the state rulewriting process. Since the required technical changes are many, a repeal and reenact will make this process simpler to be accomplished. The changes delete unnecessary language, clarify training topics as required by federal regulations, clarify supervision for 16- and 17-year-old caregivers, and clarify the emergency preparedness and response language to delete the need for the Health and Safety Plan template
Simon Bolivar worked closely with Holly Langton in the governor's office to ensure that the office agrees that the new rule language conforms to the requirements in the Rulewriting Manual.

There is no fiscal impact on businesses because there are not substantive changes to requirements on childcare 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):

Title 26, Chapter 39		

Public Notice Information

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

A) Comments will be accepted until:	08/14/2020

10. This rule change MAY become effective on:	08/21/2020

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:**	06/14/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R512-80**	**Filing No. 52801**

Agency Information

1. Department:	Human Services	
Agency:	Child and Family Services	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT 84116	
Contact person(s):		
Name:	**Phone:**	**Email:**
Carol Miller	801-557-1772	carolmiller@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:

R512-80. Definitions of Abuse, Neglect, and Dependency

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

This rule is being changed in response to H.B. 244 passed in the 2020 General Session.

4. Summary of the new rule or change:

The proposed changes to this rule bring the rule in-line with statute from H.B. 244 (2020).

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The proposed changes to this rule are not expected to have any fiscal impacts on state government revenues or expenditures as the revised language brings this rule current to language in H.B. 244 (2020).

B) Local governments:

There is no impact to local governments due to these rule changes. These revisions bring this rule in-line with H.B. 244 (2020).

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

There is no impact to small businesses due to this rule modification. These revisions bring this rule in-line with H.B. 244 (2020).

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

There is no impact to non-small businesses due to this rule modification. These revisions bring this rule in-line with H.B. 244 (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***)**:**

There is no impact to other persons due to revision made to this rule. These revisions bring this rule in-line with H.B. 244 (2020).

F) Compliance costs for affected persons:

There are no compliance costs for affected persons associated with implementing this rule because these changes are not fiscal 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**
Net Fiscal Benefits	**$0**	**$0**	**$0**

H) Department head approval of regulatory impact analysis:

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

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

After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to small or non-small businesses because this rule brings definitions used by the Division of Child and Family Services in-line with statute.

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

Ann Williamson, Executive Director

Citation Information

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

Section 62A-4a-102		

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:	07/31/2020

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

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:	Mark Brasher, Deputy Director	**Date:**	05/28/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	**R523-4**	**Filing No. 52826**

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:**
Thomas 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:

R523-4. Certification Requirements for Screening, Assessment, Prevention, Treatment and Recovery Support Programs for Adults

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

These rule changes are being implemented to:
1) update the citation of legislative authority to make rules,
2) reflect the current practice of the division in regards to justice certification,
3) to clarify the effect of this rule on recovery residence, residential, vocational and life skills programs, medical clinics and sole proprietors who are licensed program through the Department of Human Services/Office of Licensing, and
4) to make technical changes and corrections.

4. Summary of the new rule or change:

The changes to this rule are as follows:
1) updated the citation of statutory authority to make this rule;
2) recovery residences and Residential, Vocational and Life Skills Programs have been included in the definitions;
3) the following have been included to agencies not required to certify, Residential, Vocational and Life Skills Programs and programs and sole proprietors who provide assessments only and do not provide treatment;
4) information on the list of Justice Reform Initiative (JRI) certified providers has been changed to represent the list now based on requests by providers;
5) timeframes for re-approval of certification have been added, and
6) words have been added and deleted for clarification, and to more fully match rule language.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Division of Substance Abuse and Mental Health (Division) does not anticipate any budget costs or savings related to compliance with this rule. The changes are clarifying, and do not place any additional fiscal requirements or impacts on state agencies other than what is already required in the rule prior to this submission.

B) Local governments:

The Division does not anticipate any budget costs or savings related to compliance with this rule. The changes are clarifying, and do not place any additional fiscal requirements on local governments other than what is already required in the rule prior to this submission.

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

The Division does not anticipate any budget costs or savings related to compliance with this rule. The changes are clarifying, and do not place any additional fiscal requirements or impacts on small businesses other than what is already required in this rule prior to this submission.

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

The Division does not anticipate any budget costs or savings related to compliance with this rule. The changes are clarifying, and do not place any additional fiscal requirements or impacts on non-small businesses other than what is already required in this rule prior to this submission.

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 Division does not anticipate any budget costs or savings related to compliance with this rule. The changes are clarifying, and do not place any additional fiscal requirements on persons other than small businesses, non-small businesses, state or local government entities other than what is already required in this rule prior to this submission.

F) Compliance costs for affected persons:

This rule change places no effect on 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 Executive Director of the Department of Human Services, Ann Williamson, has reviewed and approved this fiscal analysis.
6. A) Comments by the department head on the fiscal impact this rule may have on businesses:
After thorough consideration, it has been determined that businesses will not be financially impacted by this rule change.
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		

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:	07/31/2020

10. This rule change MAY become effective on:	08/07/2020
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:	Mark Brasher, Deputy Director	**Date:**	05/29/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New		
Utah Admin. Code Ref (R no.):	**R523-22**	**Filing No. 52812**

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:
R523-22. Assertive Community Treatment Standards
3. Purpose of the new rule or reason for the change:
The purpose of this new rule is to set forth guidelines, procedures, and standards for the establishment of comprehensive Assertive Community Treatment (ACT) services that are funded by the Division of Substance Abuse and Mental Health (Division).
4. Summary of the new rule or change:
This rule requires Local Mental Health Authorities that establish an ACT team to: 1) be certified; 2) adhere to a direct service model as defined; 3) provide integrated mental health services as defined; 4) provide services through a multi-disciplinary team; 5) meet minimum fidelity standards set forth by certain evidence based programs; 6) measure fidelity to practice using certain assessment tools, and meet minimum sores to receive an initial certification; and 7) have a minimum level of professional staff.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The Division does not anticipate any savings to state budgets 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 the Division as part of the budgetary allocation to help fund two ACT team that is regulated 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 these funds is $7,000. This is based on the $350,000 in ongoing general funds allocated to the Division from the legislature. There is an estimable budgetary cost related to the one-time administrative process that the Division 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:

a) the Division 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

b) 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. The Division will take up to 10 hours to complete this task for a total cost of $1,173.30.

This entire process is anticipated to incur a onetime cost to the state budget of $3,921.40 + 1,172.30 = $5,093.70. The Division 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 the Division's budget overall.

Each year thereafter, the Division will engage in an annual monitoring and review visit of each ACT team 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 hour to accomplish for a total of $3,672.40 per year. The Division will report $3,672 for this cost.

B) Local governments:

The Division does not anticipate a budget savings for local governments to comply with this rule. As was mentioned above, the Division has taken a 2% administrative overhead cut from this funding which leaves the counties with $343,000 in ongoing state general funds.

This rule will have an effect on all counties that currently use or intend to use ACT teams to provide additional support to keep people in their own communities. The Division knows that all individuals who qualify for ACT services will have Medicaid, and Medicaid will be the only funding source available for county ACT teams. The Division estimates no additional compliance cost to counties that create or operate ACT teams under this rule, other than those costs that are currently associated with creating and maintaining an ACT team, which is estimated to be $1,200,000 per year. This rule does not compel counties to use the ACT model of care, so those counties that create ACT teams after the effective date of this rule, will be doing so because they have decided that the use of ACT teams will improve services to their clients, and provided them with a cost effective way to use Medicaid funds for services.

There will be a budgetary offset given to one of the counties that wishes to create an ACT team in their mental health services agency. The Division will be providing an ongoing grant of $343,000 that will be offered through an RFP process.

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

The Division does not anticipate that small businesses will be affected by this rule. There is not funding from the Division to help establish ACT teams outside of the county based Local Authority Mental Health system, and there is no regulator authority granted to the Division to enforce this rule on non-publicly funded entities.

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

The Division does not anticipate that no-small businesses will be affected by this rule. There is no funding from the Division to help establish ACT teams outside of the county based Local Authority Mental Health system, and there is no regulator authority granted to the Division to enforce this rule on non-publicly funded entities.

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

The Division does not anticipate that persons other than small businesses, non-small businesses, state, or local government entities will participate in providing service through the ACT teams created by this rule, and there is no regulatory authority to enforce this rule on those entities if they did engage in such an endeavor.

F) Compliance costs for affected persons:

Persons receiving services through the ACT teams 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. Most will not be employed, so no payments will be required for ACT services.

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	$1,200,00	$1,200,000	$1,200,000
Small Businesses	$0	$0	$0
Non-Small Businesses	$0	$0	$0
Other Persons	$0	$0	$0
Total Fiscal Cost	**$1,205,094**	**$1,203,672**	**$1,203,672**
Fiscal Benefits			
State Government	$7,000	$7,000	$7,000
Local Governments	$343,000	$343,000	$343,000
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	**-$855,094**	**-$853,672**	**-$853,672**

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:

The Department of Human Services does not anticipate any fiscal impacts on businesses as a result of compliance requirements in this rule, which only affects the publicly funded, county based Local Authority Mental Health system.

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		

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:	07/31/2020

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

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

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R590-102**	**Filing No. 52828**

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room no.:	3110	
Building:	State Office Building	
Street address:	450 N State St.	
City, state:	Salt Lake City, UT	
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 or section catchline:

R590-102. Insurance Department Fee Payment Rule

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

The rule is being changed to better meet the standards of the Rulewriting Manual for Utah.

4. Summary of the new rule or change:

The majority of changes in this amendment are clerical in nature and are done to meet the standards of the Rulewriting Manual for Utah. They are being made to make the language in the rule more clear and easy to understand. A definition for "non-electronic payment" is also added to this rule, because such a payment was previously included in this rule but was not defined. Updated severability language is also included.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature and have no fiscal impact on any party.

B) Local governments:

There is no anticipated cost or savings to local governments. The changes are largely clerical in nature and have no fiscal impact on any party.

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

There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature and have no fiscal impact on any party.

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

There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature and have no fiscal impact on 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***)**:**

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature and have no fiscal impact on any party.

F) Compliance costs for affected persons:

There are no compliance costs for any affected persons. The changes are largely clerical in nature and have no compliance requirements 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:

The Commissioner of the Insurance Department, Todd E. Kiser, has reviewed and approved this fiscal analysis.

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

The above analysis represents the Insurance Department's best estimate of the fiscal impact that this rule may have on businesses.

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

Todd E. Kiser, Commissioner

Citation Information

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

Subsection 31A-3-103(3)		

Public Notice Information

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

A) Comments will be accepted until:	07/31/2020

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

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:	Steve Gooch, Public Information Officer 1	**Date:**	06/10/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	**R657-6**	**Filing No. 52840**

Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources
Room no.:	Suite 2110
Building:	Department of Natural Resources
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146301
City, state, zip:	Salt Lake City, UT 84114-6301

Contact person(s):

Name:	**Phone:**	**Email:**
Staci Coons	801-450-3093	stacicoons@utah.gov

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

General Information

2. Rule or section catchline:

R657-6. Tagging Requirements

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to the taking of upland game.

4. Summary of the new rule or change:

The proposed amendments to this rule clarify the process for tagging sandhill crane, greater sage grouse, and sharp-tailed grouse.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The proposed rule amendments clarify the tagging requirements for sandhill crane, greater sage grouse, and sharp-tailed grouse. These changes can be initiated within the current workload and resources of the DWR, therefore, DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since the proposed amendments only clarify a regulation already in place, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in the hunting of sandhill crane, greater sage grouse, and sharp-tailed grouse.

F) Compliance costs for affected persons:

DWR has determined that this amendment will not create additional costs for those participating in sandhill crane, greater sage grouse, or sharp-tailed grouse hunting in Utah.

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 Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses.

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

Brian Steed, Executive Director

Citation Information

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

Section 23-14-18	Section 23-14-19	

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:	07/31/2020

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

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:	Mike Fowlks, DWR Director	**Date:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R657-9**	**Filing No. 52841**

Agency Information

1. Department:	Natural Resources
Agency:	Wildlife Resources
Room no.:	Suite 2110
Building:	Department of Natural Resources
Street address:	1594 W North Temple
City, state:	Salt Lake City, UT
Mailing address:	PO Box 146301
City, state, zip:	Salt Lake City, UT 84114-6301
Contact person(s):	

Name:	**Phone:**	**Email:**
Staci Coons	801-450-3093	stacicoons@utah.gov

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

General Information

2. Rule or section catchline:

R657-9. Taking Waterfowl, Wilson's Snipe and Coot

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to the taking of waterfowl, Wilson's snipe, and coot.

4. Summary of the new rule or change:

The proposed amendments to this rule clarify the process for tagging swans.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The proposed rule amendments clarify the tagging requirements for swans. These changes can be initiated within the current workload and resources of the DWR, therefore, the DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since the proposed amendments only clarify a regulation already in place this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in the hunting of swans.

F) Compliance costs for affected persons:

DWR has determined that this amendment will not create additional costs for those participating in swan hunting in Utah.

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 Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses.

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

Brian Steed, Executive Director

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:	07/31/2020

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

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:	Mike Fowlks, DWR Director	**Date:**	06/15/2020

NOTICE OF PROPOSED RULE		
TYPE OF RULE: Amendment		
Utah Admin. Code Ref (R no.):	**R657-54**	**Filing No. 52842**

Agency Information

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

General Information

2. Rule or section catchline:

R657-54. Taking Wild Turkey

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

This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to the taking of wild turkey.

4. Summary of the new rule or change:

The proposed amendments to this rule clarify the process for tagging wild turkey.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The proposed rule amendments clarify the tagging requirements for wild turkey. These changes can be initiated within the current workload and resources of the DWR, therefore, the DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:

Since the proposed amendments only clarify a regulation already in place this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

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

The proposed rule amendments will not directly impact small businesses because a service is not required of them.

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

The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.

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

These amendments do not have the potential to create a cost impact to those individuals wishing to participate in the hunting of wild turkeys.

F) Compliance costs for affected persons:

DWR has determined that this amendment will not create additional costs for those participating in wild turkey hunting in Utah.

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 Natural Resources, Brian Steed, has reviewed and approved this fiscal analysis.

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

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses.

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

Brian Steed, Executive Director

Citation Information

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

Section 23-14-18	Section 23-14-19	

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:	07/31/2020

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

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:	Mike Fowlks, DWR Director	**Date:**	06/15/2020

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Utah Admin. Code Ref (R no.):	**R986-700-901**	**Filing No. 52838**

Agency Information

1. Department:	Workforce Services
Agency:	Employment Development
Building:	Olene Walker Building
Street address:	140 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 45244
City, state, zip:	Salt Lake City, UT 84145-0244

Contact person(s):

Name:	**Phone:**	**Email:**
Amanda B. McPeck	801-517-4709	ampeck@utah.gov

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

General Information

2. Rule or section catchline:

R986-700-901. Unearned Income, Pandemic

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

The purpose of the new section is to maintain services for child care subsidy families and providers during the COVID-19 pandemic.

4. Summary of the new rule or change:

The new section allows the Department of Workforce Services, Office of Child Care to exclude Federal Pandemic Unemployment Compensation from unearned income for purposes of determining eligibility for child care subsidy payments. Due to the COVID-19 pandemic, there are child care subsidy (CC) customers who have lost employment through no fault of their own and require additional funds in order to care for their children. Excluding the $600 per week Federal Pandemic Unemployment Compensation (FPUC) payments from CC income eligibility determinations will allow families who are eligible for CC to maintain eligibility while receiving FPUC, thus allowing them to return to work more quickly once business resumes.

An emergency rule was enacted April 20, 2020, but FPUC payments may continue past July 31, 2020, depending on Congressional action, so this new section is proposed.

Fiscal Information

5. Aggregate anticipated cost or savings to:

A) State budget:

The new section is not expected to have any fiscal impact on state revenues or expenditures. There are no additional state employees or resources needed to oversee the new section. The new section will not increase workload and can be carried out with existing budget. Any costs will be paid with funds granted to the state through the federal Child Care and Development Fund.

B) Local governments:

The new section is not expected to have any fiscal impact on local governments' revenues or expenditures because the program is federally-funded and does not rely on local governments for funding, administration, or enforcement.

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

The majority of child care providers are small businesses (North American Industry Classification System (NAICS) 624410). It is anticipated that this new section will allow approximately 397 families with 725 children to continue to receive child care based on data obtained on April 17, 2020. The average subsidy payment per child each month is $478. As a result, this will allow approximately $346,550 per month to continue to flow to child care providers so they can maintain their businesses. In the absence of the rule change, these programs will lose this funding at a time when enrollment and revenues in programs are dramatically reduced.

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

Some child care providers are non-small businesses (NAICS 624410). It is anticipated that this new section will allow approximately 397 families with 725 children to continue to receive child care based on data obtained on April 17, 2020. The average subsidy payment per child each month is $478. As a result, this will allow approximately $346,550 per month to continue to flow to child care providers so they can maintain their businesses. In the absence of the rule change, these programs will lose this funding at a time when enrollment and revenues in programs are dramatically reduced.

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***)**:**

It is anticipated that this rule will allow approximately 397 families with 725 children to continue to receive child care based on data obtained on April 17, 2020. The average subsidy payment per child each month is $478. This rule will support low-income parents to maintain their child care arrangements during the COVID-19 pandemic.

F) Compliance costs for affected persons:

The new section is not expected to cause any compliance costs for affected persons because the new section does not create any new administrative fees. Provider compliance responsibilities are not changed with this new section.

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 Workforce Services, Jon Pierpont, 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 funding for child care is provided by the federal Child Care and Development Block Grant (CCDBG). At this time, child care programs continue to receive subsidy payments for all families that were determined eligible for subsidies at the time of application unless their earnings exceed the federally established income threshold of 85% of the state median income (SMI). The CCDBG Act allows states to establish the definition of "income" for purposes of determining whether a family is at 85% SMI. Utah includes standard unemployment benefits as "income" for purposes of eligibility. This rule will not change that underlying requirement. However, by excluding the additional unemployment payment of $600 per week established in the Coronavirus Aid, Relief, and Economic Security Act of 2020 for all qualified UI recipients, Utah will be supporting the child care businesses that rely on family tuition payments to meet most operating expenses by maintain program income through a stable child care subsidy program. This is of great economic importance to Utah given that approximately 38% of licensed centers and 18% of licensed family child care programs have already had to close during the COVID-19 pandemic due to low enrollment.

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

Jon Pierpont, 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 35A-3-310	Section 53F-5-210	

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:	07/31/2020

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

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:	Jon Pierpont, Executive Director	**Date:**	06/15/2020

End of the Notices of Proposed Rules Section

NOTICES OF
CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Digest* ends July 31, 2020.

From the end of the 30-day waiting period through October 29, 2020, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective 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. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF CHANGE IN PROPOSED RULE		
Utah Admin. Code Ref (R no.):	**R307-165**	**Filing No. 52601**

Agency Information

1. Department:	Environmental Quality	
Agency:	Air Quality	
Room no.:	Fourth Floor	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state, zip:	Salt Lake City, UT 84116	
Mailing address:	PO Box 144820	
City, state, zip:	Salt Lake City, UT 84114-4820	
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:

R307-165. Stack Testing

3. Change in Proposed Rule:

Changes FILING Name, Publication date of prior filing:	Emission Testing, Filing No. 52601, Published 04/01/2020

4. Reason for this change:

The change came about due to public comments requesting further clarity.

5. Summary of this change:

This change clarifies rule applicability. The change does not modify the intent of applicability but clarifies and ensures readability of this rule. (EDITOR'S NOTE: The original proposed repeal and reenact upon which this change in proposed rule (CPR) was based was published in the April 1, 2020, issue of the Utah State Bulletin, on page 16. Underlining in the rule below indicates text that has been added since the publication of the proposed repeal and reenact mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed repeal and reenact together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

6. Aggregate anticipated cost or savings to:

A) State budget:

There are no anticipated costs due to the change in proposed rule to the state budget as this amendment is for clarification.

B) Local government:

There are no anticipated costs due to the change in proposed rule to local governments as this amendment is for clarification.

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

There are no anticipated costs due to the change in proposed rule to small businesses as this amendment is for clarification.

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

There are no anticipated costs due to the change in proposed rule to non-small businesses as this amendment is for clarification.

E) Persons other than small businesses, non-small businesses, or 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 due to the change in proposed rule to persons other than small businesses, non-small businesses, or state or local government entities as this amendment is for clarification.

F) Compliance costs for affected persons:

There are no anticipated compliance costs for affected persons as this amendment is for clarification.

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 Environmental Quality, L. Scott Baird, has reviewed and approved this fiscal analysis.

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

This change in proposed rule is intended to clarify applicability and ensure easier readability of this rule and is anticipated to have no fiscal impact on businesses.

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

L. Scott Baird, Executive Director

Citation Information

8. 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 19-2-104(1)		

Public Notice Information

10. 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:	07/31/2020

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

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 11, 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:**	05/18/2020

End of the Notices of Changes in 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.):	**R68-32**	**Filing No. 52823**

Agency Information

1. Department:	Agriculture and Food	
Agency:	Plant Industry	
Street address:	350 N Redwood Road	
City, state, zip:	Salt Lake City, UT 84115	
Mailing address:	PO Box 146500	
City, state, zip:	Salt Lake City, UT 84114-6500	
Contact person(s):		
Name:	**Phone:**	**Email:**
Amber Brown	801-982-2204	ambermbrown@utah.gov
Cody James	801-982-2376	Codyjames@utah.gov
Kelly Pehrson	801-982-2202	kwpehrson@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R68-32. Sale and Transfer of Industrial Hemp Waste to Medical Cannabis Cultivators
3. Effective Date:
06/26/2020
4. Purpose of the new rule or reason for the change:
This new rule provides guidelines governing the sale of industrial hemp waste to medical cannabis cultivators, which was allowed S.B. 121 from the 2020 General Session.
5. Summary of the new rule or change:
This new rule provides guidelines governing the sale of industrial hemp waste to medical cannabis cultivators, including related to department pre-approval of sales, sale requirements, and record keeping and transportation requirements.
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
X	place the agency in violation of federal or state law.

Specific reason and justification:
Emergency rulemaking is necessary to allow for the recently statutorily prescribed in S.B. 121 (2020) sale of industrial hemp waste to medical cannabis cultivators to take place as soon as possible. The Department of Agriculature and Food (Department) is not able to get a final rule in place during the time frame set by the first emergency filing and is filing a second emergency filing in

order to allow the regulated of industrial hemp waste to cannabis cultivators to continue.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

There is no anticipated cost or savings to the state budget because sales would occur under existing licenses of industrial hemp processors and cultivators and medical cannabis cultivators. No additional inspections will be required. Industrial hemp waste will be tested in the same way as other cannabis products and testing fees cover the cost of testing.

B) Local governments:

There is no anticipated cost or savings to local governments because local governments are not industrial hemp or cannabis cultivators or processors and do not participate in the sale or regulation of the sale of industrial hemp waste.

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

There are no anticipated additional costs to small businesses (industrial hemp cultivators and processors and cannabis cultivators) because the testing and licensing required would be the same as for other cannabis products. Those who are able to sell industrial hemp waste will benefit from the sale although it is difficult to know at the outset of this program how many sales will occur.

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 cost or benefits to persons other than small businesses, non-small businesses, or state or local government entities because other persons are not regulated as industrial hemp cultivators or processors or cannabis cultivators and do not participate in the sale of industrial hemp waste under this program.

8. Compliance costs for affected persons:

Compliance costs would not change for cannabis cultivators as the industrial hemp waste products would be subject to the same testing requirements as other cannabis products. Industrial hemp cultivators and processors would be subject to the same licensing requirements as prior to the new rule.

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

This rule is necessary to allow for the sale of industrial hemp waste into the medical cannabis marketplace to cultivators as allowed under recently passed legislation. The rule is not associated with an anticipated fiscal impact on businesses.

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

R. Logan Wilde, Commissioner

Citation Information

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

Subsection 4-2-103(1)(i)	Subsection 4-41a-603(3)	Title 4, Chapter 41a
Section 4-41a-102		

Agency Authorization Information

Agency head or designee, and title:	R. Logan Wilde, Commissioner	**Date:**	06/09/2020

NOTICE OF EMERGENCY (120-DAY) RULE		
Utah Admin. Code Ref (R no.):	**R986-700-900**	**Filing No. 52837**

Agency Information

1. Department:	Workforce Services
Agency:	Employment Development
Building:	Olene Walker Building
Street address:	140 E 300 S
City, state, zip:	Salt Lake City, Utah 84111
Mailing address:	PO Box 45244
City, state, zip:	Salt Lake City, UT 84145-0244

Contact person(s):

Name:	**Phone:**	**Email:**
Amanda B. McPeck	801-517-4709	ampeck@utah.gov

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

General Information

2. Rule or section catchline:

R986-700-900. Emergency Rules, Pandemic

3. Effective Date:

06/15/2020

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

The purpose of the emergency rule is to maintain services for child care subsidy families and providers during the COVID-19 pandemic.

5. Summary of the new rule or change:

The new emergency rule allows the Department of Workforce Services, Office of Child Care to exclude Federal Pandemic Unemployment Compensation from unearned income for purposes of determining eligibility for child care subsidy payments.

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:

Due to the COVID-19 pandemic there are child care subsidy (CC) customers who have lost employment through no fault of their own and require additional funds in order to care for their children. Excluding the $600 per week Federal Pandemic Unemployment Compensation (FPUC) payments from CC income eligibility determinations will allow families who are eligible for CC to maintain eligibility while receiving FPUC, thus allowing them to return to work more quickly once business resumes. The previous emergency rule was enacted April 20, 2020, and effective through July 20, 2020. However, FPUC payments will continue through July 31, 2020, and perhaps longer, depending on Congressional action. This second emergency rule is being put in place until a final rule can be enacted under the regular rulemaking process.

Fiscal Information

7. Aggregate anticipated cost or savings to:

A) State budget:

The new emergency rule is not expected to have any fiscal impacts on state revenues or expenditures. There are no additional state employees or resources needed to oversee the new emergency rule. The new emergency rule will not increase workload and can be carried out with existing budget. Any costs will be paid with funds granted to the state through the federal Child Care and Development Fund.

B) Local governments:

The new emergency rule is not expected to have any fiscal impact on local governments' revenues or expenditures because the program is federally-funded and does not rely on local governments for funding, administration, or enforcement.

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

The majority of child care providers are small businesses (North American Industry Classification System (NAICS) 624410). It is anticipated that this new emergency rule will allow approximately 397 families with 725 children to continue to receive child care based on data obtained on April 17, 2020. The average subsidy payment per child each month is $478. As a result, this will allow approximately $346,550 per month to continue to flow to child care providers so they can maintain their businesses. In the absence of the rule change, these programs will lose this funding at a time when enrollment and revenues in programs are dramatically reduced.

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***)**:**

It is anticipated that this emergency rule will allow approximately 397 families with 725 children to continue to receive child care based on data obtained on April 17, 2020. The average subsidy payment per child each month is $478. The new emergency rule will support low-income parents to maintain their child care arrangements during the COVID-19 pandemic.

8. Compliance costs for affected persons:

The new emergency rule is not expect to cause any compliance costs for affected persons because the amendment does not create any new administrative fees. Provider compliance responsibilities are not changed with this amendment.

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

The funding for child care is provided by the federal Child Care and Development Block Grant (CCDBG). At this time, child care programs continue to receive subsidy payments for all families that were determined eligible for subsidies at the time of application unless their earnings exceed the federally established income threshold of 85% of the state median income (SMI). The CCDBG Act allows states to establish the definition of "income" for purposes of determining whether a family is at 85% SMI. Utah includes standard unemployment benefits as "income" for purposes of eligibility. This rule will not change that underlying requirement. However, by excluding the additional unemployment payment of $600 per week established in the Coronavirus Aid, Relief, and Economic Security Act of 2020 for all qualified UI recipients, Utah will be supporting the child care businesses that rely on family tuition payments to meet most operating expenses by maintain program income through a stable child care subsidy program. This is of great economic importance to

Utah given that approximately 38% of licensed centers and 18% of licensed family child care programs have already had to close during the COVID-19 pandemic due to low enrollment.
B) Name and title of department head commenting on the fiscal impacts:
Jon Pierpont, 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 35A-3-310	Section 53F-5-210	

Agency Authorization Information

Agency head or designee, and title:	Jon Pierpont, Executive Director	**Date:**	06/15/2020

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at https://rules.utah.gov/. The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R131-6**	**Filing No. 50221**

Agency Information

1. Department:	Capitol Preservation Board (State)	
Agency:	Administration	
Building:	Capitol State Building	
Street address:	350 North State Street	
City, state, zip:	Salt Lake City, UT 84103	
Contact person(s):		
Name:	**Phone:**	**Email:**
Michael Kelley		mkelley@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R131-6. Board Designation of Space
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 63C-9-301 directs the Capitol Preservation Board (Board) to make rules to exercise jurisdiction over such Capitol Hill facilities and grounds for which it has responsibility to administer.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There have been no written comments received during and since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Section 63C-9-301 directs the Board to make rules to exercise jurisdiction over such Capitol Hill facilities and grounds for which it has responsibility to administer. Without this rule, the Board cannot manage the facilities and grounds which it is responsible for. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Allyson Gamble, Executive Director	**Date:**	06/10/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R164-32**	**Filing No. 50338**

Agency Information

1. Department:	Commerce
Agency:	Securities

Room no.:	2nd Floor	
Building:	Heber Wells Building	
Street address:	160 E 300 S	
City, state, zip:	Salt Lake City, UT 84111	
Mailing address:	PO Box 146760	
City, state, zip:	Salt Lake City, UT 84114-6760	
Contact person(s):		
Name:	**Phone:**	**Email:**
Charles Lyons	801-530-6940	clyons@utah.gov
Tom Brady	801-530-6610	tbrady@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R164-32. Codification of Precedent
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 63G-3-201(2) requires rulemaking when the Division of Securities (Division) agency action authorizes, requires, or prohibits an action; provides or prohibits a material benefit; applies to a class of persons or another agency; or is explicitly or implicitly authorized by statute. Subsection 63G-3-201(3) requires rulemaking when the Division issues a written interpretation of a state or federal legal mandate. Subsection 63G-3-201(6) requires rulemaking to incorporate principles of law not already in Division rules that are established by final adjudicative decisions within 120 days after the decision is announced in its cases. Section 61-1-24 authorizes the Division to make rules when necessary to carry out provisions of the Utah Uniform Securities 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 comments have been received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required by the provisions of the Administrative Rulemaking Act as set forth above, and codifies holdings set forth in final orders issued in formal administrative proceedings. The rule assists the public and licensees by incorporating principles and interpretations of law articulated in final orders into Division rules. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Thomas Brady, Division Director	**Date:**	06/03/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R251-104**	**Filing No. 50352**

Agency Information

1. Department:	Corrections	
Agency:	Administration	
Street address:	14717 S. Minuteman Dr.	
City, state, zip:	Draper, UT 84020	
Contact person(s):		
Name:	**Phone:**	**Email:**
Steve Gehrke	435-237-8040	sgehrke@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R251-104. Declaratory Orders
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
As required by Section 63G-4-503, the purpose of this rule is to define policy, procedures and requirements governing the submission, review, and disposition of petitions for declaratory orders determining the applicability of statutes, rules, and orders within the jurisdiction of the Department of Corrections (Department).
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 comments on this rule have been received since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The purpose of this rule is define policy, procedures and requirements governing the submission, review, and disposition of petitions for declaratory orders determining the applicability of statutes, rules, and orders within the jurisdiction of the Department. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mike Haddon, Executive Director	**Date:**	06/09/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R251-303**	**Filing No. 50354**

Agency Information

1. Department:	Corrections	
Agency:	Administration	
Street address:	14717 S. Minuteman Dr.	
City, state, zip:	Draper, UT 84020	
Contact person(s):		
Name:	**Phone:**	**Email:**
Steve Gehrke	385-237-8040	sgehrke@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R251-303. Offenders' Use of Telephones

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

This rule is authorized by Sections 63G-3-201 and 64-13-10, which allows the Department of Corrections (Department) to adopt standards and rules in accordance with its responsibilities. The purpose of this rule is to provide the Department's policy and procedures governing offenders' access to and use of telephones.

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 agency has not received any comments.

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

The purpose of this rule is to provide the Department's policy and procedures governing the continued access for offender on the use of telephones. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mike Haddon, Executive Director	**Date:**	06/09/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R251-712**	**Filing No. 50369**

Agency Information

1. Department:	Corrections	
Agency:	Administration	
Street address:	14717 S. Minuteman Dr.	
City, state, zip:	Draper, UT 84020	
Contact person(s):		
Name:	**Phone:**	**Email:**
Steve Gehrke	385-237-8040	sgehrke@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R251-712. Release

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

This rule is authorized under Sections 63G-3-201, 64-13-7, and 64-13-10. The purpose of this rule is to provide the Department of Correction's (Department) policy regarding inmates leaving the institution on parole, termination, expiration of sentence, or being released to a detainer.

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 comments on this rule have been received since the last five-year review.

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

The purpose of this rule is to provide the Department's policy regarding inmates leaving the institution on parole, termination, expiration of sentence, or being released to a detainer. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mike Haddon, Executive Director	**Date:**	06/10/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R277-444**	**Filing No. 50425**

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state, zip:	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	801-538-7656	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R277-444. Distribution of Money to Arts and Science Organizations

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

This rule is authorized by Utah Constitution, Article X, Section 3, which vests general control and supervision of the public school system with the State Board of Education (Board); Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with its responsibilities; and Section 53E-3-501, which directs the Board to establish rules and standards for the public schools, including curriculum and instruction requirements.

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

There were no written comments received.

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

This rule continues to be necessary because it provides for the distribution of money appropriated by the state to an arts or science organization that provides an educational service to a student or teacher; and facilitates a student developing and using the knowledge, skills, and appreciation defined in an arts or science core standard. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	**Date:**	06/05/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R277-491**	**Filing No. 50446**

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state, zip:	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	801-538-7656	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R277-491. School Community Councils

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

This rule is authorized by Utah Constitution, Article X, Section 3, which vests general control and supervision over public education in the State Board of Education (Board); and Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law. This rule does not apply to charter schools.

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

There were no written comments received.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule continues to be necessary because it provides procedures and clarifying information to a school community council to assist the council in fulfilling school community council responsibilities consistent with Sections 53G-7-1202 through 53G-7-1203; provides direction to a local school board, school, and school district in establishing and maintaining a school community council; provides a framework and support for improved academic achievement of students that is locally driven from within an individual school; encourages increased participation of a parent, school employee, and others to support the mission of a school community council; increase public awareness of: school trust lands; the permanent State School Fund; and educational excellence; and enforce compliance with the laws governing a school community council. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	**Date:**	06/05/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R277-497**	**Filing No. 50460**

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state, zip:	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	801-538-7656	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-497. School Accountability System

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Article X, Section 3, which vests general control and supervision over public education in the Utah State Board of Education (Board); Section 53E-5-202, which directs the Board to adopt rules to implement a statewide accountability system; and Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no written comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule continues to be necessary because it sets performance thresholds for the purpose of assigning overall ratings to schools, establish provisions for the methodology of calculating points, and address exclusions from the school accountability system. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	**Date:**	06/05/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R277-607**	**Filing No. 50497**

Agency Information

1. Department:	Education	
Agency:	Administration	
Building:	Board of Education	
Street address:	250 E 500 S	
City, state, zip:	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	801-538-7656	angie.stallings@schools.utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R277-607. Truancy Prevention
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Utah Constitution, Article X, Section 3 which vests general control and supervision of public education in the State Board of Education (Board), Subsection 53E-3-401(4), which permits the Board to adopt rules in accordance with its responsibilities, and Section 53G-6-206 which directs educational entities and parents working on behalf of children to make efforts to resolve school attendance problems of school-age minors who are or should be enrolled in local education agencies (LEAs).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no written comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule continues to be necessary because it directs LEAs to establish procedures for informing parents about compulsory education laws; encouraging and monitoring school attendance consistent with the law; and providing firm consequences for noncompliance. This rule encourages meaningful incentives for parental responsibility and directs LEAs to establish ongoing truancy prevention procedures in schools especially for students in grades 1 through 8. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	**Date:**	06/05/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R277-752**	**Filing No. 50542**

Agency Information

1. Department:	Education
Agency:	Administration
Building:	Board of Education
Street address:	250 E 500 S
City, state, zip:	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	801-538-7656	angie.stallings@schools.utah.gov

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

General Information

2. Rule catchline:
R277-752. Special Education Intensive Services Fund
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is authorized by Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Section 53F-2-309, which requires the Board to make rules establishing a distribution formula to allocate money appropriated to the board for the special education intensive services fund.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
There were no written comments received.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule continues to be necessary because establishes an application process for the special education intensive services fund; and a formula to distribute the funds. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Angie Stallings, Deputy Superintendent	**Date:**	06/05/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R495-890**	**Filing No. 51177**

Agency Information

1. Department:	Human Services
Agency:	Administration
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
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R495-890. Department of Human Services Conflict Investigation Procedure
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule, in accordance with Sections 62A-1-110, 62A-1-111, and 62A-4a-202.6 sets forth procedures and standards that are essential in developing Department of Human Services (Department) Conflict Investigation Procedure.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during and since the last five-year review of this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule establishes the Department Conflict Investigation Procedure and is required to set forth requirements and standards for its operation. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Mark Brasher, Deputy Director	**Date:**	06/12/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R590-271**	**Filing No. 51452**

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:
R590-271. Data Reporting for Consumer Quality Comparison
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 31A-2-216 authorizes the Insurance Commissioner to adopt rules to educate health care consumers by producing or collecting and disseminating education materials to consumers.
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 received two comments during the past five years. One was from a constituent asking that the rule be kept "simple and straight forward, with as little governmental involvement as possible"; the other was from an insurer who pointed out that reporting may be skewed initially if insurers don't keep certain data in a supported format.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule should be continued because it provides a vital service for Utah consumers. It requires health insurers to submit certain data to the Insurance Department for display to the public. This allows members of the public to review the data to compare various insurance plans when deciding what insurance to purchase.

Agency Authorization Information

Agency head or designee, and title:	Steve Gooch, Public Information Officer 1	**Date:**	06/09/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R895-8**	**Filing No. 52086**

Agency Information

1. Department:	Technology Services	
Agency:	Administration	
Room no.:	6th Floor	
Street address:	1 State Office Building	
City, state, zip:	Salt Lake City, UT 84115	
Mailing address:	1 State Office Building, 6th Floor	
City, state, zip:	Salt Lake City, UT 84115	
Contact person(s):		
Name:	**Phone:**	**Email:**
Stephanie Weteling	801-538-3284	stephanie@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R895-8. State Privacy Policy and Agency Privacy Policies

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

This rule is issued by the Chief Information Officer (CIO) under the authority of Section 63F-1-206 of the Technology Governance Act which requires a rule for standards related to the privacy policies of websites operated by or on behalf of an executive branch agency.

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

No written comments were received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

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

The rule is needed to provide standards related to the privacy policies of websites operated by or on behalf of an executive branch agency. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Michael Hussey, Executive Director	**Date:**	06/09/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R916-4**	**Filing No. 52122**

Agency Information

1. Department:	Transportation	
Agency:	Operations, Construction	
Room no.:	First Floor Administration Suite	
Building:	Calvin Rampton	
Street address:	4501 S 2700 W	
City, state, zip:	Salt Lake City, UT 84129	
Mailing address:	PO Box 148455	
City, state, zip:	Salt Lake City, UT 84114-8455	
Contact person(s):		
Name:	**Phone:**	**Email:**
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

R916-4. Construction Manager/General Contractor and Progressive Construction Manager/General Contractor Contracts

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

This rule is authorized by Sections 63G-6a-106, 63G-6a-702, and 63G-6a-1302 of the Utah Procurement Code. It sets forth procedures the Department of Transportation (Department) follows when establishing construction manager/general contractor and progressive construction manager/general contractor contracts, which is does quite frequently because their use maximizes value for road construction contracting.

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 has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule helps the Department maximize value for taxpayers in its road construction contracting program. Eliminating this rule will lead to higher costs to taxpayers and hamper the department's ability to design, construct, and maintain transportation systems in the state. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Braceras, Executive Director	**Date:**	06/10/2020

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
Utah Admin. Code Ref (R no.):	**R926-8**	**Filing No. 52144**

Agency Information

1. Department:	Transportation
Agency:	Program Development
Room no.:	First Floor Administration Suite
Building:	Calvin Rampton
Street address:	4501 S 2700 W
City, state, zip:	Salt Lake City, UT 84129
Mailing address:	PO Box 148455
City, state, zip:	Salt Lake City, UT 84114-8455

Contact person(s):		
Name:	**Phone:**	**Email:**
Linda Hull	801-965-4253	lhull@utah.gov
James Palmer	801-965-4197	jimpalmer@agutah.gov
Lori Edwards	801-965-4048	loriedwards@agutah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R926-8. Guidelines for Partnering with Local Governments
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule is required by Subsection 72-2-123(1), which is still effective law.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Department of Transporation has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required by Subsection 72-2-123(1), which is still effective law. Therefore, this rule must be continued.

Agency Authorization Information

Agency head or designee, and title:	Carlos M. Braceras, Executive Director	**Date:**	06/10/2020

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF
FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION** (**EXTENSION**) with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION		
Utah Admin. Code Ref (R no.):	**R251-110**	**Filing No. 50351**

Agency Information

1. Department:	Corrections	
Agency:	Administration	
Street address:	14717 S Minuteman Dr.	
City, state, zip:	Draper, UT 84020	
Contact person(s):		
Name:	**Phone:**	**Email:**
Steve Gehrke	385-237-8040	sgehrke@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:
R251-110. Sex Offender Registration Program
3. Reason for requesting the extension and the new deadline date:
The agency seeks to request an extension until 09/01/2020 to make necessary revisions regarding public access to the registry. The new deadline is 12/19/2020.

Agency Authorization Information

Agency head or designee, and title:	Mike Haddon, Executive Director	**Date:**	06/09/2020

End of the Notices of Five-Year Review Extensions Section

NOTICES OF
RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Office of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Administrative Services
Debt Collection
No. 52679 (Amendment): R21-3 Debt Collection Through Administrative Offset
Published: 05/15/2020
Effective: 06/22/2020

Finance
No. 52655 (New Rule): R25-22 Financial Institution Validation for Access to Medical Inventory Control System
Published: 05/01/2020
Effective: 06/08/2020

Risk Management
No. 52678 (Amendment): R37-4 Adjusted Utah Governmental Immunity Act Limitations on Judgments.
Published: 05/15/2020
Effective: 07/01/2020

Agriculture and Food
Regulatory Services
No. 52653 (Amendment): R70-101 Bedding, Upholstered Furniture, and Quilted Clothing
Published: 05/01/2020
Effective: 06/08/2020

Commerce
Occupational and Professional Licensing
No. 52708 (Amendment): R156-15a Administration of Building Code Inspector Training Fund, Building Code Construction-Related Training Fund, and Factory Built Housing Fees Account
Published: 05/15/2020
Effective: 06/23/2020

No. 52675 (Amendment): R156-79 Hunting Guides and Outfitters Licensing Act Rule
Published: 05/15/2020
Effective: 06/23/2020

Education
Administration
No. 52741 (Amendment): R277-304 Teacher Preparation Programs
Published: 05/15/2020
Effective: 06/22/2020

No. 52652 (Amendment): R277-306 Educator Preparation Programs for School Psychologists, Audiologists, Speech-Language Pathologists, Speech-Language Technicians, and Counselors
Published: 05/01/2020
Effective: 06/10/2020

No. 52742 (Amendment): R277-415 School Nurses Matching Funds
Published: 05/15/2020
Effective: 06/22/2020

No. 52743 (Amendment): R277-712 Competency-based Grant Programs
Published: 05/15/2020
Effective: 06/22/2020

No. 52744 (New Rule): R277-736 Juvenile Court or Law Enforcement Notice and Information Dissemination
Published: 05/15/2020
Effective: 06/22/2020

Environmental Quality
Air Quality
No. 52596 (Amendment): R307-101 Version of the Code of Federal Regulations Incorporated by Reference

Published: 04/01/2020
Effective: 06/04/2020

No. 52597 (Amendment): R307-210 Standards of Performance for New Stationary Sources
Published: 04/01/2020
Effective: 06/04/2020

No. 52598 (Amendment): R307-214 National Emission Standards for Hazardous Air Pollutants
Published: 04/01/2020
Effective: 06/04/2020

No. 52599 (Amendment): R307-405 Applicability
Published: 04/01/2020
Effective: 06/04/2020

No. 52600 (Amendment): R307-410 Permits: Emissions Impact Analysis
Published: 04/01/2020
Effective: 06/04/2020

Governor
Economic Development
No. 52670 (New Rule): R357-28 Talent Ready Connections Program
Published: 05/01/2020
Effective: 06/08/2020

Health
Administration
No. 52606 (New Rule): R380-400 Utah Medical Cannabis Act Rule
Published: 04/15/2020
Effective: 06/10/2020

No. 52607 (New Rule): R380-401 Electronic Verification System
Published: 04/15/2020
Effective: 06/10/2020

No. 52608 (New Rule): R380-402 Medical Cannabis Cards
Published: 04/15/2020
Effective: 06/10/2020

No. 52609 (New Rule): R380-403 Qualified Medical Providers
Published: 04/15/2020
Effective: 06/10/2020

No. 52610 (New Rule): R380-404 Dosing Parameters
Published: 04/15/2020
Effective: 06/10/2020

No. 52611 (New Rule): R380-405 Pharmacy Medical Providers
Published: 04/15/2020
Effective: 06/10/2020

No. 52614 (New Rule): R380-406 Medical Cannabis Pharmacy
Published: 04/15/2020
Effective: 06/10/2020

No. 52615 (New Rule): R380-407 Medical Cannabis Pharmacy Agent
Published: 04/15/2020
Effective: 06/10/2020

No. 52616 (New Rule): R380-408 Home Delivery and Courier
Published: 04/15/2020
Effective: 06/10/2020

No. 52617 (New Rule): R380-409 State Central Patient Portal
Published: 05/01/2020
Effective: 06/10/2020

No. 52618 (New Rule): R380-410 Agreement with a Tribe
Published: 05/01/2020
Effective: 06/10/2020

No. 52619 (New Rule): R380-411 Administrative Hearing Procedures
Published: 05/01/2020
Effective: 06/10/2020

Health Care Financing, Coverage and Reimbursement Policy
No. 52668 (Amendment): R414-60 Limitations
Published: 05/01/2020
Effective: 06/19/2020

No. 52632 (Amendment): R414-516 Nursing Facility Non-State Government-Owned Upper Payment Limit Quality Improvement Program
Published: 04/15/2020
Effective: 06/19/2020

Family Health and Preparedness, Emergency Medical Services
No. 52667 (Amendment): R426-8 Emergency Medical Services Ground Ambulance Rates and Charges
Published: 05/01/2020
Effective: 07/01/2020

Family Health and Preparedness, Child Care Licensing
No. 52592 (Amendment): R430-90 Licensed Family Child Care
Published: 03/15/2020
Effective: 06/10/2020

Family Health and Preparedness, Maternal and Child Health
No. 52662 (Repeal): R433-1 Very Low Birth Weight Infant Reporting
Published: 05/01/2020
Effective: 06/11/2020

No. 52740 (New Rule): R433-2 Early Childhood Utah Advisory Council Membership, Duties and Procedures

Published: 05/15/2020
Effective: 06/22/2020

Human Resource Management
Administration
No. 52709 (Amendment): R477-1 Definitions
Published: 05/15/2020
Effective: 07/01/2020

No. 52713 (Amendment): R477-2 Administration
Published: 05/15/2020
Effective: 07/01/2020

No. 52714 (Amendment): R477-3 Classification
Published: 05/15/2020
Effective: 07/01/2020

No. 52715 (Amendment): R477-4 Filling Positions
Published: 05/15/2020
Effective: 07/01/2020

No. 52716 (Amendment): R477-5 Employee Status and Probation
Published: 05/15/2020
Effective: 07/01/2020

No. 52717 (Amendment): R477-6 Compensation
Published: 05/15/2020
Effective: 07/01/2020

No. 52718 (Amendment): R477-7 Leave
Published: 05/15/2020
Effective: 07/01/2020

No. 52719 (Amendment): R477-8 Working Conditions
Published: 05/15/2020
Effective: 07/01/2020

No. 52720 (Amendment): R477-9 Employee Conduct
Published: 05/15/2020
Effective: 07/01/2020

No. 52721 (Amendment): R477-10 Employee Development
Published: 05/15/2020
Effective: 07/01/2020

No. 52722 (Amendment): R477-11 Discipline
Published: 05/15/2020
Effective: 07/01/2020

No. 52723 (Amendment): R477-12 Separations
Published: 05/15/2020
Effective: 07/01/2020
No. 52724 (Amendment): R477-13 Volunteer Programs
Published: 05/15/2020
Effective: 07/01/2020

No. 52725 (Amendment): R477-14 Substance Abuse and Drug-Free Workplace
Published: 05/15/2020
Effective: 07/01/2020

No. 52726 (Amendment): R477-15 Workplace Harassment Prevention
Published: 05/15/2020
Effective: 07/01/2020

No. 52727 (Amendment): R477-16 Abusive Conduct Prevention
Published: 05/15/2020
Effective: 07/01/2020

No. 52728 (Amendment): R477-101 Administrative Law Judge Conduct Committee
Published: 05/15/2020
Effective: 07/01/2020

Human Services
Child Protection Ombudsman (Office of)
No. 52633 (Amendment): R515-1 Processing Complaints Regarding the Utah Division of Child and Family Services
Published: 04/15/2020
Effective: 06/01/2020

Recovery Services
No. 52710 (Amendment): R527-258 Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program
Published: 05/15/2020
Effective: 06/22/2020

Insurance
Administration
No. 52647 (Amendment): R590-160 Adjudicative Proceedings
Published: 05/01/2020
Effective: 06/08/2020

No. 52648 (Repeal): R590-278 Consent Requests Under 18 USC 1033(e)(2)
Published: 05/01/2020
Effective: 06/08/2020

No. 52649 (Amendment): R590-281 Eligibility to Apply for a License
Published: 05/01/2020
Effective: 06/08/2020

Natural Resources
Oil, Gas and Mining; Oil and Gas
No. 52641 (Amendment): R649-1 Definitions
Published: 04/15/2020
Effective: 06/01/2020

No. 52642 (Amendment): R649-2 General Rules
Published: 04/15/2020
Effective: 06/01/2020

Wildlife Resources
No. 52734 (Amendment): R657-5 Taking Big Game
Published: 05/15/2020
Effective: 06/22/2020

No. 52735 (Amendment): R657-10 Taking Cougar
Published: 05/15/2020
Effective: 06/22/2020

No. 52736 (Amendment): R657-33 Taking Bear
Published: 05/15/2020
Effective: 06/22/2020

No. 52737 (Amendment): R657-37 Cooperative Wildlife Management Units for Big Game or Turkey
Published: 05/15/2020
Effective: 06/22/2020

No. 52673 (Amendment): R657-57 Division Variance Rule
Published: 05/15/2020
Effective: 06/22/2020

No. 52738 (Amendment): R657-62 Drawing Applications
Published: 05/15/2020
Effective: 06/22/2020

End of the Notices of Rule Effective Dates Section